

**As Reported by the Committee of Conference**

**133rd General Assembly**

**Regular Session**

**2019-2020**

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

**Representative Oelslager**

**Cosponsors: Representatives Butler, Carfagna, Carruthers, DeVitis,**

**Ghanbari, Holmes, A., Jones, Lanese, Lepore-Hagan, Lipps, Miller, A.,**

**Perales, Smith, K., Sobecki, Stein**

**Senators Hottinger, Antonio, Brenner, Burke, Craig, Dolan, Eklund, Fedor,**

**Hackett, Hoagland, Huffman, M., Huffman, S., Kunze, Lehner, Maharath,**

**Obhof, O'Brien, Peterson, Rulli, Schaffer, Sykes, Terhar, Thomas, Uecker,**

**Williams, Wilson, Yuko**

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5910.08, 5919.34, 6111.03, 6119.06, 6119.09, and 6119.091 be 387  
amended; sections 115.56 (117.115), 125.66 (113.60), 125.661 388  
(113.61), 1501.31 (1521.21), 1501.32 (1521.22), 1501.33 (1521.23), 389  
1501.34 (1521.29), 1501.35 (1521.231), 1522.19 (1522.30), 3715.08 390  
(3719.064), 4751.03 (4751.02), 4751.041 (4751.151), 4751.042 391  
(4751.021), 4751.043 (4751.381), 4751.044 (4751.26), 4751.05 392  
(4751.15), 4751.06 (4751.20), 4751.07 (4751.24), 4751.08 393  
(4751.201), 4751.10 (4751.32), 4751.11 (4751.33), 4751.12 394  
(4751.35), 4751.13 (4751.36), 4751.14 (4751.03), 5101.853 395  
(5101.855), and 5167.121 (5167.051) be amended for the purpose of 396  
adopting new section numbers as indicated in parentheses; and new 397  
sections 1522.19, 4751.04, 4751.10, 5101.853, 5164.37, and 398  
5168.62, and sections 9.242, 113.62, 117.131, 120.041, 121.374, 399  
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5501.91, 5703.263, 5705.322, 5709.51, 5709.54, 5741.07, 5741.071, 435  
5747.26, 5902.09, 6109.071, and 6109.072 of the Revised Code be 436  
enacted to read as follows: 437

Sec. 9.242. (A) As used in this section: 438

(1) "State agency" has the meaning defined in section 1.60 of the Revised Code. 439  
440

(2) "State contract" means any contract for goods, services, or construction that is paid for in whole or in part with state funds. A state contract is considered to be awarded when it is entered into or executed, regardless of whether the parties to the contract have exchanged any money. 441  
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(3) "Participate" means to respond to any solicitation or procurement issued by a state agency or be the recipient of an award of a state contract, or to provide any goods or services to any state agency. 446  
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(B) No vendor who has been debarred by any state agency shall participate in any state contract during the period of debarment. After the debarment period expires, the vendor may be eligible to respond to any solicitation or procurement, provide goods or services to, and be awarded contracts by state agencies if the vendor is not otherwise listed on a list of debarred vendors applicable to state contracts. 450  
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(C) State agencies shall exclude any vendor debarred under sections 125.25, 153.02, or 5513.06 of the Revised Code, or any other section of the Revised Code from participating in state contracts. 457  
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**Sec. 9.54.** Whoever erects or replaces a sign containing the international symbol of access shall ~~do both of the following:~~ 461  
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~~(A) Use~~ use forms of the word "accessible" rather than forms of the words "handicapped" or "disabled" whenever words are included on the sign; 463  
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~~(B) For the international symbol of access, use a logo that~~ 466

~~depicts a dynamic character leaning forward with a sense of~~ 467  
~~movement.~~ 468

**Sec. 101.38.** (A) As used in this section, "relative" means a 469  
spouse, parent, parent-in-law, sibling, sibling-in-law, child, 470  
child-in-law, grandparent, aunt, or uncle. 471

(B) There is hereby created the Ohio cystic fibrosis 472  
legislative task force to study and make recommendations on issues 473  
pertaining to the care and treatment of individuals with cystic 474  
fibrosis. The task force shall study and make recommendations on 475  
the following issues: 476

(1) Use of prescription drug and innovative therapies under 477  
the program for medically handicapped children established under 478  
section 3701.023 of the Revised Code and the program for adults 479  
with cystic fibrosis administered by the department of health 480  
under division (G) of that section; 481

(2) Screening of newborn children for the presence of genetic 482  
disorders, as required under section 3701.501 of the Revised Code; 483

(3) Any other issues the task force considers appropriate. 484

(C) The task force shall consist of the following members, 485  
each with the authority to vote on matters before the task force: 486

(1) Three members of the senate: two appointed by the 487  
president of the senate from the majority party and one appointed 488  
by the minority leader of the senate; 489

(2) Three members of the house of representatives: two 490  
appointed by the speaker of the house of representatives from the 491  
majority party and one appointed by the minority leader of the 492  
house of representatives; 493

(3) Three members, at least two of whom have been diagnosed 494  
with cystic fibrosis or are relatives of individuals who have been 495  
diagnosed with cystic fibrosis, appointed by the president of the 496



senate; 497

(4) Three members, at least two of whom have been diagnosed 498  
with cystic fibrosis or are relatives of individuals who have been 499  
diagnosed with cystic fibrosis, appointed by the speaker of the 500  
house of representatives. 501

~~Initial members shall be appointed not later than sixty days~~ 502  
~~after the effective date of this section. Appointments to the task~~ 503  
~~force shall be made within forty-five days after the commencement~~ 504  
~~of the first regular session of each general assembly in the~~ 505  
~~manner prescribed in this division.~~ 506

(D) ~~Each member~~ Members of the task force shall serve a 507  
~~one-year term that ends on the same day of the same month as did~~ 508  
~~the term that it succeeds. Members may be reappointed on the task~~ 509  
~~force until the appointments are made in the first regular session~~ 510  
~~of the following general assembly or, in the case of task force~~ 511  
~~members who also are general assembly members when appointed,~~ 512  
~~until they are no longer general assembly members.~~ 513

(E) A vacancy shall be filled in the same manner as the 514  
original appointment. Any member appointed to fill a vacancy 515  
occurring prior to the expiration date of the term for which the 516  
member's predecessor was appointed shall hold office as a member 517  
for the remainder of that term. 518

~~A member shall continue in office subsequent to the~~ 519  
~~expiration date of the member's term until a successor takes~~ 520  
~~office or until a period of sixty days has elapsed, whichever~~ 521  
~~occurs first.~~ 522

(F) Members of the task force shall elect a chair ~~to serve a~~ 523  
~~term of one year.~~ A vacancy of the chair position shall be filled 524  
by election. 525

(G) Members of the task force shall receive no compensation, 526  
except to the extent that serving as a member is part of the 527

individual's regular duties of employment and except for the 528  
reimbursement of expenses that may be provided under division (H) 529  
of this section. 530

(H) The task force may solicit and accept grants from public 531  
and private sources. Grant funds may be used to reimburse members 532  
for expenses incurred in the performance of official task force 533  
duties and to pursue initiatives pertaining to the care and 534  
treatment of individuals with cystic fibrosis. 535

(I) A majority of the members of the task force constitutes a 536  
quorum for the conduct of task force meetings. 537

**Sec. 102.02.** (A)(1) Except as otherwise provided in division 538  
(H) of this section, all of the following shall file with the 539  
appropriate ethics commission the disclosure statement described 540  
in this division on a form prescribed by the appropriate 541  
commission: every person who is elected to or is a candidate for a 542  
state, county, or city office and every person who is appointed to 543  
fill a vacancy for an unexpired term in such an elective office; 544  
all members of the state board of education; the director, 545  
assistant directors, deputy directors, division chiefs, or persons 546  
of equivalent rank of any administrative department of the state; 547  
the president or other chief administrative officer of every state 548  
institution of higher education as defined in section 3345.011 of 549  
the Revised Code; the executive director and the members of the 550  
capitol square review and advisory board appointed or employed 551  
pursuant to section 105.41 of the Revised Code; all members of the 552  
Ohio casino control commission, the executive director of the 553  
commission, all professional employees of the commission, and all 554  
technical employees of the commission who perform an internal 555  
audit function; the individuals set forth in division (B)(2) of 556  
section 187.03 of the Revised Code; the chief executive officer 557  
and the members of the board of each state retirement system; each 558

employee of a state retirement board who is a state retirement 559  
system investment officer licensed pursuant to section 1707.163 of 560  
the Revised Code; the members of the Ohio retirement study council 561  
appointed pursuant to division (C) of section 171.01 of the 562  
Revised Code; employees of the Ohio retirement study council, 563  
other than employees who perform purely administrative or clerical 564  
functions; the administrator of workers' compensation and each 565  
member of the bureau of workers' compensation board of directors; 566  
the bureau of workers' compensation director of investments; the 567  
chief investment officer of the bureau of workers' compensation; 568  
all members of the board of commissioners on grievances and 569  
discipline of the supreme court and the ethics commission created 570  
under section 102.05 of the Revised Code; every business manager, 571  
treasurer, or superintendent of a city, local, exempted village, 572  
joint vocational, or cooperative education school district or an 573  
educational service center; every person who is elected to or is a 574  
candidate for the office of member of a board of education of a 575  
city, local, exempted village, joint vocational, or cooperative 576  
education school district or of a governing board of an 577  
educational service center that has a total student count of 578  
twelve thousand or more as most recently determined by the 579  
department of education pursuant to section 3317.03 of the Revised 580  
Code; every person who is appointed to the board of education of a 581  
municipal school district pursuant to division (B) or (F) of 582  
section 3311.71 of the Revised Code; all members of the board of 583  
directors of a sanitary district that is established under Chapter 584  
6115. of the Revised Code and organized wholly for the purpose of 585  
providing a water supply for domestic, municipal, and public use, 586  
and that includes two municipal corporations in two counties; 587  
every public official or employee who is paid a salary or wage in 588  
accordance with schedule C of section 124.15 or schedule E-2 of 589  
section 124.152 of the Revised Code; members of the board of 590  
trustees and the executive director of the southern Ohio 591

agricultural and community development foundation; all members 592  
appointed to the Ohio livestock care standards board under section 593  
904.02 of the Revised Code; all entrepreneurs in residence 594  
assigned by the LeanOhio office in the department of 595  
administrative services under section 125.65 of the Revised Code 596  
and every other public official or employee who is designated by 597  
the appropriate ethics commission pursuant to division (B) of this 598  
section. 599

(2) The disclosure statement shall include all of the 600  
following: 601

(a) The name of the person filing the statement and each 602  
member of the person's immediate family and all names under which 603  
the person or members of the person's immediate family do 604  
business; 605

(b)(i) Subject to divisions (A)(2)(b)(ii) and (iii) of this 606  
section and except as otherwise provided in section 102.022 of the 607  
Revised Code, identification of every source of income, other than 608  
income from a legislative agent identified in division 609  
(A)(2)(b)(ii) of this section, received during the preceding 610  
calendar year, in the person's own name or by any other person for 611  
the person's use or benefit, by the person filing the statement, 612  
and a brief description of the nature of the services for which 613  
the income was received. If the person filing the statement is a 614  
member of the general assembly, the statement shall identify the 615  
amount of every source of income received in accordance with the 616  
following ranges of amounts: zero or more, but less than one 617  
thousand dollars; one thousand dollars or more, but less than ten 618  
thousand dollars; ten thousand dollars or more, but less than 619  
twenty-five thousand dollars; twenty-five thousand dollars or 620  
more, but less than fifty thousand dollars; fifty thousand dollars 621  
or more, but less than one hundred thousand dollars; and one 622  
hundred thousand dollars or more. Division (A)(2)(b)(i) of this 623

section shall not be construed to require a person filing the 624  
statement who derives income from a business or profession to 625  
disclose the individual items of income that constitute the gross 626  
income of that business or profession, except for those individual 627  
items of income that are attributable to the person's or, if the 628  
income is shared with the person, the partner's, solicitation of 629  
services or goods or performance, arrangement, or facilitation of 630  
services or provision of goods on behalf of the business or 631  
profession of clients, including corporate clients, who are 632  
legislative agents. A person who files the statement under this 633  
section shall disclose the identity of and the amount of income 634  
received from a person who the public official or employee knows 635  
or has reason to know is doing or seeking to do business of any 636  
kind with the public official's or employee's agency. 637

(ii) If the person filing the statement is a member of the 638  
general assembly, the statement shall identify every source of 639  
income and the amount of that income that was received from a 640  
legislative agent during the preceding calendar year, in the 641  
person's own name or by any other person for the person's use or 642  
benefit, by the person filing the statement, and a brief 643  
description of the nature of the services for which the income was 644  
received. Division (A)(2)(b)(ii) of this section requires the 645  
disclosure of clients of attorneys or persons licensed under 646  
section 4732.12 of the Revised Code, or patients of persons 647  
licensed under section 4731.14 of the Revised Code, if those 648  
clients or patients are legislative agents. Division (A)(2)(b)(ii) 649  
of this section requires a person filing the statement who derives 650  
income from a business or profession to disclose those individual 651  
items of income that constitute the gross income of that business 652  
or profession that are received from legislative agents. 653

(iii) Except as otherwise provided in division (A)(2)(b)(iii) 654  
of this section, division (A)(2)(b)(i) of this section applies to 655

attorneys, physicians, and other persons who engage in the 656  
practice of a profession and who, pursuant to a section of the 657  
Revised Code, the common law of this state, a code of ethics 658  
applicable to the profession, or otherwise, generally are required 659  
not to reveal, disclose, or use confidences of clients, patients, 660  
or other recipients of professional services except under 661  
specified circumstances or generally are required to maintain 662  
those types of confidences as privileged communications except 663  
under specified circumstances. Division (A)(2)(b)(i) of this 664  
section does not require an attorney, physician, or other 665  
professional subject to a confidentiality requirement as described 666  
in division (A)(2)(b)(iii) of this section to disclose the name, 667  
other identity, or address of a client, patient, or other 668  
recipient of professional services if the disclosure would 669  
threaten the client, patient, or other recipient of professional 670  
services, would reveal details of the subject matter for which 671  
legal, medical, or professional advice or other services were 672  
sought, or would reveal an otherwise privileged communication 673  
involving the client, patient, or other recipient of professional 674  
services. Division (A)(2)(b)(i) of this section does not require 675  
an attorney, physician, or other professional subject to a 676  
confidentiality requirement as described in division 677  
(A)(2)(b)(iii) of this section to disclose in the brief 678  
description of the nature of services required by division 679  
(A)(2)(b)(i) of this section any information pertaining to 680  
specific professional services rendered for a client, patient, or 681  
other recipient of professional services that would reveal details 682  
of the subject matter for which legal, medical, or professional 683  
advice was sought or would reveal an otherwise privileged 684  
communication involving the client, patient, or other recipient of 685  
professional services. 686

(c) The name of every corporation on file with the secretary 687  
of state that is incorporated in this state or holds a certificate 688

of compliance authorizing it to do business in this state, trust, 689  
business trust, partnership, or association that transacts 690  
business in this state in which the person filing the statement or 691  
any other person for the person's use and benefit had during the 692  
preceding calendar year an investment of over one thousand dollars 693  
at fair market value as of the thirty-first day of December of the 694  
preceding calendar year, or the date of disposition, whichever is 695  
earlier, or in which the person holds any office or has a 696  
fiduciary relationship, and a description of the nature of the 697  
investment, office, or relationship. Division (A)(2)(c) of this 698  
section does not require disclosure of the name of any bank, 699  
savings and loan association, credit union, or building and loan 700  
association with which the person filing the statement has a 701  
deposit or a withdrawable share account. 702

(d) All fee simple and leasehold interests to which the 703  
person filing the statement holds legal title to or a beneficial 704  
interest in real property located within the state, excluding the 705  
person's residence and property used primarily for personal 706  
recreation; 707

(e) The names of all persons residing or transacting business 708  
in the state to whom the person filing the statement owes, in the 709  
person's own name or in the name of any other person, more than 710  
one thousand dollars. Division (A)(2)(e) of this section shall not 711  
be construed to require the disclosure of debts owed by the person 712  
resulting from the ordinary conduct of a business or profession or 713  
debts on the person's residence or real property used primarily 714  
for personal recreation, except that the superintendent of 715  
financial institutions and any deputy superintendent of banks 716  
shall disclose the names of all state-chartered banks and all bank 717  
subsidiary corporations subject to regulation under section 718  
1109.44 of the Revised Code to whom the superintendent or deputy 719  
superintendent owes any money. 720

(f) The names of all persons residing or transacting business 721  
in the state, other than a depository excluded under division 722  
(A)(2)(c) of this section, who owe more than one thousand dollars 723  
to the person filing the statement, either in the person's own 724  
name or to any person for the person's use or benefit. Division 725  
(A)(2)(f) of this section shall not be construed to require the 726  
disclosure of clients of attorneys or persons licensed under 727  
section 4732.12 of the Revised Code, or patients of persons 728  
licensed under section 4731.14 of the Revised Code, nor the 729  
disclosure of debts owed to the person resulting from the ordinary 730  
conduct of a business or profession. 731

(g) Except as otherwise provided in section 102.022 of the 732  
Revised Code, the source of each gift of over seventy-five 733  
dollars, or of each gift of over twenty-five dollars received by a 734  
member of the general assembly from a legislative agent, received 735  
by the person in the person's own name or by any other person for 736  
the person's use or benefit during the preceding calendar year, 737  
except gifts received by will or by virtue of section 2105.06 of 738  
the Revised Code, or received from spouses, parents, grandparents, 739  
children, grandchildren, siblings, nephews, nieces, uncles, aunts, 740  
brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, 741  
fathers-in-law, mothers-in-law, or any person to whom the person 742  
filing the statement stands in loco parentis, or received by way 743  
of distribution from any inter vivos or testamentary trust 744  
established by a spouse or by an ancestor; 745

(h) Except as otherwise provided in section 102.022 of the 746  
Revised Code, identification of the source and amount of every 747  
payment of expenses incurred for travel to destinations inside or 748  
outside this state that is received by the person in the person's 749  
own name or by any other person for the person's use or benefit 750  
and that is incurred in connection with the person's official 751  
duties, except for expenses for travel to meetings or conventions 752



of a national or state organization to which any state agency, 753  
including, but not limited to, any legislative agency or state 754  
institution of higher education as defined in section 3345.011 of 755  
the Revised Code, pays membership dues, or any political 756  
subdivision or any office or agency of a political subdivision 757  
pays membership dues; 758

(i) Except as otherwise provided in section 102.022 of the 759  
Revised Code, identification of the source of payment of expenses 760  
for meals and other food and beverages, other than for meals and 761  
other food and beverages provided at a meeting at which the person 762  
participated in a panel, seminar, or speaking engagement or at a 763  
meeting or convention of a national or state organization to which 764  
any state agency, including, but not limited to, any legislative 765  
agency or state institution of higher education as defined in 766  
section 3345.011 of the Revised Code, pays membership dues, or any 767  
political subdivision or any office or agency of a political 768  
subdivision pays membership dues, that are incurred in connection 769  
with the person's official duties and that exceed one hundred 770  
dollars aggregated per calendar year; 771

(j) If the disclosure statement is filed by a public official 772  
or employee described in division (B)(2) of section 101.73 of the 773  
Revised Code or division (B)(2) of section 121.63 of the Revised 774  
Code who receives a statement from a legislative agent, executive 775  
agency lobbyist, or employer that contains the information 776  
described in division (F)(2) of section 101.73 of the Revised Code 777  
or division (G)(2) of section 121.63 of the Revised Code, all of 778  
the nondisputed information contained in the statement delivered 779  
to that public official or employee by the legislative agent, 780  
executive agency lobbyist, or employer under division (F)(2) of 781  
section 101.73 or (G)(2) of section 121.63 of the Revised Code. 782

(3) A person may file a statement required by this section in 783  
person, by mail, or by electronic means. 784

(4) A person who is required to file a statement under this 785  
section shall file that statement according to the following 786  
deadlines, as applicable: 787

(a) Except as otherwise provided in divisions (A)(4)(b), (c), 788  
and (d) of this section, the person shall file the statement not 789  
later than the fifteenth day of May of each year. 790

(b) A person who is a candidate for elective office shall 791  
file the statement no later than the thirtieth day before the 792  
primary, special, or general election at which the candidacy is to 793  
be voted on, whichever election occurs soonest, except that a 794  
person who is a write-in candidate shall file the statement no 795  
later than the twentieth day before the earliest election at which 796  
the person's candidacy is to be voted on. 797

(c) A person who is appointed to fill a vacancy for an 798  
unexpired term in an elective office shall file the statement 799  
within fifteen days after the person qualifies for office. 800

(d) A person who is appointed or employed after the fifteenth 801  
day of May, other than a person described in division (A)(4)(c) of 802  
this section, shall file an annual statement within ninety days 803  
after appointment or employment. 804

(5) No person shall be required to file with the appropriate 805  
ethics commission more than one statement or pay more than one 806  
filing fee for any one calendar year. 807

(6) The appropriate ethics commission, for good cause, may 808  
extend for a reasonable time the deadline for filing a statement 809  
under this section. 810

(7) A statement filed under this section is subject to public 811  
inspection at locations designated by the appropriate ethics 812  
commission except as otherwise provided in this section. 813

(B) The Ohio ethics commission, the joint legislative ethics 814

committee, and the board of commissioners on grievances and 815  
discipline of the supreme court, using the rule-making procedures 816  
of Chapter 119. of the Revised Code, may require any class of 817  
public officials or employees under its jurisdiction and not 818  
specifically excluded by this section whose positions involve a 819  
substantial and material exercise of administrative discretion in 820  
the formulation of public policy, expenditure of public funds, 821  
enforcement of laws and rules of the state or a county or city, or 822  
the execution of other public trusts, to file an annual statement 823  
under division (A) of this section. The appropriate ethics 824  
commission shall send the public officials or employees written 825  
notice of the requirement not less than thirty days before the 826  
applicable filing deadline unless the public official or employee 827  
is appointed after that date, in which case the notice shall be 828  
sent within thirty days after appointment, and the filing shall be 829  
made not later than ninety days after appointment. 830

Disclosure statements filed under this division with the Ohio 831  
ethics commission by members of boards, commissions, or bureaus of 832  
the state for which no compensation is received other than 833  
reasonable and necessary expenses shall be kept confidential. 834  
Disclosure statements filed with the Ohio ethics commission under 835  
division (A) of this section by business managers, treasurers, and 836  
superintendents of city, local, exempted village, joint 837  
vocational, or cooperative education school districts or 838  
educational service centers shall be kept confidential, except 839  
that any person conducting an audit of any such school district or 840  
educational service center pursuant to ~~section 115.56~~ or Chapter 841  
117. of the Revised Code may examine the disclosure statement of 842  
any business manager, treasurer, or superintendent of that school 843  
district or educational service center. Disclosure statements 844  
filed with the Ohio ethics commission under division (A) of this 845  
section by the individuals set forth in division (B)(2) of section 846  
187.03 of the Revised Code shall be kept confidential. The Ohio 847

ethics commission shall examine each disclosure statement required 848  
to be kept confidential to determine whether a potential conflict 849  
of interest exists for the person who filed the disclosure 850  
statement. A potential conflict of interest exists if the private 851  
interests of the person, as indicated by the person's disclosure 852  
statement, might interfere with the public interests the person is 853  
required to serve in the exercise of the person's authority and 854  
duties in the person's office or position of employment. If the 855  
commission determines that a potential conflict of interest 856  
exists, it shall notify the person who filed the disclosure 857  
statement and shall make the portions of the disclosure statement 858  
that indicate a potential conflict of interest subject to public 859  
inspection in the same manner as is provided for other disclosure 860  
statements. Any portion of the disclosure statement that the 861  
commission determines does not indicate a potential conflict of 862  
interest shall be kept confidential by the commission and shall 863  
not be made subject to public inspection, except as is necessary 864  
for the enforcement of Chapters 102. and 2921. of the Revised Code 865  
and except as otherwise provided in this division. 866

(C) No person shall knowingly fail to file, on or before the 867  
applicable filing deadline established under this section, a 868  
statement that is required by this section. 869

(D) No person shall knowingly file a false statement that is 870  
required to be filed under this section. 871

(E)(1) Except as provided in divisions (E)(2) and (3) of this 872  
section, the statement required by division (A) or (B) of this 873  
section shall be accompanied by a filing fee of sixty dollars. 874

(2) The statement required by division (A) of this section 875  
shall be accompanied by the following filing fee to be paid by the 876  
person who is elected or appointed to, or is a candidate for, any 877  
of the following offices: 878

For state office, except member of the		879
state board of education	\$95	880
For office of member of general assembly	\$40	881
For county office	\$60	882
For city office	\$35	883
For office of member of the state board		884
of education	\$35	885
For office of member of a city, local,		886
exempted village, or cooperative		887
education board of		888
education or educational service		889
center governing board	\$30	890
For position of business manager,		891
treasurer, or superintendent of a		892
city, local, exempted village, joint		893
vocational, or cooperative education		894
school district or		895
educational service center	\$30	896
(3) No judge of a court of record or candidate for judge of a		897
court of record, and no referee or magistrate serving a court of		898
record, shall be required to pay the fee required under division		899
(E)(1) or (2) or (F) of this section.		900
(4) For any public official who is appointed to a nonelective		901
office of the state and for any employee who holds a nonelective		902
position in a public agency of the state, the state agency that is		903
the primary employer of the state official or employee shall pay		904
the fee required under division (E)(1) or (F) of this section.		905
(F) If a statement required to be filed under this section is		906
not filed by the date on which it is required to be filed, the		907
appropriate ethics commission shall assess the person required to		908
file the statement a late filing fee of ten dollars for each day		909
the statement is not filed, except that the total amount of the		910

late filing fee shall not exceed two hundred fifty dollars. 911

(G)(1) The appropriate ethics commission other than the Ohio 912  
ethics commission and the joint legislative ethics committee shall 913  
deposit all fees it receives under divisions (E) and (F) of this 914  
section into the general revenue fund of the state. 915

(2) The Ohio ethics commission shall deposit all receipts, 916  
including, but not limited to, fees it receives under divisions 917  
(E) and (F) of this section, investigative or other fees, costs, 918  
or other funds it receives as a result of court orders, and all 919  
moneys it receives from settlements under division (G) of section 920  
102.06 of the Revised Code, into the Ohio ethics commission fund, 921  
which is hereby created in the state treasury. All moneys credited 922  
to the fund shall be used solely for expenses related to the 923  
operation and statutory functions of the commission. 924

(3) The joint legislative ethics committee shall deposit all 925  
receipts it receives from the payment of financial disclosure 926  
statement filing fees under divisions (E) and (F) of this section 927  
into the joint legislative ethics committee investigative and 928  
financial disclosure fund. 929

(H) Division (A) of this section does not apply to a person 930  
elected or appointed to the office of precinct, ward, or district 931  
committee member under Chapter 3517. of the Revised Code; a 932  
presidential elector; a delegate to a national convention; village 933  
or township officials and employees; any physician or psychiatrist 934  
who is paid a salary or wage in accordance with schedule C of 935  
section 124.15 or schedule E-2 of section 124.152 of the Revised 936  
Code and whose primary duties do not require the exercise of 937  
administrative discretion; or any member of a board, commission, 938  
or bureau of any county or city who receives less than one 939  
thousand dollars per year for serving in that position. 940

**Sec. 102.021.** (A)(1) For the twenty-four-month period 941

immediately following the end of the former state elected 942  
officer's or staff member's service or public employment, except 943  
as provided in division (B) or (D) of this section, each former 944  
state elected officer or staff member who filed or was required to 945  
file a disclosure statement under section 102.02 of the Revised 946  
Code shall file, on or before the deadlines specified in division 947  
(D) of this section, with the joint legislative ethics committee a 948  
statement that shall include the information described in 949  
divisions (A)(2), (3), (4), and (5) of this section, as 950  
applicable. The statement shall be filed on a form and in the 951  
manner specified by the joint legislative ethics committee. This 952  
division does not apply to a state elected officer or staff member 953  
who filed or was required to file a disclosure statement under 954  
section 102.02 of the Revised Code, who leaves service or public 955  
employment, and who takes another position as a state elected 956  
officer or staff member who files or is required to file a 957  
disclosure statement under that section. 958

No person shall fail to file, on or before the deadlines 959  
specified in division (D) of this section, a statement that is 960  
required by this division. 961

(2) The statement referred to in division (A)(1) of this 962  
section shall describe the source of all income received, in the 963  
former state elected officer's or staff member's own name or by 964  
any other person for the person's use or benefit, and briefly 965  
describe the nature of the services for which the income was 966  
received if the source of the income was any of the following: 967

(a) An executive agency lobbyist or a legislative agent; 968

(b) The employer of an executive agency lobbyist or 969  
legislative agent, except that this division does not apply if the 970  
employer is any state agency or political subdivision of the 971  
state; 972

(c) Any entity, association, or business that, at any time 973  
during the two immediately preceding calendar years, was awarded 974  
one or more contracts by one or more state agencies that in the 975  
aggregate had a value of one hundred thousand dollars or more, or 976  
bid on one or more contracts to be awarded by one or more state 977  
agencies that in the aggregate had a value of one hundred thousand 978  
dollars or more. 979

(3) If the former state elected officer or staff member 980  
received no income as described in division (A)(2) of this 981  
section, the statement referred to in division (A)(1) of this 982  
section shall indicate that fact. 983

(4) If the former state elected officer or staff member 984  
directly or indirectly made, either separately or in combination 985  
with another, any expenditure or gift for transportation, lodging, 986  
or food or beverages to, at the request of, for the benefit of, or 987  
on behalf of any public officer or employee, and if the former 988  
state elected officer or staff member would be required to report 989  
the expenditure or gift in a statement under sections 101.70 to 990  
101.79 or sections 121.60 to 121.69 of the Revised Code, whichever 991  
is applicable, if the former state elected officer or staff member 992  
was a legislative agent or executive agency lobbyist at the time 993  
the expenditure or gift was made, the statement referred to in 994  
division (A)(1) of this section shall include all information 995  
relative to that gift or expenditure that would be required in a 996  
statement under sections 101.70 to 101.79 or sections 121.60 to 997  
121.69 of the Revised Code if the former state elected officer or 998  
staff member was a legislative agent or executive agency lobbyist 999  
at the time the expenditure or gift was made. 1000

(5) If the former state elected officer or staff member made 1001  
no expenditure or gift as described in division (A)(4) of this 1002  
section, the statement referred to in division (A)(1) of this 1003  
section shall indicate that fact. 1004



(B) If, at any time during the twenty-four-month period 1005  
immediately following the end of the former state elected 1006  
officer's or staff member's service or public employment, a former 1007  
state elected officer or staff member who filed or was required to 1008  
file a disclosure statement under section 102.02 of the Revised 1009  
Code becomes a legislative agent or an executive agency lobbyist, 1010  
the former state elected officer or staff member shall comply with 1011  
all registration and filing requirements set forth in sections 1012  
101.70 to 101.79 or sections 121.60 to 121.69 of the Revised Code, 1013  
whichever is applicable, and, the former state elected officer or 1014  
staff member also shall file a statement under division (A)(1) of 1015  
this section except that the statement filed under division (A)(1) 1016  
of this section does not need to include information regarding any 1017  
income source, expenditure, or gift to the extent that that 1018  
information was included in any registration or statement filed 1019  
under sections 101.70 to 101.79 or sections 121.60 to 121.69 of 1020  
the Revised Code. 1021

(C) Except as otherwise provided in this division, division 1022  
(A)(2) of this section applies to attorneys, physicians, and other 1023  
persons who engage in the practice of a profession and who, 1024  
pursuant to a section of the Revised Code, the common law of this 1025  
state, a code of ethics applicable to the profession, or 1026  
otherwise, generally are required not to reveal, disclose, or use 1027  
confidences of clients, patients, or other recipients of 1028  
professional services except under specified circumstances or 1029  
generally are required to maintain those types of confidences as 1030  
privileged communications except under specified circumstances. 1031  
Division (A)(2) of this section does not require an attorney, 1032  
physician, or other professional subject to a confidentiality 1033  
requirement as described in this division to disclose the name, 1034  
other identity, or address of a client, patient, or other 1035  
recipient of professional services if the disclosure would 1036  
threaten the client, patient, or other recipient of professional 1037

services, would reveal details of the subject matter for which 1038  
legal, medical, or professional advice or other services were 1039  
sought, or would reveal an otherwise privileged communication 1040  
involving the client, patient, or other recipient of professional 1041  
services. Division (A)(2) of this section does not require an 1042  
attorney, physician, or other professional subject to a 1043  
confidentiality requirement as described in this division to 1044  
disclose in the brief description of the nature of services 1045  
required by division (A)(2) of this section any information 1046  
pertaining to specific professional services rendered for a 1047  
client, patient, or other recipient of professional services that 1048  
would reveal details of the subject matter for which legal, 1049  
medical, or professional advice was sought or would reveal an 1050  
otherwise privileged communication involving the client, patient, 1051  
or other recipient of professional services. 1052

(D)(1) Each state elected officer or staff member who filed 1053  
or was required to file a disclosure statement under section 1054  
102.02 of the Revised Code and who leaves public service or public 1055  
employment shall file an initial statement under division (A)(1) 1056  
of this section not later than the day on which the former state 1057  
elected officer or staff member leaves public service or public 1058  
employment. The initial statement shall specify whether the person 1059  
will, or will not, receive any income from a source described in 1060  
division (A)(2)(a), (b), or (c) of this section. 1061

If a person files an initial statement under this division 1062  
that states that the person will receive income from a source 1063  
described in division (A)(2)(a), (b), or (c) of this section, the 1064  
person is required to file statements under division (A)(2), (3), 1065  
(4), or (5) of this section at the times specified in division 1066  
(D)(2) of this section. 1067

If a person files an initial statement under this division 1068  
that states that the person will not receive income from a source 1069

described in division (A)(2)(a), (b), or (c) of this section, 1070  
except as otherwise provided in this division, the person is not 1071  
required to file statements under division (A)(2), (4), or (5) of 1072  
this section or to file subsequent statements under division 1073  
(A)(3) of this section. If a person files an initial statement 1074  
under this division that states that the person will not receive 1075  
income from a source described in division (A)(2)(a), (b), or (c) 1076  
of this section, and, subsequent to the filing of that initial 1077  
statement, the person receives any income from a source described 1078  
in division (A)(2)(a), (b), or (c) of this section, the person 1079  
within ten days shall file a statement under division (A)(2) of 1080  
this section that contains the information described in that 1081  
division, and the person thereafter shall file statements under 1082  
division (A)(2), (3), (4), or (5) of this section at the times 1083  
specified in division (D)(2) of this section. 1084

(2) After the filing of the initial statement under division 1085  
(D)(1) of this section, each person required to file a statement 1086  
under division (A)(2), (3), (4), or (5) of this section shall file 1087  
it on or before the last calendar day of January, May, and 1088  
September. The statements described in divisions (A)(2), (3), and 1089  
(5) of this section shall relate to the sources of income the 1090  
person received in the immediately preceding filing period from 1091  
each source of income in each of the categories listed in division 1092  
(A)(2) of this section. The statement described in division (A)(4) 1093  
of this section shall include any information required to be 1094  
reported regarding expenditures and gifts of the type described in 1095  
division (A)(4) of this section occurring since the filing of the 1096  
immediately preceding statement. 1097

If, pursuant to this division, a person files a statement 1098  
under division (A)(2) of this section, the person is required to 1099  
file statements under division (A)(4) of this section, and 1100  
subsequent statements under division (A)(2), (3), or (5) of this 1101

section, at the times specified in this division. In addition, if, 1102  
subsequent to the filing of the statement under division (A)(2) of 1103  
this section, the person receives any income from a source 1104  
described in division (A)(2)(a), (b), or (c) of this section that 1105  
was not listed on the statement filed under division (A)(2) of 1106  
this section, the person within ten days shall file a statement 1107  
under division (A)(2) of this section that contains the 1108  
information described in that division regarding the new income 1109  
source. 1110

If, pursuant to this division, a person files a statement 1111  
under division (A)(3) of this section, except as otherwise 1112  
provided in this division, the person thereafter is not required 1113  
to file statements under division (A)(2), (4), or (5) of this 1114  
section, or to file subsequent statements under division (A)(3) of 1115  
this section. If, subsequent to the filing of the statement under 1116  
division (A)(3) of this section, the person receives any income 1117  
from a source described in division (A)(2)(a), (b), or (c) of this 1118  
section, the person within ten days shall file a statement under 1119  
division (A)(2) of this section that contains the information 1120  
described in that division regarding the new income source, and 1121  
the person thereafter shall file statements under division (A)(4) 1122  
of this section, and subsequent statements under division (A)(2) 1123  
or (3) of this section, at the times specified in this division. 1124

(3) No fee shall be required for filing ~~an initial a~~ 1125  
statement under ~~division (D)(1) of~~ this section. ~~The~~ 1126

~~person filing a statement under division (D)(2) of this~~ 1127  
~~section that is required to be filed on or before the last~~ 1128  
~~calendar day of January, May, and September shall pay a ten dollar~~ 1129  
~~filing fee with each such statement not to exceed thirty dollars~~ 1130  
~~in any calendar year. The, except that the~~ joint legislative 1131  
ethics committee may charge late fees in the same manner as 1132  
specified in division (G) of section 101.72 of the Revised Code. 1133

(E) Any state elected officer or staff member who filed or 1134  
was required to file a disclosure statement under section 102.02 1135  
of the Revised Code and who leaves public service or public 1136  
employment shall provide a forwarding address to the officer's or 1137  
staff member's last employer, and the employer shall provide the 1138  
person's name and address to the joint legislative ethics 1139  
committee. The former elected state officer or staff member shall 1140  
provide updated forwarding addresses as necessary to the joint 1141  
legislative ethics committee during the twenty-four-month period 1142  
during which division (A)(1) of this section applies. The public 1143  
agency or appointing authority that was the last employer of a 1144  
person required to file a statement under division (A)(2) of this 1145  
section shall furnish to the person a copy of the form needed to 1146  
complete the initial statement required under division (D)(1) of 1147  
this section. 1148

(F) During the twenty-four-month period immediately following 1149  
the end of the former state elected officer's or staff member's 1150  
service or public employment, no person required to file a 1151  
statement under this section shall receive from a source described 1152  
in division (A)(2)(a), (b), or (c) of this section, and no source 1153  
described in division (A)(2)(a), (b), or (c) of this section shall 1154  
pay to that person, any compensation that is contingent in any way 1155  
upon the introduction, modification, passage, or defeat of any 1156  
legislation or the outcome of any executive agency decision. 1157

(G) As used in this section "state elected officer or staff 1158  
member" means any elected officer of this state, any staff, as 1159  
defined in section 101.70 of the Revised Code, or any staff, as 1160  
defined in section 121.60 of the Revised Code. 1161

**Sec. 103.41.** (A) As used in sections 103.41 to 103.415 of the 1162  
Revised Code: 1163

(1) "JMOC" means the joint medicaid oversight committee 1164

created under this section. 1165

(2) "State and local government medicaid agency" means all of 1166  
the following: 1167

(a) The department of medicaid; 1168

(b) ~~The office of health transformation;~~ 1169

~~(e)~~ Each state agency and political subdivision with which 1170  
the department of medicaid contracts under section 5162.35 of the 1171  
Revised Code to have the state agency or political subdivision 1172  
administer one or more components of the medicaid program, or one 1173  
or more aspects of a component, under the department's 1174  
supervision; 1175

~~(d)~~(c) Each agency of a political subdivision that is 1176  
responsible for administering one or more components of the 1177  
medicaid program, or one or more aspects of a component, under the 1178  
supervision of the department or a state agency or political 1179  
subdivision described in division (A)(2)~~(e)~~(b) of this section. 1180

(B) There is hereby created the joint medicaid oversight 1181  
committee. JMOC shall consist of the following members: 1182

(1) Five members of the senate appointed by the president of 1183  
the senate, three of whom are members of the majority party and 1184  
two of whom are members of the minority party; 1185

(2) Five members of the house of representatives appointed by 1186  
the speaker of the house of representatives, three of whom are 1187  
members of the majority party and two of whom are members of the 1188  
minority party. 1189

(C) The term of each JMOC member shall begin on the day of 1190  
appointment to JMOC and end on the last day that the member serves 1191  
in the house (in the case of a member appointed by the speaker) or 1192  
senate (in the case of a member appointed by the president) during 1193  
the general assembly for which the member is appointed to JMOC. 1194

The president and speaker shall make the initial appointments not later than fifteen days after March 20, 2014. However, if this section takes effect before January 1, 2014, the president and speaker shall make the initial appointments during the period beginning January 1, 2014, and ending January 15, 2014. The president and speaker shall make subsequent appointments not later than fifteen days after the commencement of the first regular session of each general assembly. JMOC members may be reappointed. A vacancy on JMOC shall be filled in the same manner as the original appointment.

(D) In odd-numbered years, the speaker shall designate one of the majority members from the house as the JMOC chairperson and the president shall designate one of the minority members from the senate as the JMOC ranking minority member. In even-numbered years, the president shall designate one of the majority members from the senate as the JMOC chairperson and the speaker shall designate one of the minority members from the house as the JMOC ranking minority member.

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

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

(G) Notwithstanding section 101.26 of the Revised Code, the members, when engaged in their duties as members of JMOC on days when there is not a voting session of the member's house of the general assembly, shall be paid at the per diem rate of one hundred fifty dollars, and their necessary traveling expenses, which shall be paid from the funds appropriated for the payment of

expenses of legislative committees. 1227

(H) The JMOC chairperson may, subject to approval by the 1228  
speaker of the house of representatives or the speaker's designee 1229  
and the president of the senate or the president's designee, 1230  
employ professional, technical, and clerical employees as are 1231  
necessary for JMOC to be able successfully and efficiently to 1232  
perform its duties. All such employees are in the unclassified 1233  
service and may be terminated by the chairperson, subject to 1234  
approval of the speaker or the speaker's designee and president or 1235  
the president's designee. JMOC may contract for the services of 1236  
persons who are qualified by education and experience to advise, 1237  
consult with, or otherwise assist JMOC in the performance of its 1238  
duties. 1239

(I) The JMOC chairperson, when authorized by JMOC and the 1240  
president and speaker, may issue subpoenas and subpoenas duces 1241  
tecum in aid of JMOC's performance of its duties. A subpoena may 1242  
require a witness in any part of the state to appear before JMOC 1243  
at a time and place designated in the subpoena to testify. A 1244  
subpoena duces tecum may require witnesses or other persons in any 1245  
part of the state to produce books, papers, records, and other 1246  
tangible evidence before JMOC at a time and place designated in 1247  
the subpoena duces tecum. A subpoena or subpoena duces tecum shall 1248  
be issued, served, and returned, and has consequences, as 1249  
specified in sections 101.41 to 101.45 of the Revised Code. 1250

(J) The JMOC chairperson may administer oaths to witnesses 1251  
appearing before JMOC. 1252

~~Sec. 103.416. JMOC on a quarterly basis shall monitor the 1253  
actions of the department of medicaid under section 5167.04 of the 1254  
Revised Code in preparing to implement inclusion of alcohol, drug 1255  
addiction, and mental health services covered by medicaid in the 1256  
care management system established under section 5167.03 of the 1257~~



~~Revised Code. When the inclusion of these services in the system~~ 1258  
~~begins to be implemented,~~ JMOC on a periodic basis shall monitor 1259  
~~the department's~~ department of medicaid's inclusion of ~~the~~ 1260  
alcohol, drug addiction, and mental health services in the care 1261  
management system established under section 5167.03 of the Revised 1262  
Code. 1263

**Sec. 107.036.** (A) For each business incentive tax credit, the 1264  
main operating appropriations act shall contain a detailed 1265  
estimate of the total amount of credits that may be authorized in 1266  
each year, an estimate of the amount of credits expected to be 1267  
claimed in each year, and an estimate of the amount of credits 1268  
expected to remain outstanding at the end of the biennium. The 1269  
governor shall include such estimates in the state budget 1270  
submitted to the general assembly pursuant to section 107.03 of 1271  
the Revised Code. 1272

(B) As used in this section, "business incentive tax credit" 1273  
means all of the following: 1274

(1) The job creation tax credit under section 122.17 of the 1275  
Revised Code; 1276

(2) The job retention tax credit under section 122.171 of the 1277  
Revised Code; 1278

(3) The historic preservation tax credit under section 1279  
149.311 of the Revised Code; 1280

(4) The motion picture and Broadway theatrical production tax 1281  
credit under section 122.85 of the Revised Code; 1282

(5) The new markets tax credit under section 5725.33 of the 1283  
Revised Code; 1284

(6) The research and development credit under section 166.21 1285  
of the Revised Code; 1286

(7) The small business investment credit under section 122.86 of the Revised Code;	1287 1288
(8) The rural growth investment credit under section 122.152 of the Revised Code;	1289 1290
<u>(9) The opportunity zone investment credit under section 122.84 of the Revised Code.</u>	1291 1292
<b>Sec. 109.572.</b> (A)(1) Upon receipt of a request pursuant to section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:	1293 1294 1295 1296 1297 1298 1299 1300 1301 1302 1303
(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, or a	1304 1305 1306 1307 1308 1309 1310 1311 1312 1313 1314 1315 1316 1317

violation of section 2925.11 of the Revised Code that is not a 1318  
minor drug possession offense; 1319

(b) A violation of an existing or former law of this state, 1320  
any other state, or the United States that is substantially 1321  
equivalent to any of the offenses listed in division (A)(1)(a) of 1322  
this section; 1323

(c) If the request is made pursuant to section 3319.39 of the 1324  
Revised Code for an applicant who is a teacher, any offense 1325  
specified in section 3319.31 of the Revised Code. 1326

(2) On receipt of a request pursuant to section 3712.09 or 1327  
3721.121 of the Revised Code, a completed form prescribed pursuant 1328  
to division (C)(1) of this section, and a set of fingerprint 1329  
impressions obtained in the manner described in division (C)(2) of 1330  
this section, the superintendent of the bureau of criminal 1331  
identification and investigation shall conduct a criminal records 1332  
check with respect to any person who has applied for employment in 1333  
a position for which a criminal records check is required by those 1334  
sections. The superintendent shall conduct the criminal records 1335  
check in the manner described in division (B) of this section to 1336  
determine whether any information exists that indicates that the 1337  
person who is the subject of the request previously has been 1338  
convicted of or pleaded guilty to any of the following: 1339

(a) A violation of section 2903.01, 2903.02, 2903.03, 1340  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1341  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 1342  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 1343  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 1344  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 1345  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 1346  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 1347  
2925.22, 2925.23, or 3716.11 of the Revised Code; 1348

(b) An existing or former law of this state, any other state, 1349  
or the United States that is substantially equivalent to any of 1350  
the offenses listed in division (A)(2)(a) of this section. 1351

(3) On receipt of a request pursuant to section 173.27, 1352  
173.38, 173.381, 3701.881, 5119.34, 5164.34, 5164.341, 5164.342, 1353  
5123.081, or 5123.169 of the Revised Code, a completed form 1354  
prescribed pursuant to division (C)(1) of this section, and a set 1355  
of fingerprint impressions obtained in the manner described in 1356  
division (C)(2) of this section, the superintendent of the bureau 1357  
of criminal identification and investigation shall conduct a 1358  
criminal records check of the person for whom the request is made. 1359  
The superintendent shall conduct the criminal records check in the 1360  
manner described in division (B) of this section to determine 1361  
whether any information exists that indicates that the person who 1362  
is the subject of the request previously has been convicted of, 1363  
has pleaded guilty to, or (except in the case of a request 1364  
pursuant to section 5164.34, 5164.341, or 5164.342 of the Revised 1365  
Code) has been found eligible for intervention in lieu of 1366  
conviction for any of the following, regardless of the date of the 1367  
conviction, the date of entry of the guilty plea, or (except in 1368  
the case of a request pursuant to section 5164.34, 5164.341, or 1369  
5164.342 of the Revised Code) the date the person was found 1370  
eligible for intervention in lieu of conviction: 1371

(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 1372  
2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 1373  
2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 1374  
2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 2907.02, 1375  
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 1376  
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 1377  
2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 2909.03, 2909.04, 1378  
2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 1379  
2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21, 1380

2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44,	1381
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51,	1382
2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.121, 2919.123,	1383
2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2921.12,	1384
2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 2921.34, 2921.35,	1385
2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 2923.13, 2923.161,	1386
2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03, 2925.04,	1387
2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2925.13, 2925.14,	1388
2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56,	1389
2927.12, or 3716.11 of the Revised Code;	1390
(b) Felonious sexual penetration in violation of former	1391
section 2907.12 of the Revised Code;	1392
(c) A violation of section 2905.04 of the Revised Code as it	1393
existed prior to July 1, 1996;	1394
(d) A violation of section 2923.01, 2923.02, or 2923.03 of	1395
the Revised Code when the underlying offense that is the object of	1396
the conspiracy, attempt, or complicity is one of the offenses	1397
listed in divisions (A)(3)(a) to (c) of this section;	1398
(e) A violation of an existing or former municipal ordinance	1399
or law of this state, any other state, or the United States that	1400
is substantially equivalent to any of the offenses listed in	1401
divisions (A)(3)(a) to (d) of this section.	1402
(4) On receipt of a request pursuant to section 2151.86 <u>or</u>	1403
<u>2151.904</u> of the Revised Code, a completed form prescribed pursuant	1404
to division (C)(1) of this section, and a set of fingerprint	1405
impressions obtained in the manner described in division (C)(2) of	1406
this section, the superintendent of the bureau of criminal	1407
identification and investigation shall conduct a criminal records	1408
check in the manner described in division (B) of this section to	1409
determine whether any information exists that indicates that the	1410
person who is the subject of the request previously has been	1411

convicted of or pleaded guilty to any of the following: 1412

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 1413  
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 1414  
2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 1415  
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 1416  
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 1417  
2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 1418  
2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 1419  
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 1420  
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 1421  
of the Revised Code, a violation of section 2905.04 of the Revised 1422  
Code as it existed prior to July 1, 1996, a violation of section 1423  
2919.23 of the Revised Code that would have been a violation of 1424  
section 2905.04 of the Revised Code as it existed prior to July 1, 1425  
1996, had the violation been committed prior to that date, a 1426  
violation of section 2925.11 of the Revised Code that is not a 1427  
minor drug possession offense, two or more OVI or OVUAC violations 1428  
committed within the three years immediately preceding the 1429  
submission of the application or petition that is the basis of the 1430  
request, or felonious sexual penetration in violation of former 1431  
section 2907.12 of the Revised Code; 1432

(b) A violation of an existing or former law of this state, 1433  
any other state, or the United States that is substantially 1434  
equivalent to any of the offenses listed in division (A)(4)(a) of 1435  
this section. 1436

(5) Upon receipt of a request pursuant to section 5104.013 of 1437  
the Revised Code, a completed form prescribed pursuant to division 1438  
(C)(1) of this section, and a set of fingerprint impressions 1439  
obtained in the manner described in division (C)(2) of this 1440  
section, the superintendent of the bureau of criminal 1441  
identification and investigation shall conduct a criminal records 1442  
check in the manner described in division (B) of this section to 1443

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

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

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

division (A)(5)(a) of this section. 1476

(6) Upon receipt of a request pursuant to section 5153.111 of 1477  
the Revised Code, a completed form prescribed pursuant to division 1478  
(C)(1) of this section, and a set of fingerprint impressions 1479  
obtained in the manner described in division (C)(2) of this 1480  
section, the superintendent of the bureau of criminal 1481  
identification and investigation shall conduct a criminal records 1482  
check in the manner described in division (B) of this section to 1483  
determine whether any information exists that indicates that the 1484  
person who is the subject of the request previously has been 1485  
convicted of or pleaded guilty to any of the following: 1486

(a) A violation of section 2903.01, 2903.02, 2903.03, 1487  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1488  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 1489  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 1490  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 1491  
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 1492  
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 1493  
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 1494  
felonious sexual penetration in violation of former section 1495  
2907.12 of the Revised Code, a violation of section 2905.04 of the 1496  
Revised Code as it existed prior to July 1, 1996, a violation of 1497  
section 2919.23 of the Revised Code that would have been a 1498  
violation of section 2905.04 of the Revised Code as it existed 1499  
prior to July 1, 1996, had the violation been committed prior to 1500  
that date, or a violation of section 2925.11 of the Revised Code 1501  
that is not a minor drug possession offense; 1502

(b) A violation of an existing or former law of this state, 1503  
any other state, or the United States that is substantially 1504  
equivalent to any of the offenses listed in division (A)(6)(a) of 1505  
this section. 1506

(7) On receipt of a request for a criminal records check from 1507



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

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

embezzlement, forgery, fraud, passing bad checks, money 1541  
laundering, or drug trafficking, or any criminal offense involving 1542  
money or securities, as set forth in Chapters 2909., 2911., 2913., 1543  
2915., 2921., 2923., and 2925. of the Revised Code; or any 1544  
existing or former law of this state, any other state, or the 1545  
United States that is substantially equivalent to those offenses. 1546

(9) On receipt of a request for a criminal records check from 1547  
the treasurer of state under section 113.041 of the Revised Code 1548  
or from an individual under section 4701.08, 4715.101, 4717.061, 1549  
4725.121, 4725.501, 4729.071, 4729.53, 4729.90, 4729.92, 4730.101, 1550  
4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 1551  
~~4731.296~~, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 1552  
4747.051, 4751.20, 4751.201, 4751.202, 4751.21, 4753.061, 4755.70, 1553  
4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 1554  
4762.06, 4774.031, 4774.06, 4776.021, 4778.04, 4778.07, 4779.091, 1555  
or 4783.04 of the Revised Code, accompanied by a completed form 1556  
prescribed under division (C)(1) of this section and a set of 1557  
fingerprint impressions obtained in the manner described in 1558  
division (C)(2) of this section, the superintendent of the bureau 1559  
of criminal identification and investigation shall conduct a 1560  
criminal records check in the manner described in division (B) of 1561  
this section to determine whether any information exists that 1562  
indicates that the person who is the subject of the request has 1563  
been convicted of or pleaded guilty to any criminal offense in 1564  
this state or any other state. Subject to division (F) of this 1565  
section, the superintendent shall send the results of a check 1566  
requested under section 113.041 of the Revised Code to the 1567  
treasurer of state and shall send the results of a check requested 1568  
under any of the other listed sections to the licensing board 1569  
specified by the individual in the request. 1570

(10) On receipt of a request pursuant to section 124.74, 1571  
718.131, 1121.23, 1315.141, 1733.47, or 1761.26 of the Revised 1572

Code, a completed form prescribed pursuant to division (C)(1) of 1573  
this section, and a set of fingerprint impressions obtained in the 1574  
manner described in division (C)(2) of this section, the 1575  
superintendent of the bureau of criminal identification and 1576  
investigation shall conduct a criminal records check in the manner 1577  
described in division (B) of this section to determine whether any 1578  
information exists that indicates that the person who is the 1579  
subject of the request previously has been convicted of or pleaded 1580  
guilty to any criminal offense under any existing or former law of 1581  
this state, any other state, or the United States. 1582

(11) On receipt of a request for a criminal records check 1583  
from an appointing or licensing authority under section 3772.07 of 1584  
the Revised Code, a completed form prescribed under division 1585  
(C)(1) of this section, and a set of fingerprint impressions 1586  
obtained in the manner prescribed in division (C)(2) of this 1587  
section, the superintendent of the bureau of criminal 1588  
identification and investigation shall conduct a criminal records 1589  
check in the manner described in division (B) of this section to 1590  
determine whether any information exists that indicates that the 1591  
person who is the subject of the request previously has been 1592  
convicted of or pleaded guilty or no contest to any offense under 1593  
any existing or former law of this state, any other state, or the 1594  
United States that is a disqualifying offense as defined in 1595  
section 3772.07 of the Revised Code or substantially equivalent to 1596  
such an offense. 1597

(12) On receipt of a request pursuant to section 2151.33 or 1598  
2151.412 of the Revised Code, a completed form prescribed pursuant 1599  
to division (C)(1) of this section, and a set of fingerprint 1600  
impressions obtained in the manner described in division (C)(2) of 1601  
this section, the superintendent of the bureau of criminal 1602  
identification and investigation shall conduct a criminal records 1603  
check with respect to any person for whom a criminal records check 1604

is required under that section. The superintendent shall conduct  
the criminal records check in the manner described in division (B)  
of this section to determine whether any information exists that  
indicates that the person who is the subject of the request  
previously has been convicted of or pleaded guilty to any of the  
following:

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

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

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

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

owner or prospective owner, officer or prospective officer, or 1637  
board member or prospective board member of, an entity seeking a 1638  
license from the department of commerce under Chapter 3796. of the 1639  
Revised Code; 1640

(b) A disqualifying offense as specified in rules adopted 1641  
under division (B)(2)(b) of section 3796.04 of the Revised Code if 1642  
the person who is the subject of the request is an administrator 1643  
or other person responsible for the daily operation of, or an 1644  
owner or prospective owner, officer or prospective officer, or 1645  
board member or prospective board member of, an entity seeking a 1646  
license from the state board of pharmacy under Chapter 3796. of 1647  
the Revised Code. 1648

(14) On receipt of a request required by section 3796.13 of 1649  
the Revised Code, a completed form prescribed pursuant to division 1650  
(C)(1) of this section, and a set of fingerprint impressions 1651  
obtained in a manner described in division (C)(2) of this section, 1652  
the superintendent of the bureau of criminal identification and 1653  
investigation shall conduct a criminal records check in the manner 1654  
described in division (B) of this section to determine whether any 1655  
information exists that indicates that the person who is the 1656  
subject of the request previously has been convicted of or pleaded 1657  
guilty to the following: 1658

(a) A disqualifying offense as specified in rules adopted 1659  
under division (B)(8)(a) of section 3796.03 of the Revised Code if 1660  
the person who is the subject of the request is seeking employment 1661  
with an entity licensed by the department of commerce under 1662  
Chapter 3796. of the Revised Code; 1663

(b) A disqualifying offense as specified in rules adopted 1664  
under division (B)(14)(a) of section 3796.04 of the Revised Code 1665  
if the person who is the subject of the request is seeking 1666  
employment with an entity licensed by the state board of pharmacy 1667  
under Chapter 3796. of the Revised Code. 1668

(15) On receipt of a request pursuant to section 4768.06 of 1669  
the Revised Code, a completed form prescribed under division 1670  
(C)(1) of this section, and a set of fingerprint impressions 1671  
obtained in the manner described in division (C)(2) of this 1672  
section, the superintendent of the bureau of criminal 1673  
identification and investigation shall conduct a criminal records 1674  
check in the manner described in division (B) of this section to 1675  
determine whether any information exists indicating that the 1676  
person who is the subject of the request has been convicted of or 1677  
pleaded guilty to a felony in this state or in any other state. 1678

(16) On receipt of a request pursuant to division (B) of 1679  
section 4764.07 or division (A) of section 4735.143 of the Revised 1680  
Code, a completed form prescribed under division (C)(1) of this 1681  
section, and a set of fingerprint impressions obtained in the 1682  
manner described in division (C)(2) of this section, the 1683  
superintendent of the bureau of criminal identification and 1684  
investigation shall conduct a criminal records check in the manner 1685  
described in division (B) of this section to determine whether any 1686  
information exists indicating that the person who is the subject 1687  
of the request has been convicted of or pleaded guilty to any 1688  
crime of moral turpitude, a felony, or an equivalent offense in 1689  
any other state or the United States. 1690

(17) On receipt of a request for a criminal records check 1691  
under section 147.022 of the Revised Code, a completed form 1692  
prescribed under division (C)(1) of this section, and a set of 1693  
fingerprint impressions obtained in the manner prescribed in 1694  
division (C)(2) of this section, the superintendent of the bureau 1695  
of criminal identification and investigation shall conduct a 1696  
criminal records check in the manner described in division (B) of 1697  
this section to determine whether any information exists that 1698  
indicates that the person who is the subject of the request 1699  
previously has been convicted of or pleaded guilty or no contest 1700

to any disqualifying offense, as defined in section 147.011 of the Revised Code, or to any offense under any existing or former law of this state, any other state, or the United States that is substantially equivalent to such a disqualifying offense.

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

(1) The superintendent shall review or cause to be reviewed any relevant information gathered and compiled by the bureau under division (A) of section 109.57 of the Revised Code that relates to the person who is the subject of the criminal records check, including, if the criminal records check was requested under section 113.041, 121.08, 124.74, 173.27, 173.38, 173.381, 718.131, 1121.23, 1315.141, 1321.37, 1321.53, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3772.07, 3796.12, 3796.13, 4729.071, 4729.53, 4729.90, 4729.92, 4749.03, 4749.06, 4763.05, 4764.07, 4768.06, 5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 5123.169, or 5153.111 of the Revised Code, any relevant information contained in records that have been sealed under section 2953.32 of the Revised Code;

(2) If the request received by the superintendent asks for information from the federal bureau of investigation, the superintendent shall request from the federal bureau of investigation any information it has with respect to the person who is the subject of the criminal records check, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671 if the request is made pursuant to section 2151.86 or 5104.013 of the Revised Code or if any other Revised Code section requires fingerprint-based checks of that nature, and shall review or cause to be reviewed any information the superintendent receives from that bureau. If a request under section 3319.39 of the Revised Code asks only for information from

the federal bureau of investigation, the superintendent shall not 1733  
conduct the review prescribed by division (B)(1) of this section. 1734

(3) The superintendent or the superintendent's designee may 1735  
request criminal history records from other states or the federal 1736  
government pursuant to the national crime prevention and privacy 1737  
compact set forth in section 109.571 of the Revised Code. 1738

(4) The superintendent shall include in the results of the 1739  
criminal records check a list or description of the offenses 1740  
listed or described in division (A)(1), (2), (3), (4), (5), (6), 1741  
(7), (8), (9), (10), (11), (12), (13), (14), (15), (16), or (17) 1742  
of this section, whichever division requires the superintendent to 1743  
conduct the criminal records check. The superintendent shall 1744  
exclude from the results any information the dissemination of 1745  
which is prohibited by federal law. 1746

(5) The superintendent shall send the results of the criminal 1747  
records check to the person to whom it is to be sent not later 1748  
than the following number of days after the date the 1749  
superintendent receives the request for the criminal records 1750  
check, the completed form prescribed under division (C)(1) of this 1751  
section, and the set of fingerprint impressions obtained in the 1752  
manner described in division (C)(2) of this section: 1753

(a) If the superintendent is required by division (A) of this 1754  
section (other than division (A)(3) of this section) to conduct 1755  
the criminal records check, thirty; 1756

(b) If the superintendent is required by division (A)(3) of 1757  
this section to conduct the criminal records check, sixty. 1758

(C)(1) The superintendent shall prescribe a form to obtain 1759  
the information necessary to conduct a criminal records check from 1760  
any person for whom a criminal records check is to be conducted 1761  
under this section. The form that the superintendent prescribes 1762  
pursuant to this division may be in a tangible format, in an 1763



electronic format, or in both tangible and electronic formats. 1764

(2) The superintendent shall prescribe standard impression 1765  
sheets to obtain the fingerprint impressions of any person for 1766  
whom a criminal records check is to be conducted under this 1767  
section. Any person for whom a records check is to be conducted 1768  
under this section shall obtain the fingerprint impressions at a 1769  
county sheriff's office, municipal police department, or any other 1770  
entity with the ability to make fingerprint impressions on the 1771  
standard impression sheets prescribed by the superintendent. The 1772  
office, department, or entity may charge the person a reasonable 1773  
fee for making the impressions. The standard impression sheets the 1774  
superintendent prescribes pursuant to this division may be in a 1775  
tangible format, in an electronic format, or in both tangible and 1776  
electronic formats. 1777

(3) Subject to division (D) of this section, the 1778  
superintendent shall prescribe and charge a reasonable fee for 1779  
providing a criminal records check under this section. The person 1780  
requesting the criminal records check shall pay the fee prescribed 1781  
pursuant to this division. In the case of a request under section 1782  
1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, 2151.33, 1783  
2151.412, or 5164.34 of the Revised Code, the fee shall be paid in 1784  
the manner specified in that section. 1785

(4) The superintendent of the bureau of criminal 1786  
identification and investigation may prescribe methods of 1787  
forwarding fingerprint impressions and information necessary to 1788  
conduct a criminal records check, which methods shall include, but 1789  
not be limited to, an electronic method. 1790

(D) The results of a criminal records check conducted under 1791  
this section, other than a criminal records check specified in 1792  
division (A)(7) of this section, are valid for the person who is 1793  
the subject of the criminal records check for a period of one year 1794  
from the date upon which the superintendent completes the criminal 1795

records check. If during that period the superintendent receives 1796  
another request for a criminal records check to be conducted under 1797  
this section for that person, the superintendent shall provide the 1798  
results from the previous criminal records check of the person at 1799  
a lower fee than the fee prescribed for the initial criminal 1800  
records check. 1801

(E) When the superintendent receives a request for 1802  
information from a registered private provider, the superintendent 1803  
shall proceed as if the request was received from a school 1804  
district board of education under section 3319.39 of the Revised 1805  
Code. The superintendent shall apply division (A)(1)(c) of this 1806  
section to any such request for an applicant who is a teacher. 1807

(F)(1) Subject to division (F)(2) of this section, all 1808  
information regarding the results of a criminal records check 1809  
conducted under this section that the superintendent reports or 1810  
sends under division (A)(7) or (9) of this section to the director 1811  
of public safety, the treasurer of state, or the person, board, or 1812  
entity that made the request for the criminal records check shall 1813  
relate to the conviction of the subject person, or the subject 1814  
person's plea of guilty to, a criminal offense. 1815

(2) Division (F)(1) of this section does not limit, restrict, 1816  
or preclude the superintendent's release of information that 1817  
relates to the arrest of a person who is eighteen years of age or 1818  
older, to an adjudication of a child as a delinquent child, or to 1819  
a criminal conviction of a person under eighteen years of age in 1820  
circumstances in which a release of that nature is authorized 1821  
under division (E)(2), (3), or (4) of section 109.57 of the 1822  
Revised Code pursuant to a rule adopted under division (E)(1) of 1823  
that section. 1824

(G) As used in this section: 1825

(1) "Criminal records check" means any criminal records check 1826

conducted by the superintendent of the bureau of criminal 1827  
identification and investigation in accordance with division (B) 1828  
of this section. 1829

(2) "Minor drug possession offense" has the same meaning as 1830  
in section 2925.01 of the Revised Code. 1831

(3) "OVI or OVUAC violation" means a violation of section 1832  
4511.19 of the Revised Code or a violation of an existing or 1833  
former law of this state, any other state, or the United States 1834  
that is substantially equivalent to section 4511.19 of the Revised 1835  
Code. 1836

(4) "Registered private provider" means a nonpublic school or 1837  
entity registered with the superintendent of public instruction 1838  
under section 3310.41 of the Revised Code to participate in the 1839  
autism scholarship program or section 3310.58 of the Revised Code 1840  
to participate in the Jon Peterson special needs scholarship 1841  
program. 1842

**Sec. 111.15.** (A) As used in this section: 1843

(1) "Rule" includes any rule, regulation, bylaw, or standard 1844  
having a general and uniform operation adopted by an agency under 1845  
the authority of the laws governing the agency; any appendix to a 1846  
rule; and any internal management rule. "Rule" does not include 1847  
any guideline adopted pursuant to section 3301.0714 of the Revised 1848  
Code, any order respecting the duties of employees, any finding, 1849  
any determination of a question of law or fact in a matter 1850  
presented to an agency, or any rule promulgated pursuant to 1851  
Chapter 119. or division (C)(1) or (2) of section 5117.02 of the 1852  
Revised Code. "Rule" includes any amendment or rescission of a 1853  
rule. 1854

(2) "Agency" means any governmental entity of the state and 1855  
includes, but is not limited to, any board, department, division, 1856

commission, bureau, society, council, institution, state college 1857  
or university, community college district, technical college 1858  
district, or state community college. "Agency" does not include 1859  
the general assembly, the controlling board, the adjutant 1860  
general's department, or any court. 1861

(3) "Internal management rule" means any rule, regulation, 1862  
bylaw, or standard governing the day-to-day staff procedures and 1863  
operations within an agency. 1864

(B)(1) Any rule, other than a rule of an emergency nature, 1865  
adopted by any agency pursuant to this section shall be effective 1866  
on the tenth day after the day on which the rule in final form and 1867  
in compliance with division (B)(3) of this section is filed as 1868  
follows: 1869

(a) The rule shall be filed in electronic form with both the 1870  
secretary of state and the director of the legislative service 1871  
commission; 1872

(b) The rule shall be filed in electronic form with the joint 1873  
committee on agency rule review. Division (B)(1)(b) of this 1874  
section does not apply to any rule to which division (D) of this 1875  
section does not apply. 1876

An agency that adopts or amends a rule that is subject to 1877  
division (D) of this section shall assign a review date to the 1878  
rule that is not later than five years after its effective date. 1879  
If a review date assigned to a rule exceeds the five-year maximum, 1880  
the review date for the rule is five years after its effective 1881  
date. A rule with a review date is subject to review under section 1882  
106.03 of the Revised Code. This paragraph does not apply to a 1883  
rule of a state college or university, community college district, 1884  
technical college district, or state community college. 1885

If an agency in adopting a rule designates an effective date 1886  
that is later than the effective date provided for by division 1887

(B)(1) of this section, the rule if filed as required by such 1888  
division shall become effective on the later date designated by 1889  
the agency. 1890

Any rule that is required to be filed under division (B)(1) 1891  
of this section is also subject to division (D) of this section if 1892  
not exempted by that division. 1893

If a rule incorporates a text or other material by reference, 1894  
the agency shall comply with sections 121.71 to 121.75 of the 1895  
Revised Code. 1896

(2) A rule of an emergency nature necessary for the immediate 1897  
preservation of the public peace, health, or safety shall state 1898  
the reasons for the necessity. The emergency rule, in final form 1899  
and in compliance with division (B)(3) of this section, shall be 1900  
filed in electronic form with the secretary of state, the director 1901  
of the legislative service commission, and the joint committee on 1902  
agency rule review. The emergency rule is effective immediately 1903  
upon completion of the latest filing, except that if the agency in 1904  
adopting the emergency rule designates an effective date, or date 1905  
and time of day, that is later than the effective date and time 1906  
provided for by division (B)(2) of this section, the emergency 1907  
rule if filed as required by such division shall become effective 1908  
at the later date, or later date and time of day, designated by 1909  
the agency. 1910

An emergency rule becomes invalid at the end of the one 1911  
hundred twentieth day it is in effect. Prior to that date, the 1912  
agency may file the emergency rule as a nonemergency rule in 1913  
compliance with division (B)(1) of this section. The agency may 1914  
not refile the emergency rule in compliance with division (B)(2) 1915  
of this section so that, upon the emergency rule becoming invalid 1916  
under such division, the emergency rule will continue in effect 1917  
without interruption for another one hundred twenty-day period. 1918

(3) An agency shall file a rule under division (B)(1) or (2) 1919  
of this section in compliance with the following standards and 1920  
procedures: 1921

(a) The rule shall be numbered in accordance with the 1922  
numbering system devised by the director for the Ohio 1923  
administrative code. 1924

(b) The rule shall be prepared and submitted in compliance 1925  
with the rules of the legislative service commission. 1926

(c) The rule shall clearly state the date on which it is to 1927  
be effective and the date on which it will expire, if known. 1928

(d) Each rule that amends or rescinds another rule shall 1929  
clearly refer to the rule that is amended or rescinded. Each 1930  
amendment shall fully restate the rule as amended. 1931

If the director of the legislative service commission or the 1932  
director's designee gives an agency notice pursuant to section 1933  
103.05 of the Revised Code that a rule filed by the agency is not 1934  
in compliance with the rules of the legislative service 1935  
commission, the agency shall within thirty days after receipt of 1936  
the notice conform the rule to the rules of the commission as 1937  
directed in the notice. 1938

(C) All rules filed pursuant to divisions (B)(1)(a) and (2) 1939  
of this section shall be recorded by the secretary of state and 1940  
the director under the title of the agency adopting the rule and 1941  
shall be numbered according to the numbering system devised by the 1942  
director. The secretary of state and the director shall preserve 1943  
the rules in an accessible manner. Each such rule shall be a 1944  
public record open to public inspection and may be transmitted to 1945  
any law publishing company that wishes to reproduce it. 1946

(D) At least sixty-five days before a board, commission, 1947  
department, division, or bureau of the government of the state 1948  
files a rule under division (B)(1) of this section, it shall file 1949

the full text of the proposed rule in electronic form with the 1950  
joint committee on agency rule review, and the proposed rule is 1951  
subject to legislative review and invalidation under section 1952  
106.021 of the Revised Code. If a state board, commission, 1953  
department, division, or bureau makes a revision in a proposed 1954  
rule after it is filed with the joint committee, the state board, 1955  
commission, department, division, or bureau shall promptly file 1956  
the full text of the proposed rule in its revised form in 1957  
electronic form with the joint committee. A state board, 1958  
commission, department, division, or bureau shall also file the 1959  
rule summary and fiscal analysis prepared under section 106.024 of 1960  
the Revised Code in electronic form along with a proposed rule, 1961  
and along with a proposed rule in revised form, that is filed 1962  
under this division. If a proposed rule has an adverse impact on 1963  
businesses, the state board, commission, department, division, or 1964  
bureau also shall file the business impact analysis, any 1965  
recommendations received from the common sense initiative office, 1966  
and the associated memorandum of response, if any, in electronic 1967  
form along with the proposed rule, or the proposed rule in revised 1968  
form, that is filed under this division. 1969

A proposed rule that is subject to legislative review under 1970  
this division may not be adopted and filed in final form under 1971  
division (B)(1) of this section unless the proposed rule has been 1972  
filed with the joint committee on agency rule review under this 1973  
division and the time for the joint committee to review the 1974  
proposed rule has expired without recommendation of a concurrent 1975  
resolution to invalidate the proposed rule. 1976

As used in this division, "commission" includes the public 1977  
utilities commission when adopting rules under a federal or state 1978  
statute. 1979

This division does not apply to any of the following: 1980

(1) A proposed rule of an emergency nature; 1981

(2) A rule proposed under section 1121.05, 1121.06, 1349.33,	1982
1707.201, 1733.412, 4123.29, 4123.34, 4123.341, 4123.342, 4123.40,	1983
4123.411, 4123.44, or 4123.442 of the Revised Code;	1984
(3) A rule proposed by an agency other than a board,	1985
commission, department, division, or bureau of the government of	1986
the state;	1987
(4) A proposed internal management rule of a board,	1988
commission, department, division, or bureau of the government of	1989
the state;	1990
(5) Any proposed rule that must be adopted verbatim by an	1991
agency pursuant to federal law or rule, to become effective within	1992
sixty days of adoption, in order to continue the operation of a	1993
federally reimbursed program in this state, so long as the	1994
proposed rule contains both of the following:	1995
(a) A statement that it is proposed for the purpose of	1996
complying with a federal law or rule;	1997
(b) A citation to the federal law or rule that requires	1998
verbatim compliance.	1999
(6) An initial rule proposed by the director of health to	2000
impose safety standards and quality-of-care standards with respect	2001
to a health service specified in section 3702.11 of the Revised	2002
Code, or an initial rule proposed by the director to impose	2003
quality standards on a <u>health care</u> facility <del>listed</del> <u>as defined</u> in	2004
<del>division (A)(4)</del> of section 3702.30 of the Revised Code, if section	2005
3702.12 of the Revised Code requires that the rule be adopted	2006
under this section;	2007
(7) A rule of the state lottery commission pertaining to	2008
instant game rules.	2009
If a rule is exempt from legislative review under division	2010
(D)(5) of this section, and if the federal law or rule pursuant to	2011



which the rule was adopted expires, is repealed or rescinded, or 2012  
otherwise terminates, the rule is thereafter subject to 2013  
legislative review under division (D) of this section. 2014

Whenever a state board, commission, department, division, or 2015  
bureau files a proposed rule or a proposed rule in revised form 2016  
under division (D) of this section, it shall also file the full 2017  
text of the same proposed rule or proposed rule in revised form in 2018  
electronic form with the secretary of state and the director of 2019  
the legislative service commission. A state board, commission, 2020  
department, division, or bureau shall file the rule summary and 2021  
fiscal analysis prepared under section 106.024 of the Revised Code 2022  
in electronic form along with a proposed rule or proposed rule in 2023  
revised form that is filed with the secretary of state or the 2024  
director of the legislative service commission. 2025

**Sec. 111.28.** (A) There is hereby created in the state 2026  
treasury the help America vote act (HAVA) fund. All moneys 2027  
received by the secretary of state from the United States election 2028  
assistance commission shall be credited to the fund. The secretary 2029  
of state shall use the moneys credited to the fund for activities 2030  
conducted pursuant to the "Help America Vote Act of 2002," Pub. L. 2031  
No. 107-252, 116 Stat. 1666. All investment earnings of the fund 2032  
shall be credited to the fund. 2033

~~(B) There is hereby created in the state treasury the 2034  
election reform/health and human services fund. All moneys 2035  
received by the secretary of state from the United States 2036  
department of health and human services shall be credited to the 2037  
fund. The secretary of state shall use the moneys credited to the 2038  
fund for activities conducted pursuant to grants awarded to the 2039  
state under Title II, Subtitle D, Sections 261 to 265 of the Help 2040  
America Vote Act of 2002 to assure access for individuals with 2041  
disabilities. All investment earnings of the fund shall be 2042~~

~~eredit~~ to the fund. 2043

(C) There is hereby created in the state treasury the 2044  
miscellaneous federal grants fund. All moneys the secretary of 2045  
state receives as grants from federal sources that are not 2046  
otherwise designated shall be credited to the fund. The secretary 2047  
of state shall use the moneys credited to the fund for the 2048  
purposes and activities required by the applicable federal grant 2049  
agreements. All investment earnings of the fund shall be credited 2050  
to the fund. 2051

**Sec. 113.55.** (A) The Ohio ABLE savings program trust fund is 2052  
hereby created, which shall be in the custody of the treasurer of 2053  
state but shall not be part of the state treasury. The fund shall 2054  
be used if the treasurer of state elects to accept deposits from 2055  
contributors rather than have deposits sent directly to a program 2056  
manager. The fund shall consist of any moneys deposited by 2057  
contributors in accordance with sections 113.50 to 113.56 of the 2058  
Revised Code that are not deposited directly with the program 2059  
manager. Money shall be disbursed from the fund upon an order of 2060  
the treasurer. All interest from the money in the fund shall be 2061  
credited to the Ohio ABLE savings expense fund. 2062

(B)(1) The Ohio ABLE savings expense fund is hereby created 2063  
in the state treasury. The fund shall consist of money received 2064  
from program managers, governmental or private grants, or 2065  
appropriations for the program. 2066

(2) All expenses incurred by the treasurer of state in 2067  
developing and administering the ABLE account program and all 2068  
expenses and reimbursements allowed for the ~~ABLE~~ STABLE account 2069  
program advisory board created under section 113.56 of the Revised 2070  
Code shall be payable from the Ohio ABLE savings expense fund. 2071

**Sec. 113.56.** (A) There is hereby created the ~~ABLE~~ STABLE 2072

account program advisory board, consisting of nine members,	2073
composed of the following:	2074
(1) The director of developmental disabilities or the	2075
director's designee;	2076
(2) One member of the house of representatives appointed by	2077
the speaker of the house of representatives;	2078
(3) One member of the senate appointed by the president of	2079
the senate;	2080
(4) One member appointed by the governor who is a	2081
representative of an intellectual or developmental disability	2082
advocacy organization;	2083
(5) One member appointed by the governor who is a	2084
representative of a service provider for individuals with	2085
disabilities;	2086
(6) One member appointed by the governor who is the parent of	2087
a child with a disability and who has significant experience with	2088
disability issues;	2089
(7) One member appointed by the governor who is a person with	2090
a disability and who has significant experience with disability	2091
issues;	2092
(8) Two members appointed by the governor who have	2093
significant experience in finance, accounting, investment	2094
management, or other areas that may assist the board in carrying	2095
out its duties.	2096
(B) Terms of office of the appointed members described in	2097
divisions (A)(4) to (8) of this section are for four years, which	2098
shall end on the thirty-first day of December. Terms of office of	2099
the appointed members described in divisions (A)(2) and (3) of	2100
this section shall be for the term of the general assembly. Any	2101
member may be reappointed, provided the member continues to meet	2102

all other eligibility requirements. Vacancies shall be filled in 2103  
the manner provided for original appointments. Any such member 2104  
appointed to fill a vacancy before the expiration of the term for 2105  
which the predecessor was appointed shall hold office as a member 2106  
for the remainder of that term. Appointed members of the board 2107  
serve at the pleasure of the member's appointing authority and may 2108  
be removed only by that authority. 2109

~~(C) The member described in division (A)(1) of this section 2110  
shall call the first meeting of the ABLE account program advisory 2111  
board, which shall occur not later than sixty days after the 2112  
effective date of the enactment of this section. At the board's 2113  
first meeting, members of the board shall elect a chairperson. If 2114  
a vacancy occurs in the office of chairperson, members shall elect 2115  
a new chairperson. The board shall meet at least four times each 2116  
year or more frequently at the call of the chairperson. The board 2117  
is a public body for purposes of section 121.22 of the Revised 2118  
Code. 2119~~

(D) A vacancy on the board does not impair the right of the 2120  
other members to exercise all the functions of the board. The 2121  
presence of a majority of the members of the board constitutes a 2122  
quorum for the conduct of business of the board. The concurrence 2123  
of at least a majority of the members of the board is necessary 2124  
for any action to be taken by the board. On request to the 2125  
treasurer of state, each member of the board shall be reimbursed 2126  
for the actual and necessary travel expenses incurred in the 2127  
performance of the member's official duties. 2128

(E)(1) The board shall do all of the following: 2129

(a) Review the work of the treasurer of state related to the 2130  
program; 2131

(b) Advise the treasurer on the program as requested by the 2132  
treasurer; 2133

(c) Make recommendations to the treasurer for the improvement 2134  
of the program; 2135

(d) On or before the thirty-first day of December of each 2136  
year, in consultation with the treasurer of state, prepare a 2137  
report of the board's activities and recommendations and deliver 2138  
that report to the governor, speaker of the house of 2139  
representatives, and president of the senate. 2140

(2) The board may prepare reports of the board's activities 2141  
and recommendations in addition to the report described in 2142  
division (E)(1)(d) of this section. The board shall deliver such a 2143  
report to the governor, speaker of the house of representatives, 2144  
and president of the senate. 2145

(F) The treasurer of state shall provide the board with the 2146  
resources necessary to conduct its business. The board may accept 2147  
uncompensated assistance from individuals, research organizations, 2148  
and other state agencies. 2149

**Sec. ~~125.66~~ 113.60.** (A) As used in this section and ~~section~~ 2150  
~~125.661~~ sections 113.61 and 113.62 of the Revised Code: 2151

(1) "~~Social service~~ Service intermediary" means a ~~nonprofit~~ 2152  
~~organization exempt from federal income taxation under section~~ 2153  
~~501(c)(3) of the "Internal Revenue Code of 1986," as amended, or a~~ 2154  
~~wholly owned subsidiary of a nonprofit organization, that delivers~~ 2155  
~~or contracts for the delivery of social services, raises capital~~ 2156  
~~to finance the delivery of social services, and provides ongoing~~ 2157  
~~project management and investor relations for these activities~~ 2158  
person or entity that enters into a pay for success contract under 2159  
this section and sections 113.61 and 113.62 of the Revised Code. 2160  
The service intermediary may act as the service provider that 2161  
delivers the services specified in the contract or may contract 2162  
with a separate service provider to deliver those services. 2163

(2) "State agency" ~~has~~ and "political subdivision" have the 2164  
same ~~meaning~~ meanings as in section 9.23 of the Revised Code. 2165

(B) ~~There is hereby established~~ The treasurer of state shall 2166  
administer the pay for success contracting program, shall develop 2167  
procedures for awarding pay for success contracts, and may take 2168  
any action necessary to implement and administer the program. 2169  
Under the program, the ~~director of administrative services~~ 2170  
treasurer of state may enter into ~~multi year contracts~~ a pay for 2171  
success contract with ~~social~~ a service intermediaries to achieve 2172  
~~certain social goals in this state~~ intermediary for the delivery 2173  
of specified services that benefit the state, a political 2174  
subdivision, or a group of political subdivisions, such as 2175  
programs addressing education, public health, criminal justice, or 2176  
natural resource management. In the case of a contract for the 2177  
delivery of services that benefit the state, the treasurer of 2178  
state shall enter into the contract jointly with the director of 2179  
administrative services. The treasurer of state and, as 2180  
applicable, the director of administrative services, may enter 2181  
into a pay for success contract under either of the following 2182  
circumstances: 2183

(1) Upon receiving an appropriation from the general assembly 2184  
for the purpose of entering into a pay for success contract; 2185

(2)(a) At the request of a state agency, a political 2186  
subdivision, or a group of state agencies or political 2187  
subdivisions that the treasurer of state and, as applicable, the 2188  
director of administrative services, enter into a pay for success 2189  
contract on behalf of the requesting state agency, political 2190  
subdivision, or group. The requesting state agency, political 2191  
subdivision, or group shall deposit the cost of the contract with 2192  
the treasurer of state in the appropriate fund established in 2193  
section 113.62 of the Revised Code. 2194

(b) A political subdivision or group of political 2195

subdivisions that requests the treasurer of state to enter into a 2196  
pay for success contract on behalf of the political subdivision or 2197  
group shall not use state funds to pay the cost of the contract. 2198

(c) The treasurer of state may apply for federal grant moneys 2199  
on behalf of a requesting state agency, political subdivision, or 2200  
group to pay the cost of all or part of the contract. The 2201  
treasurer of state shall not apply for federal grant moneys for 2202  
the purpose of entering into a pay for success contract without 2203  
first entering into an agreement with a requesting state agency, 2204  
political subdivision, or group for the treasurer of state to 2205  
apply for those moneys. 2206

~~(C) A contract entered into under the program shall include~~ 2207  
~~provisions that do all of the following:~~ 2208

~~(1) Require the department of administrative services, in~~ 2209  
~~consultation with an agency of this state that administers~~ 2210  
~~programs or services related to the contract's subject matter, to~~ 2211  
~~specify performance targets to be met by the social service~~ 2212  
~~intermediary;~~ 2213

~~(2) Specify the process or methodology that an independent~~ 2214  
~~evaluator contracted by the department of administrative services~~ 2215  
~~under section 125.661 of the Revised Code must use to evaluate the~~ 2216  
~~social service intermediary's progress toward meeting each~~ 2217  
~~performance target;~~ 2218

~~(3) Require the department of administrative services to pay~~ 2219  
~~the social service intermediary in installments at times~~ 2220  
~~determined by the director of administrative services that are~~ 2221  
~~specified in the contract and are consistent with applicable state~~ 2222  
~~law;~~ 2223

~~(4) Require the installment payments to the social service~~ 2224  
~~intermediary to be based on the social service intermediary's~~ 2225  
~~progress toward achieving each performance target, as determined~~ 2226

~~by the independent evaluator contracted by the department of~~ 2227  
~~administrative services under section 125.661 of the Revised Code;~~ 2228

~~(5) Specify the maximum amount a social service intermediary~~ 2229  
~~may earn for its progress toward achieving performance targets~~ 2230  
~~specified under division (C)(1) of this section;~~ 2231

~~(6) Require the department of administrative services to~~ 2232  
~~ensure, in accordance with applicable state and federal laws, that~~ 2233  
~~the social service intermediary has access to any data in the~~ 2234  
~~possession of a state agency, including historical data, that the~~ 2235  
~~social service intermediary requests for the purpose of performing~~ 2236  
~~contractual duties. The treasurer of state may adopt rules in~~ 2237  
~~accordance with Chapter 119. of the Revised Code to administer the~~ 2238  
~~pay for success contracting program, including rules concerning~~ 2239  
~~both of the following:~~ 2240

~~(1) The procedure for a state agency, political subdivision,~~ 2241  
~~or group of state agencies or political subdivisions to request~~ 2242  
~~the treasurer of state and, as applicable, the director of~~ 2243  
~~administrative services to enter into a pay for success contract~~ 2244  
~~and to deposit the cost of the contract with the treasurer of~~ 2245  
~~state;~~ 2246

~~(2) The types of services that are appropriate for a service~~ 2247  
~~provider to provide under a pay for success contract.~~ 2248

~~(D) The rules of the treasurer of state shall include both of~~ 2249  
~~the following:~~ 2250

~~(1) A requirement that for not less than seventy-five per~~ 2251  
~~cent of the pay for success contracts entered into under this~~ 2252  
~~section, the performance targets specified in the contract require~~ 2253  
~~that, based on available regional or national data, the~~ 2254  
~~improvement in the status of this state or the relevant area of~~ 2255  
~~this state with respect to the issue the contract is meant to~~ 2256  
~~address be greater than the average improvement in status with~~ 2257



respect to that issue in other geographical areas during the 2258  
period of the contract; 2259

(2) A process to ensure that any regional or national data 2260  
used to determine whether a service provider has met its 2261  
performance targets under a pay for success contract are 2262  
scientifically valid. 2263

**Sec. ~~125.661~~ 113.61.** If (A) A pay for success contract 2264  
entered into under section 113.60 of the Revised Code shall 2265  
include provisions that do all of the following: 2266

(1) Require the treasurer of state, in consultation with the 2267  
requesting state agency or agencies and the director of 2268  
administrative services, or in consultation with the requesting 2269  
political subdivision or group of political subdivisions, to 2270  
specify performance targets to be met by the service provider. If 2271  
scientifically valid regional or national data are available to 2272  
compare the status of this state or the relevant area of this 2273  
state with respect to the issue the contract is meant to address 2274  
against the status of other geographical areas with respect to 2275  
that issue, the performance targets shall require the improvement 2276  
in the status of this state or the relevant area of this state 2277  
with respect to that issue to be greater than the average 2278  
improvement in status with respect to that issue in other 2279  
geographical areas during the period of the contract. 2280

(2) Specify the process or methodology that an independent 2281  
evaluator contracted by the treasurer of state under division (B) 2282  
of this section must use to evaluate whether the service provider 2283  
has met each performance target; 2284

(3) Require the treasurer of state to pay the service 2285  
intermediary in installments at times determined by the treasurer 2286  
that are specified in the contract and are consistent with 2287  
applicable state law; 2288

(4) Require the installment payments to the service intermediary to be based on whether the service provider has met each performance target, as determined by the independent evaluator; 2289  
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(5) Specify the maximum amount a service intermediary may earn for meeting the performance targets; 2293  
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(6) Require a state agency, political subdivision, or group that requested the treasurer of state and, as applicable, the director of administrative services to enter into the contract to determine, in accordance with applicable laws, to which data in the possession of the state agency, political subdivision, or group the service intermediary shall have access for the purpose of fulfilling the contract and any limitations on the use of the data. The state agency, political subdivision, or group shall retain control over the data and shall provide the data directly to the service intermediary in accordance with the terms of the contract. If any dispute arises concerning the data, the state agency, political subdivision, or group shall work directly with the service intermediary to resolve the dispute. 2295  
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(B) When the director of administrative services treasurer of state contracts and, as applicable, the director of administrative services contract with a social service intermediary under section 125.66 113.60 of the Revised Code, the treasurer of state and, as applicable, the director also shall contract with a person or government entity, other than a state agency, a political subdivision, or a group of state agencies or political subdivisions that requested the treasurer and, as applicable, the director to enter into the contract, to evaluate whether the social service intermediary's progress toward meeting provider has met each performance target specified in the contract pursuant to division (C)(1) of section 125.66 of the Revised Code. The director treasurer and, as applicable, the director shall choose 2308  
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an evaluator that is independent from the ~~social~~ service 2321  
intermediary and the service provider, ensuring that ~~both parties~~ 2322  
~~de~~ the evaluator does not have common owners or administrators, 2323  
managers, or employees with the service intermediary or the 2324  
service provider. 2325

Sec. 113.62. (A) There is in the state treasury the state pay 2326  
for success contract fund. The fund shall consist of any moneys 2327  
transferred to the treasurer of state by state agencies for the 2328  
purpose of making payments to service intermediaries under pay for 2329  
success contracts the treasurer of state and the director of 2330  
administrative services enter into on behalf of the state agencies 2331  
and any moneys appropriated to the fund. Any investment earnings 2332  
on the fund shall be credited to it. The treasurer shall use the 2333  
moneys in the fund for the purpose of implementing and 2334  
administering the pay for success contracting program with respect 2335  
to pay for success contracts that benefit the state. When the term 2336  
of a pay for success contract expires, the treasurer of state 2337  
shall transfer any remaining unencumbered funds received from a 2338  
state agency or group of state agencies for the purpose of making 2339  
payments under the contract to that agency or group. 2340

(B) There is in the state treasury the federal pay for 2341  
success contract fund. The fund shall consist of any moneys the 2342  
treasurer receives from federal agencies pursuant to grant 2343  
agreements for the purpose of entering into pay for success 2344  
contracts. Any investment earnings on the fund shall be credited 2345  
to it. The treasurer shall use the moneys in the fund in 2346  
accordance with those grant agreements. When the term of a pay for 2347  
success contract expires, the treasurer of state shall transfer 2348  
any remaining unencumbered funds received from a federal agency 2349  
pursuant to a grant agreement in accordance with the grant 2350  
agreement. 2351

(C) There is in the state treasury the local government pay 2352  
for success contract fund. The fund shall consist of any moneys 2353  
paid to the treasurer of state by political subdivisions for the 2354  
purpose of making payments to service intermediaries under pay for 2355  
success contracts the treasurer enters into on behalf of the 2356  
political subdivisions. Any investment earnings on the fund shall 2357  
be credited to it. The treasurer shall use the moneys in the fund 2358  
for the purpose of implementing and administering the pay for 2359  
success contracting program with respect to pay for success 2360  
contracts that benefit those political subdivisions. When the term 2361  
of a pay for success contract expires, the treasurer of state 2362  
shall transfer any remaining unencumbered funds received from a 2363  
political subdivision or group of political subdivisions for the 2364  
purpose of making payments under the contract to that political 2365  
subdivision or group. 2366

**Sec. 117.11.** (A) Except as otherwise provided in this 2367  
division and in sections 117.112, 117.113, and 117.114 of the 2368  
Revised Code, the auditor of state shall audit each public office 2369  
at least once every two fiscal years. The auditor of state shall 2370  
audit a public office each fiscal year if that public office is 2371  
required to be audited on an annual basis pursuant to "The Single 2372  
Audit Act of 1984," 98 Stat. 2327, 31 U.S.C.A. 7501 et seq., as 2373  
amended. In the annual or biennial audit, inquiry shall be made 2374  
into the methods, accuracy, and legality of the accounts, 2375  
financial reports, records, files, and reports of the office, 2376  
whether the laws, rules, ordinances, and orders pertaining to the 2377  
office have been observed, and whether the requirements and rules 2378  
of the auditor of state have been complied with. Except as 2379  
otherwise provided in this division or where auditing standards or 2380  
procedures dictate otherwise, each audit shall cover at least one 2381  
fiscal year. If a public office is audited only once every two 2382  
fiscal years, the audit shall cover both fiscal years. 2383

(B) In addition to the annual or biennial audit provided for 2384  
in division (A) of this section or in section 117.114 of the 2385  
Revised Code, the auditor of state may conduct an audit of a 2386  
public office at any time when so requested by the public office 2387  
or upon the auditor of state's own initiative if the auditor of 2388  
state has reasonable cause to believe that an additional audit is 2389  
in the public interest. 2390

(C)(1) The auditor of state shall identify any public office 2391  
in which the auditor of state will be unable to conduct an audit 2392  
at least once every two fiscal years as required by division (A) 2393  
of this section and shall provide immediate written notice to the 2394  
clerk of the legislative authority or governing board of the 2395  
public office so identified. Within six months of the receipt of 2396  
such notice, the legislative authority or governing board may 2397  
engage an independent certified public accountant to conduct an 2398  
audit pursuant to section 117.12 of the Revised Code. 2399

(2) When the chief fiscal officer of a public office notifies 2400  
the auditor of state that an audit is required at a time prior to 2401  
the next regularly scheduled audit by the auditor of state, the 2402  
auditor of state shall either cause an earlier audit to be made by 2403  
the auditor of state or authorize the legislative authority or 2404  
governing board of the public office to engage an independent 2405  
certified public accountant to conduct the required audit. The 2406  
scope of the audit shall be as authorized by the auditor of state. 2407

(3) The auditor of state shall approve the scope of an audit 2408  
under division (C)(1) or (2) of this section as set forth in the 2409  
contract for the proposed audit before the contract is executed on 2410  
behalf of the public office that is to be audited. The independent 2411  
accountant conducting an audit under division (C)(1) or (2) of 2412  
this section shall be paid by the public office. 2413

(4) The contract for attest services with an independent 2414  
accountant employed pursuant to this section or section ~~115.56~~ 2415

117.115 of the Revised Code may include binding arbitration 2416  
provisions, provisions of Chapter 2711. of the Revised Code, or 2417  
any other alternative dispute resolution procedures to be followed 2418  
in the event a dispute remains between the state or public office 2419  
and the independent accountant concerning the terms of or services 2420  
under the contract, or a breach of the contract, after the 2421  
administrative provisions of the contract have been exhausted. 2422

(D) If a uniform accounting network is established under 2423  
section 117.101 of the Revised Code, the auditor of state or a 2424  
certified public accountant employed pursuant to this section or 2425  
section ~~115.56~~ or 117.112 or 117.115 of the Revised Code shall, to 2426  
the extent practicable, utilize services offered by the network in 2427  
order to conduct efficient and economical audits of public 2428  
offices. 2429

(E) The auditor of state, in accordance with division (A)(3) 2430  
of section 9.65 of the Revised Code and this section, may audit an 2431  
annuity program for volunteer fire fighters established by a 2432  
political subdivision under section 9.65 of the Revised Code. As 2433  
used in this section, "volunteer fire fighters" and "political 2434  
subdivision" have the same meanings as in division (C) of section 2435  
9.65 of the Revised Code. 2436

**Sec. ~~115.56~~117.115.** (A) The auditor of state shall adopt 2437  
rules in accordance with Chapter 119. of the Revised Code under 2438  
which any public office, other than a state agency, may request, 2439  
and participate in the selection of, an independent certified 2440  
public accountant to perform any required audit of the public 2441  
office, in lieu of the auditor of state. 2442

(B) Except as provided in division (A) of this section, when 2443  
the auditor of state determines that the auditor's office will not 2444  
audit a public office other than a state agency, the auditor shall 2445  
contract with a certified public accountant, ~~public accountant~~, or 2446

an official governmental audit organization to perform this audit 2447  
on behalf of the auditor of state's office. 2448

(C) The auditor of state shall prescribe rules to ensure 2449  
compliance by independent auditors with generally accepted 2450  
government auditing standards. The auditor of state shall be 2451  
granted access to the working papers of an independent auditor 2452  
during the audit and after its termination. A sum totaling twenty 2453  
per cent of the total audit cost shall be withheld until 2454  
certification of the audit report by the auditor of state. The 2455  
independent audit cost shall be borne by the office that is to be 2456  
audited. Such contracts for auditing services are void, and no 2457  
payment shall be issued for services received under such 2458  
contracts, unless they are executed by the auditor of state. 2459

**Sec. 117.13.** (A) The total costs of audits of state agencies, 2460  
both direct and indirect, shall be recovered by the auditor of 2461  
state in the following manner: 2462

(1) The total costs of all audits of state agencies, both 2463  
direct and indirect, shall be paid to the auditor of state on 2464  
statements rendered by the auditor of state. Money so received by 2465  
the auditor of state shall be paid into the state treasury to the 2466  
credit of the public audit expense fund--intrastate, which is 2467  
hereby created, and shall be used to pay costs related to such 2468  
audits. The costs of audits of a state agency shall be charged to 2469  
the state agency being audited, unless otherwise determined by the 2470  
auditor of state. The costs of any assistant auditor, employee, or 2471  
expert employed pursuant to section 117.09 of the Revised Code 2472  
called upon to testify in any legal proceedings in regard to any 2473  
audit, or called upon to review or discuss any matter related to 2474  
any audit, may be charged to the state agency to which the audit 2475  
relates. 2476

(2) The auditor of state shall ~~establish by rule~~ determine 2477

and publish annually rates to be charged to state agencies for 2478  
recovering the costs of audits of state agencies. The rates shall 2479  
take into consideration federal cost recovery guidelines. 2480

(B) As used in this division, "government auditing standards" 2481  
means the government auditing standards published by the 2482  
comptroller general of the United States general accounting 2483  
office. 2484

(1) Except as provided in divisions (B)(2) and (3) of this 2485  
section, any costs of an audit of a private institution, 2486  
association, board, or corporation receiving public money for its 2487  
use shall be charged to the public office providing the public 2488  
money in the same manner as costs of an audit of the public 2489  
office. 2490

(2) If an audit of a private child placing agency or private 2491  
noncustodial agency receiving public money from a public children 2492  
services agency for providing child welfare or child protection 2493  
services sets forth that money has been illegally expended, 2494  
converted, misappropriated, or is unaccounted for, the costs of 2495  
the audit shall be charged to the agency being audited in the same 2496  
manner as costs of an audit of a public office, unless the 2497  
findings are inconsequential, as defined by government auditing 2498  
standards. 2499

(3) If such an audit does not set forth that money has been 2500  
illegally expended, converted, misappropriated, or is unaccounted 2501  
for or sets forth findings that are inconsequential, as defined by 2502  
government auditing standards, the costs of the audit shall be 2503  
charged as follows: 2504

(a) One-third of the costs to the agency being audited; 2505

(b) One-third of the costs to the public children services 2506  
agency that provided the public money to the agency being audited; 2507

(c) One-third of the costs to the department of job and 2508



family services. 2509

(C) The total costs of audits of local public offices, both 2510  
direct and indirect, shall be recovered by the auditor of state in 2511  
the following manner: 2512

(1) ~~The total amount of compensation paid assistant auditors~~ 2513  
~~of state, their expenses, the cost of employees assigned to assist~~ 2514  
~~the assistant auditors of state, the cost of experts employed~~ 2515  
~~pursuant to section 117.09 of the Revised Code, and the cost of~~ 2516  
~~typing, reviewing, and copying reports shall be borne by the~~ 2517  
~~public office to which such assistant auditors of state are so~~ 2518  
~~assigned. Assistant auditors of state shall be compensated by the~~ 2519  
~~taxing district or other public office audited for activities~~ 2520  
~~undertaken pursuant to division (B) of section 117.18 and section~~ 2521  
~~117.24 of the Revised Code.~~ costs of all audits of local public 2522  
offices, both direct and indirect, shall be paid to the auditor of 2523  
state on statements rendered by the auditor of state. Money so 2524  
received by the auditor of state shall be paid into the state 2525  
treasury to the credit of the public audit expense fund-local 2526  
government, which is hereby created, and shall be used to pay 2527  
costs related to such audits. The costs of audits of a local 2528  
public office shall be charged to the local public office being 2529  
audited, unless otherwise determined by the auditor of state. The 2530  
charges billed to the local public office for the cost of audits 2531  
performed shall be offset subject to the availability of resources 2532  
from the local government audit support fund created under section 2533  
117.131 of the Revised Code, the general revenue fund, or other 2534  
state sources provided to the auditor of state for such purposes. 2535  
The auditor of state shall establish the manner in which the 2536  
offset shall be determined. The costs of any assistant auditor, 2537  
employee, or expert employed pursuant to section 117.09 of the 2538  
Revised Code called upon to testify in any legal proceedings in 2539  
regard to any audit, or called upon to review or discuss any 2540

matter related to any audit, may be charged to the public office 2541  
to which the audit relates. 2542

~~(2) The auditor of state shall certify the amount of such 2543  
compensation, expenses, cost of experts, reviewing, copying, and 2544  
typing to the fiscal officer of the local public office audited. 2545  
The fiscal officer of the local public office shall forthwith draw 2546  
a warrant upon the general fund or other appropriate funds of the 2547  
local public office to the order of the auditor of state; 2548  
provided, that the auditor of state is authorized to negotiate 2549  
with any local public office and, upon agreement between the 2550  
auditor of state and the local public office, may adopt a schedule 2551  
for payment of the amount due under this section. Money so 2552  
received by the auditor of state shall be paid into the state 2553  
treasury to the credit of the public audit expense fund local 2554  
government, which is hereby created, and shall be used to pay the 2555  
compensation, expense, cost of experts and employees, reviewing, 2556  
copying, and typing of reports. 2557~~

~~(3) At the conclusion of each audit, or analysis and report 2558  
made pursuant to section 117.24 of the Revised Code, the auditor 2559  
of state shall furnish the fiscal officer of the local public 2560  
office audited a statement showing may allocate the total charges 2561  
billed for the cost of the audit, or of the audit and the analysis 2562  
and report, and the percentage of the total cost chargeable to 2563  
each fund audited. The fiscal officer may distribute such total 2564  
cost to each fund audited in accordance with its percentage of the 2565  
total cost to appropriate funds using a methodology that follows 2566  
guidance provided by the auditor of state. 2567~~

~~(4)(3) The auditor of state shall provide each local public 2568  
office a statement or certification of the amount due from the 2569  
public office for services performed by the auditor of state under 2570  
this or any other section of the Revised Code, as well as the date 2571  
upon which payment is due to the auditor of state. The auditor of 2572~~

state is authorized to negotiate with any local public office and, 2573  
upon agreement between the auditor of state and the local public 2574  
office, may adopt a schedule for payment of the amount due under 2575  
this section. Any local public office that does not pay the amount 2576  
due to the auditor of state by that date may be assessed by the 2577  
auditor of state for interest from the date upon which the payment 2578  
is due at the rate per annum prescribed by section 5703.47 of the 2579  
Revised Code. All interest charges assessed by the auditor of 2580  
state may be collected in the same manner as audit costs pursuant 2581  
to division (D) of this section. 2582

~~(5)~~(4) The auditor of state shall ~~establish by rule~~ determine 2583  
and publish annually rates to be charged to local public offices 2584  
for recovering the costs of audits of local public offices. 2585

(D) If the auditor of state fails to receive payment for any 2586  
amount due, including, but not limited to, fines, fees, and costs, 2587  
from a public office for services performed under this or any 2588  
other section of the Revised Code, the auditor of state may seek 2589  
payment through the office of budget and management. (Amounts due 2590  
include any amount due to an independent public accountant with 2591  
whom the auditor has contracted to perform services, all costs and 2592  
fees associated with participation in the uniform accounting 2593  
network, and all costs associated with the auditor's provision of 2594  
local government services.) Upon certification by the auditor of 2595  
state to the director of budget and management of any such amount 2596  
due, the director shall withhold from the public office any amount 2597  
available, up to and including the amount certified as due, from 2598  
any funds under the director's control that belong to or are 2599  
lawfully payable or due to the public office. The director shall 2600  
promptly pay the amount withheld to the auditor of state. If the 2601  
director determines that no funds due and payable to the public 2602  
office are available or that insufficient amounts of such funds 2603  
are available to cover the amount due, the director shall withhold 2604

and pay to the auditor of state the amounts available and, in the  
case of a local public office, certify the remaining amount to the  
county auditor of the county in which the local public office is  
located. The county auditor shall withhold from the local public  
office any amount available, up to and including the amount  
certified as due, from any funds under the county auditor's  
control and belonging to or lawfully payable or due to the local  
public office. The county auditor shall promptly pay any such  
amount withheld to the auditor of state.

Sec. 117.131. There is hereby created in the state treasury  
the local government audit support fund. The fund shall consist of  
revenue credited pursuant to section 131.511 of the Revised Code  
and any other revenue as provided by law. The appropriation for  
the fund shall remain at the amount designated by the general  
assembly. The controlling board shall not authorize additional  
spending from the fund in excess of any appropriation made by the  
general assembly.

The auditor of state shall use the fund to support the cost  
of financial audits, performance audits, and other audits of local  
public offices performed pursuant to Chapter 117. of the Revised  
Code or as otherwise provided by law.

The fund shall be used in a manner to be determined by the  
auditor of state to offset the audit costs that would otherwise be  
charged to local public offices in the absence of the fund.

**Sec. 117.14.** An annual audit of the office of the auditor of  
state shall be made by an independent certified public accountant  
appointed by the governor and the chairpersons of the finance  
committees of the senate and the house of representatives, upon  
recommendation from a committee consisting of ~~the~~:

(A) The governor and the chairpersons or the governor's

designee; 2635

(B) The chairperson of the finance ~~committees~~ committee of 2636  
the senate ~~and~~ or the chairperson's designee; 2637

(C) The chairperson of the finance committee of the house of 2638  
representatives or the chairperson's designee. ~~The committee shall~~ 2639  
~~make the appointment by~~ 2640

Not later than the thirty-first day of March immediately 2641  
preceding the last day of the fiscal year to be audited, the 2642  
governor and chairpersons shall make the appointment and ~~shall~~ 2643  
prescribe the contract terms of the audit. 2644

On or before the fifteenth day of October, the accountant 2645  
shall submit a report of the audit completed under this section 2646  
for the immediately preceding fiscal year to each member of the 2647  
committee. One copy of the audit report shall be filed with the 2648  
state library for public inspection. The audit report is not a 2649  
public record under section 149.43 of the Revised Code until it is 2650  
filed with the state library. 2651

The records of the auditor of state shall be made available 2652  
to the accountant. 2653

The office of budget and management shall provide staff 2654  
services to the committee. 2655

**Sec. 120.04.** (A) The state public defender shall serve at the 2656  
pleasure of the Ohio public defender commission and shall be an 2657  
attorney with a minimum of four years of experience in the 2658  
practice of law and be admitted to the practice of law in this 2659  
state at least one year prior to appointment. 2660

(B) The state public defender shall do all of the following: 2661

(1) Maintain a central office in Columbus. The central office 2662  
shall be provided with a library of adequate size, considering the 2663  
needs of the office and the accessibility of other libraries, and 2664

other necessary facilities and equipment. 2665

(2) Appoint assistant state public defenders, all of whom 2666  
shall be attorneys admitted to the practice of law in this state, 2667  
and other personnel necessary for the operation of the state 2668  
public defender office. Assistant state public defenders shall be 2669  
appointed on a full-time basis. The state public defender, 2670  
assistant state public defenders, and employees appointed by the 2671  
state public defender shall not engage in the private practice of 2672  
law. 2673

(3) Supervise the compliance of county public defender 2674  
offices, joint county public defender offices, and county 2675  
appointed counsel systems with standards established by rules of 2676  
the Ohio public defender commission pursuant to division (B) of 2677  
section 120.03 of the Revised Code; 2678

(4) Keep and maintain financial records of all cases handled 2679  
and develop records for use in the calculation of direct and 2680  
indirect costs, in the operation of the office, and report 2681  
periodically, but not less than annually, to the commission on all 2682  
relevant data on the operations of the office, costs, projected 2683  
needs, and recommendations for legislation or amendments to court 2684  
rules, as may be appropriate to improve the criminal justice 2685  
system; 2686

(5) Collect all moneys due the state for reimbursement for 2687  
legal services under this chapter and under section 2941.51 of the 2688  
Revised Code and institute any actions in court on behalf of the 2689  
state for the collection of such sums that the state public 2690  
defender considers advisable. Except as provided otherwise in 2691  
division (D) of section 120.06 of the Revised Code, all moneys 2692  
collected by the state public defender under this chapter and 2693  
section 2941.51 of the Revised Code shall be deposited in the 2694  
state treasury to the credit of the client payment fund, which is 2695  
hereby created. All moneys credited to the fund shall be used by 2696

the state public defender to appoint assistant state public 2697  
defenders and to provide other personnel, equipment, and 2698  
facilities necessary for the operation of the state public 2699  
defender office, to reimburse counties for the operation of county 2700  
public defender offices, joint county public defender offices, and 2701  
county appointed counsel systems pursuant to sections 120.18, 2702  
120.28, and 120.33 of the Revised Code, or to provide assistance 2703  
to counties in the operation of county indigent defense systems. 2704

(6) With respect to funds appropriated to the commission to 2705  
pay criminal costs, perform the duties imposed by sections 2949.19 2706  
and 2949.201 of the Revised Code; 2707

(7) Establish standards and guidelines for the reimbursement, 2708  
pursuant to sections 120.18, 120.28, 120.33, 2941.51, and 2949.19 2709  
of the Revised Code, of counties for the operation of county 2710  
public defender offices, joint county public defender offices, and 2711  
county appointed counsel systems and for other costs related to 2712  
felony prosecutions; 2713

(8) Establish maximum amounts that the state will reimburse 2714  
the counties pursuant to sections 120.18, 120.28, 120.33, and 2715  
2941.51 of the Revised Code; 2716

(9) Establish maximum amounts that the state will reimburse 2717  
the counties pursuant to section 120.33 of the Revised Code for 2718  
each specific type of legal service performed by a county 2719  
appointed counsel system; 2720

(10) Administer sections 120.18, 120.28, 120.33, 2941.51, and 2721  
2949.19 of the Revised Code and make reimbursements pursuant to 2722  
those sections; 2723

(11) Administer the program established pursuant to sections 2724  
120.51 to 120.55 of the Revised Code for the charitable public 2725  
purpose of providing financial assistance to legal aid societies. 2726  
Neither the state public defender nor any of the state public 2727

defender's employees who is responsible in any way for the 2728  
administration of that program and who performs those 2729  
administrative responsibilities in good faith is in any manner 2730  
liable if a legal aid society that is provided financial 2731  
assistance under the program uses the financial assistance other 2732  
than in accordance with sections 120.51 to 120.55 of the Revised 2733  
Code or fails to comply with the requirements of those sections. 2734

(12) Establish an office for the handling of appeal and 2735  
postconviction matters; 2736

(13) Provide technical aid and assistance to county public 2737  
defender offices, joint county public defender offices, and other 2738  
local counsel providing legal representation to indigent persons, 2739  
including representation and assistance on appeals. 2740

(C) The state public defender may do any of the following: 2741

(1) In providing legal representation, conduct 2742  
investigations, obtain expert testimony, take depositions, use 2743  
other discovery methods, order transcripts, and make all other 2744  
preparations which are appropriate and necessary to an adequate 2745  
defense or the prosecution of appeals and other legal proceedings; 2746

(2) Seek, solicit, and apply for grants for the operation of 2747  
programs for the defense of indigent persons from any public or 2748  
private source, and may receive donations, grants, awards, and 2749  
similar funds from any lawful source. Such funds shall be 2750  
deposited in the state treasury to the credit of the public 2751  
defender gifts and grants fund, which is hereby created. 2752

(3) Make all the necessary arrangements to coordinate the 2753  
services of the office with any federal, county, or private 2754  
programs established to provide legal representation to indigent 2755  
persons and others, and to obtain and provide all funds allowable 2756  
under any such programs; 2757

(4) Consult and cooperate with professional groups concerned 2758



with the causes of criminal conduct, the reduction of crime, the 2759  
rehabilitation and correction of persons convicted of crime, the 2760  
administration of criminal justice, and the administration and 2761  
operation of the state public defender's office; 2762

(5) Accept the services of volunteer workers and consultants 2763  
at no compensation other than reimbursement for actual and 2764  
necessary expenses; 2765

(6) Prescribe any forms that are necessary for the uniform 2766  
operation of this chapter; 2767

(7) Contract with a county public defender commission or a 2768  
joint county public defender commission to provide all or any part 2769  
of the services that a county public defender or joint county 2770  
public defender is required or permitted to provide by this 2771  
chapter, or contract with a board of county commissioners of a 2772  
county that is not served by a county public defender commission 2773  
or a joint county public defender commission for the provision of 2774  
services in accordance with section 120.33 of the Revised Code. 2775  
All money received by the state public defender pursuant to such a 2776  
contract shall be credited to either the ~~multi-county~~ multicounty: 2777  
county share fund or, if received as a result of a contract with 2778  
Trumbull county, the Trumbull county: county share fund. 2779

(8) Authorize persons employed as criminal investigators to 2780  
attend the Ohio peace officer training academy or any other peace 2781  
officer training school for training; 2782

(9) Procure a policy or policies of malpractice insurance 2783  
that provide coverage for the state public defender and assistant 2784  
state public defenders in connection with malpractice claims that 2785  
may arise from their actions or omissions related to 2786  
responsibilities derived pursuant to this chapter; 2787

(10) Enter into agreements to license, lease, sell, and 2788  
market for sale intellectual property owned by the office and 2789

receive payments from those agreements for use in the operation of 2790  
the office and programs for the defense of indigent persons. All 2791  
funds received by the state public defender pursuant to such 2792  
agreements shall be deposited in the state treasury to the credit 2793  
of the public defender gifts and grants fund. 2794

(D) No person employed by the state public defender as a 2795  
criminal investigator shall attend the Ohio peace officer training 2796  
academy or any other peace officer training school unless 2797  
authorized to do so by the state public defender. 2798

**Sec. 120.041.** (A) In addition to the state public defender's 2799  
other duties under this chapter and other Revised Code provisions, 2800  
the state public defender shall do all of the following for each 2801  
state fiscal year: 2802

(1) Determine the total dollar amount of all requests for 2803  
reimbursements that were submitted for that fiscal year by 2804  
counties under sections 120.18, 120.28, 120.33, 120.35, and 2805  
2941.51 of the Revised Code; 2806

(2) Determine the total dollar amount paid to all counties as 2807  
reimbursements under the requests described in division (A)(1) of 2808  
this section that were submitted for that fiscal year; 2809

(3) Determine the percentage of total costs submitted by 2810  
counties under the requests described in division (A)(1) of this 2811  
section that was paid to all counties as reimbursements for that 2812  
fiscal year; 2813

(4) Commencing in state fiscal year 2021, determine the 2814  
increase or decrease in the total dollar amount found under 2815  
division (A)(2) of this section for that fiscal year from the 2816  
total dollar amount found under that division for the previous 2817  
fiscal year; 2818

(5) Determine, out of the total dollar amount found under 2819

<u>division (A)(2) of this section that was paid to all counties as a</u>	2820
<u>reimbursement, the total amount of that money used by all of the</u>	2821
<u>counties for each of the following categories of costs in that</u>	2822
<u>fiscal year:</u>	2823
<u>(a) Costs for appointed counsel;</u>	2824
<u>(b) Costs for personnel;</u>	2825
<u>(c) Costs for expert witnesses;</u>	2826
<u>(d) Costs for investigations;</u>	2827
<u>(e) Costs for transcripts;</u>	2828
<u>(f) Costs for rent or lease, utilities, furnishings,</u>	2829
<u>maintenance, and equipment;</u>	2830
<u>(g) Costs for travel;</u>	2831
<u>(h) Any other category of costs set by the state public</u>	2832
<u>defender.</u>	2833
<u>(6) Commencing in state fiscal year 2021, determine the</u>	2834
<u>increase or decrease in the amount of money found under division</u>	2835
<u>(A)(5) of this section to have been used for each category of</u>	2836
<u>costs described in divisions (A)(5)(a) to (h) of this section for</u>	2837
<u>that fiscal year from the amount of money found under that</u>	2838
<u>division to have been used for each such category of costs for the</u>	2839
<u>previous fiscal year;</u>	2840
<u>(7) Analyze the cost per each felony, misdemeanor, traffic,</u>	2841
<u>or juvenile delinquency case assigned to a public defender or</u>	2842
<u>counsel pursuant to section 120.06, 120.16, 120.26, or 120.33 of</u>	2843
<u>the Revised Code.</u>	2844
<u>(B) For each state fiscal year, the state public defender</u>	2845
<u>shall prepare a report that includes all of its findings and</u>	2846
<u>determinations for that fiscal year and, not later than the first</u>	2847
<u>day of October in the state fiscal year following the fiscal year</u>	2848
<u>covered by the report, shall submit copies of the report to the</u>	2849

president of the senate, the speaker of the house of 2850  
representatives, the minority leader of the senate, the minority 2851  
leader of the house of representatives, and the governor. 2852

**Sec. 120.06.** (A)(1) The state public defender, when 2853  
designated by the court or requested by a county public defender 2854  
or joint county public defender, may provide legal representation 2855  
in all courts throughout the state to indigent adults and 2856  
juveniles who are charged with the commission of an offense or act 2857  
for which the penalty or any possible adjudication includes the 2858  
potential loss of liberty. 2859

(2) The state public defender may provide legal 2860  
representation to any indigent person who, while incarcerated in 2861  
any state correctional institution, is charged with a felony 2862  
offense, for which the penalty or any possible adjudication that 2863  
may be imposed by a court upon conviction includes the potential 2864  
loss of liberty. 2865

(3) The state public defender may provide legal 2866  
representation to any person incarcerated in any correctional 2867  
institution of the state, in any matter in which the person 2868  
asserts the person is unlawfully imprisoned or detained. 2869

(4) The state public defender, in any case in which the state 2870  
public defender has provided legal representation or is requested 2871  
to do so by a county public defender or joint county public 2872  
defender, may provide legal representation on appeal. 2873

(5) The state public defender, when designated by the court 2874  
or requested by a county public defender, joint county public 2875  
defender, or the director of rehabilitation and correction, shall 2876  
provide legal representation in parole and probation revocation 2877  
matters or matters relating to the revocation of community control 2878  
or post-release control under a community control sanction or 2879  
post-release control sanction, unless the state public defender 2880

finds that the alleged parole or probation violator or alleged 2881  
violator of a community control sanction or post-release control 2882  
sanction has the financial capacity to retain the alleged 2883  
violator's own counsel. 2884

(6) If the state public defender contracts with a county 2885  
public defender commission, a joint county public defender 2886  
commission, or a board of county commissioners for the provision 2887  
of services, under authority of division (C)(7) of section 120.04 2888  
of the Revised Code, the state public defender shall provide legal 2889  
representation in accordance with the contract. 2890

(B) The state public defender shall not be required to 2891  
prosecute any appeal, postconviction remedy, or other proceeding 2892  
pursuant to division (A)(3), (4), or (5) of this section, unless 2893  
the state public defender first is satisfied that there is 2894  
arguable merit to the proceeding. 2895

(C) A court may appoint counsel or allow an indigent person 2896  
to select the indigent's own personal counsel to assist the state 2897  
public defender as co-counsel when the interests of justice so 2898  
require. When co-counsel is appointed to assist the state public 2899  
defender, the co-counsel shall receive any compensation that the 2900  
court may approve, not to exceed the amounts provided for in 2901  
section 2941.51 of the Revised Code. 2902

(D)(1) When the state public defender is designated by the 2903  
court or requested by a county public defender or joint county 2904  
public defender to provide legal representation for an indigent 2905  
person in any case, other than pursuant to a contract entered into 2906  
under authority of division (C)(7) of section 120.04 of the 2907  
Revised Code, the state public defender shall send to the county 2908  
in which the case is filed a bill detailing the actual cost of the 2909  
representation that separately itemizes legal fees and expenses. 2910  
The county, upon receipt of an itemized bill from the state public 2911  
defender pursuant to this division, shall pay the state public 2912

defender ~~each of the following amounts:~~ 2913

~~(a) For the amount identified as legal fees in the itemized bill, one hundred per cent of the amount identified as legal fees less the state reimbursement rate as calculated by the state public defender pursuant to section 120.34 of the Revised Code for the month the case terminated, as set forth and expenses in the itemized bill:~~ 2914

~~(b) For the amount identified as expenses in the itemized bill, one hundred per cent.~~ 2920

(2) Upon payment of the itemized bill under division (D)(1) of this section, the county may submit the cost of the legal fees and expenses, ~~excluding legal fees~~, to the state public defender for reimbursement pursuant to section 120.33 of the Revised Code. 2922

(3) When the state public defender provides investigation or mitigation services to private appointed counsel or to a county or joint county public defender as approved by the appointing court, other than pursuant to a contract entered into under authority of division (C)(7) of section 120.04 of the Revised Code, the state public defender shall send to the county in which the case is filed a bill itemizing the actual cost of the services provided. The county, upon receipt of an itemized bill from the state public defender pursuant to this division, shall pay one hundred per cent of the amount as set forth in the itemized bill. Upon payment of the itemized bill received pursuant to this division, the county may submit the cost of the investigation and mitigation services to the state public defender for reimbursement pursuant to section 120.33 of the Revised Code. 2926

(4) There is hereby created in the state treasury the county representation fund for the deposit of moneys received from counties under this division. All moneys credited to the fund shall be used by the state public defender to provide legal 2940

representation for indigent persons when designated by the court 2944  
or requested by a county or joint county public defender or to 2945  
provide investigation or mitigation services, including 2946  
investigation or mitigation services to private appointed counsel 2947  
or a county or joint county public defender, as approved by the 2948  
court. 2949

(E)(1) Notwithstanding any contrary provision of sections 2950  
109.02, 109.07, 109.361 to 109.366, and 120.03 of the Revised Code 2951  
that pertains to representation by the attorney general, an 2952  
assistant attorney general, or special counsel of an officer or 2953  
employee, as defined in section 109.36 of the Revised Code, or of 2954  
an entity of state government, the state public defender may elect 2955  
to contract with, and to have the state pay pursuant to division 2956  
(E)(2) of this section for the services of, private legal counsel 2957  
to represent the Ohio public defender commission, the state public 2958  
defender, assistant state public defenders, other employees of the 2959  
commission or the state public defender, and attorneys described 2960  
in division (C) of section 120.41 of the Revised Code in a 2961  
malpractice or other civil action or proceeding that arises from 2962  
alleged actions or omissions related to responsibilities derived 2963  
pursuant to this chapter, or in a civil action that is based upon 2964  
alleged violations of the constitution or statutes of the United 2965  
States, including section 1983 of Title 42 of the United States 2966  
Code, 93 Stat. 1284 (1979), 42 U.S.C.A. 1983, as amended, and that 2967  
arises from alleged actions or omissions related to 2968  
responsibilities derived pursuant to this chapter, if the state 2969  
public defender determines, in good faith, that the defendant in 2970  
the civil action or proceeding did not act manifestly outside the 2971  
scope of the defendant's employment or official responsibilities, 2972  
with malicious purpose, in bad faith, or in a wanton or reckless 2973  
manner. If the state public defender elects not to contract 2974  
pursuant to this division for private legal counsel in a civil 2975  
action or proceeding, then, in accordance with sections 109.02, 2976

109.07, 109.361 to 109.366, and 120.03 of the Revised Code, the 2977  
attorney general shall represent or provide for the representation 2978  
of the Ohio public defender commission, the state public defender, 2979  
assistant state public defenders, other employees of the 2980  
commission or the state public defender, or attorneys described in 2981  
division (C) of section 120.41 of the Revised Code in the civil 2982  
action or proceeding. 2983

(2)(a) Subject to division (E)(2)(b) of this section, payment 2984  
from the state treasury for the services of private legal counsel 2985  
with whom the state public defender has contracted pursuant to 2986  
division (E)(1) of this section shall be accomplished only through 2987  
the following procedure: 2988

(i) The private legal counsel shall file with the attorney 2989  
general a copy of the contract; a request for an award of legal 2990  
fees, court costs, and expenses earned or incurred in connection 2991  
with the defense of the Ohio public defender commission, the state 2992  
public defender, an assistant state public defender, an employee, 2993  
or an attorney in a specified civil action or proceeding; a 2994  
written itemization of those fees, costs, and expenses, including 2995  
the signature of the state public defender and the state public 2996  
defender's attestation that the fees, costs, and expenses were 2997  
earned or incurred pursuant to division (E)(1) of this section to 2998  
the best of the state public defender's knowledge and information; 2999  
a written statement whether the fees, costs, and expenses are for 3000  
all legal services to be rendered in connection with that defense, 3001  
are only for legal services rendered to the date of the request 3002  
and additional legal services likely will have to be provided in 3003  
connection with that defense, or are for the final legal services 3004  
rendered in connection with that defense; a written statement 3005  
indicating whether the private legal counsel previously submitted 3006  
a request for an award under division (E)(2) of this section in 3007  
connection with that defense and, if so, the date and the amount 3008



of each award granted; and, if the fees, costs, and expenses are 3009  
for all legal services to be rendered in connection with that 3010  
defense or are for the final legal services rendered in connection 3011  
with that defense, a certified copy of any judgment entry in the 3012  
civil action or proceeding or a signed copy of any settlement 3013  
agreement entered into between the parties to the civil action or 3014  
proceeding. 3015

(ii) Upon receipt of a request for an award of legal fees, 3016  
court costs, and expenses and the requisite supportive 3017  
documentation described in division (E)(2)(a)(i) of this section, 3018  
the attorney general shall review the request and documentation; 3019  
determine whether any of the limitations specified in division 3020  
(E)(2)(b) of this section apply to the request; and, if an award 3021  
of legal fees, court costs, or expenses is permissible after 3022  
applying the limitations, prepare a document awarding legal fees, 3023  
court costs, or expenses to the private legal counsel. The 3024  
document shall name the private legal counsel as the recipient of 3025  
the award; specify the total amount of the award as determined by 3026  
the attorney general; itemize the portions of the award that 3027  
represent legal fees, court costs, and expenses; specify any 3028  
limitation applied pursuant to division (E)(2)(b) of this section 3029  
to reduce the amount of the award sought by the private legal 3030  
counsel; state that the award is payable from the state treasury 3031  
pursuant to division (E)(2)(a)(iii) of this section; and be 3032  
approved by the inclusion of the signatures of the attorney 3033  
general, the state public defender, and the private legal counsel. 3034

(iii) The attorney general shall forward a copy of the 3035  
document prepared pursuant to division (E)(2)(a)(ii) of this 3036  
section to the director of budget and management. The award of 3037  
legal fees, court costs, or expenses shall be paid out of the 3038  
state public defender's appropriations, to the extent there is a 3039  
sufficient available balance in those appropriations. If the state 3040

public defender does not have a sufficient available balance in 3041  
the state public defender's appropriations to pay the entire award 3042  
of legal fees, court costs, or expenses, the director shall make 3043  
application for a transfer of appropriations out of the emergency 3044  
purposes account or any other appropriation for emergencies or 3045  
contingencies in an amount equal to the portion of the award that 3046  
exceeds the sufficient available balance in the state public 3047  
defender's appropriations. A transfer of appropriations out of the 3048  
emergency purposes account or any other appropriation for 3049  
emergencies or contingencies shall be authorized if there are 3050  
sufficient moneys greater than the sum total of then pending 3051  
emergency purposes account requests, or requests for releases from 3052  
the other appropriation. If a transfer of appropriations out of 3053  
the emergency purposes account or other appropriation for 3054  
emergencies or contingencies is made to pay an amount equal to the 3055  
portion of the award that exceeds the sufficient available balance 3056  
in the state public defender's appropriations, the director shall 3057  
cause the payment to be made to the private legal counsel. If 3058  
sufficient moneys do not exist in the emergency purposes account 3059  
or other appropriation for emergencies or contingencies to pay an 3060  
amount equal to the portion of the award that exceeds the 3061  
sufficient available balance in the state public defender's 3062  
appropriations, the private legal counsel shall request the 3063  
general assembly to make an appropriation sufficient to pay an 3064  
amount equal to the portion of the award that exceeds the 3065  
sufficient available balance in the state public defender's 3066  
appropriations, and no payment in that amount shall be made until 3067  
the appropriation has been made. The private legal counsel shall 3068  
make the request during the current biennium and during each 3069  
succeeding biennium until a sufficient appropriation is made. 3070

(b) An award of legal fees, court costs, and expenses 3071  
pursuant to division (E) of this section is subject to the 3072  
following limitations: 3073

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

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

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

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

(d) If, pursuant to division (E)(2)(c) of this section, a private legal counsel receives a denial of an award notification or if a private legal counsel refuses to approve a document under division (E)(2)(a)(ii) of this section because of the proposed application of a limitation specified in division (E)(2)(b) of this section, the private legal counsel may commence a civil action against the attorney general in the court of claims to prove the private legal counsel's entitlement to the award sought, to prove that division (E)(2)(b) of this section does not prohibit

or otherwise limit the award sought, and to recover a judgment for 3106  
the amount of the award sought. A civil action under division 3107  
(E)(2)(d) of this section shall be commenced no later than two 3108  
years after receipt of a denial of award notification or, if the 3109  
private legal counsel refused to approve a document under division 3110  
(E)(2)(a)(ii) of this section because of the proposed application 3111  
of a limitation specified in division (E)(2)(b) of this section, 3112  
no later than two years after the refusal. Any judgment of the 3113  
court of claims in favor of the private legal counsel shall be 3114  
paid from the state treasury in accordance with division (E)(2)(a) 3115  
of this section. 3116

(F) If a court appoints the office of the state public 3117  
defender to represent a petitioner in a postconviction relief 3118  
proceeding under section 2953.21 of the Revised Code, the 3119  
petitioner has received a sentence of death, and the proceeding 3120  
relates to that sentence, all of the attorneys who represent the 3121  
petitioner in the proceeding pursuant to the appointment, whether 3122  
an assistant state public defender, the state public defender, or 3123  
another attorney, shall be certified under Rule 20 of the Rules of 3124  
Superintendence for the Courts of Ohio to represent indigent 3125  
defendants charged with or convicted of an offense for which the 3126  
death penalty can be or has been imposed. 3127

(G)(1) The state public defender may conduct a legal 3128  
assistance referral service for children committed to the 3129  
department of youth services relative to conditions of confinement 3130  
claims. If the legal assistance referral service receives a 3131  
request for assistance from a child confined in a facility 3132  
operated, or contracted for, by the department of youth services 3133  
and the state public defender determines that the child has a 3134  
conditions of confinement claim that has merit, the state public 3135  
defender may refer the child to a private attorney. If no private 3136  
attorney who the child has been referred to by the state public 3137

defender accepts the case within a reasonable time, the state 3138  
public defender may prepare, as appropriate, pro se pleadings in 3139  
the form of a complaint regarding the conditions of confinement at 3140  
the facility where the child is confined with a motion for 3141  
appointment of counsel and other applicable pleadings necessary 3142  
for sufficient pro se representation. 3143

(2) Division (G)(1) of this section does not authorize the 3144  
state public defender to represent a child committed to the 3145  
department of youth services in general civil matters arising 3146  
solely out of state law. 3147

(3) The state public defender shall not undertake the 3148  
representation of a child in court based on a conditions of 3149  
confinement claim arising under this division. 3150

(H) A child's right to representation or services under this 3151  
section is not affected by the child, or another person on behalf 3152  
of the child, previously having paid for similar representation or 3153  
services or having waived legal representation. 3154

(I) The state public defender shall have reasonable access to 3155  
any child committed to the department of youth services, 3156  
department of youth services institution, and department of youth 3157  
services record as needed to implement this section. 3158

(J) As used in this section: 3159

(1) "Community control sanction" has the same meaning as in 3160  
section 2929.01 of the Revised Code. 3161

(2) "Conditions of confinement" means any issue involving a 3162  
constitutional right or other civil right related to a child's 3163  
incarceration, including, but not limited to, actions cognizable 3164  
under 42 U.S.C. 1983. 3165

(3) "Post-release control sanction" has the same meaning as 3166  
in section 2967.01 of the Revised Code. 3167

**Sec. 120.08.** There is hereby created in the state treasury 3168  
the indigent defense support fund, consisting of money paid into 3169  
the fund pursuant to sections 4507.45, 4509.101, 4510.22, and 3170  
4511.19 of the Revised Code and pursuant to sections 2937.22, 3171  
2949.091, and 2949.094 of the Revised Code out of the additional 3172  
court costs imposed under those sections. The state public 3173  
defender shall use at least eighty-three per cent of the money in 3174  
the fund for the purposes of reimbursing county governments for 3175  
expenses incurred pursuant to sections 120.18, 120.28, and 120.33 3176  
of the Revised Code and operating its system pursuant to division 3177  
(C)(7) of section 120.04 of the Revised Code and division (B) of 3178  
section 120.33 of the Revised Code. Disbursements from the fund to 3179  
county governments shall be made at least once per year and shall 3180  
be allocated proportionately so that each county receives an equal 3181  
percentage of its ~~total~~ cost for operating its county public 3182  
defender system, its joint county public defender system, its 3183  
county appointed counsel system, or its system operated under 3184  
division (C)(7) of section 120.04 of the Revised Code and division 3185  
(B) of section 120.33 of the Revised Code. The state public 3186  
defender may use not more than seventeen per cent of the money in 3187  
the fund for the purposes of appointing assistant state public 3188  
defenders, providing other personnel, equipment, and facilities 3189  
necessary for the operation of the state public defender office, 3190  
and providing training, developing and implementing electronic 3191  
forms, or establishing and maintaining an information technology 3192  
system used for the uniform operation of this chapter. 3193

**Sec. 120.18.** (A) The county public defender commission's 3194  
report to the board of county commissioners shall be audited by 3195  
the county auditor. The board of county commissioners, after 3196  
review and approval of the audited report, may then certify it to 3197  
the state public defender for reimbursement. If a request for the 3198

reimbursement of any operating expenditure incurred by a county 3199  
public defender office is not received by the state public 3200  
defender within sixty days after the end of the calendar month in 3201  
which the expenditure is incurred, the state public defender shall 3202  
not pay the requested reimbursement, unless the county has 3203  
requested, and the state public defender has granted, an extension 3204  
of the sixty-day time limit. Each request for reimbursement shall 3205  
include a certification by the county public defender that the 3206  
persons provided representation by the county public defender's 3207  
office during the period covered by the report were indigent and, 3208  
for each person provided representation during that period, a 3209  
financial disclosure form completed by the person on a form 3210  
prescribed by the state public defender. The state public defender 3211  
shall also review the report and, in accordance with the 3212  
standards, guidelines, and maximums established pursuant to 3213  
divisions (B)(7) and (8) of section 120.04 of the Revised Code and 3214  
the payment determination provisions of section 120.34 of the 3215  
Revised Code, prepare a voucher for ~~fifty per cent of the total~~ 3216  
cost of each county public defender's office for the period of 3217  
time covered by the certified report and a voucher for ~~fifty per~~ 3218  
~~cent of the costs and expenses that are reimbursable under section~~ 3219  
120.35 of the Revised Code, if any, ~~or, if the amount of money~~ 3220  
~~appropriated by the general assembly to reimburse counties for the~~ 3221  
~~operation of county public defender offices, joint county public~~ 3222  
~~defender offices, and county appointed counsel systems is not~~ 3223  
~~sufficient to pay fifty per cent of the total cost of all of the~~ 3224  
~~offices and systems, for the lesser amount required by section~~ 3225  
~~120.34 of the Revised Code. The amount of payments to be included~~ 3226  
in and made under the voucher shall be determined as specified in 3227  
section 120.34 of the Revised Code. For the purposes of this 3228  
section, ~~total~~ "cost" means total expenses minus costs and 3229  
expenses reimbursable under section 120.35 of the Revised Code and 3230  
any funds received by the county public defender commission 3231

pursuant to a contract, except a contract entered into with a 3232  
municipal corporation pursuant to division (E) of section 120.14 3233  
of the Revised Code, gift, or grant. 3234

(B) If the county public defender fails to maintain the 3235  
standards for the conduct of the office established by rules of 3236  
the Ohio public defender commission pursuant to divisions (B) and 3237  
(C) of section 120.03 or the standards established by the state 3238  
public defender pursuant to division (B)(7) of section 120.04 of 3239  
the Revised Code, the Ohio public defender commission shall notify 3240  
the county public defender commission and the board of county 3241  
commissioners of the county that the county public defender has 3242  
failed to comply with its rules or the standards of the state 3243  
public defender. Unless the county public defender commission or 3244  
the county public defender corrects the conduct of the county 3245  
public defender's office to comply with the rules and standards 3246  
within ninety days after the date of the notice, the state public 3247  
defender may deny payment of all or part of the county's 3248  
reimbursement from the state provided for in division (A) of this 3249  
section. 3250

**Sec. 120.28.** (A) The joint county public defender 3251  
commission's report to the joint board of county commissioners 3252  
shall be audited by the fiscal officer of the district. The joint 3253  
board of county commissioners, after review and approval of the 3254  
audited report, may then certify it to the state public defender 3255  
for reimbursement. If a request for the reimbursement of any 3256  
operating expenditure incurred by a joint county public defender 3257  
office is not received by the state public defender within sixty 3258  
days after the end of the calendar month in which the expenditure 3259  
is incurred, the state public defender shall not pay the requested 3260  
reimbursement, unless the joint board of county commissioners has 3261  
requested, and the state public defender has granted, an extension 3262  
of the sixty-day time limit. Each request for reimbursement shall 3263



include a certification by the joint county public defender that 3264  
all persons provided representation by the joint county public 3265  
defender's office during the period covered by the request were 3266  
indigent and, for each person provided representation during that 3267  
period, a financial disclosure form completed by the person on a 3268  
form prescribed by the state public defender. The state public 3269  
defender shall also review the report and, in accordance with the 3270  
standards, guidelines, and maximums established pursuant to 3271  
divisions (B)(7) and (8) of section 120.04 of the Revised Code and 3272  
the payment determination provisions of section 120.34 of the 3273  
Revised Code, prepare a voucher for ~~fifty per cent~~ of the ~~total~~ 3274  
cost of each joint county public defender's office for the period 3275  
of time covered by the certified report and a voucher for ~~fifty~~ 3276  
~~per cent~~ of the costs and expenses that are reimbursable under 3277  
section 120.35 of the Revised Code, if any, ~~or, if the amount of~~ 3278  
~~money appropriated by the general assembly to reimburse counties~~ 3279  
~~for the operation of county public defender offices, joint county~~ 3280  
~~public defender offices, and county appointed counsel systems is~~ 3281  
~~not sufficient to pay fifty per cent of the total cost of all of~~ 3282  
~~the offices and systems, for the lesser amount required by section~~ 3283  
~~120.34 of the Revised Code. The amount of payments to be included~~ 3284  
in and made under the voucher shall be determined as specified in 3285  
section 120.34 of the Revised Code. For purposes of this section, 3286  
~~total~~ "cost" means total expenses minus costs and expenses 3287  
reimbursable under section 120.35 of the Revised Code and any 3288  
funds received by the joint county public defender commission 3289  
pursuant to a contract, except a contract entered into with a 3290  
municipal corporation pursuant to division (E) of section 120.24 3291  
of the Revised Code, gift, or grant. Each county in the district 3292  
shall be entitled to a share of such state reimbursement in 3293  
proportion to the percentage of the ~~total~~ cost it has agreed to 3294  
pay. 3295

(B) If the joint county public defender fails to maintain the 3296

standards for the conduct of the office established by the rules 3297  
of the Ohio public defender commission pursuant to divisions (B) 3298  
and (C) of section 120.03 or the standards established by the 3299  
state public defender pursuant to division (B)(7) of section 3300  
120.04 of the Revised Code, the Ohio public defender commission 3301  
shall notify the joint county public defender commission and the 3302  
board of county commissioners of each county in the district that 3303  
the joint county public defender has failed to comply with its 3304  
rules or the standards of the state public defender. Unless the 3305  
joint public defender commission or the joint county public 3306  
defender corrects the conduct of the joint county public 3307  
defender's office to comply with the rules and standards within 3308  
ninety days after the date of the notice, the state public 3309  
defender may deny all or part of the counties' reimbursement from 3310  
the state provided for in division (A) of this section. 3311

**Sec. 120.33.** (A) In lieu of using a county public defender or 3312  
joint county public defender to represent indigent persons in the 3313  
proceedings set forth in division (A) of section 120.16 of the 3314  
Revised Code, the board of county commissioners of any county may 3315  
adopt a resolution to pay counsel who are either personally 3316  
selected by the indigent person or appointed by the court. The 3317  
resolution shall include those provisions the board of county 3318  
commissioners considers necessary to provide effective 3319  
representation of indigent persons in any proceeding for which 3320  
counsel is provided under this section. The resolution shall 3321  
include provisions for contracts with any municipal corporation 3322  
under which the municipal corporation shall reimburse the county 3323  
for counsel appointed to represent indigent persons charged with 3324  
violations of the ordinances of the municipal corporation. 3325

(1) In a county that adopts a resolution to pay counsel, an 3326  
indigent person shall have the right to do either of the 3327  
following: 3328

(a) To select the person's own personal counsel to represent 3329  
the person in any proceeding included within the provisions of the 3330  
resolution; 3331

(b) To request the court to appoint counsel to represent the 3332  
person in such a proceeding. 3333

(2) The court having jurisdiction over the proceeding in a 3334  
county that adopts a resolution to pay counsel shall, after 3335  
determining that the person is indigent and entitled to legal 3336  
representation under this section, do either of the following: 3337

(a) By signed journal entry recorded on its docket, enter the 3338  
name of the lawyer selected by the indigent person as counsel of 3339  
record; 3340

(b) Appoint counsel for the indigent person if the person has 3341  
requested the court to appoint counsel and, by signed journal 3342  
entry recorded on its dockets, enter the name of the lawyer 3343  
appointed for the indigent person as counsel of record. 3344

(3) The board of county commissioners shall establish a 3345  
schedule of fees by case or on an hourly basis to be paid to 3346  
counsel for legal services provided pursuant to a resolution 3347  
adopted under this section. Prior to establishing the schedule, 3348  
the board of county commissioners shall request the bar 3349  
association or associations of the county to submit a proposed 3350  
schedule for cases other than capital cases. The schedule 3351  
submitted shall be subject to the review, amendment, and approval 3352  
of the board of county commissioners, except with respect to 3353  
capital cases. With respect to capital cases, the schedule shall 3354  
provide for fees by case or on an hourly basis to be paid to 3355  
counsel in the amount or at the rate set by the capital case 3356  
attorney fee council pursuant to division (D) of this section, and 3357  
the board of county commissioners shall approve that amount or 3358  
rate. 3359

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

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

The county auditor shall draw a warrant on the county treasurer for the payment of counsel in the amount fixed by the court, plus the expenses the court fixes and certifies to the auditor. The county auditor shall report periodically, but not less than annually, to the board of county commissioners and to the state public defender the amounts paid out pursuant to the approval of the court. The board of county commissioners, after review and approval of the auditor's report, or the county auditor, with permission from and notice to the board of county commissioners, may then certify it to the state public defender for reimbursement. The state public defender may pay a requested reimbursement only if the request for reimbursement includes a financial disclosure form completed by the indigent person on a form prescribed by the state public defender or if the court certifies by electronic signature as prescribed by the state public defender that a financial disclosure form has been completed by the indigent person and is available for inspection. If a request for the reimbursement of the cost of counsel in any case is not received by the state public defender within ninety days after the end of the calendar month in which the case is finally disposed of by the court, unless the county has requested and the state public defender has granted an extension of the ninety-day limit, the state public defender shall not pay the requested reimbursement. The state public defender shall also review the report and, in accordance with the standards, guidelines, and maximums established pursuant to divisions (B)(7) and (8) of section 120.04 of the Revised Code and the payment determination provisions of section 120.34 of the Revised Code, prepare a voucher for ~~fifty per cent of the total~~ cost of each county appointed counsel system in the period of time covered by the certified report and a voucher for ~~fifty per cent of the costs~~ and expenses that are reimbursable under section 120.35 of the Revised Code, if any, ~~or, if the amount of money appropriated by~~

~~the general assembly to reimburse counties for the operation of 3425  
county public defender offices, joint county public defender 3426  
offices, and county appointed counsel systems is not sufficient to 3427  
pay fifty per cent of the total cost of all of the offices and 3428  
systems other than costs and expenses that are reimbursable under 3429  
section 120.35 of the Revised Code, for the lesser amount required 3430  
by section 120.34 of the Revised Code. The amount of payments to 3431  
be included in and made under the voucher shall be determined as 3432  
specified in section 120.34 of the Revised Code. 3433~~

(5) If any county appointed counsel system fails to maintain 3434  
the standards for the conduct of the system established by the 3435  
rules of the Ohio public defender commission pursuant to divisions 3436  
(B) and (C) of section 120.03 or the standards established by the 3437  
state public defender pursuant to division (B)(7) of section 3438  
120.04 of the Revised Code, the Ohio public defender commission 3439  
shall notify the board of county commissioners of the county that 3440  
the county appointed counsel system has failed to comply with its 3441  
rules or the standards of the state public defender. Unless the 3442  
board of county commissioners corrects the conduct of its 3443  
appointed counsel system to comply with the rules and standards 3444  
within ninety days after the date of the notice, the state public 3445  
defender may deny all or part of the county's reimbursement from 3446  
the state provided for in division (A)(4) of this section. 3447

(B) In lieu of using a county public defender or joint county 3448  
public defender to represent indigent persons in the proceedings 3449  
set forth in division (A) of section 120.16 of the Revised Code, 3450  
and in lieu of adopting the resolution and following the procedure 3451  
described in division (A) of this section, the board of county 3452  
commissioners of any county may contract with the state public 3453  
defender for the state public defender's legal representation of 3454  
indigent persons. A contract entered into pursuant to this 3455  
division may provide for payment for the services provided on a 3456

per case, hourly, or fixed contract basis. 3457

(C) If a court appoints an attorney pursuant to this section 3458  
to represent a petitioner in a postconviction relief proceeding 3459  
under section 2953.21 of the Revised Code, the petitioner has 3460  
received a sentence of death, and the proceeding relates to that 3461  
sentence, the attorney who represents the petitioner in the 3462  
proceeding pursuant to the appointment shall be certified under 3463  
Rule 20 of the Rules of Superintendence for the Courts of Ohio to 3464  
represent indigent defendants charged with or convicted of an 3465  
offense for which the death penalty can be or has been imposed. 3466

(D)(1) There is hereby created the capital case attorney fee 3467  
council, appointed as described in division (D)(2) of this 3468  
section. The council shall set an amount by case, or a rate on an 3469  
hourly basis, to be paid under this section to counsel in a 3470  
capital case. 3471

(2) The capital case attorney fee council shall consist of 3472  
five members, all of whom shall be active judges serving on one of 3473  
the district courts of appeals in this state. Terms for council 3474  
members shall be the lesser of three years or until the member 3475  
ceases to be an active judge of a district court of appeals. The 3476  
initial terms shall commence ninety days after September 28, 2016. 3477  
The chief justice of the supreme court shall appoint the members 3478  
of the council, and shall make all of the appointments not later 3479  
than sixty days after September 28, 2016. When any vacancy occurs, 3480  
the chief justice shall appoint an active judge of a district 3481  
court of appeals in this state to fill the vacancy for the 3482  
unexpired term, in the same manner as prescribed in this division. 3483  
The chief justice shall designate a chairperson from the appointed 3484  
members of the council. Members of the council shall receive no 3485  
additional compensation for their service as a member, but may be 3486  
reimbursed for expenses reasonably incurred in service to the 3487  
council, to be paid by the supreme court. The supreme court may 3488

provide administrative support to the council. 3489

(3) The capital case attorney fee council initially shall 3490  
meet not later than one hundred twenty days after September 28, 3491  
2016. Thereafter, the council shall meet not less than annually. 3492

(4) Upon setting the amount or rate described in division 3493  
(D)(1) of this section, the chairperson of the capital case 3494  
attorney fee council promptly shall provide written notice to the 3495  
state public defender of the amount or rate so set. The amount or 3496  
rate so set shall become effective ninety days after the date on 3497  
which the chairperson provides that written notice to the state 3498  
public defender. The council shall specify that effective date in 3499  
the written notice provided to the state public defender. All 3500  
amounts or rates set by the council shall be final, subject to 3501  
modification as described in division (D)(5) of this section, and 3502  
not subject to appeal. 3503

(5) The capital case attorney fee council may modify an 3504  
amount or rate set as described in division (D)(4) of this 3505  
section. The provisions of that division apply with respect to any 3506  
such modification of an amount or rate. 3507

**Sec. 120.34.** The total amount of money paid to all counties 3508  
in any fiscal year pursuant to sections 120.18, 120.28, ~~and~~ 3509  
120.33, 120.35, and 2941.51 of the Revised Code for the 3510  
reimbursement of ~~a percentage of~~ the counties' cost of operating 3511  
county public defender offices, joint county public defender 3512  
offices, and county appointed counsel systems, the counties' costs 3513  
and expenses of conducting the defense in capital cases, and the 3514  
counties' costs and expenses of appointed counsel covered by 3515  
section 2941.51 of the Revised Code shall not exceed the total 3516  
amount appropriated for that fiscal year by the general assembly 3517  
for the reimbursement of the counties for the operation of the 3518  
offices and systems and for those appointed counsel costs and 3519



expenses, and shall be determined as specified in this section. If 3520  
the amount appropriated by the general assembly in any fiscal year 3521  
is insufficient to pay ~~fifty per cent~~ of the ~~total~~ cost in the 3522  
fiscal year of all county public defender offices, all joint 3523  
county public defender offices, ~~and~~ all county appointed counsel 3524  
systems, and all costs and expenses of appointed counsel covered 3525  
by section 2941.51 of the Revised Code, the amount of money paid 3526  
in that fiscal year pursuant to sections 120.18, 120.28, ~~and~~ 3527  
120.33, 120.35, and 2941.51 of the Revised Code to each county for 3528  
the fiscal year shall be reduced proportionately so that each 3529  
county is paid an equal percentage of its ~~total~~ cost in the fiscal 3530  
year for operating its county public defender system, its joint 3531  
county public defender system, and its county appointed counsel 3532  
system, an equal percentage of its costs and expenses of 3533  
conducting the defense in capital cases in the fiscal year, and an 3534  
equal percentage of its costs and expenses of appointed counsel 3535  
covered by section 2941.51 of the Revised Code. 3536

~~The total amount of money paid to all counties in any fiscal~~ 3537  
~~year pursuant to section 120.35 of the Revised Code for the~~ 3538  
~~reimbursement of a percentage of the counties' costs and expenses~~ 3539  
~~of conducting the defense in capital cases shall not exceed the~~ 3540  
~~total amount appropriated for that fiscal year by the general~~ 3541  
~~assembly for the reimbursement of the counties for conducting the~~ 3542  
~~defense in capital cases. If the amount appropriated by the~~ 3543  
~~general assembly in any fiscal year is insufficient to pay fifty~~ 3544  
~~per cent of the counties' total costs and expenses of conducting~~ 3545  
~~the defense in capital cases in the fiscal year, the amount of~~ 3546  
~~money paid in that fiscal year pursuant to section 120.35 of the~~ 3547  
~~Revised Code to each county for the fiscal year shall be reduced~~ 3548  
~~proportionately so that each county is paid an equal percentage of~~ 3549  
~~its costs and expenses of conducting the defense in capital cases~~ 3550  
~~in the fiscal year.~~ 3551

If any county receives an amount of money pursuant to section 3552  
120.18, 120.28, 120.33, ~~or 120.35,~~ or 2941.51 of the Revised Code 3553  
that is in excess of the amount of reimbursement it is entitled to 3554  
receive pursuant to this section, the state public defender shall 3555  
request the board of county commissioners to return the excess 3556  
payment and the board of county commissioners, upon receipt of the 3557  
request, shall direct the appropriate county officer to return the 3558  
excess payment to the state. 3559

Within thirty days of the end of each fiscal quarter, the 3560  
state public defender shall provide to the office of budget and 3561  
management and the ~~legislative budget office of the~~ legislative 3562  
service commission an estimate of the amount of money that will be 3563  
required for the balance of the fiscal year to make the payments 3564  
required by sections 120.18, 120.28, 120.33, ~~and 120.35,~~ and 3565  
2941.51 of the Revised Code. 3566

**Sec. 120.35.** The state public defender shall, pursuant to 3567  
section 120.18, 120.28, 120.33, or 2941.51 of the Revised Code, 3568  
reimburse ~~fifty per cent of all the~~ costs and expenses of 3569  
conducting the defense in capital cases, in an amount determined 3570  
as specified in section 120.34 of the Revised Code. ~~If~~ 3571  
~~appropriations are insufficient to pay fifty per cent of such~~ 3572  
~~costs and expenses, the state public defender shall reimburse such~~ 3573  
~~costs and expenses as provided in section 120.34 of the Revised~~ 3574  
~~Code.~~ 3575

**Sec. 120.52.** There is hereby established in the state 3576  
treasury the legal aid fund, which shall be for the charitable 3577  
public purpose of providing financial assistance to legal aid 3578  
societies that provide civil legal services to indigents. The fund 3579  
shall contain all funds credited to it by the treasurer of state 3580  
pursuant to sections 1901.26, 1907.24, 2303.201, 3953.231, 3581  
4705.09, and 4705.10 of the Revised Code. 3582

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

The state public defender, through the Ohio ~~legal assistance~~ access to justice foundation, shall administer the payment of moneys out of the fund. Four and one-half per cent of the moneys in the fund shall be reserved for the actual, reasonable costs of administering sections 120.51 to 120.55 and sections 1901.26, 1907.24, 2303.201, 3953.231, 4705.09, and 4705.10 of the Revised Code. Moneys that are reserved for administrative costs but that are not used for actual, reasonable administrative costs shall be set aside for use in the manner described in division (A) of section 120.521 of the Revised Code. The remainder of the moneys in the legal aid fund shall be distributed in accordance with section 120.53 of the Revised Code. The Ohio ~~legal assistance~~ access to justice foundation shall establish, in accordance with Chapter 119. of the Revised Code, rules governing the administration of the legal aid fund, including the programs established under sections 1901.26, 1907.24, 2303.201, 4705.09, and 4705.10 of the Revised Code regarding interest on interest-bearing trust accounts of an attorney, law firm, or legal professional association.

**Sec. 120.521.** (A) The state public defender shall establish a charitable, tax exempt foundation, named the Ohio ~~legal assistance~~ access to justice foundation, to actively solicit and accept gifts, bequests, donations, and contributions for use in providing financial assistance to legal aid societies, enhancing or improving the delivery of civil legal services to indigents, and operating the foundation. The Ohio ~~legal assistance~~ access to justice foundation shall deposit all gifts, bequests, donations,

and contributions accepted by it into the ~~legal assistance~~ access 3615  
to justice foundation fund established under this section. If the 3616  
state public defender, pursuant to section 120.52 of the Revised 3617  
Code as it existed prior to June 30, 1995, established a 3618  
charitable, tax exempt foundation named the Ohio ~~legal assistance~~ 3619  
access to justice foundation and if that foundation is in 3620  
existence on the day before June 30, 1995, that foundation shall 3621  
continue in existence and shall serve as the Ohio ~~legal assistance~~ 3622  
access to justice foundation described in this section. 3623

There is hereby established the ~~legal assistance~~ access to 3624  
justice foundation fund, which shall be under the custody and 3625  
control of the Ohio ~~legal assistance~~ access to justice foundation. 3626  
The fund shall contain all moneys distributed to the Ohio ~~legal~~ 3627  
~~assistance~~ access to justice foundation pursuant to section 120.53 3628  
of the Revised Code and all gifts, bequests, donations, and 3629  
contributions accepted by the Ohio ~~legal assistance~~ access to 3630  
justice foundation under this section. 3631

The Ohio ~~legal assistance~~ access to justice foundation shall 3632  
distribute or use all moneys in the ~~legal assistance~~ access to 3633  
justice foundation fund for the charitable public purpose of 3634  
providing financial assistance to legal aid societies that provide 3635  
civil legal services to indigents, enhancing or improving the 3636  
delivery of civil legal services to indigents, and operating the 3637  
foundation. The Ohio ~~legal assistance~~ access to justice foundation 3638  
shall establish rules governing the administration of the ~~legal~~ 3639  
~~assistance~~ access to justice foundation fund. 3640

The Ohio ~~legal assistance~~ access to justice foundation shall 3641  
include, in the annual report it is required to make to the 3642  
governor, the general assembly, and the supreme court pursuant to 3643  
division (G)(2) of section 120.53 of the Revised Code, an audited 3644  
financial statement on the distribution and use of the ~~legal~~ 3645  
~~assistance~~ access to justice foundation fund. No information 3646

contained in the statement shall identify or enable the 3647  
identification of any person served by a legal aid society or in 3648  
any way breach confidentiality. 3649

Membership on the board of the Ohio ~~legal assistance~~ access 3650  
to justice foundation does not constitute holding another public 3651  
office and does not constitute grounds for resignation from the 3652  
senate or house of representatives under section 101.26 of the 3653  
Revised Code. 3654

(B) A foundation is tax exempt for purposes of this section 3655  
if the foundation is exempt from federal income taxation under 3656  
subsection 501(a) of the "Internal Revenue Code of 1986," 100 3657  
Stat. 2085, 26 U.S.C. 501(a), as amended, and if the foundation 3658  
has received from the internal revenue service a determination 3659  
letter that is in effect stating that the foundation is exempt 3660  
from federal income taxation under that subsection. 3661

**Sec. 120.53.** (A) A legal aid society that operates within the 3662  
state may apply to the Ohio ~~legal assistance~~ access to justice 3663  
foundation for financial assistance from the legal aid fund 3664  
established by section 120.52 of the Revised Code to be used for 3665  
the funding of the society during the calendar year following the 3666  
calendar year in which application is made. 3667

(B) An application for financial assistance made under 3668  
division (A) of this section shall be submitted by the first day 3669  
of November of the calendar year preceding the calendar year for 3670  
which financial assistance is desired and shall include all of the 3671  
following: 3672

(1) Evidence that the applicant is incorporated in this state 3673  
as a nonprofit corporation; 3674

(2) A list of the trustees of the applicant; 3675

(3) The proposed budget of the applicant for these funds for 3676

the following calendar year;	3677
(4) A summary of the services to be offered by the applicant in the following calendar year;	3678 3679
(5) A specific description of the territory or constituency served by the applicant;	3680 3681
(6) An estimate of the number of persons to be served by the applicant during the following calendar year;	3682 3683
(7) A general description of the additional sources of the applicant's funding;	3684 3685
(8) The amount of the applicant's total budget for the calendar year in which the application is filed that it will expend in that calendar year for legal services in each of the counties it serves;	3686 3687 3688 3689
(9) A specific description of any services, programs, training, and legal technical assistance to be delivered by the applicant or by another person pursuant to a contract with the applicant, including, but not limited to, by private attorneys or through reduced fee plans, judicare panels, organized pro bono programs, and mediation programs.	3690 3691 3692 3693 3694 3695
(C) The Ohio <del>legal assistance</del> <u>access to justice</u> foundation shall determine whether each applicant that filed an application for financial assistance under division (A) of this section in a calendar year is eligible for financial assistance under this section. To be eligible for such financial assistance, an applicant shall satisfy the criteria for being a legal aid society and shall be in compliance with the provisions of sections 120.51 to 120.55 of the Revised Code and with the rules and requirements the foundation establishes pursuant to section 120.52 of the Revised Code. The Ohio <del>legal assistance</del> <u>access to justice</u> foundation then, on or before the fifteenth day of December of the calendar year in which the application is filed, shall notify each	3696 3697 3698 3699 3700 3701 3702 3703 3704 3705 3706 3707

such applicant, in writing, whether it is eligible for financial 3708  
assistance under this section, and if it is eligible, estimate the 3709  
amount that will be available for that applicant for each 3710  
six-month distribution period, as determined under division (D) of 3711  
this section. 3712

(D) The Ohio ~~legal assistance~~ access to justice foundation 3713  
shall allocate moneys contained in the legal aid fund monthly for 3714  
distribution to applicants that filed their applications in the 3715  
previous calendar year and are determined to be eligible 3716  
applicants. 3717

All moneys contained in the fund on the first day of each 3718  
month shall be allocated, after deduction of the costs of 3719  
administering sections 120.51 to 120.55 and sections 1901.26, 3720  
1907.24, 2303.201, 3953.231, 4705.09, and 4705.10 of the Revised 3721  
Code that are authorized by section 120.52 of the Revised Code, 3722  
according to this section and shall be distributed accordingly not 3723  
later than the last day of the month following the month the 3724  
moneys were received. In making the allocations under this 3725  
section, the moneys in the fund that were generated pursuant to 3726  
sections 1901.26, 1907.24, 2303.201, 3953.231, 4705.09, and 3727  
4705.10 of the Revised Code shall be apportioned as follows: 3728

(1) After deduction of the amount authorized and used for 3729  
actual, reasonable administrative costs under section 120.52 of 3730  
the Revised Code: 3731

(a) Five per cent of the moneys remaining in the fund shall 3732  
be reserved for use in the manner described in division (A) of 3733  
section 120.521 of the Revised Code or for distribution to legal 3734  
aid societies that provide assistance to special population groups 3735  
of their eligible clients, engage in special projects that have a 3736  
substantial impact on their local service area or on significant 3737  
segments of the state's poverty population, or provide legal 3738  
training or support to other legal aid societies in the state; 3739

(b) After deduction of the amount described in division 3740  
(D)(1)(a) of this section, one and three-quarters per cent of the 3741  
moneys remaining in the fund shall be apportioned among entities 3742  
that received financial assistance from the legal aid fund prior 3743  
to July 1, 1993, but that, on and after July 1, 1993, no longer 3744  
qualify as a legal aid society that is eligible for financial 3745  
assistance under this section. 3746

(c) After deduction of the amounts described in divisions 3747  
(D)(1)(a) and (b) of this section, fifteen per cent of the moneys 3748  
remaining in the fund shall be placed in the ~~legal assistance~~ 3749  
access to justice foundation fund for use in the manner described 3750  
in division (A) of section 120.521 of the Revised Code. 3751

(2) After deduction of the actual, reasonable administrative 3752  
costs under section 120.52 of the Revised Code and after deduction 3753  
of the amounts identified in divisions (D)(1)(a), (b), and (c) of 3754  
this section, the remaining moneys shall be apportioned among the 3755  
counties that are served by eligible legal aid societies that have 3756  
applied for financial assistance under this section so that each 3757  
such county is apportioned a portion of those moneys, based upon 3758  
the ratio of the number of indigents who reside in that county to 3759  
the total number of indigents who reside in all counties of this 3760  
state that are served by eligible legal aid societies that have 3761  
applied for financial assistance under this section. Subject to 3762  
division (E) of this section, the moneys apportioned to a county 3763  
under this division then shall be allocated to the eligible legal 3764  
aid society that serves the county and that has applied for 3765  
financial assistance under this section. For purposes of this 3766  
division, the source of data identifying the number of indigent 3767  
persons who reside in a county shall be selected by the Ohio ~~legal~~ 3768  
~~assistance~~ access to justice foundation from the best available 3769  
figures maintained by the United States census bureau. 3770

(E) If the Ohio ~~legal assistance~~ access to justice 3771



foundation, in attempting to make an allocation of moneys under 3772  
division (D)(2) of this section, determines that a county that has 3773  
been apportioned money under that division is served by more than 3774  
one eligible legal aid society that has applied for financial 3775  
assistance under this section, the Ohio ~~legal assistance~~ access to  
justice foundation shall allocate the moneys that have been 3776  
apportioned to that county under division (D)(2) of this section 3777  
among all eligible legal aid societies that serve that county and 3778  
that have applied for financial assistance under this section on a 3779  
pro rata basis, so that each such eligible society is allocated a 3780  
portion based upon the amount of its total budget expended in the 3781  
prior calendar year for legal services in that county as compared 3782  
to the total amount expended in the prior calendar year for legal 3783  
services in that county by all eligible legal aid societies that 3784  
serve that county and that have applied for financial assistance 3785  
under this section. 3786  
3787

(F) Moneys allocated to eligible applicants under this 3788  
section shall be paid monthly beginning the calendar year 3789  
following the calendar year in which the application is filed. 3790

(G)(1) A legal aid society that receives financial assistance 3791  
in any calendar year under this section shall file an annual 3792  
report with the Ohio ~~legal assistance~~ access to justice foundation 3793  
detailing the number and types of cases handled, and the amount 3794  
and types of legal training, legal technical assistance, and other 3795  
service provided, by means of that financial assistance. No 3796  
information contained in the report shall identify or enable the 3797  
identification of any person served by the legal aid society or in 3798  
any way breach client confidentiality. 3799

(2) The Ohio ~~legal assistance~~ access to justice foundation 3800  
shall make an annual report to the governor, the general assembly, 3801  
and the supreme court on the distribution and use of the legal aid 3802  
fund. The foundation also shall include in the annual report an 3803

audited financial statement of all gifts, bequests, donations, 3804  
contributions, and other moneys the foundation receives. No 3805  
information contained in the report shall identify or enable the 3806  
identification of any person served by a legal aid society, or in 3807  
any way breach confidentiality. 3808

(H) A legal aid society may enter into agreements for the 3809  
provision of services, programs, training, or legal technical 3810  
assistance for the legal aid society or to indigent persons. 3811

**Sec. 121.083.** (A) The superintendent of industrial compliance 3812  
in the department of commerce shall do all of the following: 3813  
3814

~~(A)~~(1) Administer and enforce the general laws of this state 3815  
pertaining to buildings, pressure piping, boilers, bedding, 3816  
upholstered furniture, and stuffed toys, steam engineering, 3817  
elevators, plumbing, licensed occupations regulated by the 3818  
department, and travel agents, as they apply to plans review, 3819  
inspection, code enforcement, testing, licensing, registration, 3820  
and certification. 3821

~~(B)~~(2) Exercise the powers and perform the duties delegated 3822  
to the superintendent by the director of commerce under Chapters 3823  
4109., 4111., and 4115. of the Revised Code. 3824

~~(C)~~(3) Collect and collate statistics as are necessary. 3825

~~(D)~~(4) Examine and license persons who desire to act as steam 3826  
engineers, to operate steam boilers, and to act as inspectors of 3827  
steam boilers, provide for the scope, conduct, and time of such 3828  
examinations, provide for, regulate, and enforce the renewal and 3829  
revocation of such licenses, inspect and examine steam boilers and 3830  
make, publish, and enforce rules and orders for the construction, 3831  
installation, inspection, and operation of steam boilers, and do, 3832  
require, and enforce all things necessary to make such 3833

examination, inspection, and requirement efficient.	3834
<del>(E)</del> (5) Rent and furnish offices as needed in cities in this state for the conduct of its affairs.	3835 3836
<del>(F)</del> (6) Oversee a chief of construction and compliance, a chief of operations and maintenance, a chief of licensing and certification, a chief of worker protection, and other designees appointed by the director to perform the duties described in this section.	3837 3838 3839 3840 3841
<del>(G)</del> (7) Enforce the rules the board of building standards adopts pursuant to division (A)(2) of section 4104.43 of the Revised Code under the circumstances described in division (D) of that section.	3842 3843 3844 3845
<del>(H)</del> (8) Accept submissions, establish a fee for submissions, and review submissions of certified welding and brazing procedure specifications, procedure qualification records, and performance qualification records for building services piping as required by section 4104.44 of the Revised Code.	3846 3847 3848 3849 3850
<u>(B) The superintendent may enter into a contract with a municipal corporation, township, or county building department certified by the board of building standards pursuant to division (E) of section 3781.10 of the Revised Code, or a municipal or county health district, to do any of the following on behalf of the building department or health district:</u>	3851 3852 3853 3854 3855 3856
<u>(1) Exercise enforcement authority pursuant to section 3781.03 of the Revised Code;</u>	3857 3858
<u>(2) Accept and approve plans and specifications, and make inspections, pursuant to section 3791.04 of the Revised Code;</u>	3859 3860
<u>(3) Enforce the rules adopted pursuant to division (A)(2) of section 4104.43 of the Revised Code.</u>	3861 3862
<b>Sec. 121.22.</b> (A) This section shall be liberally construed to	3863

require public officials to take official action and to conduct 3864  
all deliberations upon official business only in open meetings 3865  
unless the subject matter is specifically excepted by law. 3866

(B) As used in this section: 3867

(1) "Public body" means any of the following: 3868

(a) Any board, commission, committee, council, or similar 3869  
decision-making body of a state agency, institution, or authority, 3870  
and any legislative authority or board, commission, committee, 3871  
council, agency, authority, or similar decision-making body of any 3872  
county, township, municipal corporation, school district, or other 3873  
political subdivision or local public institution; 3874

(b) Any committee or subcommittee of a body described in 3875  
division (B)(1)(a) of this section; 3876

(c) A court of jurisdiction of a sanitary district organized 3877  
wholly for the purpose of providing a water supply for domestic, 3878  
municipal, and public use when meeting for the purpose of the 3879  
appointment, removal, or reappointment of a member of the board of 3880  
directors of such a district pursuant to section 6115.10 of the 3881  
Revised Code, if applicable, or for any other matter related to 3882  
such a district other than litigation involving the district. As 3883  
used in division (B)(1)(c) of this section, "court of 3884  
jurisdiction" has the same meaning as "court" in section 6115.01 3885  
of the Revised Code. 3886

(2) "Meeting" means any prearranged discussion of the public 3887  
business of the public body by a majority of its members. 3888

(3) "Regulated individual" means either of the following: 3889

(a) A student in a state or local public educational 3890  
institution; 3891

(b) A person who is, voluntarily or involuntarily, an inmate, 3892  
patient, or resident of a state or local institution because of 3893

criminal behavior, mental illness, an intellectual disability, 3894  
disease, disability, age, or other condition requiring custodial 3895  
care. 3896

(4) "Public office" has the same meaning as in section 3897  
149.011 of the Revised Code. 3898

(C) All meetings of any public body are declared to be public 3899  
meetings open to the public at all times. A member of a public 3900  
body shall be present in person at a meeting open to the public to 3901  
be considered present or to vote at the meeting and for purposes 3902  
of determining whether a quorum is present at the meeting. 3903

The minutes of a regular or special meeting of any public 3904  
body shall be promptly prepared, filed, and maintained and shall 3905  
be open to public inspection. The minutes need only reflect the 3906  
general subject matter of discussions in executive sessions 3907  
authorized under division (G) or (J) of this section. 3908

(D) This section does not apply to any of the following: 3909

(1) A grand jury; 3910

(2) An audit conference conducted by the auditor of state or 3911  
independent certified public accountants with officials of the 3912  
public office that is the subject of the audit; 3913

(3) The adult parole authority when its hearings are 3914  
conducted at a correctional institution for the sole purpose of 3915  
interviewing inmates to determine parole or pardon and the 3916  
department of rehabilitation and correction when its hearings are 3917  
conducted at a correctional institution for the sole purpose of 3918  
making determinations under section 2967.271 of the Revised Code 3919  
regarding the release or maintained incarceration of an offender 3920  
to whom that section applies; 3921

(4) The organized crime investigations commission established 3922  
under section 177.01 of the Revised Code; 3923

(5) Meetings of a child fatality review board established	3924
under section 307.621 of the Revised Code, meetings related to a	3925
review conducted pursuant to guidelines established by the	3926
director of health under section 3701.70 of the Revised Code, and	3927
meetings conducted pursuant to sections 5153.171 to 5153.173 of	3928
the Revised Code;	3929
(6) The state medical board when determining whether to	3930
suspend a <u>license or</u> certificate without a prior hearing pursuant	3931
to division (G) of either section 4730.25 or 4731.22 of the	3932
Revised Code;	3933
(7) The board of nursing when determining whether to suspend	3934
a license or certificate without a prior hearing pursuant to	3935
division (B) of section 4723.281 of the Revised Code;	3936
(8) The state board of pharmacy when determining whether to	3937
suspend a license without a prior hearing pursuant to division (D)	3938
of section 4729.16 of the Revised Code;	3939
(9) The state chiropractic board when determining whether to	3940
suspend a license without a hearing pursuant to section 4734.37 of	3941
the Revised Code;	3942
(10) The executive committee of the emergency response	3943
commission when determining whether to issue an enforcement order	3944
or request that a civil action, civil penalty action, or criminal	3945
action be brought to enforce Chapter 3750. of the Revised Code;	3946
(11) The board of directors of the nonprofit corporation	3947
formed under section 187.01 of the Revised Code or any committee	3948
thereof, and the board of directors of any subsidiary of that	3949
corporation or a committee thereof;	3950
(12) An audit conference conducted by the audit staff of the	3951
department of job and family services with officials of the public	3952
office that is the subject of that audit under section 5101.37 of	3953
the Revised Code;	3954

(13) The occupational therapy section of the occupational 3955  
therapy, physical therapy, and athletic trainers board when 3956  
determining whether to suspend a license or limited permit without 3957  
a hearing pursuant to division (D) of section 4755.11 of the 3958  
Revised Code; 3959

(14) The physical therapy section of the occupational 3960  
therapy, physical therapy, and athletic trainers board when 3961  
determining whether to suspend a license without a hearing 3962  
pursuant to division (E) of section 4755.47 of the Revised Code; 3963

(15) The athletic trainers section of the occupational 3964  
therapy, physical therapy, and athletic trainers board when 3965  
determining whether to suspend a license without a hearing 3966  
pursuant to division (D) of section 4755.64 of the Revised Code; 3967

(16) Meetings of the pregnancy-associated mortality review 3968  
board established under section 3738.01 of the Revised Code; 3969

(17) Meetings of a fetal-infant mortality review board 3970  
established under section 3707.71 of the Revised Code. 3971

(E) The controlling board, the tax credit authority, or the 3972  
minority development financing advisory board, when meeting to 3973  
consider granting assistance pursuant to Chapter 122. or 166. of 3974  
the Revised Code, in order to protect the interest of the 3975  
applicant or the possible investment of public funds, by unanimous 3976  
vote of all board or authority members present, may close the 3977  
meeting during consideration of the following information 3978  
confidentially received by the authority or board from the 3979  
applicant: 3980

(1) Marketing plans; 3981

(2) Specific business strategy; 3982

(3) Production techniques and trade secrets; 3983

(4) Financial projections; 3984

(5) Personal financial statements of the applicant or members 3985  
of the applicant's immediate family, including, but not limited 3986  
to, tax records or other similar information not open to public 3987  
inspection. 3988

The vote by the authority or board to accept or reject the 3989  
application, as well as all proceedings of the authority or board 3990  
not subject to this division, shall be open to the public and 3991  
governed by this section. 3992

(F) Every public body, by rule, shall establish a reasonable 3993  
method whereby any person may determine the time and place of all 3994  
regularly scheduled meetings and the time, place, and purpose of 3995  
all special meetings. A public body shall not hold a special 3996  
meeting unless it gives at least twenty-four hours' advance notice 3997  
to the news media that have requested notification, except in the 3998  
event of an emergency requiring immediate official action. In the 3999  
event of an emergency, the member or members calling the meeting 4000  
shall notify the news media that have requested notification 4001  
immediately of the time, place, and purpose of the meeting. 4002

The rule shall provide that any person, upon request and 4003  
payment of a reasonable fee, may obtain reasonable advance 4004  
notification of all meetings at which any specific type of public 4005  
business is to be discussed. Provisions for advance notification 4006  
may include, but are not limited to, mailing the agenda of 4007  
meetings to all subscribers on a mailing list or mailing notices 4008  
in self-addressed, stamped envelopes provided by the person. 4009

(G) Except as provided in divisions (G)(8) and (J) of this 4010  
section, the members of a public body may hold an executive 4011  
session only after a majority of a quorum of the public body 4012  
determines, by a roll call vote, to hold an executive session and 4013  
only at a regular or special meeting for the sole purpose of the 4014  
consideration of any of the following matters: 4015



(1) To consider the appointment, employment, dismissal, 4016  
discipline, promotion, demotion, or compensation of a public 4017  
employee or official, or the investigation of charges or 4018  
complaints against a public employee, official, licensee, or 4019  
regulated individual, unless the public employee, official, 4020  
licensee, or regulated individual requests a public hearing. 4021  
Except as otherwise provided by law, no public body shall hold an 4022  
executive session for the discipline of an elected official for 4023  
conduct related to the performance of the elected official's 4024  
official duties or for the elected official's removal from office. 4025  
If a public body holds an executive session pursuant to division 4026  
(G)(1) of this section, the motion and vote to hold that executive 4027  
session shall state which one or more of the approved purposes 4028  
listed in division (G)(1) of this section are the purposes for 4029  
which the executive session is to be held, but need not include 4030  
the name of any person to be considered at the meeting. 4031

(2) To consider the purchase of property for public purposes, 4032  
the sale of property at competitive bidding, or the sale or other 4033  
disposition of unneeded, obsolete, or unfit-for-use property in 4034  
accordance with section 505.10 of the Revised Code, if premature 4035  
disclosure of information would give an unfair competitive or 4036  
bargaining advantage to a person whose personal, private interest 4037  
is adverse to the general public interest. No member of a public 4038  
body shall use division (G)(2) of this section as a subterfuge for 4039  
providing covert information to prospective buyers or sellers. A 4040  
purchase or sale of public property is void if the seller or buyer 4041  
of the public property has received covert information from a 4042  
member of a public body that has not been disclosed to the general 4043  
public in sufficient time for other prospective buyers and sellers 4044  
to prepare and submit offers. 4045

If the minutes of the public body show that all meetings and 4046  
deliberations of the public body have been conducted in compliance 4047

with this section, any instrument executed by the public body 4048  
purporting to convey, lease, or otherwise dispose of any right, 4049  
title, or interest in any public property shall be conclusively 4050  
presumed to have been executed in compliance with this section 4051  
insofar as title or other interest of any bona fide purchasers, 4052  
lessees, or transferees of the property is concerned. 4053

(3) Conferences with an attorney for the public body 4054  
concerning disputes involving the public body that are the subject 4055  
of pending or imminent court action; 4056

(4) Preparing for, conducting, or reviewing negotiations or 4057  
bargaining sessions with public employees concerning their 4058  
compensation or other terms and conditions of their employment; 4059

(5) Matters required to be kept confidential by federal law 4060  
or regulations or state statutes; 4061

(6) Details relative to the security arrangements and 4062  
emergency response protocols for a public body or a public office, 4063  
if disclosure of the matters discussed could reasonably be 4064  
expected to jeopardize the security of the public body or public 4065  
office; 4066

(7) In the case of a county hospital operated pursuant to 4067  
Chapter 339. of the Revised Code, a joint township hospital 4068  
operated pursuant to Chapter 513. of the Revised Code, or a 4069  
municipal hospital operated pursuant to Chapter 749. of the 4070  
Revised Code, to consider trade secrets, as defined in section 4071  
1333.61 of the Revised Code; 4072

(8) To consider confidential information related to the 4073  
marketing plans, specific business strategy, production 4074  
techniques, trade secrets, or personal financial statements of an 4075  
applicant for economic development assistance, or to negotiations 4076  
with other political subdivisions respecting requests for economic 4077  
development assistance, provided that both of the following 4078

conditions apply: 4079

(a) The information is directly related to a request for 4080  
economic development assistance that is to be provided or 4081  
administered under any provision of Chapter 715., 725., 1724., or 4082  
1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 5709.43, 4083  
5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 5709.81 of 4084  
the Revised Code, or that involves public infrastructure 4085  
improvements or the extension of utility services that are 4086  
directly related to an economic development project. 4087

(b) A unanimous quorum of the public body determines, by a 4088  
roll call vote, that the executive session is necessary to protect 4089  
the interests of the applicant or the possible investment or 4090  
expenditure of public funds to be made in connection with the 4091  
economic development project. 4092

If a public body holds an executive session to consider any 4093  
of the matters listed in divisions (G)(2) to (8) of this section, 4094  
the motion and vote to hold that executive session shall state 4095  
which one or more of the approved matters listed in those 4096  
divisions are to be considered at the executive session. 4097

A public body specified in division (B)(1)(c) of this section 4098  
shall not hold an executive session when meeting for the purposes 4099  
specified in that division. 4100

(H) A resolution, rule, or formal action of any kind is 4101  
invalid unless adopted in an open meeting of the public body. A 4102  
resolution, rule, or formal action adopted in an open meeting that 4103  
results from deliberations in a meeting not open to the public is 4104  
invalid unless the deliberations were for a purpose specifically 4105  
authorized in division (G) or (J) of this section and conducted at 4106  
an executive session held in compliance with this section. A 4107  
resolution, rule, or formal action adopted in an open meeting is 4108  
invalid if the public body that adopted the resolution, rule, or 4109

formal action violated division (F) of this section. 4110

(I)(1) Any person may bring an action to enforce this 4111  
section. An action under division (I)(1) of this section shall be 4112  
brought within two years after the date of the alleged violation 4113  
or threatened violation. Upon proof of a violation or threatened 4114  
violation of this section in an action brought by any person, the 4115  
court of common pleas shall issue an injunction to compel the 4116  
members of the public body to comply with its provisions. 4117

(2)(a) If the court of common pleas issues an injunction 4118  
pursuant to division (I)(1) of this section, the court shall order 4119  
the public body that it enjoins to pay a civil forfeiture of five 4120  
hundred dollars to the party that sought the injunction and shall 4121  
award to that party all court costs and, subject to reduction as 4122  
described in division (I)(2) of this section, reasonable 4123  
attorney's fees. The court, in its discretion, may reduce an award 4124  
of attorney's fees to the party that sought the injunction or not 4125  
award attorney's fees to that party if the court determines both 4126  
of the following: 4127

(i) That, based on the ordinary application of statutory law 4128  
and case law as it existed at the time of violation or threatened 4129  
violation that was the basis of the injunction, a well-informed 4130  
public body reasonably would believe that the public body was not 4131  
violating or threatening to violate this section; 4132

(ii) That a well-informed public body reasonably would 4133  
believe that the conduct or threatened conduct that was the basis 4134  
of the injunction would serve the public policy that underlies the 4135  
authority that is asserted as permitting that conduct or 4136  
threatened conduct. 4137

(b) If the court of common pleas does not issue an injunction 4138  
pursuant to division (I)(1) of this section and the court 4139  
determines at that time that the bringing of the action was 4140

frivolous conduct, as defined in division (A) of section 2323.51 4141  
of the Revised Code, the court shall award to the public body all 4142  
court costs and reasonable attorney's fees, as determined by the 4143  
court. 4144

(3) Irreparable harm and prejudice to the party that sought 4145  
the injunction shall be conclusively and irrebuttably presumed 4146  
upon proof of a violation or threatened violation of this section. 4147

(4) A member of a public body who knowingly violates an 4148  
injunction issued pursuant to division (I)(1) of this section may 4149  
be removed from office by an action brought in the court of common 4150  
pleas for that purpose by the prosecuting attorney or the attorney 4151  
general. 4152

(J)(1) Pursuant to division (C) of section 5901.09 of the 4153  
Revised Code, a veterans service commission shall hold an 4154  
executive session for one or more of the following purposes unless 4155  
an applicant requests a public hearing: 4156

(a) Interviewing an applicant for financial assistance under 4157  
sections 5901.01 to 5901.15 of the Revised Code; 4158

(b) Discussing applications, statements, and other documents 4159  
described in division (B) of section 5901.09 of the Revised Code; 4160

(c) Reviewing matters relating to an applicant's request for 4161  
financial assistance under sections 5901.01 to 5901.15 of the 4162  
Revised Code. 4163

(2) A veterans service commission shall not exclude an 4164  
applicant for, recipient of, or former recipient of financial 4165  
assistance under sections 5901.01 to 5901.15 of the Revised Code, 4166  
and shall not exclude representatives selected by the applicant, 4167  
recipient, or former recipient, from a meeting that the commission 4168  
conducts as an executive session that pertains to the applicant's, 4169  
recipient's, or former recipient's application for financial 4170  
assistance. 4171

(3) A veterans service commission shall vote on the grant or 4172  
denial of financial assistance under sections 5901.01 to 5901.15 4173  
of the Revised Code only in an open meeting of the commission. The 4174  
minutes of the meeting shall indicate the name, address, and 4175  
occupation of the applicant, whether the assistance was granted or 4176  
denied, the amount of the assistance if assistance is granted, and 4177  
the votes for and against the granting of assistance. 4178

**Sec. 121.37.** (A)(1) There is hereby created the Ohio family 4179  
and children first cabinet council. The council shall be composed 4180  
of the superintendent of public instruction, the executive 4181  
director of the opportunities for Ohioans with disabilities 4182  
agency, the medicaid director, and the directors of youth 4183  
services, job and family services, mental health and addiction 4184  
services, health, developmental disabilities, aging, 4185  
rehabilitation and correction, and budget and management. The 4186  
chairperson of the council shall be the governor or the governor's 4187  
designee and shall establish procedures for the council's internal 4188  
control and management. 4189

The purpose of the cabinet council is to help families 4190  
seeking government services. This section shall not be interpreted 4191  
or applied to usurp the role of parents, but solely to streamline 4192  
and coordinate existing government services for families seeking 4193  
assistance for their children. 4194

(2) In seeking to fulfill its purpose, the council may do any 4195  
of the following: 4196

(a) Advise and make recommendations to the governor and 4197  
general assembly regarding the provision of services to children; 4198

(b) Advise and assess local governments on the coordination 4199  
of service delivery to children; 4200

(c) Hold meetings at such times and places as may be 4201

prescribed by the council's procedures and maintain records of the 4202  
meetings, except that records identifying individual children are 4203  
confidential and shall be disclosed only as provided by law; 4204

(d) Develop programs and projects, including pilot projects, 4205  
to encourage coordinated efforts at the state and local level to 4206  
improve the state's social service delivery system; 4207

(e) Enter into contracts with and administer grants to county 4208  
family and children first councils, as well as other county or 4209  
multicounty organizations to plan and coordinate service delivery 4210  
between state agencies and local service providers for families 4211  
and children; 4212

(f) Enter into contracts with and apply for grants from 4213  
federal agencies or private organizations; 4214

(g) Enter into interagency agreements to encourage 4215  
coordinated efforts at the state and local level to improve the 4216  
state's social service delivery system. The agreements may include 4217  
provisions regarding the receipt, transfer, and expenditure of 4218  
funds; 4219

(h) Identify public and private funding sources for services 4220  
provided to alleged or adjudicated unruly children and children 4221  
who are at risk of being alleged or adjudicated unruly children, 4222  
including regulations governing access to and use of the services; 4223

(i) Collect information provided by local communities 4224  
regarding successful programs for prevention, intervention, and 4225  
treatment of unruly behavior, including evaluations of the 4226  
programs; 4227

(j) Identify and disseminate publications regarding alleged 4228  
or adjudicated unruly children and children who are at risk of 4229  
being alleged or adjudicated unruly children and regarding 4230  
programs serving those types of children; 4231

(k) Maintain an inventory of strategic planning facilitators 4232  
for use by government or nonprofit entities that serve alleged or 4233  
adjudicated unruly children or children who are at risk of being 4234  
alleged or adjudicated unruly children. 4235

(3) The cabinet council shall provide for the following: 4236

(a) Reviews of service and treatment plans for children for 4237  
which such reviews are requested; 4238

(b) Assistance as the council determines to be necessary to 4239  
meet the needs of children referred by county family and children 4240  
first councils; 4241

(c) Monitoring and supervision of a statewide, comprehensive, 4242  
coordinated, multi-disciplinary, interagency system for infants 4243  
and toddlers with developmental disabilities or delays and their 4244  
families, as established pursuant to federal grants received and 4245  
administered by the department of health for early intervention 4246  
services under the "Individuals with Disabilities Education Act of 4247  
2004," 118 Stat. 2744, 20 U.S.C.A. 1400, as amended. 4248

(4) The cabinet council shall develop and implement the 4249  
following: 4250

(a) An interagency process to select the indicators that will 4251  
be used to measure progress toward increasing child well-being in 4252  
the state and to update the indicators on an annual basis. The 4253  
indicators shall focus on expectant parents and newborns thriving; 4254  
infants and toddlers thriving; children being ready for school; 4255  
children and youth succeeding in school; youth choosing healthy 4256  
behaviors; and youth successfully transitioning into adulthood. 4257

(b) An interagency system to offer guidance and monitor 4258  
progress toward increasing child well-being in the state and in 4259  
each county; 4260

(c) An annual plan that identifies state-level agency efforts 4261



taken to ensure progress towards increasing child well-being in 4262  
the state. 4263

On an annual basis, the cabinet council shall submit to the 4264  
governor and the general assembly a report on the status of 4265  
efforts to increase child well-being in the state. This report 4266  
shall be made available to any other person on request. 4267

(B)(1) Each board of county commissioners shall establish a 4268  
county family and children first council. The board may invite any 4269  
local public or private agency or group that funds, advocates, or 4270  
provides services to children and families to have a 4271  
representative become a permanent or temporary member of its 4272  
county council. Each county council must include the following 4273  
individuals: 4274

(a) At least three individuals who are not employed by an 4275  
agency represented on the council and whose families are or have 4276  
received services from an agency represented on the council or 4277  
another county's council. Where possible, the number of members 4278  
representing families shall be equal to twenty per cent of the 4279  
council's membership. 4280

(b) The director of the board of alcohol, drug addiction, and 4281  
mental health services that serves the county, or, in the case of 4282  
a county that has a board of alcohol and drug addiction services 4283  
and a community mental health board, the directors of both boards. 4284  
If a board of alcohol, drug addiction, and mental health services 4285  
covers more than one county, the director may designate a person 4286  
to participate on the county's council. 4287

(c) The health commissioner, or the commissioner's designee, 4288  
of the board of health of each city and general health district in 4289  
the county. If the county has two or more health districts, the 4290  
health commissioner membership may be limited to the commissioners 4291  
of the two districts with the largest populations. 4292

(d) The director of the county department of job and family services;	4293 4294
(e) The executive director of the public children services agency;	4295 4296
(f) The superintendent of the county board of developmental disabilities or, if the superintendent serves as superintendent of more than one county board of developmental disabilities, the superintendent's designee;	4297 4298 4299 4300
(g) The superintendent of the city, exempted village, or local school district with the largest number of pupils residing in the county, as determined by the department of education, which shall notify each board of county commissioners of its determination at least biennially;	4301 4302 4303 4304 4305
(h) A school superintendent representing all other school districts with territory in the county, as designated at a biennial meeting of the superintendents of those districts;	4306 4307 4308
(i) A representative of the municipal corporation with the largest population in the county;	4309 4310
(j) The president of the board of county commissioners or an individual designated by the board;	4311 4312
(k) A representative of the <del>regional office of the</del> department of youth services <u>or an individual designated by the department;</u>	4313 4314
(l) A representative of the county's head start agencies, as defined in section 3301.32 of the Revised Code;	4315 4316
(m) A representative of the county's early intervention collaborative established pursuant to the federal early intervention program operated under the "Individuals with Disabilities Education Act of 2004";	4317 4318 4319 4320
(n) A representative of a local nonprofit entity that funds, advocates, or provides services to children and families.	4321 4322

Notwithstanding any other provision of law, the public 4323  
members of a county council are not prohibited from serving on the 4324  
council and making decisions regarding the duties of the council, 4325  
including those involving the funding of joint projects and those 4326  
outlined in the county's service coordination mechanism 4327  
implemented pursuant to division (C) of this section. 4328

The cabinet council shall establish a state appeals process 4329  
to resolve disputes among the members of a county council 4330  
concerning whether reasonable responsibilities as members are 4331  
being shared. The appeals process may be accessed only by a 4332  
majority vote of the council members who are required to serve on 4333  
the council. Upon appeal, the cabinet council may order that state 4334  
funds for services to children and families be redirected to a 4335  
county's board of county commissioners. 4336

The county's juvenile court judge senior in service or 4337  
another judge of the juvenile court designated by the 4338  
administrative judge or, where there is no administrative judge, 4339  
by the judge senior in service shall serve as the judicial advisor 4340  
to the county family and children first council. The judge may 4341  
advise the county council on the court's utilization of resources, 4342  
services, or programs provided by the entities represented by the 4343  
members of the county council and how those resources, services, 4344  
or programs assist the court in its administration of justice. 4345  
Service of a judge as a judicial advisor pursuant to this section 4346  
is a judicial function. 4347

(2) The purpose of the county council is to streamline and 4348  
coordinate existing government services for families seeking 4349  
services for their children. In seeking to fulfill its purpose, a 4350  
county council shall provide for the following: 4351

(a) Referrals to the cabinet council of those children for 4352  
whom the county council cannot provide adequate services; 4353

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

(c) Participation in the development of a countywide, comprehensive, coordinated, multi-disciplinary, interagency system for infants and toddlers with developmental disabilities or delays and their families, as established pursuant to federal grants received and administered by the department of health for early intervention services under the "Individuals with Disabilities Education Act of 2004";

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

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

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

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

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

(c) An annual plan that identifies the county's interagency

efforts to increase child well-being in the county. 4385

On an annual basis, the county council shall submit a report 4386  
on the status of efforts by the county to increase child 4387  
well-being in the county to the county's board of county 4388  
commissioners and the cabinet council. This report shall be made 4389  
available to any other person on request. 4390

(4)(a) Except as provided in division (B)(4)(b) of this 4391  
section, a county council shall comply with the policies, 4392  
procedures, and activities prescribed by the rules or interagency 4393  
agreements of a state department participating on the cabinet 4394  
council whenever the county council performs a function subject to 4395  
those rules or agreements. 4396

(b) On application of a county council, the cabinet council 4397  
may grant an exemption from any rules or interagency agreements of 4398  
a state department participating on the council if an exemption is 4399  
necessary for the council to implement an alternative program or 4400  
approach for service delivery to families and children. The 4401  
application shall describe the proposed program or approach and 4402  
specify the rules or interagency agreements from which an 4403  
exemption is necessary. The cabinet council shall approve or 4404  
disapprove the application in accordance with standards and 4405  
procedures it shall adopt. If an application is approved, the 4406  
exemption is effective only while the program or approach is being 4407  
implemented, including a reasonable period during which the 4408  
program or approach is being evaluated for effectiveness. 4409

(5)(a) Each county council shall designate an administrative 4410  
agent for the council from among the following public entities: 4411  
the board of alcohol, drug addiction, and mental health services, 4412  
including a board of alcohol and drug addiction or a community 4413  
mental health board if the county is served by separate boards; 4414  
the board of county commissioners; any board of health of the 4415  
county's city and general health districts; the county department 4416

of job and family services; the county agency responsible for the 4417  
administration of children services pursuant to section 5153.15 of 4418  
the Revised Code; the county board of developmental disabilities; 4419  
any of the county's boards of education or governing boards of 4420  
educational service centers; or the county's juvenile court. Any 4421  
of the foregoing public entities, other than the board of county 4422  
commissioners, may decline to serve as the council's 4423  
administrative agent. 4424

A county council's administrative agent shall serve as the 4425  
council's appointing authority for any employees of the council. 4426  
The council shall file an annual budget with its administrative 4427  
agent, with copies filed with the county auditor and with the 4428  
board of county commissioners, unless the board is serving as the 4429  
council's administrative agent. The council's administrative agent 4430  
shall ensure that all expenditures are handled in accordance with 4431  
policies, procedures, and activities prescribed by state 4432  
departments in rules or interagency agreements that are applicable 4433  
to the council's functions. 4434

The administrative agent of a county council shall send 4435  
notice of a member's absence if a member listed in division (B)(1) 4436  
of this section has been absent from either three consecutive 4437  
meetings of the county council or a county council subcommittee, 4438  
or from one-quarter of such meetings in a calendar year, whichever 4439  
is less. The notice shall be sent to the board of county 4440  
commissioners that establishes the county council and, for the 4441  
members listed in divisions (B)(1)(b), (c), (e), and (l) of this 4442  
section, to the governing board overseeing the respective entity; 4443  
for the member listed in division (B)(1)(f) of this section, to 4444  
the county board of developmental disabilities that employs the 4445  
superintendent; for a member listed in division (B)(1)(g) or (h) 4446  
of this section, to the school board that employs the 4447  
superintendent; for the member listed in division (B)(1)(i) of 4448

this section, to the mayor of the municipal corporation; for the 4449  
member listed in division (B)(1)(k) of this section, to the 4450  
director of youth services; and for the member listed in division 4451  
(B)(1)(n) of this section, to that member's board of trustees. 4452

The administrative agent for a county council may do any of 4453  
the following on behalf of the council: 4454

(i) Enter into agreements or administer contracts with public 4455  
or private entities to fulfill specific council business. Such 4456  
agreements and contracts are exempt from the competitive bidding 4457  
requirements of section 307.86 of the Revised Code if they have 4458  
been approved by the county council and they are for the purchase 4459  
of family and child welfare or child protection services or other 4460  
social or job and family services for families and children. The 4461  
approval of the county council is not required to exempt 4462  
agreements or contracts entered into under section 5139.34, 4463  
5139.41, or 5139.43 of the Revised Code from the competitive 4464  
bidding requirements of section 307.86 of the Revised Code. 4465

(ii) As determined by the council, provide financial 4466  
stipends, reimbursements, or both, to family representatives for 4467  
expenses related to council activity; 4468

(iii) Receive by gift, grant, devise, or bequest any moneys, 4469  
lands, or other property for the purposes for which the council is 4470  
established. The agent shall hold, apply, and dispose of the 4471  
moneys, lands, or other property according to the terms of the 4472  
gift, grant, devise, or bequest. Any interest or earnings shall be 4473  
treated in the same manner and are subject to the same terms as 4474  
the gift, grant, devise, or bequest from which it accrues. 4475

(b)(i) If the county council designates the board of county 4476  
commissioners as its administrative agent, the board may, by 4477  
resolution, delegate any of its powers and duties as 4478  
administrative agent to an executive committee the board 4479

establishes from the membership of the county council. The board 4480  
shall name to the executive committee at least the individuals 4481  
described in divisions (B)(1)(b) to (h) of this section and may 4482  
appoint the president of the board or another individual as the 4483  
chair of the executive committee. The executive committee must 4484  
include at least one family county council representative who does 4485  
not have a family member employed by an agency represented on the 4486  
council. 4487

(ii) The executive committee may, with the approval of the 4488  
board, hire an executive director to assist the county council in 4489  
administering its powers and duties. The executive director shall 4490  
serve in the unclassified civil service at the pleasure of the 4491  
executive committee. The executive director may, with the approval 4492  
of the executive committee, hire other employees as necessary to 4493  
properly conduct the county council's business. 4494

(iii) The board may require the executive committee to submit 4495  
an annual budget to the board for approval and may amend or repeal 4496  
the resolution that delegated to the executive committee its 4497  
authority as the county council's administrative agent. 4498

(6) Two or more county councils may enter into an agreement 4499  
to administer their county councils jointly by creating a regional 4500  
family and children first council. A regional council possesses 4501  
the same duties and authority possessed by a county council, 4502  
except that the duties and authority apply regionally rather than 4503  
to individual counties. Prior to entering into an agreement to 4504  
create a regional council, the members of each county council to 4505  
be part of the regional council shall meet to determine whether 4506  
all or part of the members of each county council will serve as 4507  
members of the regional council. 4508

(7) A board of county commissioners may approve a resolution 4509  
by a majority vote of the board's members that requires the county 4510  
council to submit a statement to the board each time the council 4511



proposes to enter into an agreement, adopt a plan, or make a 4512  
decision, other than a decision pursuant to section 121.38 of the 4513  
Revised Code, that requires the expenditure of funds for two or 4514  
more families. The statement shall describe the proposed 4515  
agreement, plan, or decision. 4516

Not later than fifteen days after the board receives the 4517  
statement, it shall, by resolution approved by a majority of its 4518  
members, approve or disapprove the agreement, plan, or decision. 4519  
Failure of the board to pass a resolution during that time period 4520  
shall be considered approval of the agreement, plan, or decision. 4521

An agreement, plan, or decision for which a statement is 4522  
required to be submitted to the board shall be implemented only if 4523  
it is approved by the board. 4524

(C) Each county shall develop a county service coordination 4525  
mechanism. The county service coordination mechanism shall serve 4526  
as the guiding document for coordination of services in the 4527  
county. For children who also receive services under the help me 4528  
grow program, the service coordination mechanism shall be 4529  
consistent with rules adopted by the department of health under 4530  
section 3701.61 of the Revised Code. All family service 4531  
coordination plans shall be developed in accordance with the 4532  
county service coordination mechanism. The mechanism shall be 4533  
developed and approved with the participation of the county 4534  
entities representing child welfare; developmental disabilities; 4535  
alcohol, drug addiction, and mental health services; health; 4536  
juvenile judges; education; the county family and children first 4537  
council; and the county early intervention collaborative 4538  
established pursuant to the federal early intervention program 4539  
operated under the "Individuals with Disabilities Education Act of 4540  
2004." The county shall establish an implementation schedule for 4541  
the mechanism. The cabinet council may monitor the implementation 4542  
and administration of each county's service coordination 4543

mechanism. 4544

Each mechanism shall include all of the following: 4545

(1) A procedure for an agency, including a juvenile court, or 4546  
a family voluntarily seeking service coordination, to refer the 4547  
child and family to the county council for service coordination in 4548  
accordance with the mechanism; 4549

(2) A procedure ensuring that a family and all appropriate 4550  
staff from involved agencies, including a representative from the 4551  
appropriate school district, are notified of and invited to 4552  
participate in all family service coordination plan meetings; 4553

(3) A procedure that permits a family to initiate a meeting 4554  
to develop or review the family's service coordination plan and 4555  
allows the family to invite a family advocate, mentor, or support 4556  
person of the family's choice to participate in any such meeting; 4557

(4) A procedure for ensuring that a family service 4558  
coordination plan meeting is conducted for each child who receives 4559  
service coordination under the mechanism and for whom an emergency 4560  
out-of-home placement has been made or for whom a nonemergency 4561  
out-of-home placement is being considered. The meeting shall be 4562  
conducted within ten days of an emergency out-of-home placement. 4563  
The meeting shall be conducted before a nonemergency out-of-home 4564  
placement. The family service coordination plan shall outline how 4565  
the county council members will jointly pay for services, where 4566  
applicable, and provide services in the least restrictive 4567  
environment. 4568

(5) A procedure for monitoring the progress and tracking the 4569  
outcomes of each service coordination plan requested in the county 4570  
including monitoring and tracking children in out-of-home 4571  
placements to assure continued progress, appropriateness of 4572  
placement, and continuity of care after discharge from placement 4573  
with appropriate arrangements for housing, treatment, and 4574

education; 4575

(6) A procedure for protecting the confidentiality of all 4576  
personal family information disclosed during service coordination 4577  
meetings or contained in the comprehensive family service 4578  
coordination plan; 4579

(7) A procedure for assessing the needs and strengths of any 4580  
child or family that has been referred to the council for service 4581  
coordination, including a child whose parent or custodian is 4582  
voluntarily seeking services, and for ensuring that parents and 4583  
custodians are afforded the opportunity to participate; 4584

(8) A procedure for development of a family service 4585  
coordination plan described in division (D) of this section; 4586

(9) A local dispute resolution process to serve as the 4587  
process that must be used first to resolve disputes among the 4588  
agencies represented on the county council concerning the 4589  
provision of services to children, including children who are 4590  
abused, neglected, dependent, unruly, alleged unruly, or 4591  
delinquent children and under the jurisdiction of the juvenile 4592  
court and children whose parents or custodians are voluntarily 4593  
seeking services. The local dispute resolution process shall 4594  
comply with sections 121.38, 121.381, and 121.382 of the Revised 4595  
Code. The local dispute resolution process shall be used to 4596  
resolve disputes between a child's parents or custodians and the 4597  
county council regarding service coordination. The county council 4598  
shall inform the parents or custodians of their right to use the 4599  
dispute resolution process. Parents or custodians shall use 4600  
existing local agency grievance procedures to address disputes not 4601  
involving service coordination. The dispute resolution process is 4602  
in addition to and does not replace other rights or procedures 4603  
that parents or custodians may have under other sections of the 4604  
Revised Code. 4605

The cabinet council shall adopt rules in accordance with 4606  
Chapter 119. of the Revised Code establishing an administrative 4607  
review process to address problems that arise concerning the 4608  
operation of a local dispute resolution process. 4609

Nothing in division (C)(4) of this section shall be 4610  
interpreted as overriding or affecting decisions of a juvenile 4611  
court regarding an out-of-home placement, long-term placement, or 4612  
emergency out-of-home placement. 4613

(D) Each county shall develop a family service coordination 4614  
plan that does all of the following: 4615

(1) Designates service responsibilities among the various 4616  
state and local agencies that provide services to children and 4617  
their families, including children who are abused, neglected, 4618  
dependent, unruly, or delinquent children and under the 4619  
jurisdiction of the juvenile court and children whose parents or 4620  
custodians are voluntarily seeking services; 4621

(2) Designates an individual, approved by the family, to 4622  
track the progress of the family service coordination plan, 4623  
schedule reviews as necessary, and facilitate the family service 4624  
coordination plan meeting process; 4625

(3) Ensures that assistance and services to be provided are 4626  
responsive to the strengths and needs of the family, as well as 4627  
the family's culture, race, and ethnic group, by allowing the 4628  
family to offer information and suggestions and participate in 4629  
decisions. Identified assistance and services shall be provided in 4630  
the least restrictive environment possible. 4631

(4) Includes a process for dealing with a child who is 4632  
alleged to be an unruly child. The process shall include methods 4633  
to divert the child from the juvenile court system; 4634

(5) Includes timelines for completion of goals specified in 4635  
the plan with regular reviews scheduled to monitor progress toward 4636

those goals; 4637

(6) Includes a plan for dealing with short-term crisis 4638  
situations and safety concerns. 4639

(E)(1) The process provided for under division (D)(4) of this 4640  
section may include, but is not limited to, the following: 4641

(a) Designation of the person or agency to conduct the 4642  
assessment of the child and the child's family as described in 4643  
division (C)(7) of this section and designation of the instrument 4644  
or instruments to be used to conduct the assessment; 4645

(b) An emphasis on the personal responsibilities of the child 4646  
and the parental responsibilities of the parents, guardian, or 4647  
custodian of the child; 4648

(c) Involvement of local law enforcement agencies and 4649  
officials. 4650

(2) The method to divert a child from the juvenile court 4651  
system that must be included in the service coordination process 4652  
may include, but is not limited to, the following: 4653

(a) The preparation of a complaint under section 2151.27 of 4654  
the Revised Code alleging that the child is an unruly child and 4655  
notifying the child and the parents, guardian, or custodian that 4656  
the complaint has been prepared to encourage the child and the 4657  
parents, guardian, or custodian to comply with other methods to 4658  
divert the child from the juvenile court system; 4659

(b) Conducting a meeting with the child, the parents, 4660  
guardian, or custodian, and other interested parties to determine 4661  
the appropriate methods to divert the child from the juvenile 4662  
court system; 4663

(c) A method to provide to the child and the child's family a 4664  
short-term respite from a short-term crisis situation involving a 4665  
confrontation between the child and the parents, guardian, or 4666

custodian; 4667

(d) A program to provide a mentor to the child or the 4668  
parents, guardian, or custodian; 4669

(e) A program to provide parenting education to the parents, 4670  
guardian, or custodian; 4671

(f) An alternative school program for children who are truant 4672  
from school, repeatedly disruptive in school, or suspended or 4673  
expelled from school; 4674

(g) Other appropriate measures, including, but not limited 4675  
to, any alternative methods to divert a child from the juvenile 4676  
court system that are identified by the Ohio family and children 4677  
first cabinet council. 4678

(F) Each county may review and revise the service 4679  
coordination process described in division (D) of this section 4680  
based on the availability of funds under Title IV-A of the "Social 4681  
Security Act," 110 Stat. 2113 (1996), 42 U.S.C.A. 601, as amended, 4682  
or to the extent resources are available from any other federal, 4683  
state, or local funds. 4684

Sec. 121.374. (A) It is the intent of this state and the 4685  
general assembly that custody relinquishment for the sole purpose 4686  
of gaining access to child-specific services for multi-system 4687  
children and youth shall cease. 4688

(B) The Ohio family and children first council established 4689  
under section 121.37 of the Revised Code shall develop a 4690  
comprehensive multi-system youth action plan that does the 4691  
following: 4692

(1) Defines and establishes shared responsibility between 4693  
county and state child-serving systems for providing and funding 4694  
multi-system youth services; 4695

(2) Provides recommendations for flexible spending at the 4696

state level within the cabinet council; 4697

(3) Defines the model and process by which the flexible 4698  
spending may be accessed to pay for services for multi-system 4699  
youth; 4700

(4) Identifies strategies to assist with reducing custody 4701  
relinquishment for the sole purpose of gaining access to services 4702  
for multi-system children and youth; 4703

(5) Implements the full final recommendations of the joint 4704  
legislative committee for multi-system youth; 4705

(6) Conducts an assessment of the legal and financial 4706  
conditions that contribute to custody relinquishment for the 4707  
purposes of receiving child-specific services. 4708

(C) Not later than December 31, 2019, the cabinet council 4709  
shall submit its final action plan to the general assembly. 4710

**Sec. 121.93.** (A) An agency, ~~at reasonable intervals,~~ shall 4711  
review its operations to identify principles of law or policy that 4712  
have not been stated in a rule and that the agency is relying upon 4713  
in conducting adjudications or other determinations of rights and 4714  
liabilities or in issuing writings and other materials, such as 4715  
instructions, directives, policy statements, guidelines, 4716  
handbooks, manuals, advisories, notices, circulars, 4717  
advertisements, forms, letters, and opinions. An agency is not 4718  
required to identify principles of law or policy relied upon in 4719  
issuing internal management rules as defined in section 111.15 of 4720  
the Revised Code. The agency shall complete at least one of the 4721  
reviews during a governor's term. ~~Within~~ 4722

Within three months after the expiration of a governor's 4723  
term, the agency electronically shall transmit a report to the 4724  
joint committee on agency rule review, ~~a notice stating~~ containing 4725  
the following: 4726

<u>(1) A statement that the agency has completed one or more of</u>	4727
<u>the reviews, specifying the exact number of reviews completed</u>	4728
<u>during the governor's expired term;</u>	4729
<u>(2) The principles of law or policies identified under this</u>	4730
<u>division;</u>	4731
<u>(3) The agency's considerations regarding the identified</u>	4732
<u>principles of law or policies under division (B) of this section;</u>	4733
<u>(4) Any principles of law or policies for which the agency</u>	4734
<u>determines rulemaking is indicated or for which the agency has</u>	4735
<u>commenced the rule-making process under division (C) of this</u>	4736
<u>section.</u>	4737
<u>The joint committee on agency rule review shall make the</u>	4738
<u>reports available on its web site.</u>	4739
(B) The agency shall determine whether a principle of law or	4740
policy thus identified has a general and uniform operation and	4741
establishes a legal regulation or standard that would not exist in	4742
its absence. If the principle of law or policy has these	4743
characteristics, the agency shall determine whether the principle	4744
of law or policy should be supplanted by its restatement in a rule	4745
to achieve one or more of the following as they are relevant to	4746
the principle of law or policy:	4747
(1) Assert the general and uniform operation of the principle	4748
of law or policy;	4749
(2) Make the principle of law or policy more readily	4750
available to the public;	4751
(3) Make the principle of law or policy more readily	4752
available to persons who specifically are affected by the	4753
principle of law or policy;	4754
(4) Enable the principle of law or policy to be better known	4755
in advance of its application;	4756



(5) Enable greater public participation in improvement and 4757  
further development of the principle of law or policy; 4758

(6) Enable greater participation by persons specifically 4759  
affected by the principle of law or policy in the improvement and 4760  
further development of the principle of law or policy; 4761

(7) Make the principle of law or policy more easily 4762  
understandable; or 4763

(8) Make the principle of law or policy more readily 4764  
available to those legally charged with monitoring or reviewing 4765  
the agency's operations. 4766

If a principle of law or policy aids in the interpretation of 4767  
an existing rule or statute, the agency shall consider whether the 4768  
aiding effect clarifies or otherwise resolves an uncertainty in 4769  
the existing rule or statute. If the principle of law or policy 4770  
can be so characterized, the agency shall consider whether the 4771  
principle of law or policy should be supplanted by its restatement 4772  
in an interpretive rule. The agency may not presume that a 4773  
principle of law or policy that aids in the interpretation of an 4774  
existing rule or statute is simply a reiteration of the existing 4775  
rule or statute. 4776

(C) If the agency determines, in light of the foregoing 4777  
standards, that rulemaking is indicated, the agency shall commence 4778  
the rule-making process as soon as it is reasonably feasible to do 4779  
so, but not later than the date that is six months after the 4780  
determination was made. The principle of law or policy as it is 4781  
restated in a rule does not need to be wholly congruent with the 4782  
supplanted principle of law or policy. The agency lawfully may 4783  
improve or develop further the supplanted principle of law or 4784  
policy as it is restated in a rule. 4785

The agency may continue to rely upon the principle of law or 4786  
policy, but only while it is complying with the preceding 4787

paragraph. The agency may not rely upon the principle of law or 4788  
policy in advising with regard to or in determining the rights or 4789  
liabilities of a person if the agency fails to commence the 4790  
rule-making process by the deadline specified in the preceding 4791  
paragraph, or if, after commencing the rule-making process, the 4792  
agency neglects or abandons the rule-making process before it is 4793  
completed. 4794

(D) A principle of law or policy that is relied upon directly 4795  
or by clear implication from a statute applying to the agency does 4796  
not need to be supplanted by rule. 4797

Sec. 121.95. (A) As used in this section, "state agency" 4798  
means an administrative department created under section 121.02 of 4799  
the Revised Code, an administrative department head appointed 4800  
under section 121.03 of the Revised Code, and a state agency 4801  
organized under an administrative department or administrative 4802  
department head. "State agency" also includes the department of 4803  
education, the state lottery commission, the Ohio casino control 4804  
commission, the state racing commission, and the public utilities 4805  
commission of Ohio. Rules adopted by an otherwise independent 4806  
official or entity organized under a state agency shall be 4807  
attributed to the agency under which the official or entity is 4808  
organized for the purposes of this section. 4809

(B) Not later than December 31, 2019, a state agency shall 4810  
review its existing rules to identify rules having one or more 4811  
regulatory restrictions that require or prohibit an action and 4812  
prepare a base inventory of the regulatory restrictions in its 4813  
existing rules. Rules that include the words "shall," "must," 4814  
"require," "shall not," "may not," and "prohibit" shall be 4815  
considered to contain regulatory restrictions. 4816

(C) In the base inventory, the state agency shall indicate 4817  
all of the following concerning each regulatory restriction: 4818

<u>(1) A description of the regulatory restriction;</u>	4819
<u>(2) The rule number of the rule in which the regulatory restriction appears;</u>	4820 4821
<u>(3) The statute under which the regulatory restriction was adopted;</u>	4822 4823
<u>(4) Whether state or federal law expressly and specifically requires the agency to adopt the regulatory restriction or the agency adopted the regulatory restriction under the agency's general authority;</u>	4824 4825 4826 4827
<u>(5) Whether removing the regulatory restriction would require a change to state or federal law, provided that removing a regulatory restriction adopted under a law granting the agency general authority shall be presumed not to require a change to state or federal law;</u>	4828 4829 4830 4831 4832
<u>(6) Any other information the joint committee on agency rule review considers necessary.</u>	4833 4834
<u>(D) The state agency shall compute and state the total number of regulatory restrictions indicated in the base inventory, shall post the base inventory on its web site, and shall electronically transmit a copy of the inventory to the joint committee. The joint committee shall review the base inventory, then transmit it electronically to the speaker of the house of representatives and the president of the senate.</u>	4835 4836 4837 4838 4839 4840 4841
<u>(E) The following types of rules or regulatory restrictions are not required to be included in a state agency's inventory of regulatory restrictions:</u>	4842 4843 4844
<u>(1) An internal management rule;</u>	4845
<u>(2) An emergency rule;</u>	4846
<u>(3) A rule that state or federal law requires the state agency to adopt verbatim;</u>	4847 4848

<u>(4) A regulatory restriction contained in materials or documents incorporated by reference into a rule pursuant to sections 121.71 to 121.75 of the Revised Code;</u>	4849 4850 4851
<u>(5) A rule adopted pursuant to section 1347.15 of the Revised Code;</u>	4852 4853
<u>(6) A rule concerning instant lottery games;</u>	4854
<u>(7) Any other rule that is not subject to review under Chapter 106. of the Revised Code.</u>	4855 4856
<u>(F) Beginning on the effective date of this section and ending on June 30, 2023, a state agency may not adopt a new regulatory restriction unless it simultaneously removes two or more other existing regulatory restrictions. The state agency may not satisfy this section by merging two or more existing regulatory restrictions into a single surviving regulatory restriction.</u>	4857 4858 4859 4860 4861 4862 4863
<b>Sec. 122.075.</b> (A) As used in this section:	4864
(1) "Alternative fuel" has the same meaning as in section 125.831 of the Revised Code.	4865 4866
(2) "Biodiesel" means a mono-alkyl ester combustible liquid fuel that is derived from vegetable oils or animal fats, or any combination of those reagents, and that meets American society for testing and materials specification D6751-03a for biodiesel fuel (B100) blend stock distillate fuels.	4867 4868 4869 4870 4871
(3) "Diesel fuel" and "gasoline" have the same meanings as in section 5735.01 of the Revised Code.	4872 4873
(4) "Ethanol" has the same meaning as in section 5733.46 of the Revised Code.	4874 4875
(5) "Blended biodiesel" means diesel fuel containing at least twenty per cent biodiesel by volume.	4876 4877

(6) "Blended gasoline" means gasoline containing at least 4878  
eighty-five per cent ethanol by volume. 4879

(7) "Incremental cost" means either of the following: 4880

(a) The difference in cost between blended gasoline and 4881  
gasoline containing ten per cent or less ethanol at the time that 4882  
the blended gasoline is purchased; 4883

(b) The difference in cost between blended biodiesel and 4884  
diesel fuel containing two per cent or less biodiesel at the time 4885  
that the blended biodiesel is purchased. 4886

(B) For the purpose of improving the air quality in this 4887  
state, the director of development services shall establish an 4888  
alternative fuel transportation program under which the director 4889  
may make grants and loans to businesses, nonprofit organizations, 4890  
public school systems, or local governments for the purchase and 4891  
installation of alternative fuel refueling or distribution 4892  
facilities and terminals, for the purchase and use of alternative 4893  
fuel, to pay the cost of fleet conversion, and to pay the costs of 4894  
educational and promotional materials and activities intended for 4895  
prospective alternative fuel consumers, fuel marketers, and others 4896  
in order to increase the availability and use of alternative fuel. 4897

(C) The director, in consultation with the director of 4898  
agriculture, shall adopt rules in accordance with Chapter 119. of 4899  
the Revised Code that are necessary for the administration of the 4900  
alternative fuel transportation program. The rules shall establish 4901  
at least all of the following: 4902

(1) An application form and procedures governing the 4903  
application process for receiving funds under the program; 4904

(2) A procedure for prioritizing the award of grants and 4905  
loans under the program. The procedures shall give preference to 4906  
all of the following: 4907

(a) Publicly accessible refueling facilities;	4908
(b) Entities applying to the program that have secured funding from other sources, including, but not limited to, private or federal incentives;	4909 4910 4911
(c) Entities that have presented compelling evidence of demand in the market in which the facilities or terminals will be located;	4912 4913 4914
(d) Entities that have committed to utilizing purchased or installed facilities or terminals for the greatest number of years;	4915 4916 4917
(e) Entities that will be purchasing or installing facilities or terminals for any type of alternative fuel.	4918 4919
(3) A requirement that the maximum incentive for the purchase and installation of an alternative fuel refueling or distribution facility or terminal be eighty per cent of the cost of the facility or terminal, except that at least twenty per cent of the total cost of the facility or terminal shall be incurred by the recipient and not compensated for by any other source;	4920 4921 4922 4923 4924 4925
(4) A requirement that the maximum incentive for the purchase of alternative fuel be eighty per cent of the cost of the fuel or, in the case of blended biodiesel or blended gasoline, eighty per cent of the incremental cost of the blended biodiesel or blended gasoline;	4926 4927 4928 4929 4930
(5) Any other criteria, procedures, or guidelines that the director determines are necessary to administer the program, including fees, charges, interest rates, and payment schedules.	4931 4932 4933
(D) An applicant for a grant or loan under this section that sells motor vehicle fuel at retail shall agree that if the applicant receives funding, the applicant will report to the director the gallon or gallon equivalent amounts of alternative	4934 4935 4936 4937

fuel the applicant sells at retail in this state for a period of 4938  
three years after the project is completed. 4939

The director shall enter into a written confidentiality 4940  
agreement with the applicant regarding the gallon or gallon 4941  
equivalent amounts sold as described in this division, and upon 4942  
execution of the agreement this information is not a public 4943  
record. 4944

(E) There is hereby created in the state treasury the 4945  
alternative fuel transportation fund. The fund shall consist of 4946  
money transferred to the fund under division (B) of section 4947  
125.836 ~~and under division (B)(2) of section 3706.27~~ of the 4948  
Revised Code, money that is appropriated to it by the general 4949  
assembly, money as may be specified by the general assembly from 4950  
the advanced energy fund created by section 4928.61 of the Revised 4951  
Code, and all money received from the repayment of loans made from 4952  
the fund or in the event of a default on any such loan. Money in 4953  
the fund shall be used to make grants and loans under the 4954  
alternative fuel transportation program and by the director in the 4955  
administration of that program. 4956

**Sec. 122.121.** (A) A local organizing committee, endorsing 4957  
municipality, or endorsing county that has entered into a joinder 4958  
undertaking with a site selection organization may apply to the 4959  
director of development services, on a form and in the manner 4960  
prescribed by the director, for a grant from the sports event 4961  
grant fund created under section 122.122 of the Revised Code with 4962  
respect to a game ~~that has not been held in this state by the~~ 4963  
~~organization in either of the two preceding years and to which~~ 4964  
either of the following applies: 4965

(1) The organization accepts competitive bids to host the 4966  
game. 4967

(2) The game is a one-time centennial commemoration of the 4968

founding of a national football organization, association, or league. 4969  
4970

The amount of the grant shall be based on the projected 4971  
incremental increase in the receipts from the tax imposed under 4972  
section 5739.02 of the Revised Code within the market area 4973  
designated under division (C) of this section, for the two-week 4974  
period that ends at the end of the day after the date on which the 4975  
game will be held, that is directly attributable, as determined by 4976  
the director, to the preparation for and presentation of the game. 4977  
The director shall determine the projected incremental increase in 4978  
the tax imposed under section 5739.02 of the Revised Code by using 4979  
a formula approved by the director in consultation with the tax 4980  
commissioner. The application shall include an estimate of the 4981  
committee's, municipality's, or county's qualifying costs under 4982  
the game support contract. The local organizing committee, 4983  
endorsing municipality, or endorsing county is eligible to receive 4984  
a grant under this section only if the projected incremental 4985  
increase in receipts from the tax imposed under section 5739.02 of 4986  
the Revised Code, as determined by the director, exceeds two 4987  
hundred fifty thousand dollars. The amount of the grant ~~shall be~~ 4988  
shall be not less than fifty per cent of the projected incremental 4989  
increase in receipts, as determined by the director, but shall not 4990  
exceed the lesser of two million dollars or the amount of the 4991  
committee's, municipality's, or county's qualifying costs under 4992  
the game support contract. The director shall disburse the grant 4993  
to the local organizing committee, endorsing municipality, or 4994  
endorsing county from the sports event grant fund. 4995

(B) If the director of development services approves an 4996  
application for a local organizing committee, endorsing 4997  
municipality, or endorsing county and that local organizing 4998  
committee, endorsing municipality, or endorsing county enters into 4999  
a joinder agreement with a site selection organization, the local 5000



organizing committee, endorsing municipality, or endorsing county 5001  
shall file a copy of the joinder agreement with the director. The 5002  
grant shall be used exclusively by the local organizing committee, 5003  
endorsing municipality, or endorsing county to pay its qualifying 5004  
costs under the game support contract. 5005

(C) For the purposes of division (A) of this section, the 5006  
director of development services, in consultation with the tax 5007  
commissioner, shall designate the market area for a game. The 5008  
market area shall consist of the combined statistical area, as 5009  
defined by the United States office of management and budget, in 5010  
which an endorsing municipality or endorsing county is located. 5011

(D) A local organizing committee, endorsing municipality, or 5012  
endorsing county shall provide information required by the 5013  
director of development services and tax commissioner to enable 5014  
the director and commissioner to fulfill their duties under this 5015  
section, including annual audited statements of any financial 5016  
records required by a site selection organization; data obtained 5017  
by the local organizing committee, endorsing municipality, or 5018  
endorsing county relating to attendance at a game and to the 5019  
economic impact of the game; and financial records from the 5020  
committee, municipality, or county verifying its qualifying costs 5021  
under the game support contract. A local organizing committee, an 5022  
endorsing municipality, or an endorsing county shall provide an 5023  
annual audited financial statement if so required by the director 5024  
and commissioner, not later than the end of the fourth month after 5025  
the date the period covered by the financial statement ends. 5026

(E) Within thirty days after the game, the local organizing 5027  
committee, endorsing municipality, or endorsing county shall 5028  
certify to the director of development services a statement of its 5029  
qualifying costs under the game support contract and a report 5030  
about the economic impact of the game. The certification shall be 5031  
in the form and substance required by the director, including, but 5032

not limited to, a final income statement for the event showing 5033  
total revenue and expenditures and revenue and expenditures in the 5034  
market area for the game, and ticket sales for the game and any 5035  
related activities for which admission was charged. The director 5036  
shall determine, based on the reported information and the 5037  
exercise of reasonable judgment, the incremental increase in 5038  
receipts from the tax imposed under section 5739.02 of the Revised 5039  
Code directly attributable to the game and the committee's, 5040  
municipality's, or county's qualifying costs under the game 5041  
support contract. If the actual incremental increase in sales tax 5042  
receipts is less than the projected incremental increase in such 5043  
receipts, or if the actual qualifying costs are less than the 5044  
estimated qualifying costs, the director may require the local 5045  
organizing committee, endorsing municipality, or endorsing county 5046  
to refund to the state all or a portion of the grant. Any refund 5047  
remitted under this division shall be credited to the sports event 5048  
grant fund. 5049

(F) No disbursement may be made under this section if the 5050  
director of development services determines that it would be used 5051  
for the purpose of soliciting the relocation of a professional 5052  
sports franchise located in this state. 5053

(G) This section may not be construed as creating or 5054  
requiring a state guarantee of obligations imposed on an endorsing 5055  
municipality or endorsing county under a game support contract or 5056  
any other agreement relating to hosting one or more games in this 5057  
state. 5058

**Sec. 122.171.** (A) As used in this section: 5059

(1) "Capital investment project" means a plan of investment 5060  
at a project site for the acquisition, construction, renovation, 5061  
or repair of buildings, machinery, or equipment, or for 5062  
capitalized costs of basic research and new product development 5063

determined in accordance with generally accepted accounting 5064  
principles, but does not include any of the following: 5065

(a) Payments made for the acquisition of personal property 5066  
through operating leases; 5067

(b) Project costs paid before January 1, 2002; 5068

(c) Payments made to a related member as defined in section 5069  
5733.042 of the Revised Code or to a consolidated elected taxpayer 5070  
or a combined taxpayer as defined in section 5751.01 of the 5071  
Revised Code. 5072

(2) "Eligible business" means a taxpayer and its related 5073  
members with Ohio operations ~~satisfying all of the following that~~ 5074  
had a capital investment project reviewed and approved by the tax 5075  
credit authority as provided in divisions (C), (D), and (E) of 5076  
this section and that satisfies either of the following 5077  
requirements: 5078

(a) ~~The~~ If engaged at the project site primarily in 5079  
significant corporate administrative functions, as defined by the 5080  
director of development services by rule, the taxpayer meets both 5081  
of the following criteria: 5082

(i) The taxpayer either is located in a foreign trade zone, 5083  
employs at least five hundred full-time equivalent employees, or 5084  
has an annual Ohio employee payroll of at least thirty-five 5085  
million dollars at the time the tax credit authority grants the 5086  
tax credit under this section; 5087

~~(b)~~ (ii) The taxpayer makes or causes to be made payments for 5088  
the capital investment project of ~~one of the following:~~ 5089

~~(i) If the taxpayer is engaged at the project site primarily~~ 5090  
~~as a manufacturer, at least fifty million dollars in the aggregate~~ 5091  
~~at the project site during a period of three consecutive calendar~~ 5092  
~~years, including the calendar year that includes a day of the~~ 5093

~~taxpayer's taxable year or tax period with respect to which the credit is granted;~~ 5094  
5095

~~(ii) If the taxpayer is engaged at the project site primarily in significant corporate administrative functions, as defined by the director of development services by rule, at least twenty million dollars in the aggregate at the project site during a period of three consecutive calendar years including the calendar year that includes a day of the taxpayer's taxable year or tax period with respect to which the credit is granted.~~ 5096  
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~~(c) The taxpayer had a capital investment project reviewed and approved by the tax credit authority as provided in divisions (C), (D), and (E) of this section.~~ 5103  
5104  
5105

(b) If engaged at the project site primarily as a manufacturer, the taxpayer makes or causes to be made payments for the capital investment project at the project site during a period of three consecutive calendar years, including the calendar year that includes a day of the taxpayer's taxable year or tax period with respect to which the credit is granted, in an amount that in the aggregate equals or exceeds the lesser of the following: 5106  
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5112

(i) Fifty million dollars; 5113

(ii) Five per cent of the net book value of all tangible personal property used at the project site as of the last day of the three-year period in which the capital investment payments are made. 5114  
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(3) "Full-time equivalent employees" means the quotient obtained by dividing the total number of hours for which employees were compensated for employment in the project by two thousand eighty. "Full-time equivalent employees" shall exclude hours that are counted for a credit under section 122.17 of the Revised Code. 5118  
5119  
5120  
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5122

(4) "Ohio employee payroll" has the same meaning as in section 122.17 of the Revised Code. 5123  
5124

(5) "Manufacturer" has the same meaning as in section 5125  
5739.011 of the Revised Code. 5126

(6) "Project site" means an integrated complex of facilities 5127  
in this state, as specified by the tax credit authority under this 5128  
section, within a fifteen-mile radius where a taxpayer is 5129  
primarily operating as an eligible business. 5130

(7) "Related member" has the same meaning as in section 5131  
5733.042 of the Revised Code as that section existed on the 5132  
effective date of its amendment by Am. Sub. H.B. 215 of the 122nd 5133  
general assembly, September 29, 1997. 5134

(8) "Taxable year" includes, in the case of a domestic or 5135  
foreign insurance company, the calendar year ending on the 5136  
thirty-first day of December preceding the day the superintendent 5137  
of insurance is required to certify to the treasurer of state 5138  
under section 5725.20 or 5729.05 of the Revised Code the amount of 5139  
taxes due from insurance companies. 5140

(9) "Foreign trade zone" means a general purpose foreign 5141  
trade zone or a special purpose subzone for which, pursuant to 19 5142  
U.S.C. 81a, as amended, a permit for foreign trade zone status has 5143  
been granted and remains active, including special purpose 5144  
subzones for which a permit has been granted and remains active. 5145

(B) The tax credit authority created under section 122.17 of 5146  
the Revised Code may grant a nonrefundable tax credit to an 5147  
eligible business under this section for the purpose of fostering 5148  
job retention in this state. Upon application by an eligible 5149  
business and upon consideration of the determination of the 5150  
director of budget and management, tax commissioner, and the 5151  
superintendent of insurance in the case of an insurance company, 5152  
and the recommendation and determination of the director of 5153  
development services under division (C) of this section, the tax 5154  
credit authority may grant the credit against the tax imposed by 5155

section 5725.18, 5726.02, 5729.03, 5733.06, 5736.02, 5747.02, or 5156  
5751.02 of the Revised Code. 5157

The credit authorized in this section may be granted for a 5158  
period up to fifteen taxable years or, in the case of the tax 5159  
levied by section 5736.02 or 5751.02 of the Revised Code, for a 5160  
period of up to fifteen calendar years. The credit amount for a 5161  
taxable year or a calendar year that includes the tax period for 5162  
which a credit may be claimed equals the Ohio employee payroll for 5163  
that year multiplied by the percentage specified in the agreement 5164  
with the tax credit authority. The credit shall be claimed in the 5165  
order required under section 5725.98, 5726.98, 5729.98, 5733.98, 5166  
5747.98, or 5751.98 of the Revised Code. In determining the 5167  
percentage and term of the credit, the tax credit authority shall 5168  
consider both the number of full-time equivalent employees and the 5169  
value of the capital investment project. The credit amount may not 5170  
be based on the Ohio employee payroll for a calendar year before 5171  
the calendar year in which the tax credit authority specifies the 5172  
tax credit is to begin, and the credit shall be claimed only for 5173  
the taxable years or tax periods specified in the eligible 5174  
business' agreement with the tax credit authority. In no event 5175  
shall the credit be claimed for a taxable year or tax period 5176  
terminating before the date specified in the agreement. 5177

If a credit allowed under this section for a taxable year or 5178  
tax period exceeds the taxpayer's tax liability for that year or 5179  
period, the excess may be carried forward for the three succeeding 5180  
taxable or calendar years, but the amount of any excess credit 5181  
allowed in any taxable year or tax period shall be deducted from 5182  
the balance carried forward to the succeeding year or period. 5183

(C) A taxpayer that proposes a capital investment project to 5184  
retain jobs in this state may apply to the tax credit authority to 5185  
enter into an agreement for a tax credit under this section. The 5186  
director of development services shall prescribe the form of the 5187

application. After receipt of an application, the authority shall 5188  
forward copies of the application to the director of budget and 5189  
management, the tax commissioner, and the superintendent of 5190  
insurance in the case of an insurance company, each of whom shall 5191  
review the application to determine the economic impact the 5192  
proposed project would have on the state and the affected 5193  
political subdivisions and shall submit a summary of their 5194  
determinations to the authority. The authority shall also forward 5195  
a copy of the application to the director of development services, 5196  
who shall review the application to determine the economic impact 5197  
the proposed project would have on the state and the affected 5198  
political subdivisions and shall submit a summary of the 5199  
director's determinations and recommendations to the authority. 5200

(D) Upon review and consideration of the determinations and 5201  
recommendations described in division (C) of this section, the tax 5202  
credit authority may enter into an agreement with the taxpayer for 5203  
a credit under this section if the authority determines all of the 5204  
following: 5205

(1) The taxpayer's capital investment project will result in 5206  
the retention of employment in this state. 5207

(2) The taxpayer is economically sound and has the ability to 5208  
complete the proposed capital investment project. 5209

(3) The taxpayer intends to and has the ability to maintain 5210  
operations at the project site for at least the greater of (a) the 5211  
term of the credit plus three years, or (b) seven years. 5212

(4) Receiving the credit is a major factor in the taxpayer's 5213  
decision to begin, continue with, or complete the project. 5214

(E) An agreement under this section shall include all of the 5215  
following: 5216

(1) A detailed description of the project that is the subject 5217  
of the agreement, including the amount of the investment, the 5218

period over which the investment has been or is being made, the 5219  
number of full-time equivalent employees at the project site, and 5220  
the anticipated Ohio employee payroll to be generated. 5221

(2) The term of the credit, the percentage of the tax credit, 5222  
the maximum annual value of tax credits that may be allowed each 5223  
year, and the first year for which the credit may be claimed. 5224

(3) A requirement that the taxpayer maintain operations at 5225  
the project site for at least the greater of (a) the term of the 5226  
credit plus three years, or (b) seven years. 5227

(4) A (a) If the taxpayer is engaged at the project site 5228  
primarily in significant corporate administrative functions, a 5229  
requirement that the taxpayer either retain at least five hundred 5230  
full-time equivalent employees at the project site and within this 5231  
state for the entire term of the credit, ~~or a requirement that the~~ 5232  
~~taxpayer~~ maintain an annual Ohio employee payroll of at least 5233  
thirty-five million dollars for the entire term of the credit, or 5234  
remain located in a foreign trade zone for the entire term of the 5235  
credit; 5236

(b) If the taxpayer is engaged at the project site primarily 5237  
as a manufacturer, a requirement that the taxpayer maintain at 5238  
least the number of full-time equivalent employees specified in 5239  
the agreement pursuant to division (E)(1) of this section at the 5240  
project site and within this state for the entire term of the 5241  
credit. 5242

(5) A requirement that the taxpayer annually report to the 5243  
director of development services full-time equivalent employees, 5244  
Ohio employee payroll, capital investment, and other information 5245  
the director needs to perform the director's duties under this 5246  
section. 5247

(6) A requirement that the director of development services 5248  
annually review the annual reports of the taxpayer to verify the 5249



information reported under division (E)(5) of this section and 5250  
compliance with the agreement. Upon verification, the director 5251  
shall issue a certificate to the taxpayer stating that the 5252  
information has been verified and identifying the amount of the 5253  
credit for the taxable year or calendar year that includes the tax 5254  
period. In determining the number of full-time equivalent 5255  
employees, no position shall be counted that is filled by an 5256  
employee who is included in the calculation of a tax credit under 5257  
section 122.17 of the Revised Code. 5258

(7) A provision providing that the taxpayer may not relocate 5259  
a substantial number of employment positions from elsewhere in 5260  
this state to the project site unless the director of development 5261  
services determines that the taxpayer notified the legislative 5262  
authority of the county, township, or municipal corporation from 5263  
which the employment positions would be relocated. 5264

For purposes of this section, the movement of an employment 5265  
position from one political subdivision to another political 5266  
subdivision shall be considered a relocation of an employment 5267  
position unless the movement is confined to the project site. The 5268  
transfer of an employment position from one political subdivision 5269  
to another political subdivision shall not be considered a 5270  
relocation of an employment position if the employment position in 5271  
the first political subdivision is replaced by another employment 5272  
position. 5273

(8) A waiver by the taxpayer of any limitations periods 5274  
relating to assessments or adjustments resulting from the 5275  
taxpayer's failure to comply with the agreement. 5276

(F) If a taxpayer fails to meet or comply with any condition 5277  
or requirement set forth in a tax credit agreement, the tax credit 5278  
authority may amend the agreement to reduce the percentage or term 5279  
of the credit. The reduction of the percentage or term may take 5280  
effect in the current taxable or calendar year. 5281

(G) Financial statements and other information submitted to 5282  
the department of development services or the tax credit authority 5283  
by an applicant for or recipient of a tax credit under this 5284  
section, and any information taken for any purpose from such 5285  
statements or information, are not public records subject to 5286  
section 149.43 of the Revised Code. However, the chairperson of 5287  
the authority may make use of the statements and other information 5288  
for purposes of issuing public reports or in connection with court 5289  
proceedings concerning tax credit agreements under this section. 5290  
Upon the request of the tax commissioner, or the superintendent of 5291  
insurance in the case of an insurance company, the chairperson of 5292  
the authority shall provide to the commissioner or superintendent 5293  
any statement or other information submitted by an applicant for 5294  
or recipient of a tax credit in connection with the credit. The 5295  
commissioner or superintendent shall preserve the confidentiality 5296  
of the statement or other information. 5297

(H) A taxpayer claiming a tax credit under this section shall 5298  
submit to the tax commissioner or, in the case of an insurance 5299  
company, to the superintendent of insurance, a copy of the 5300  
director of development services' certificate of verification 5301  
under division (E)(6) of this section with the taxpayer's tax 5302  
report or return for the taxable year or for the calendar year 5303  
that includes the tax period. Failure to submit a copy of the 5304  
certificate with the report or return does not invalidate a claim 5305  
for a credit if the taxpayer submits a copy of the certificate to 5306  
the commissioner or superintendent within the time prescribed by 5307  
section 5703.0510 of the Revised Code or within thirty days after 5308  
the commissioner or superintendent requests it. 5309

(I) For the purposes of this section, a taxpayer may include 5310  
a partnership, a corporation that has made an election under 5311  
subchapter S of chapter one of subtitle A of the Internal Revenue 5312  
Code, or any other business entity through which income flows as a 5313

distributive share to its owners. A partnership, S-corporation, or other such business entity may elect to pass the credit received under this section through to the persons to whom the income or profit of the partnership, S-corporation, or other entity is distributed. The election shall be made on the annual report required under division (E)(5) of this section. The election applies to and is irrevocable for the credit for which the report is submitted. If the election is made, the credit shall be apportioned among those persons in the same proportions as those in which the income or profit is distributed.

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

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

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

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

section. 5346

(b) If the taxpayer fails to substantially ~~maintain both the~~ 5347  
~~number of full-time equivalent employees and the amount of Ohio~~ 5348  
~~employee payroll, satisfy the employment, payroll, or location~~ 5349  
requirements required under the agreement, as prescribed under 5350  
division (E)(4)(a) or (b), as applicable to the taxpayer, at any 5351  
time during the term of the agreement or during the post-term 5352  
reporting period, an amount determined at the discretion of the 5353  
authority. 5354

(2) If a taxpayer files for bankruptcy and fails as described 5355  
in division (J)(1)(a) or (b) of this section, the director may 5356  
immediately commence an action to recoup an amount not exceeding 5357  
one hundred per cent of the sum of any credits received by the 5358  
taxpayer under this section. 5359

(3) In determining the portion of the credit to be refunded 5360  
to this state, the authority shall consider the effect of market 5361  
conditions on the taxpayer's project and whether the taxpayer 5362  
continues to maintain other operations in this state. After making 5363  
the determination, the authority shall certify the amount to be 5364  
refunded to the tax commissioner or the superintendent of 5365  
insurance. If the taxpayer, or any related member or members who 5366  
claimed the tax credit under division (N) of this section, is not 5367  
an insurance company, the commissioner shall make an assessment 5368  
for that amount against the taxpayer under Chapter 5726., 5733., 5369  
5736., 5747., or 5751. of the Revised Code. If the taxpayer, or 5370  
any related member or members that claimed the tax credit under 5371  
division (N) of this section, is an insurance company, the 5372  
superintendent of insurance shall make an assessment under section 5373  
5725.222 or 5729.102 of the Revised Code. The time limitations on 5374  
assessments under those chapters and sections do not apply to an 5375  
assessment under this division, but the commissioner or 5376  
superintendent shall make the assessment within one year after the 5377

date the authority certifies to the commissioner or superintendent 5378  
the amount to be refunded. 5379

(K) The director of development services, after consultation 5380  
with the tax commissioner and the superintendent of insurance and 5381  
in accordance with Chapter 119. of the Revised Code, shall adopt 5382  
rules necessary to implement this section. The rules may provide 5383  
for recipients of tax credits under this section to be charged 5384  
fees to cover administrative costs of the tax credit program. The 5385  
fees collected shall be credited to the tax incentives operating 5386  
fund created in section 122.174 of the Revised Code. At the time 5387  
the director gives public notice under division (A) of section 5388  
119.03 of the Revised Code of the adoption of the rules, the 5389  
director shall submit copies of the proposed rules to the 5390  
chairpersons of the standing committees on economic development in 5391  
the senate and the house of representatives. 5392

(L) On or before the first day of August of each year, the 5393  
director of development services shall submit a report to the 5394  
governor, the president of the senate, and the speaker of the 5395  
house of representatives on the tax credit program under this 5396  
section. The report shall include information on the number of 5397  
agreements that were entered into under this section during the 5398  
preceding calendar year, a description of the project that is the 5399  
subject of each such agreement, and an update on the status of 5400  
projects under agreements entered into before the preceding 5401  
calendar year. 5402

(M) The aggregate amount of nonrefundable tax credits issued 5403  
under this section during any calendar year for capital investment 5404  
projects reviewed and approved by the tax credit authority may not 5405  
exceed the following amounts: 5406

(1) For 2010, thirteen million dollars; 5407

(2) For 2011 through 2023, the amount of the limit for the 5408

preceding calendar year plus thirteen million dollars; 5409

(3) For 2024 and each year thereafter, one hundred 5410  
ninety-five million dollars. 5411

The limitations in division (M) of this section do not apply 5412  
to credits for capital investment projects approved by the tax 5413  
credit authority before July 1, 2009. 5414

(N) This division applies only to an eligible business that 5415  
is part of an affiliated group that includes a diversified savings 5416  
and loan holding company or a grandfathered unitary savings and 5417  
loan holding company, as those terms are defined in section 5418  
5726.01 of the Revised Code. Notwithstanding any contrary 5419  
provision of the agreement between such an eligible business and 5420  
the tax credit authority, any credit granted under this section 5421  
against the tax imposed by section 5725.18, 5729.03, 5733.06, 5422  
5747.02, or 5751.02 of the Revised Code to the eligible business, 5423  
at the election of the eligible business and without any action by 5424  
the tax credit authority, may be shared with any member or members 5425  
of the affiliated group that includes the eligible business, which 5426  
member or members may claim the credit against the taxes imposed 5427  
by section 5725.18, 5726.02, 5729.03, 5733.06, 5747.02, or 5751.02 5428  
of the Revised Code. Credits shall be claimed by the eligible 5429  
business in sequential order, as applicable, first claiming the 5430  
credits to the fullest extent possible against the tax that the 5431  
certificate holder is subject to, then against the tax imposed by, 5432  
sequentially, section 5729.03, 5725.18, 5747.02, 5751.02, and 5433  
lastly 5726.02 of the Revised Code. The credits may be allocated 5434  
among the members of the affiliated group in such manner as the 5435  
eligible business elects, but subject to the sequential order 5436  
required under this division. This division applies to credits 5437  
granted before, on, or after March 27, 2013, the effective date of 5438  
H.B. 510 of the 129th general assembly. Credits granted before 5439  
that effective date that are shared and allocated under this 5440

division may be claimed in those calendar years in which the 5441  
remaining taxable years specified in the agreement end. 5442

As used in this division, "affiliated group" means a group of 5443  
two or more persons with fifty per cent or greater of the value of 5444  
each person's ownership interests owned or controlled directly, 5445  
indirectly, or constructively through related interests by common 5446  
owners during all or any portion of the taxable year, and the 5447  
common owners. "Affiliated group" includes, but is not limited to, 5448  
any person eligible to be included in a consolidated elected 5449  
taxpayer group under section 5751.011 of the Revised Code or a 5450  
combined taxpayer group under section 5751.012 of the Revised 5451  
Code. 5452

(O)(1) As used in division (O) of this section: 5453

(a) "Eligible agreement" means an agreement approved by the 5454  
tax credit authority under this section on or before December 31, 5455  
2013. 5456

(b) "Reporting period" means a period corresponding to the 5457  
annual report required under division (E)(5) of this section. 5458

(c) "Income tax revenue" has the same meaning as under 5459  
division (S) of section 122.17 of the Revised Code. 5460

(2) In calendar year 2016 and thereafter, the tax credit 5461  
authority shall annually determine a withholding adjustment factor 5462  
to be used in the computation of income tax revenue for eligible 5463  
agreements. The withholding adjustment factor shall be a numerical 5464  
percentage that equals the percentage that employer income tax 5465  
withholding rates have been increased or decreased as a result of 5466  
changes in the income tax rates prescribed by section 5747.02 of 5467  
the Revised Code by amendment of that section taking effect on or 5468  
after June 29, 2013. 5469

(3) Except as provided in division (O)(4) of this section, 5470  
for reporting periods ending in 2015 and thereafter for taxpayers 5471

subject to eligible agreements, the tax credit authority shall 5472  
adjust the income tax revenue reported on the taxpayer's annual 5473  
report by multiplying the withholding adjustment factor by the 5474  
taxpayer's income tax revenue and doing one of the following: 5475

(a) If the income tax rates prescribed by section 5747.02 of 5476  
the Revised Code have decreased by amendment of this section 5477  
taking effect on or after June 29, 2013, add the product to the 5478  
taxpayer's income tax revenue. 5479

(b) If the income tax rates prescribed by section 5747.02 of 5480  
the Revised Code have increased by amendment of this section 5481  
taking effect on or after June 29, 2013, subtract the product from 5482  
the taxpayer's income tax revenue. 5483

(4) Division (0)(3) of this section shall not apply unless 5484  
all of the following apply with respect to the eligible agreement: 5485

(a) ~~The~~ If applicable, the taxpayer has achieved one hundred 5486  
per cent of the job retention commitment identified in the 5487  
agreement. 5488

(b) If applicable, the taxpayer has achieved one hundred per 5489  
cent of the payroll retention commitment identified in the 5490  
agreement." 5491

(c) If applicable, the taxpayer has achieved one hundred per 5492  
cent of the investment commitment identified in the agreement. 5493

(5) Failure by a taxpayer to have achieved any of the 5494  
applicable commitments described in divisions (0)(4)(a) to (c) of 5495  
this section in a reporting period does not disqualify the 5496  
taxpayer for the adjustment under division (0) of this section for 5497  
an ensuing reporting period. 5498

**Sec. 122.175.** (A) As used in this section: 5499

(1) "Capital investment project" means a plan of investment 5500  
at a project site for the acquisition, construction, renovation, 5501



expansion, replacement, or repair of a computer data center or of 5502  
computer data center equipment, but does not include any of the 5503  
following: 5504

(a) Project costs paid before a date determined by the tax 5505  
credit authority for each capital investment project; 5506

(b) Payments made to a related member as defined in section 5507  
5733.042 of the Revised Code or to a consolidated elected taxpayer 5508  
or a combined taxpayer as defined in section 5751.01 of the 5509  
Revised Code. 5510

(2) "Computer data center" means a facility used or to be 5511  
used primarily to house computer data center equipment used or to 5512  
be used in conducting one or more computer data center businesses, 5513  
as determined by the tax credit authority. 5514

(3) "Computer data center business" means, as may be further 5515  
determined by the tax credit authority, a business that provides 5516  
electronic information services as defined in division (Y)(1)(c) 5517  
of section 5739.01 of the Revised Code, or that leases a facility 5518  
to one or more such businesses. "Computer data center business" 5519  
does not include providing electronic publishing as defined in 5520  
~~division (LLL)~~ of that section. 5521

(4) "Computer data center equipment" means tangible personal 5522  
property used or to be used for any of the following: 5523

(a) To conduct a computer data center business, including 5524  
equipment cooling systems to manage the performance of computer 5525  
data center equipment; 5526

(b) To generate, transform, transmit, distribute, or manage 5527  
electricity necessary to operate the tangible personal property 5528  
used or to be used in conducting a computer data center business; 5529

(c) As building and construction materials sold to 5530  
construction contractors for incorporation into a computer data 5531

center. 5532

(5) "Eligible computer data center" means a computer data 5533  
center that satisfies all of the following requirements: 5534

(a) One or more taxpayers operating a computer data center 5535  
business at the project site will, in the aggregate, make payments 5536  
for a capital investment project of at least one hundred million 5537  
dollars at the project site during one of the following cumulative 5538  
periods: 5539

(i) For projects beginning in 2013, six consecutive calendar 5540  
years; 5541

(ii) For projects beginning in 2014, four consecutive 5542  
calendar years; 5543

(iii) For projects beginning in or after 2015, three 5544  
consecutive calendar years. 5545

(b) One or more taxpayers operating a computer data center 5546  
business at the project site will, in the aggregate, pay annual 5547  
compensation that is subject to the withholding obligation imposed 5548  
under section 5747.06 of the Revised Code of at least one million 5549  
five hundred thousand dollars to employees employed at the project 5550  
site for each year of the agreement beginning on or after the 5551  
first day of the twenty-fifth month after the agreement was 5552  
entered into under this section. 5553

(6) "Person" has the same meaning as in section 5701.01 of 5554  
the Revised Code. 5555

(7) "Project site," "related member," and "tax credit 5556  
authority" have the same meanings as in sections 122.17 and 5557  
122.171 of the Revised Code. 5558

(8) "Taxpayer" means any person subject to the taxes imposed 5559  
under Chapters 5739. and 5741. of the Revised Code. 5560

(B) The tax credit authority may completely or partially 5561

exempt from the taxes levied under Chapters 5739. and 5741. of the Revised Code the sale, storage, use, or other consumption of computer data center equipment used or to be used at an eligible computer data center. Any such exemption shall extend to charges for the delivery, installation, or repair of the computer data center equipment subject to the exemption under this section.

(C) A taxpayer that proposes a capital improvement project for an eligible computer data center in this state may apply to the tax credit authority to enter into an agreement under this section authorizing a complete or partial exemption from the taxes imposed under Chapters 5739. and 5741. of the Revised Code on computer data center equipment purchased by the applicant or any other taxpayer that operates a computer data center business at the project site and used or to be used at the eligible computer data center. The director of development services shall prescribe the form of the application. After receipt of an application, the authority shall forward copies of the application to the director of budget and management and the tax commissioner, each of whom shall review the application to determine the economic impact that the proposed eligible computer data center would have on the state and any affected political subdivisions and submit to the authority a summary of their determinations. The authority shall also forward a copy of the application to the director of development services who shall review the application to determine the economic impact that the proposed eligible computer data center would have on the state and the affected political subdivisions and shall submit a summary of their determinations and recommendations to the authority.

(D) Upon review and consideration of such determinations and recommendations, the tax credit authority may enter into an agreement with the applicant and any other taxpayer that operates a computer data center business at the project site for a complete

or partial exemption from the taxes imposed under Chapters 5739. 5594  
and 5741. of the Revised Code on computer data center equipment 5595  
used or to be used at an eligible computer data center if the 5596  
authority determines all of the following: 5597

(1) The capital investment project for the eligible computer 5598  
data center will increase payroll and the amount of income taxes 5599  
to be withheld from employee compensation pursuant to section 5600  
5747.06 of the Revised Code. 5601

(2) The applicant is economically sound and has the ability 5602  
to complete or effect the completion of the proposed capital 5603  
investment project. 5604

(3) The applicant intends to and has the ability to maintain 5605  
operations at the project site for the term of the agreement. 5606

(4) Receiving the exemption is a major factor in the 5607  
applicant's decision to begin, continue with, or complete the 5608  
capital investment project. 5609

(E) An agreement entered into under this section shall 5610  
include all of the following: 5611

(1) A detailed description of the capital investment project 5612  
that is the subject of the agreement, including the amount of the 5613  
investment, the period over which the investment has been or is 5614  
being made, the annual compensation to be paid by each taxpayer 5615  
subject to the agreement to its employees at the project site, and 5616  
the anticipated amount of income taxes to be withheld from 5617  
employee compensation pursuant to section 5747.06 of the Revised 5618  
Code. 5619

(2) The percentage of the exemption from the taxes imposed 5620  
under Chapters 5739. and 5741. of the Revised Code for the 5621  
computer data center equipment used or to be used at the eligible 5622  
computer data center, the length of time the computer data center 5623  
equipment will be exempted, and the first date on which the 5624

exemption applies. 5625

(3) A requirement that the computer data center remain an 5626  
eligible computer data center during the term of the agreement and 5627  
that the applicant maintain operations at the eligible computer 5628  
data center during that term. An applicant does not violate the 5629  
requirement described in division (E)(3) of this section if the 5630  
applicant ceases operations at the eligible computer data center 5631  
during the term of the agreement but resumes those operations 5632  
within eighteen months after the date of cessation. The agreement 5633  
shall provide that, in such a case, the applicant and any other 5634  
taxpayer that operates a computer data center business at the 5635  
project site shall not claim the tax exemption authorized in the 5636  
agreement for any purchase of computer data center equipment made 5637  
during the period in which the applicant did not maintain 5638  
operations at the eligible computer data center. 5639

(4) A requirement that, for each year of the term of the 5640  
agreement beginning on or after the first day of the twenty-fifth 5641  
month after the date the agreement was entered into, one or more 5642  
taxpayers operating a computer data center business at the project 5643  
site will, in the aggregate, pay annual compensation that is 5644  
subject to the withholding obligation imposed under section 5645  
5747.06 of the Revised Code of at least one million five hundred 5646  
thousand dollars to employees at the eligible computer data 5647  
center. 5648

(5) A requirement that each taxpayer subject to the agreement 5649  
annually report to the director of development services 5650  
employment, tax withholding, capital investment, and other 5651  
information required by the director to perform the director's 5652  
duties under this section. 5653

(6) A requirement that the director of development services 5654  
annually review the annual reports of each taxpayer subject to the 5655  
agreement to verify the information reported under division (E)(5) 5656

of this section and compliance with the agreement. Upon 5657  
verification, the director shall issue a certificate to each such 5658  
taxpayer stating that the information has been verified and that 5659  
the taxpayer remains eligible for the exemption specified in the 5660  
agreement. 5661

(7) A provision providing that the taxpayers subject to the 5662  
agreement may not relocate a substantial number of employment 5663  
positions from elsewhere in this state to the project site unless 5664  
the director of development services determines that the 5665  
appropriate taxpayer notified the legislative authority of the 5666  
county, township, or municipal corporation from which the 5667  
employment positions would be relocated. For purposes of this 5668  
paragraph, the movement of an employment position from one 5669  
political subdivision to another political subdivision shall be 5670  
considered a relocation of an employment position unless the 5671  
movement is confined to the project site. The transfer of an 5672  
employment position from one political subdivision to another 5673  
political subdivision shall not be considered a relocation of an 5674  
employment position if the employment position in the first 5675  
political subdivision is replaced by another employment position. 5676

(8) A waiver by each taxpayer subject to the agreement of any 5677  
limitations periods relating to assessments or adjustments 5678  
resulting from the taxpayer's failure to comply with the 5679  
agreement. 5680

(F) The term of an agreement under this section shall be 5681  
determined by the tax credit authority, and the amount of the 5682  
exemption shall not exceed one hundred per cent of such taxes that 5683  
would otherwise be owed in respect to the exempted computer data 5684  
center equipment. 5685

(G) If any taxpayer subject to an agreement under this 5686  
section fails to meet or comply with any condition or requirement 5687  
set forth in the agreement, the tax credit authority may amend the 5688

agreement to reduce the percentage of the exemption or term during 5689  
which the exemption applies to the computer data center equipment 5690  
used or to be used by the noncompliant taxpayer at an eligible 5691  
computer data center. The reduction of the percentage or term may 5692  
take effect in the current calendar year. 5693

(H) Financial statements and other information submitted to 5694  
the department of development services or the tax credit authority 5695  
by an applicant for or recipient of an exemption under this 5696  
section, and any information taken for any purpose from such 5697  
statements or information, are not public records subject to 5698  
section 149.43 of the Revised Code. However, the chairperson of 5699  
the authority may make use of the statements and other information 5700  
for purposes of issuing public reports or in connection with court 5701  
proceedings concerning tax exemption agreements under this 5702  
section. Upon the request of the tax commissioner, the chairperson 5703  
of the authority shall provide to the tax commissioner any 5704  
statement or other information submitted by an applicant for or 5705  
recipient of an exemption under this section. The tax commissioner 5706  
shall preserve the confidentiality of the statement or other 5707  
information. 5708

(I) The tax commissioner shall issue a direct payment permit 5709  
under section 5739.031 of the Revised Code to each taxpayer 5710  
subject to an agreement under this section. Such direct payment 5711  
permit shall authorize the taxpayer to pay any sales and use taxes 5712  
due on purchases of computer data center equipment used or to be 5713  
used in an eligible computer data center and to pay any sales and 5714  
use taxes due on purchases of tangible personal property or 5715  
taxable services other than computer data center equipment used or 5716  
to be used in an eligible computer data center directly to the tax 5717  
commissioner. Each such taxpayer shall pay pursuant to such direct 5718  
payment permit all sales tax levied on such purchases under 5719  
sections 5739.02, 5739.021, 5739.023, and 5739.026 of the Revised 5720

Code and all use tax levied on such purchases under sections 5721  
5741.02, 5741.021, 5741.022, and 5741.023 of the Revised Code, 5722  
consistent with the terms of the agreement entered into under this 5723  
section. 5724

During the term of an agreement under this section each 5725  
taxpayer subject to the agreement shall submit to the tax 5726  
commissioner a return that shows the amount of computer data 5727  
center equipment purchased for use at the eligible computer data 5728  
center, the amount of tangible personal property and taxable 5729  
services other than computer data center equipment purchased for 5730  
use at the eligible computer data center, the amount of tax under 5731  
Chapter 5739. or 5741. of the Revised Code that would be due in 5732  
the absence of the agreement under this section, the exemption 5733  
percentage for computer data center equipment specified in the 5734  
agreement, and the amount of tax due under Chapter 5739. or 5741. 5735  
of the Revised Code as a result of the agreement under this 5736  
section. Each such taxpayer shall pay the tax shown on the return 5737  
to be due in the manner and at the times as may be further 5738  
prescribed by the tax commissioner. Each such taxpayer shall 5739  
include a copy of the director of development services' 5740  
certificate of verification issued under division (E)(6) of this 5741  
section. Failure to submit a copy of the certificate with the 5742  
return does not invalidate the claim for exemption if the taxpayer 5743  
submits a copy of the certificate to the tax commissioner within 5744  
the time prescribed by section 5703.0510 of the Revised Code. 5745

(J) If the director of development services determines that 5746  
one or more taxpayers received an exemption from taxes due on the 5747  
purchase of computer data center equipment purchased for use at a 5748  
computer data center that no longer complies with the requirement 5749  
under division (E)(3) of this section, the director shall notify 5750  
the tax credit authority and, if applicable, the taxpayer that 5751  
applied to enter the agreement for the exemption under division 5752



(C) of this section of the noncompliance. After receiving such a notice, and after giving each taxpayer subject to the agreement an opportunity to explain the noncompliance, the authority may terminate the agreement and require each such taxpayer to pay to the state all or a portion of the taxes that would have been owed in regards to the exempt equipment in previous years, all as determined under rules adopted pursuant to division (K) of this section. In determining the portion of the taxes that would have been owed on the previously exempted equipment to be paid to this state by a taxpayer, the authority shall consider the effect of market conditions on the eligible computer data center, whether the taxpayer continues to maintain other operations in this state, and, with respect to agreements involving multiple taxpayers, the taxpayer's level of responsibility for the noncompliance. After making the determination, the authority shall certify to the tax commissioner the amount to be paid by each taxpayer subject to the agreement. The tax commissioner shall make an assessment for that amount against each such taxpayer under Chapter 5739. or 5741. of the Revised Code. The time limitations on assessments under those chapters do not apply to an assessment under this division, but the tax commissioner shall make the assessment within one year after the date the authority certifies to the tax commissioner the amount to be paid by the taxpayer.

(K) The director of development services, after consultation with the tax commissioner and in accordance with Chapter 119. of the Revised Code, shall adopt rules necessary to implement this section. The rules may provide for recipients of tax exemptions under this section to be charged fees to cover administrative costs incurred in the administration of this section. The fees collected shall be credited to the tax incentives operating fund created in section 122.174 of the Revised Code. At the time the director gives public notice under division (A) of section 119.03 of the Revised Code of the adoption of the rules, the director

shall submit copies of the proposed rules to the chairpersons of 5786  
the standing committees on economic development in the senate and 5787  
the house of representatives. 5788

(L) On or before the first day of August of each year, the 5789  
director of development services shall submit a report to the 5790  
governor, the president of the senate, and the speaker of the 5791  
house of representatives on the tax exemption authorized under 5792  
this section. The report shall include information on the number 5793  
of agreements that were entered into under this section during the 5794  
preceding calendar year, a description of the eligible computer 5795  
data center that is the subject of each such agreement, and an 5796  
update on the status of eligible computer data centers under 5797  
agreements entered into before the preceding calendar year. 5798

(M) A taxpayer may be made a party to an existing agreement 5799  
entered into under this section by the tax credit authority and 5800  
another taxpayer or group of taxpayers. In such a case, the 5801  
taxpayer shall be entitled to all benefits and bound by all 5802  
obligations contained in the agreement and all requirements 5803  
described in this section. When an agreement includes multiple 5804  
taxpayers, each taxpayer shall be entitled to a direct payment 5805  
permit as authorized in division (I) of this section. 5806

Sec. 122.26. The rural industrial park loan fund is hereby 5807  
created in the state treasury for the purposes of the program 5808  
established under section 122.24 of the Revised Code. The director 5809  
of development services shall deposit money received for the 5810  
purposes of that section to the credit of the fund. 5811

Sec. 122.84. (A) As used in this section: 5812

(1) "Ohio qualified opportunity fund" means a qualified 5813  
opportunity fund that holds one hundred per cent of its invested 5814  
assets in qualified opportunity zone property situated in an Ohio 5815

opportunity zone. 5816

In the case of qualified opportunity zone property that is 5817  
qualified opportunity zone stock or qualified opportunity zone 5818  
partnership interest, the stock or interest is situated in an Ohio 5819  
opportunity zone only if, during all of the qualified opportunity 5820  
fund's holding period for such stock or interest, all of the use 5821  
of the corporation's or partnership's tangible property was in an 5822  
Ohio opportunity zone. In the case of qualified opportunity zone 5823  
property that is qualified opportunity zone business property, the 5824  
property is situated in an Ohio opportunity zone only if, during 5825  
all of the fund's holding period for such property, all of the use 5826  
of the property was in an Ohio opportunity zone. 5827

All terms used in division (A) of this section have the same 5828  
meaning as in 26 U.S.C. 1400Z-2, except that "all" shall be 5829  
substituted for "substantially all" wherever "substantially all" 5830  
appears in the definition of those terms or in the definition of 5831  
terms used in those terms. 5832

(2) "Ohio opportunity zone" means a qualified opportunity 5833  
zone designated in this state under 26 U.S.C. 1400Z-1 before, on, 5834  
or after the effective date of the enactment of this section by 5835  
H.B. 166 of the 133rd general assembly. 5836

(3) "Taxpayer" and "taxable year" have the same meanings as 5837  
in section 5747.01 of the Revised Code. 5838

(4) "Qualifying taxable year" means a taxpayer's taxable year 5839  
that includes the first day of a calendar year during which an 5840  
Ohio qualified opportunity fund in which the taxpayer invests 5841  
makes an investment in a project located in an Ohio opportunity 5842  
zone. 5843

(B) A taxpayer that invests in one or more Ohio qualified 5844  
opportunity funds may apply to the director of development 5845  
services for a nonrefundable credit against the tax levied under 5846

section 5747.02 of the Revised Code. The application shall be made 5847  
on forms prescribed by the director on or after the first day of 5848  
January and on or before the first day of February of each year. 5849  
The credit shall equal ten per cent of the amount of the 5850  
taxpayer's investment in the fund that the fund invested during 5851  
the preceding calendar year in projects located in Ohio 5852  
opportunity zones. 5853

The taxpayer shall include the following information with the 5854  
taxpayer's application: 5855

(1) The amount of the taxpayer's investment in Ohio qualified 5856  
opportunity funds during the taxpayer's qualifying taxable year, 5857  
arranged according to the amount invested in each such fund if the 5858  
taxpayer invested in more than one such fund; 5859

(2) A statement from an employee or officer of each Ohio 5860  
qualified opportunity fund identified by the taxpayer under 5861  
division (B)(1) of this section certifying the amount of the 5862  
taxpayer's investment in the fund and the amount of that 5863  
investment the fund invested in projects located in Ohio 5864  
opportunity zones during the preceding calendar year. The 5865  
statement shall describe each project funded by the investment and 5866  
state each project's location and the portion of the taxpayer's 5867  
investment invested in each such project. Unless the fund 5868  
demonstrates otherwise to the director's satisfaction, the amount 5869  
of a taxpayer's investment that the fund invested in a project 5870  
located in an Ohio opportunity zone equals the same proportion of 5871  
the amount of the fund's investment in the project as the 5872  
taxpayer's investment in the fund bears to the total investment by 5873  
all investors in that fund on the date the fund makes the 5874  
investment in the project. 5875

The director shall review applications in the order in which 5876  
applications are received. 5877

(C)(1) Subject to division (C)(2) of this section, if the 5878  
director determines that the applicant qualifies for a credit 5879  
under this section, the director shall issue, within sixty days 5880  
after the receipt of a complete application under division (B) of 5881  
this section, a tax credit certificate to the taxpayer identified 5882  
with a unique number and listing the amount of credit the director 5883  
determines the taxpayer is eligible to claim. 5884

(2) The director shall not issue certificates in a total 5885  
amount that would cause the tax credits claimed in any fiscal 5886  
biennium to exceed fifty million dollars. The director shall not 5887  
issue certificates to a single applicant in an amount that would 5888  
cause the tax credits claimed in any fiscal biennium by that 5889  
applicant, and any person to whom the applicant transfers the 5890  
certificate under division (E) of this section, to exceed one 5891  
million dollars. 5892

The director may not issue a certificate under this section 5893  
on the basis of any investment for which a small business 5894  
investment certificate has been issued under section 122.86 of the 5895  
Revised Code. 5896

(3) The credit may be claimed for the taxpayer's qualifying 5897  
taxable year or the next ensuing taxable year. The taxpayer shall 5898  
claim the credit in the order prescribed by section 5747.98 of the 5899  
Revised Code. Any unused amount may be carried forward for the 5900  
following five taxable years. If the certificate is issued to a 5901  
pass-through entity for an investment by the entity, any taxpayer 5902  
that is a direct or indirect investor in the pass-through entity 5903  
on the last day of the entity's qualifying taxable year may claim 5904  
the taxpayer's proportionate or distributive share of the credit 5905  
against the taxpayer's aggregate amount of tax levied under that 5906  
section. 5907

(D) A taxpayer claiming a credit under this section shall 5908  
submit a copy of the certificate with the taxpayer's return or 5909

report. 5910

(E) A taxpayer that holds an unclaimed certificate under this 5911  
section may notify the tax commissioner, in writing, that the 5912  
taxpayer is transferring the right to claim the credit stated on 5913  
the certificate. The taxpayer shall identify in that notification 5914  
the certificate's number and the name and the tax identification 5915  
number of the transferee. Pursuant to division (D) of this 5916  
section, the transferee may claim the credit stated on the 5917  
certificate, subject to the limitations of this section. A 5918  
transferee may not transfer the right to claim the credit to any 5919  
other person. 5920

(F) On or before the first day of August each year, the 5921  
director of development services shall submit a report to the 5922  
governor, the president and minority leader of the senate, and the 5923  
speaker and minority leader of the house of representatives on the 5924  
tax credit program authorized under this section. The report shall 5925  
include the following information: 5926

(1) The number of projects funded by investments for which a 5927  
tax credit application was submitted under this section during the 5928  
preceding year, the Ohio opportunity zone in which each such 5929  
project is located, the number of projects funded by investments 5930  
for which certificates were allocated during the preceding year, a 5931  
description of each such project, and the composition of an Ohio 5932  
qualified opportunity fund's investments in each project funded by 5933  
investments for which a tax credit application was submitted under 5934  
this section; 5935

(2) The number of taxpayers that invested in an Ohio 5936  
qualified opportunity fund and applied for a tax credit based on 5937  
the fund's investment in a project during the preceding year, the 5938  
name of the fund in which each such investment was made, the 5939  
number of taxpayers allocated a credit for such investments under 5940  
this section, and the dollar amount of those credits; 5941

(3) A map that shows the location of each Ohio opportunity zone and that indicates which zones include existing or pending projects that are, or will be, funded by tax credit-eligible investments. 5942  
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**Sec. 122.85.** (A) As used in this section and in sections 5946  
5726.55, 5733.59, 5747.66, and 5751.54 of the Revised Code: 5947

(1) "Tax credit-eligible production" means a motion picture 5948  
or Broadway theatrical production certified by the director of 5949  
development services under division (B) of this section as 5950  
qualifying the ~~motion picture~~ production company and its 5951  
production contractors for a tax credit under section 5726.55, 5952  
5733.59, 5747.66, or 5751.54 of the Revised Code. 5953

(2) "Certificate owner" means a ~~motion picture~~ production 5954  
company or production contractor to which a tax credit certificate 5955  
is issued ~~or a person to which the company has transferred under~~ 5956  
~~division (H) of this section the authority to claim all or a part~~ 5957  
~~of the tax credit authorized by that certificate.~~ 5958

(3) "~~Motion picture~~ Production company" means an individual, 5959  
corporation, partnership, limited liability company, or other form 5960  
of business association that is registered with the secretary of 5961  
state and that is producing a motion picture or Broadway 5962  
theatrical production. 5963

(4) "Eligible ~~production~~ expenditures" means expenditures 5964  
made after June 30, 2009, for goods or services purchased and 5965  
consumed in this state by a ~~motion picture~~ production company 5966  
directly for the production of a tax credit-eligible production or 5967  
for postproduction activities, or for advertising and promotion of 5968  
the production. 5969

"Eligible ~~production~~ expenditures" includes, but is not 5970  
limited to, expenditures for cast and crew wages, accommodations, 5971

costs of set construction and operations, editing and related 5972  
services, photography, sound synchronization, lighting, wardrobe, 5973  
makeup and accessories, film processing, transfer, sound mixing, 5974  
special and visual effects, music, location fees, and the purchase 5975  
or rental of facilities and equipment. 5976

(5) "Motion picture" means entertainment content created in 5977  
whole or in part within this state for distribution or exhibition 5978  
to the general public, including, but not limited to, 5979  
feature-length films; documentaries; long-form, specials, 5980  
miniseries, series, and interstitial television programming; 5981  
interactive web sites; sound recordings; videos; music videos; 5982  
interactive television; interactive games; video games; 5983  
commercials; any format of digital media; and any trailer, pilot, 5984  
video teaser, or demo created primarily to stimulate the sale, 5985  
marketing, promotion, or exploitation of future investment in 5986  
either a product or a motion picture by any means and media in any 5987  
digital media format, film, or videotape, provided the motion 5988  
picture qualifies as a motion picture. "Motion picture" does not 5989  
include any television program created primarily as news, weather, 5990  
or financial market reports, a production featuring current events 5991  
or sporting events, an awards show or other gala event, a 5992  
production whose sole purpose is fundraising, a long-form 5993  
production that primarily markets a product or service or in-house 5994  
corporate advertising or other similar productions, a production 5995  
for purposes of political advocacy, or any production for which 5996  
records are required to be maintained under 18 U.S.C. 2257 with 5997  
respect to sexually explicit content. 5998

(6) "Broadway theatrical production" means a prebroadway 5999  
production, long run production, or tour launch that is directed, 6000  
managed, and performed by a professional cast and crew and that is 6001  
directly associated with New York city's Broadway theater 6002  
district. 6003



(7) "Prebroadway production" means a live stage production that is scheduled for presentation in New York city's Broadway theater district after the original or adaptive version is performed in a qualified production facility. 6004  
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(8) "Long run production" means a live stage production that is scheduled to be performed at a qualified production facility for more than five weeks, with an average of at least six performances per week. 6008  
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(9) "Tour launch" means a live stage production for which the activities comprising the technical period are conducted at a qualified production facility before a tour of the original or adaptive version of the production begins. 6012  
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(10) "Qualified production facility" means a facility located in this state that is used in the development or presentation to the public of theater productions. 6016  
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(11) "Production contractor" means an individual, corporation, partnership, limited liability company, or other form of business association that is registered with the secretary of state and that, pursuant to a contract with a production company producing a motion picture in this state, provides any of the following services to the production company with respect to that production: editing, postproduction, photography, lighting, cinematography, sound design, catering, special effects, production coordination, hair styling or makeup, art design, or distribution. 6019  
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(B) For the purpose of encouraging and developing a strong film ~~industry~~ and theater industries in this state, the director of development services may certify a motion picture or Broadway theatrical production produced by a ~~motion picture production~~ company as a tax credit-eligible production. In the case of a television series, the director may certify the production of each 6029  
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episode of the series as a separate tax credit-eligible 6035  
production. A ~~motion picture~~ production company shall apply for 6036  
certification of a motion picture or Broadway theatrical 6037  
production as a tax credit-eligible production on a form and in 6038  
the manner prescribed by the director. Each application shall 6039  
include the following information: 6040

(1) The name and telephone number of the ~~motion picture~~ 6041  
production company; 6042

(2) The name and telephone number of the company's contact 6043  
person; 6044

(3) A list of the first preproduction date through the last 6045  
production ~~date~~ and postproduction dates in Ohio and, in the case 6046  
of a Broadway theatrical production, a list of each scheduled 6047  
performance in a qualified production facility; 6048

(4) The Ohio production office or qualified production 6049  
facility address and telephone number; 6050

(5) The total production budget ~~of the motion picture;~~ 6051

(6) The total budgeted eligible ~~production~~ expenditures and 6052  
the percentage that amount is of the total production budget of 6053  
the motion picture or Broadway theatrical production; 6054

(7) ~~The~~ In the case of a motion picture, the total percentage 6055  
of the ~~motion picture~~ production being shot in Ohio; 6056

(8) The level of employment of cast and crew who reside in 6057  
Ohio; 6058

(9) A synopsis of the script; 6059

(10) ~~The~~ In the case of a motion picture, the shooting 6060  
script; 6061

(11) A creative elements list that includes the names of the 6062  
principal cast and crew and the producer and director; 6063

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

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

(14) Estimated amount of state and local taxes to be generated in this state from the production;

(15) Estimated economic impact of the production in this state;

(16) Any other information considered necessary by the director.

Within ninety days after certification of a motion picture or Broadway theatrical production as a tax credit-eligible production, and any time thereafter upon the request of the director of development services, the ~~motion picture~~ production company shall present to the director sufficient evidence of reviewable progress. If the ~~motion picture~~ production company fails to present sufficient evidence, the director may rescind the certification. If the production of a motion picture or Broadway theatrical production does not begin within ninety days after the date it is certified as a tax credit-eligible production, the director shall rescind the certification unless the director finds that the production company shows good cause for the delay, meaning that the production was delayed due to unforeseeable circumstances beyond the production company's control or due to action or inaction by a government agency. Upon rescission, the director shall notify the applicant that the certification has been rescinded. Nothing in this section prohibits an applicant whose tax credit-eligible production certification has been

rescinded from submitting a subsequent application for 6095  
certification. 6096

(C)(1) A ~~motion picture~~ production company whose motion 6097  
picture or Broadway theatrical production has been certified as a 6098  
tax credit-eligible production may apply to the director of 6099  
development services on or after July 1, 2009, for a refundable 6100  
credit against the tax imposed by section 5726.02, 5733.06, 6101  
5747.02, or 5751.02 of the Revised Code. The director in 6102  
consultation with the tax commissioner shall prescribe the form 6103  
and manner of the application and the information or documentation 6104  
required to be submitted with the application. The application 6105  
shall state the name and address of each production contractor 6106  
with which the production company contracted for services and the 6107  
amount of eligible expenditures paid or incurred under the 6108  
contract with respect to the production. 6109

The credit is determined as follows: 6110

(a) If the total budgeted eligible ~~production~~ expenditures 6111  
stated in the application submitted under division (B) of this 6112  
section or the actual eligible ~~production~~ expenditures as finally 6113  
determined under division (D) of this section, whichever is least, 6114  
is less than or equal to three hundred thousand dollars, no credit 6115  
is allowed; 6116

(b) If the total budgeted eligible ~~production~~ expenditures 6117  
stated in the application submitted under division (B) of this 6118  
section or the actual eligible ~~production~~ expenditures as finally 6119  
determined under division (D) of this section, whichever is least, 6120  
is greater than three hundred thousand dollars, the credit for the 6121  
production company equals thirty per cent of the least of such 6122  
budgeted or actual eligible expenditure amounts and the credit for 6123  
each production contractor equals thirty per cent of the amount of 6124  
eligible expenditures paid or incurred under the contract with 6125  
respect to the production. 6126

(2) Except as provided in division (C)(4) of this section, if the director of development services approves a ~~motion picture~~ production company's application for a credit, the director shall issue a tax credit certificate to the company and to each of the company's production contractors identified in the application. The director in consultation with the tax commissioner shall prescribe the form and manner of issuing certificates. The director shall assign a unique identifying number to each tax credit certificate and shall record the certificate in a register devised and maintained by the director for that purpose. The certificate shall state the amount of the eligible ~~production~~ expenditures on which the credit is based and the amount of the credit. Upon the issuance of a certificate, the director shall certify to the tax commissioner the name of the ~~applicant~~ production company or contractor to which the certificate was issued, the amount of eligible ~~production~~ expenditures shown on the certificate, the amount of the credit, and any other information required by the rules adopted to administer this section.

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

(4) No tax credit certificate may be issued before the completion of the tax credit-eligible production. Not more than forty million dollars of tax credit may be allowed per fiscal year ~~beginning July 1, 2016,~~ provided that, for any fiscal year in

which the amount of tax credits allowed under this section is less 6159  
than that maximum annual amount, the amount not allowed for that 6160  
fiscal year shall be added to the maximum annual amount that may 6161  
be allowed for the following fiscal year. 6162

(5) ~~In approving~~ The director shall review and approve 6163  
applications for tax credits under this section in two rounds each 6164  
fiscal year. The first round of credits shall be awarded not later 6165  
than the last day of July of the fiscal year, and the second round 6166  
of credits shall be awarded not later than the last day of the 6167  
ensuing January. The amount of credits awarded in the first round 6168  
of applications each fiscal year shall not exceed twenty million 6169  
dollars plus any credit allotment that was not awarded in the 6170  
preceding fiscal year and carried over under division (C)(4) of 6171  
this section. For each round, the director shall rank applications 6172  
on the basis of the extent of positive economic impact each tax 6173  
credit-eligible production is likely to have in this state and the 6174  
effect on developing a permanent workforce in motion picture or 6175  
theatrical production industries in the state. For the purpose of 6176  
such ranking, the director shall give priority to tax-credit 6177  
eligible productions that are television series or miniseries due 6178  
to the long-term commitment typically associated with such 6179  
productions. The economic impact ranking shall be based on the 6180  
production company's total expenditures in this state directly 6181  
associated with the tax credit-eligible production. The effect on 6182  
developing a permanent workforce in the motion picture or 6183  
theatrical production industries shall be evaluated first by the 6184  
number of new jobs created and second by amount of payroll added 6185  
with respect to employees in this state. 6186

The director shall approve productions in the order of their 6187  
ranking, from those with the greatest positive economic impact and 6188  
workforce development effect to those with the least positive 6189  
economic impact and workforce development effect. 6190

(D) A ~~motion picture~~ production company whose motion picture 6191  
or Broadway theatrical production has been certified as a tax 6192  
credit-eligible production shall engage, at the company's expense, 6193  
an independent certified public accountant to examine the 6194  
company's production, postproduction, and advertising and 6195  
promotion expenditures to identify the expenditures that qualify 6196  
as eligible ~~production~~ expenditures. The certified public 6197  
accountant shall issue a report to the company and to the director 6198  
of development services certifying the company's eligible 6199  
~~production~~ expenditures and any other information required by the 6200  
director. Upon receiving and examining the report, the director 6201  
may disallow any expenditure the director determines is not an 6202  
eligible ~~production~~ expenditure. If any expenditure disallowed 6203  
under this division was included in the expenditure for a contract 6204  
with a production contractor, the contractor's credit amount shall 6205  
be reduced in proportion to such disallowed expenditure. If the 6206  
director disallows an expenditure, the director shall issue a 6207  
written notice to the ~~motion picture~~ production company or 6208  
affected production contractor stating that the expenditure is 6209  
disallowed and the reason for the disallowance. Upon examination 6210  
of the report and disallowance of any expenditures, the director 6211  
shall determine finally the lesser of the total budgeted eligible 6212  
~~production~~ expenditures stated in the application submitted under 6213  
division (B) of this section or the actual eligible ~~production~~ 6214  
expenditures for the purpose of computing the amount of the 6215  
credit. 6216

(E) No credit shall be allowed under section 5726.55, 6217  
5733.59, 5747.66, or 5751.54 of the Revised Code unless the 6218  
director has reviewed the report and made the determination 6219  
prescribed by division (D) of this section. 6220

(F) This state reserves the right to refuse the use of this 6221  
state's name in the credits of any tax credit-eligible motion 6222

picture production or program of any Broadway theatrical 6223  
production. 6224

(G)(1) The director of development services in consultation 6225  
with the tax commissioner shall adopt rules for the administration 6226  
of this section, including rules setting forth and governing the 6227  
criteria for determining whether a motion picture or Broadway 6228  
theatrical production is a tax credit-eligible production; 6229  
activities that constitute the production or postproduction of a 6230  
motion picture or Broadway theatrical production; reporting 6231  
sufficient evidence of reviewable progress; expenditures that 6232  
qualify as eligible ~~production~~ expenditures; a schedule and 6233  
deadlines for applications to be submitted and reviewed; a 6234  
competitive process for approving credits based on likely economic 6235  
impact in this state and development of a permanent workforce in 6236  
motion picture or theatrical production industries in this state; 6237  
consideration of geographic distribution of credits; and 6238  
implementation of the program described in division ~~(I)~~(H) of this 6239  
section. The rules shall be adopted under Chapter 119. of the 6240  
Revised Code. 6241

(2) To cover the administrative costs of the program, the 6242  
director shall require each applicant to pay an application fee 6243  
equal to the lesser of ten thousand dollars or one per cent of the 6244  
estimated value of the tax credit as stated in the application. 6245  
The fees collected shall be credited to the tax incentives 6246  
operating fund created in section 122.174 of the Revised Code. All 6247  
grants, gifts, fees, and contributions made to the director for 6248  
marketing and promotion of the motion picture industry within this 6249  
state shall also be credited to the fund. 6250

~~(H)(1) After the director of development services makes the~~ 6251  
~~determination required under division (D) of this section, a~~ 6252  
~~motion picture company to which a tax credit certificate is issued~~ 6253  
~~may transfer the authority to claim all or a portion of the amount~~ 6254



~~of the tax credit the motion picture company is authorized to~~ 6255  
~~claim pursuant to that certificate under section 5726.55, 5733.59,~~ 6256  
~~5747.66, or 5751.54 of the Revised Code to one or more other~~ 6257  
~~persons. Within thirty days after a transfer under this division,~~ 6258  
~~the motion picture company shall submit the following information~~ 6259  
~~to the director, on a form prescribed by the director.~~ 6260

~~(a) Information necessary for the director to identify the~~ 6261  
~~certificate that is the basis for the transfer;~~ 6262

~~(b) The portion or amount of the tax credit transferred to~~ 6263  
~~each transferee;~~ 6264

~~(c) The portion or amount of the tax credit that the motion~~ 6265  
~~picture company retains the authority to claim;~~ 6266

~~(d) The tax identification number of each transferee;~~ 6267

~~(e) The date of the transfer;~~ 6268

~~(f) Any other information required by the director;~~ 6269

~~(g) Any information required by the tax commissioner.~~ 6270

~~The director shall deliver a copy of any submission received~~ 6271  
~~under division (H)(1) of this section to the tax commissioner.~~ 6272

~~(2) A transferee may not claim a credit under section~~ 6273  
~~5726.55, 5733.59, 5747.66, or 5751.54 of the Revised Code unless~~ 6274  
~~and until the transferring motion picture company complies with~~ 6275  
~~division (H)(1) of this section. A transferee may claim the~~ 6276  
~~transferred amount of any credit or portion of a credit for the~~ 6277  
~~same taxable year or tax period for which the transferring motion~~ 6278  
~~picture company was authorized to claim the credit or portion of a~~ 6279  
~~credit pursuant to the certificate. A motion picture company shall~~ 6280  
~~make no transfer under division (H)(1) of this section after the~~ 6281  
~~last day of the tax period or taxable year for which the motion~~ 6282  
~~picture company is required to claim the credit pursuant to the~~ 6283  
~~certificate.~~ 6284

~~A motion picture company may make not more than one transfer  
under division (H)(1) of this section for each tax credit  
certificate, but pursuant to that transaction, may allocate the  
authority to claim a portion of the credit to more than one  
transferee. A motion picture company may not authorize more than  
one transferee to claim the same portion of a credit.~~

~~(I)~~ The director of development services shall establish a  
program for the training of Ohio residents who are or wish to be  
employed in the film or multimedia industry. Under the program,  
the director shall:

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

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

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

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

(1) "Small business enterprise" means a corporation,

pass-through entity, or other person satisfying all of the 6315  
following: 6316

(a) At the time of a qualifying investment, the enterprise 6317  
meets all of the following requirements: 6318

(i) Has no outstanding tax or other liabilities owed to the 6319  
state; 6320

(ii) Is in good standing with the secretary of state, if the 6321  
enterprise is required to be registered with the secretary; 6322

(iii) Is current with any court-ordered payments; 6323

(iv) Is not engaged in any illegal activity. 6324

(b) At the time of a qualifying investment, the enterprise's 6325  
assets according to generally accepted accounting principles do 6326  
not exceed fifty million dollars, or its annual sales do not 6327  
exceed ten million dollars. When making this determination, the 6328  
assets and annual sales of all of the enterprise's related or 6329  
affiliated entities shall be included in the calculation. 6330

(c) ~~The~~ At the time of a qualifying investment and for the 6331  
two-year period immediately preceding the qualifying investment, 6332  
the enterprise employs at least fifty full-time equivalent 6333  
employees in this state for whom the enterprise is required to 6334  
withhold income tax under section 5747.06 of the Revised Code, or 6335  
more than one-half the enterprise's total number of full-time 6336  
equivalent employees employed anywhere in the United States are 6337  
employed in this state and are subject to that withholding 6338  
requirement. 6339

(d) The enterprise, within six months after an eligible 6340  
investor's qualifying investment is made, ~~invests in or~~ incurs 6341  
cost for one or more of the following ~~in an amount at least equal~~ 6342  
~~to the amount of the qualifying investment:~~ 6343

(i) Tangible personal property, other than motor vehicles 6344

operated on public roads and highways, used in business and 6345  
physically located in this state from the time of its acquisition 6346  
by the enterprise until the end of the investor's holding period, 6347  
including the installation of such tangible personal property; 6348

(ii) Motor vehicles operated on public roads and highways if, 6349  
from the time of acquisition by the enterprise until the end of 6350  
the investor's holding period, the motor vehicles are purchased in 6351  
this state, registered in this state under Chapter 4503. of the 6352  
Revised Code, are used primarily for business purposes, and are 6353  
necessary for the operation of the enterprise's business; 6354

(iii) Real property located in this state that is used in the 6355  
business from the time of its acquisition by the enterprise until 6356  
the end of the holding period; 6357

(iv) ~~Intangible personal property, including patents,~~ 6358  
~~copyrights, trademarks, service marks, or licenses used in~~ 6359  
~~business primarily in this state from the time of its acquisition~~ 6360  
~~by the enterprise until the end of the holding period~~ Leasehold 6361  
improvements and construction costs for property located in this 6362  
state that is used in the business from the time its improvement 6363  
or construction was completed until the end of the holding period; 6364

(v) Compensation for new employees of the enterprise hired 6365  
after the date the qualifying investment is made for whom the 6366  
enterprise is required to withhold income tax under section 6367  
5747.06 of the Revised Code, ~~not including increased compensation~~ 6368  
~~for owners, officers, or managers of the enterprise. For this~~ 6369  
~~purpose compensation for new employees includes compensation for~~ 6370  
~~newly hired or retained employees.~~ 6371

(2) "Qualifying investment" means an investment of money made 6372  
on or after July 1, ~~2011~~ 2019, to acquire capital stock or other 6373  
equity interest in a small business enterprise. "Qualifying 6374  
investment" does not include either of the following: 6375

(a) Any investment of money an eligible investor derives, 6376  
directly or indirectly, from a grant or loan from the federal 6377  
government or the state or a political subdivision, including the 6378  
third frontier program under Chapter 184. of the Revised Code; 6379

(b) Any investment of money which is the basis of a tax 6380  
credit granted under any other section of the Revised Code. 6381

(3) "Eligible investor" means an individual, estate, or trust 6382  
subject to the tax imposed by section 5747.02 of the Revised Code, 6383  
or a pass-through entity in which such an individual, estate, or 6384  
trust holds a direct or indirect ownership or other equity 6385  
interest. To qualify as an eligible investor, the individual, 6386  
estate, trust, or pass-through entity shall not owe any 6387  
outstanding tax or other liability to the state at the time of a 6388  
qualifying investment. 6389

(4) "Holding period" means the two-year period beginning on 6390  
the day a qualifying investment is made. 6391

(5) "Pass-through entity" has the same meaning as in section 6392  
5733.04 of the Revised Code. 6393

(B) ~~Any~~ An eligible investor that makes a qualifying 6394  
investment in a small business enterprise on or after July 1, ~~2011~~ 6395  
2019, may apply to the director of development services to obtain 6396  
an allocation for a small business investment certificate from the 6397  
director. Alternatively, a small business enterprise may apply on 6398  
behalf of eligible investors to obtain the ~~certificates~~ allocation 6399  
for those investors. The application must be submitted to the 6400  
director within sixty days after the date of the qualifying 6401  
investment, but within the same biennium as the qualifying 6402  
investment. The director, in consultation with the tax 6403  
commissioner, shall prescribe the form or manner in which an 6404  
applicant shall apply for the certificate, devise the form of the 6405  
certificate, and prescribe any records or other information an 6406

applicant shall furnish with the application to evidence the 6407  
qualifying investment. ~~The applicant shall state the amount of the~~ 6408  
~~intended investment.~~ The applicant shall pay an application fee 6409  
equal to the greater of one-tenth of one per cent of the amount of 6410  
the intended investment or one hundred dollars. 6411

~~A small business investment certificate entitles the~~ 6412  
~~certificate holder to receive a tax credit under section 5747.81~~ 6413  
~~of the Revised Code if the certificate holder qualifies for the~~ 6414  
~~credit as otherwise provided in this section. If the certificate~~ 6415  
~~holder is a pass through entity, the certificate entitles the~~ 6416  
~~entity's equity owners to receive their distributive or~~ 6417  
~~proportionate shares of the credit. In any fiscal biennium, an~~ 6418  
~~eligible investor may not apply for small business investment~~ 6419  
~~certificates representing intended investment amounts in excess of~~ 6420  
~~ten million dollars. Such certificates are not transferable.~~ 6421

The director of development services may reserve small 6422  
business investment ~~certificates~~ allocations to qualifying 6423  
applicants in the order in which the director receives 6424  
applications, ~~but may issue the certificates as the applications~~ 6425  
~~are completed.~~ An application is completed when the director has 6426  
validated that an eligible investor has made a qualified 6427  
investment and receives all required documentation needed to 6428  
demonstrate the small business enterprise ~~has made the appropriate~~ 6429  
~~reinvestment of the qualified investment pursuant to~~ satisfies the 6430  
requirements of division (A)(1)(~~d~~) of this section. To qualify for 6431  
~~a certificate~~ an allocation, an eligible investor must satisfy 6432  
both of the following, subject to the limitation on the amount of 6433  
qualifying investments for which ~~certificates~~ allocations may be 6434  
issued under division (C) of this section: 6435

(1) The eligible investor makes a qualifying investment on or 6436  
after July 1, ~~2011~~ 2019. 6437

(2) The eligible investor pledges not to sell or otherwise 6438

dispose of the qualifying investment before the conclusion of the 6439  
applicable holding period. 6440

(C)(1) The amount of any eligible investor's qualifying 6441  
investments for which small business investment ~~certificates~~ 6442  
allocations may be issued for a fiscal biennium shall not exceed 6443  
ten million dollars. 6444

(2) The director of development services shall not issue a 6445  
small business investment ~~certificate~~ allocation to an eligible 6446  
investor representing an amount of qualifying investment in excess 6447  
of the amount of the ~~intended~~ investment indicated on the 6448  
investor's application ~~for the certificate~~. 6449

(3) ~~The~~ For any fiscal biennium beginning before July 1, 6450  
2019, the director of development services shall not issue small 6451  
business investment ~~certificates~~ allocations in a total amount 6452  
that would cause the tax credits claimed in ~~any fiscal~~ that 6453  
biennium to exceed one hundred million dollars. For any fiscal 6454  
biennium beginning on or after July 1, 2019, the director shall 6455  
not issue small business investment allocations in a total amount 6456  
that would cause the tax credits claimed in that biennium to 6457  
exceed fifty million dollars. 6458

(4) The director of development services may issue a small 6459  
business investment ~~certificate~~ allocation only if both of the 6460  
following apply at the time of issuance: 6461

(a) The small business enterprise meets all the requirements 6462  
listed in divisions (A)(1)(a)(i) to (iv) of this section; 6463

(b) The eligible investor does not owe any outstanding tax or 6464  
other liability to the state. 6465

(5) The director shall not issue a small business investment 6466  
allocation on the basis of any investment for which an Ohio 6467  
opportunity zone investment certificate has been issued under 6468  
section 122.84 of the Revised Code. 6469

(D) Before the end of the applicable holding period of a 6470  
qualifying investment, each enterprise in which a qualifying 6471  
investment was made for which a small business investment 6472  
~~certificate allocation~~ allocation has been issued, upon the request of the 6473  
director of development services, shall provide to the director 6474  
records or other evidence satisfactory to the director that the 6475  
enterprise is a small business enterprise for the purposes of this 6476  
section. Each enterprise shall also provide annually to the 6477  
director records or evidence regarding the number of jobs created 6478  
or retained in the state. ~~No credit may be claimed under this~~ 6479  
~~section and section 5747.81 of the Revised Code if the director~~ 6480  
~~finds that an enterprise is not a small business enterprise for~~ 6481  
~~the purposes of this section.~~ The director shall compile and 6482  
maintain a register of small business enterprises qualifying under 6483  
this section and shall certify the register to the tax 6484  
commissioner. The director shall also compile and maintain a 6485  
record of the number of jobs created or retained as a result of 6486  
qualifying investments made pursuant to this section. 6487

(E) After the conclusion of the applicable holding period for 6488  
a qualifying investment, a person to whom a small business 6489  
investment ~~certificate allocation~~ allocation has been issued under this 6490  
section ~~may~~ shall receive a small business investment 6491  
certification, which entitles the person to claim a credit as 6492  
provided under section 5747.81 of the Revised Code. However, no 6493  
certificate may be issued if the director finds that any 6494  
requirement under this section is not met. 6495

(F) The director of development services, in consultation 6496  
with the tax commissioner, may adopt rules for the administration 6497  
of this section, including rules governing the following: 6498

(1) Documents, records, or other information eligible 6499  
investors shall provide to the director; 6500

(2) Any information a small business enterprise shall provide 6501



for the purposes of this section and section 5747.81 of the Revised Code;

(3) Determination of the number of full-time equivalent employees of a small business enterprise;

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

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

(G) Application fees paid under division (B) of this section shall be credited to the tax incentives operating fund created in section 122.174 of the Revised Code.

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

(1) Except as otherwise provided in section 123.211 of the Revised Code, prepare, or contract to be prepared, by licensed engineers or architects, surveys, general and detailed plans, specifications, bills of materials, and estimates of cost for any projects, improvements, or public buildings to be constructed by state agencies that may be authorized by legislative appropriations or any other funds made available therefor, provided that the construction of the projects, improvements, or public buildings is a statutory duty of the commission. This section does not require the independent employment of an

architect or engineer as provided by section 153.01 of the Revised Code in the cases to which section 153.01 of the Revised Code applies. This section does not affect or alter the existing powers of the director of transportation.

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

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

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

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

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

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

to the performance of its duties and the execution of its rights 6563  
and powers under this chapter, or authorize the executive director 6564  
to perform such powers and duties. 6565

(8) Debar a contractor as provided in section 153.02 of the 6566  
Revised Code. 6567

(9) Enter into and administer cooperative agreements for 6568  
cultural projects, as provided in sections 123.28 and 123.281 of 6569  
the Revised Code. 6570

(B) The commission shall appoint and fix the compensation of 6571  
an executive director who shall serve at the pleasure of the 6572  
commission. The executive director shall ~~exercise all powers that~~ 6573  
~~the commission possesses,~~ supervise the operations of the 6574  
commission, and perform such other duties as delegated by the 6575  
commission. The executive director also shall employ and fix the 6576  
compensation of such employees as will facilitate the activities 6577  
and purposes of the commission, who shall serve at the pleasure of 6578  
the executive director. The employees of the commission are exempt 6579  
from Chapter 4117. of the Revised Code and are not considered 6580  
public employees as defined in section 4117.01 of the Revised 6581  
Code. Any agreement entered into prior to July 1, 2012, between 6582  
the office of collective bargaining and the exclusive 6583  
representative for employees of the commission is binding and 6584  
shall continue to have effect. 6585

(C) The attorney general shall serve as the legal 6586  
representative for the commission and may appoint other counsel as 6587  
necessary for that purpose in accordance with section 109.07 of 6588  
the Revised Code. 6589

(D) Purchases for, and the custody and repair of, buildings 6590  
under the management and control of the capitol square review and 6591  
advisory board are not subject to the control and jurisdiction of 6592  
the Ohio facilities construction commission. 6593

**Sec. 124.132.** A state employee who is a certified disaster 6594  
service volunteer of the American red cross or who is a verified 6595  
team rubicon volunteer may be granted leave from ~~his~~ work with pay 6596  
for not to exceed thirty work days in each year to participate in 6597  
specialized disaster relief services ~~for the American red cross,~~ 6598  
upon the request of the American red cross or of team rubicon for 6599  
the services of that employee and upon the approval of that 6600  
employee's appointing authority. The appointing authority shall 6601  
compensate an employee granted leave under this section at ~~his~~ the 6602  
employee's regular rate of pay for those regular work hours during 6603  
which the employee is absent from ~~his~~ work. 6604

**Sec. 124.82.** (A) Except as provided in division (D) of this 6605  
section, the department of administrative services, in 6606  
consultation with the superintendent of insurance, shall, in 6607  
accordance with competitive selection procedures of Chapter 125. 6608  
of the Revised Code, contract with an insurance company or a 6609  
health plan in combination with an insurance company, authorized 6610  
to do business in this state, for the issuance of a policy or 6611  
contract of health, medical, hospital, dental, vision, or surgical 6612  
benefits, or any combination of those benefits, covering state 6613  
employees who are paid directly by warrant of the director of 6614  
budget and management, including elected state officials. The 6615  
department may fulfill its obligation under this division by 6616  
exercising its authority under division (A)(2) of section 124.81 6617  
of the Revised Code. 6618

(B) Except as provided in division (D) of this section, the 6619  
department may, in addition, in consultation with the 6620  
superintendent of insurance, negotiate and contract with health 6621  
insuring corporations holding a certificate of authority under 6622  
Chapter 1751. of the Revised Code, in their approved service areas 6623  
only, for issuance of a contract or contracts of health care 6624

services, covering state employees who are paid directly by 6625  
warrant of the director of budget and management, including 6626  
elected state officials. The department may enter into contracts 6627  
with one or more insurance carriers or health plans to provide the 6628  
same plan of benefits, provided that: 6629

(1) The employee be permitted to exercise the option as to 6630  
which plan the employee will select under division (A) or (B) of 6631  
this section, at a time that shall be determined by the 6632  
department; 6633

(2) The health insuring corporations do not refuse to accept 6634  
the employee, or the employee and the employee's family, if the 6635  
employee exercises the option to select care provided by the 6636  
corporations; 6637

(3) The employee may choose participation in only one of the 6638  
plans sponsored by the department; 6639

(4) The director of health examines and certifies to the 6640  
department that the quality and adequacy of care rendered by the 6641  
health insuring corporations meet at least the standards of care 6642  
provided by hospitals and physicians in that employee's community, 6643  
who would be providing such care as would be covered by a contract 6644  
awarded under division (A) of this section. 6645

(C) All or any portion of the cost, premium, or charge for 6646  
the coverage in divisions (A) and (B) of this section may be paid 6647  
in such manner or combination of manners as the department 6648  
determines and may include the proration of health care costs, 6649  
premiums, or charges for part-time employees. 6650

(D) Notwithstanding divisions (A) and (B) of this section, 6651  
the department may provide benefits equivalent to those that may 6652  
be paid under a policy or contract issued by an insurance company 6653  
or a health plan pursuant to division (A) or (B) of this section. 6654

(E) This section does not prohibit the state office of 6655

collective bargaining from entering into an agreement with an 6656  
employee representative for the purposes of providing fringe 6657  
benefits, including, but not limited to, hospitalization, surgical 6658  
care, major medical care, disability, dental care, vision care, 6659  
medical care, hearing aids, prescription drugs, group life 6660  
insurance, sickness and accident insurance, group legal services 6661  
or other benefits, or any combination of those benefits, to 6662  
employees paid directly by warrant of the director of budget and 6663  
management through a jointly administered trust fund. The 6664  
employer's contribution for the cost of the benefit care shall be 6665  
mutually agreed to in the collectively bargained agreement. The 6666  
amount, type, and structure of fringe benefits provided under this 6667  
division is subject to the determination of the board of trustees 6668  
of the jointly administered trust fund. Notwithstanding any other 6669  
provision of the Revised Code, competitive bidding does not apply 6670  
to the purchase of fringe benefits for employees under this 6671  
division when those benefits are provided through a jointly 6672  
administered trust fund. 6673

(F) Members of state boards or commissions may be covered by 6674  
any policy, contract, or plan of benefits or services described in 6675  
division (A) or (B) of this section. Board or commission members 6676  
who are appointed for a fixed term and who are compensated on a 6677  
per meeting basis, or paid only for expenses, or receive a 6678  
combination of per diem payments and expenses shall pay the entire 6679  
amount of the premiums, costs, or charges for that coverage. 6680

**Sec. 124.824.** (A) As used in this section, "death benefit 6681  
fund recipient" means any recipient of a death benefit paid under 6682  
section 742.63 of the Revised Code except a parent who receives a 6683  
death benefit paid under division (E) of that section. 6684

(B)(1) Except as otherwise provided under division (B)(3) of 6685  
this section, a death benefit fund recipient may elect to 6686

participate in any health, medical, hospital, dental, surgical, or vision benefit the department of administrative services contracts for under section 124.82 of the Revised Code or otherwise provides for the benefit of state employees who are paid directly by warrant of the director of budget and management. Receiving benefits under this section does not make the death benefit fund recipient a state employee. A death benefit fund recipient who elects to participate in a benefit under this section shall ~~do~~ both of the following:

~~(a) File a notice~~ file the election form developed by the director of administrative services under division (D) of this section with the department of the death benefit fund recipient's election to participate that specifies the benefits or combination of benefits in which the recipient elects to participate board of trustees of the Ohio police and fire pension fund, which serves as the trustees of the Ohio public safety officers death benefit fund pursuant to section 742.62 of the Revised Code.

~~(b) Pay to the department the percentage of the premium or cost for the applicable benefits that would be paid by a state employee who elects that coverage.~~ The board of trustees shall forward the election form to the department after the board has approved an application for benefits under section 742.63 of the Revised Code.

(2) A parent, guardian, custodian, or other person responsible for the care of a death benefit fund recipient who is under eighteen years of age or who is a surviving child entitled to extended benefits under division (H)(3) of section 742.63 of the Revised Code due to disability may file the election form required by division (B)(1) of this section on the death benefit fund recipient's behalf.

(3) A death benefit fund recipient is ineligible to participate in a health, medical, hospital, dental, surgical, or

vision benefit under division (B)(1) of this section if the 6719  
recipient is eligible either of the following: 6720

(a) An employee paid directly by warrant of the director of 6721  
budget and management who is eligible to participate in those 6722  
benefits pursuant to section 124.82 of the Revised Code; 6723

(b) Eligible to enroll in the medicare program established by 6724  
Title XVIII of the "Social Security Act," 79 Stat. 291 (1965), 42 6725  
U.S.C. 1395c, as amended. 6726

(C) For each death benefit fund recipient who ~~participates~~ 6727  
~~elects to participate~~ in health, medical, hospital, dental, 6728  
surgical, or vision benefits under division (B) of this section, 6729  
the department shall ~~pay the percentage~~ notify the board of 6730  
trustees of the ~~premium or~~ amount of the cost for the applicable 6731  
benefits that would be paid by a state employer for a state 6732  
employee who elects that coverage that shall be withheld from 6733  
benefits paid to a death benefit fund recipient under section 6734  
742.63 of the Revised Code and forwarded to the department. The 6735  
amount withheld from the death benefit fund recipient shall be the 6736  
percentage of the cost of those benefits that would be paid by a 6737  
state employee. The board of trustees shall pay the department the 6738  
remaining cost of those benefits plus any applicable 6739  
administrative costs from appropriations made for that purpose. 6740

(D) The director of administrative services shall prescribe 6741  
procedures for the administration of benefits for death benefit 6742  
fund recipients under this section, including the development of 6743  
required forms for death benefit fund recipients to enroll, 6744  
disenroll, or re-enroll in benefits under this section. The 6745  
director shall provide the required election forms developed under 6746  
this division to the board of trustees and shall notify the board 6747  
of trustees of a death benefit recipient's enrollment, 6748  
disenrollment, or re-enrollment in benefits under this section. 6749  
The director shall notify the board of trustees when the 6750



department terminates the benefits a death benefit fund recipient 6751  
has elected under division (B) of this section. 6752

(E) The board of trustees ~~of the Ohio police and fire pension~~ 6753  
~~fund~~ shall provide any information ~~to the department~~ that the 6754  
department requires to provide benefits under this section to the 6755  
department, a designated third-party administrator, or both, 6756  
including information regarding the identities, ages, and family 6757  
relationships of death benefit fund recipients. 6758

**Sec. 124.91.** The director of administrative services annually 6759  
shall conduct a survey on diversity within each state agency's 6760  
workforce at the time of the survey. Not later than December 31, 6761  
2020, and not later than the thirty-first day of December of each 6762  
year thereafter, the director shall issue a report on the results 6763  
of the surveys with the governor and the general assembly in 6764  
accordance with section 101.68 of the Revised Code. 6765

**Sec. 125.01.** As used in this chapter: 6766

(A) "Order" means a copy of a contract or a statement of the 6767  
nature of a contemplated expenditure, a description of the 6768  
property or supplies to be purchased or service to be performed, 6769  
other than a service performed by officers and regular employees 6770  
of the state, and per diem of the national guard, and the total 6771  
sum of the expenditure to be made therefor, if the sum is fixed 6772  
and ascertained, otherwise the estimated sum thereof, and an 6773  
authorization to pay for the contemplated expenditure, signed by 6774  
the person instructed and authorized to pay upon receipt of a 6775  
proper invoice. 6776

(B) "Invoice" means an itemized listing showing delivery of 6777  
the supplies or performance of the service described in the order, 6778  
~~and the~~ including all of the following: 6779

(1) The date of the purchase or rendering of the service, ~~or~~ 6780

~~an~~<sub>i</sub> 6781

(2) An itemization of the things done, material supplied, or 6782  
labor furnished,~~and the~~<sub>i</sub> 6783

(3) The sum due pursuant to the contract or obligation. 6784

(C) "Products" means materials, manufacturer's supplies, 6785  
merchandise, goods, wares, and foodstuffs. 6786

(D) "Produced" means the manufacturing, processing, mining, 6787  
developing, and making of a thing into a new article with a 6788  
distinct character in use through the application of input, within 6789  
the state, of Ohio products, labor, skill, or other services. 6790  
"Produced" does not include the mere assembling or putting 6791  
together of non-Ohio products or materials. 6792

(E) "Ohio products" means products that are mined, excavated, 6793  
produced, manufactured, raised, or grown in the state by a person 6794  
where the input of Ohio products, labor, skill, or other services 6795  
constitutes no less than twenty-five per cent of the manufactured 6796  
cost. With respect to mined products, such products shall be mined 6797  
or excavated in this state. 6798

(F) "Purchase" means to buy, rent, lease, lease purchase, or 6799  
otherwise acquire supplies or services. "Purchase" also includes 6800  
all functions that pertain to the obtaining of supplies or 6801  
services, including description of requirements, selection and 6802  
solicitation of sources, preparation and award of contracts, all 6803  
phases of contract administration, and receipt and acceptance of 6804  
the supplies and services and payment for them. 6805

(G) "Services" means the furnishing of labor, time, or effort 6806  
by a person, not involving the delivery of a specific end product 6807  
other than a report which, if provided, is merely incidental to 6808  
the required performance. "Services" does not include services 6809  
furnished pursuant to employment agreements or collective 6810  
bargaining agreements. 6811

(H) "Supplies" means all property, including, but not limited to, equipment, materials, other tangible assets, and insurance, but excluding real property or an interest in real property.

(I) "Competitive selection" means any of the following procedures for making purchases:

(1) Competitive sealed bidding under section 125.07 of the Revised Code;

(2) Competitive sealed proposals under section 125.071 of the Revised Code;

(3) Reverse auctions under section 125.072 of the Revised Code.

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

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

(2) Except as otherwise provided in division (A)(2) of this section, when supplies originally were purchased with funds from nongeneral revenue fund sources, the director shall determine what fund or account originally was used to purchase the supplies, and the credit for the proceeds from any transfer, sale, or lease of those supplies shall be transferred to that fund or account. If the director cannot determine which fund or account originally was used to purchase the supplies, if the fund or account is no longer active, or if the proceeds from the transfer, sale, or lease of a unit of supplies are less than one hundred dollars or any larger amount the director may establish with the approval of the director of budget and management, then the proceeds from the

transfer, sale, or lease of such supplies shall be paid into the 6842  
state treasury to the credit of the investment recovery fund. 6843

(B) The investment recovery fund shall be used to pay for the 6844  
operating expenses of the state surplus property program and of 6845  
the federal surplus property program described in sections 125.84 6846  
to 125.90 of the Revised Code. Any amounts in excess of these 6847  
operating expenses shall periodically be transferred to the 6848  
general revenue fund of the state. If proceeds paid into the 6849  
investment recovery fund are insufficient to pay for the program's 6850  
operating expenses, a service fee may be charged to state agencies 6851  
to eliminate the deficit. 6852

(C) Proceeds from the sale of recyclable goods and materials 6853  
shall be paid into the state treasury to the credit of the 6854  
recycled materials fund, which is hereby created, except that the 6855  
director of environmental protection, upon request, may grant an 6856  
exemption from this requirement. The director shall administer the 6857  
fund for the benefit of recycling programs in state agencies. 6858

**Sec. 125.18.** (A) There is hereby established the office of 6859  
information technology within the department of administrative 6860  
services. The office shall be under the supervision of a state 6861  
chief information officer to be appointed by the director of 6862  
administrative services and subject to removal at the pleasure of 6863  
the director. The chief information officer is an assistant 6864  
director of administrative services. 6865

(B) Under the direction of the director of administrative 6866  
services, the state chief information officer shall lead, oversee, 6867  
and direct state agency activities related to information 6868  
technology development and use. In that regard, the state chief 6869  
information officer shall do all of the following: 6870

(1) Coordinate and superintend statewide efforts to promote 6871  
common use and development of technology by state agencies. The 6872

office of information technology shall establish policies and standards that govern and direct state agency participation in statewide programs and initiatives.

(2) Establish policies and standards for the acquisition and use of common information technology by state agencies, including, but not limited to, hardware, software, technology services, and security, and the extension of the service life of information technology systems, with which state agencies shall comply;

(3) Establish criteria and review processes to identify state agency information technology projects or purchases that require alignment or oversight. As appropriate, the department of administrative services shall provide the governor and the director of budget and management with notice and advice regarding the appropriate allocation of resources for those projects. The state chief information officer may require state agencies to provide, and may prescribe the form and manner by which they must provide, information to fulfill the state chief information officer's alignment and oversight role;

(4) Establish policies and procedures for the security of personal information that is maintained and destroyed by state agencies;

(5) Employ a chief information security officer who is responsible for the implementation of the policies and procedures described in division (B)(4) of this section and for coordinating the implementation of those policies and procedures in all of the state agencies;

(6) Employ a chief privacy officer who is responsible for advising state agencies when establishing policies and procedures for the security of personal information and developing education and training programs regarding the state's security procedures;

(7) Establish policies on the purchasing, use, and

reimbursement for use of handheld computing and telecommunications 6904  
devices by state agency employees; 6905

(8) Establish policies for the reduction of printing and the 6906  
use of electronic records by state agencies; 6907

(9) Establish policies for the reduction of energy 6908  
consumption by state agencies; 6909

(10) Compute the amount of revenue attributable to the 6910  
amortization of all equipment purchases and capitalized systems 6911  
from information technology service delivery and major information 6912  
technology purchases, MARCS administration, enterprise 6913  
applications, and the professions licensing system operating 6914  
appropriation items and major computer purchases capital 6915  
appropriation items that is recovered as part of the information 6916  
technology services rates the department of administrative 6917  
services charges and deposits into the information technology fund 6918  
created in section 125.15 of the Revised Code, the user fees the 6919  
department of administrative services charges and deposits in the 6920  
MARCS administration fund created in section 4501.29 of the 6921  
Revised Code, the rates the department of administrative services 6922  
charges to benefiting agencies for the operation and management of 6923  
information technology applications and deposits in the enterprise 6924  
applications fund, and the rates the department of administrative 6925  
services charges for the cost of ongoing maintenance of the 6926  
professions licensing system and deposits in the professions 6927  
licensing system fund. The enterprise applications fund is hereby 6928  
created in the state treasury. 6929

(11) Regularly review and make recommendations regarding 6930  
improving the infrastructure of the state's cybersecurity 6931  
operations with existing resources and through partnerships 6932  
between government, business, and institutions of higher 6933  
education; 6934

(12) Assist, as needed, with general state efforts to grow the cybersecurity industry in this state.

(C)(1) The chief information security officer shall assist each state agency with the development of an information technology security strategic plan and review that plan, and each state agency shall submit that plan to the state chief information officer. The chief information security officer may require that each state agency update its information technology security strategic plan annually as determined by the state chief information officer.

(2) Prior to the implementation of any information technology data system, a state agency shall prepare or have prepared a privacy impact statement for that system.

(D) When a state agency requests a purchase of information technology supplies or services under Chapter 125. of the Revised Code, the state chief information officer may review and reject the requested purchase for noncompliance with information technology direction, plans, policies, standards, or project-alignment criteria.

(E) The office of information technology may operate technology services for state agencies in accordance with this chapter.

Notwithstanding any provision of the Revised Code to the contrary, the office of information technology may assess a transaction fee on each license or registration issued as part of an electronic licensing system operated by the office in an amount determined by the office not to exceed three dollars and fifty cents. The transaction fee shall apply to all transactions, regardless of form, that immediately precede the issuance, renewal, reinstatement, reactivation of, or other activity that results in, a license or registration to operate as a regulated

professional or entity. Each license or registration is a separate 6966  
transaction to which a fee under this division applies. 6967  
Notwithstanding any provision of the Revised Code to the contrary, 6968  
if a fee is assessed under this section, no agency, board, or 6969  
commission shall issue a license or registration unless a fee 6970  
required by this division has been received. The director of 6971  
administrative services may collect the fee or require a state 6972  
agency, board, or commission for which the system is being 6973  
operated to collect the fee. Amounts received under this division 6974  
shall be deposited in or transferred to the professions licensing 6975  
system fund created in division (I) of this section. 6976

(F) With the approval of the director of administrative 6977  
services, the office of information technology may establish 6978  
cooperative agreements with federal and local government agencies 6979  
and state agencies that are not under the authority of the 6980  
governor for the provision of technology services and the 6981  
development of technology projects. 6982

(G) The office of information technology may operate a 6983  
program to make information technology purchases. The director of 6984  
administrative services may recover the cost of operating the 6985  
program from all participating government entities by issuing 6986  
intrastate transfer voucher billings for the procured technology 6987  
or through any pass-through billing method agreed to by the 6988  
director of administrative services, the director of budget and 6989  
management, and the participating government entities that will 6990  
receive the procured technology. 6991

If the director of administrative services chooses to recover 6992  
the program costs through intrastate transfer voucher billings, 6993  
the participating government entities shall process the intrastate 6994  
transfer vouchers to pay for the cost. Amounts received under this 6995  
section for the information technology purchase program shall be 6996  
deposited to the credit of the information technology governance 6997



fund created in section 125.15 of the Revised Code. 6998

(H) Upon request from the director of administrative 6999  
services, the director of budget and management may transfer cash 7000  
from the information technology fund created in section 125.15 of 7001  
the Revised Code, the MARCS administration fund created in section 7002  
4501.29 of the Revised Code, the enterprise applications fund 7003  
created in division (B)(10) of this section, or the professions 7004  
licensing system fund created in division (I) of this section 7005  
to the major information technology purchases fund in an amount not 7006  
to exceed the amount computed under division (B)(10) of this 7007  
section. The major information technology purchases fund is hereby 7008  
created in the state treasury. 7009

(I) There is hereby created in the state treasury the 7010  
professions licensing system fund. The fund shall be used to 7011  
operate the electronic licensing system referenced in division (E) 7012  
of this section. 7013

(J) As used in this section: 7014

(1) "Personal information" has the same meaning as in section 7015  
149.45 of the Revised Code. 7016

(2) "State agency" means every organized body, office, or 7017  
agency established by the laws of the state for the exercise of 7018  
any function of state government, other than any state-supported 7019  
institution of higher education, the office of the auditor of 7020  
state, treasurer of state, secretary of state, or attorney 7021  
general, the adjutant general's department, the bureau of workers' 7022  
compensation, the industrial commission, the public employees 7023  
retirement system, the Ohio police and fire pension fund, the 7024  
state teachers retirement system, the school employees retirement 7025  
system, the state highway patrol retirement system, the general 7026  
assembly or any legislative agency, the capitol square review 7027  
advisory board, or the courts or any judicial agency. 7028

Sec. 125.25. (A) The director of administrative services may 7029  
debar a vendor from consideration for contract awards upon a 7030  
finding based upon a reasonable belief that the vendor has done 7031  
any of the following: 7032

(1) Abused the selection process by repeatedly withdrawing 7033  
bids or proposals before purchase orders or contracts are issued 7034  
or failing to accept orders based upon firm bids; 7035

(2) Failed to substantially perform a contract according to 7036  
its terms, conditions, and specifications within specified time 7037  
limits; 7038

(3) Failed to cooperate in monitoring contract performance by 7039  
refusing to provide information or documents required in a 7040  
contract, failed to respond to complaints to the vendor, or 7041  
accumulated repeated justified complaints regarding performance of 7042  
a contract; 7043

(4) Attempted to influence a public employee to breach 7044  
ethical conduct standards or to influence a contract award; 7045

(5) Colluded to restrain competition by any means; 7046

(6) Been convicted of a criminal offense related to the 7047  
application for or performance of any public or private contract, 7048  
including, but not limited to, embezzlement, theft, forgery, 7049  
bribery, falsification or destruction of records, receiving stolen 7050  
property, and any other offense that directly reflects on the 7051  
vendor's business integrity; 7052

(7) Been convicted under state or federal antitrust laws; 7053

(8) Deliberately or willfully submitted false or misleading 7054  
information in connection with the application for or performance 7055  
of a public contract; 7056

(9) Violated any other responsible business practice or 7057  
performed in an unsatisfactory manner as determined by the 7058

director; 7059

(10) Through the default of a contract or through other means 7060  
had a determination of unresolved finding for recovery by the 7061  
auditor of state under section 9.24 of the Revised Code; 7062

(11) Acted in such a manner as to be debarred from 7063  
participating in a contract with any governmental agency. 7064

(B) When the director reasonably believes that grounds for 7065  
debarment exist, the director shall send the vendor a notice of 7066  
proposed debarment indicating the grounds for the proposed 7067  
debarment and the procedure for requesting a hearing on the 7068  
proposed debarment. The hearing shall be conducted in accordance 7069  
with Chapter 119. of the Revised Code. If the vendor does not 7070  
respond with a request for a hearing in the manner specified in 7071  
Chapter 119. of the Revised Code, the director shall issue the 7072  
debarment decision without a hearing and shall notify the vendor 7073  
of the decision by certified mail, return receipt requested. 7074

(C) The director shall determine the length of the debarment 7075  
period and may rescind the debarment at any time upon notification 7076  
to the vendor. During the period of debarment, the vendor is not 7077  
eligible to participate in any state contract. After the debarment 7078  
period expires, the vendor ~~shall~~ may be eligible to be awarded 7079  
contracts by state agencies if the vendor is not otherwise 7080  
debarred. 7081

(D) The director, through the office of procurement services, 7082  
shall maintain a list of all vendors currently debarred under this 7083  
section. 7084

**Sec. 125.95.** (A) There is hereby created within the 7085  
department of administrative services the prescription drug 7086  
transparency and affordability advisory council. The department 7087  
shall provide administrative support to the advisory council as 7088

<u>necessary for the advisory council to carry out its duties under</u>	7089
<u>this section.</u>	7090
<u>(1) Members of the advisory council shall include the</u>	7091
<u>following:</u>	7092
<u>(a) The director of administrative services;</u>	7093
<u>(b) The director of health;</u>	7094
<u>(c) The medicaid director;</u>	7095
<u>(d) The director of mental health and addiction services;</u>	7096
<u>(e) The administrator of workers' compensation.</u>	7097
<u>(2) Members of the advisory council shall also include</u>	7098
<u>individuals who are working to address prescription drug</u>	7099
<u>availability and affordability in any of the following areas:</u>	7100
<u>(a) Insurance;</u>	7101
<u>(b) Local, state, and federal government service;</u>	7102
<u>(c) Private industry;</u>	7103
<u>(d) Organizations of faith;</u>	7104
<u>(e) Health care providers;</u>	7105
<u>(f) Consumer organizations;</u>	7106
<u>(g) Prescription drug manufacturers;</u>	7107
<u>(h) Prescription drug wholesale distributors;</u>	7108
<u>(i) Pharmacists;</u>	7109
<u>(j) Business organizations;</u>	7110
<u>(k) Individuals concerned about mental health or substance</u>	7111
<u>abuse matters;</u>	7112
<u>(l) Advocates for individuals struggling to afford</u>	7113
<u>prescription drugs.</u>	7114

The governor, the senate president, and the speaker of the 7115  
house of representatives shall each appoint three members, each of 7116  
whom represents at least one of the categories listed in divisions 7117  
(A)(2)(a) to (1) of this section. 7118

(B) Members shall serve without compensation. Initial 7119  
appointments shall be made not later than sixty days after the 7120  
effective date of this section. Vacancies shall be filled in the 7121  
manner provided for original appointments. 7122

(C) Not later than six months after the date of initial 7123  
appointments under division (B) of this section, the advisory 7124  
council shall submit a report to the governor, the general 7125  
assembly, and the chairperson of the joint medicaid oversight 7126  
committee in accordance with section 101.68 of the Revised Code. 7127  
The report shall include recommendations on all of the following: 7128

(1) How this state can best achieve prescription drug price 7129  
transparency; 7130

(2) New payment models or other avenues to create the most 7131  
affordable environment for purchasing prescription drugs; 7132

(3) Leveraging this state's purchasing power across all state 7133  
agencies, boards, commissions, and similar entities; 7134

(4) Creating efficiencies across different health care 7135  
systems, such as hospitals, the criminal justice system, treatment 7136  
and recovery support programs, and employer-sponsored health 7137  
insurance, to reduce duplicative service delivery across these 7138  
systems, ensure that patients receive high quality and affordable 7139  
prescription drugs, and support quality care and outcomes; 7140

(5) Which critical outcomes can be measured and used to 7141  
improve this state's system of purchasing affordable prescribed 7142  
drugs; 7143

(6) How federal, state, and local resources are being used to 7144

optimize these outcomes and identify where the resources can be 7145  
better coordinated or redirected to meet the needs of consumers in 7146  
this state. 7147

(D) State agencies, boards, commissions, and similar entities 7148  
shall cooperate with and provide assistance to the advisory 7149  
council as necessary for the advisory council to carry out its 7150  
duties under this section. 7151

(E) Upon completion of the report described in division (C) 7152  
of this section, the advisory council shall meet not less than 7153  
quarterly to provide assistance and guidance relating to the 7154  
recommendations in the report. 7155

**Sec. 126.48.** (A) Except as provided in division (B) of this 7156  
section, any ~~preliminary or final~~ internal audit report ~~of an~~ 7157  
~~internal audit's findings and recommendations which is~~ produced by 7158  
the office of internal audit in the office of budget and 7159  
management and all work papers of the internal audit are 7160  
confidential and are not public records under section 149.43 of 7161  
the Revised Code until the final report of an internal audit's 7162  
findings and recommendations is submitted to the state audit 7163  
committee, the governor, and the director of the state agency 7164  
involved. 7165

(B) The following are not public records under section 149.43 7166  
of the Revised Code: 7167

(1) An internal audit report or work paper that meets the 7168  
definition of a security record or infrastructure record under 7169  
section 149.433 of the Revised Code; 7170

(2) Any information derived from a state tax return or state 7171  
tax return information as permitted to be used by the office of 7172  
internal audit under section 5703.21 of the Revised Code. 7173

(3) Any record or document necessary for the performance of 7174

an internal audit received by the office of internal audit under 7175  
division (C) of section 126.45 of the Revised Code, that is 7176  
otherwise exempt from disclosure under state or federal law. 7177

Sec. 126.60. (A) As used in this section: 7178

(1) "Agricultural water project" means a project that will 7179  
improve water quality by reducing or aiding in the reduction of 7180  
levels of phosphorus, nitrogen, or sediment, that result from 7181  
agricultural practices, in the waters of the state. "Agricultural 7182  
water project" includes a project involving research, technology, 7183  
design, construction, best management practices, conservation, 7184  
testing, or education. 7185

(2) "Community water project" means a project involving a 7186  
public water system operated by a political subdivision that will 7187  
improve water quality by reducing or aiding in the reduction of 7188  
levels of phosphorus, nitrogen, or sediment in the waters of the 7189  
state. "Community water project" includes a project involving 7190  
research, technology, design, construction, best management 7191  
practices, conservation, testing, or maintenance. 7192

(3) "Nature water project" means a project involving a 7193  
natural water system that will improve water quality by reducing 7194  
or aiding in the reduction of levels of phosphorus, nitrogen, or 7195  
sediment in the waters of the state. "Nature water project" 7196  
includes a project involving research, technology, design, 7197  
construction, best management practices, conservation, or 7198  
maintenance. "Nature water project" also includes the creation, 7199  
maintenance, or restoration of wetlands, flood plains, flood 7200  
control systems, and buffers throughout the state, including the 7201  
western basin of Lake Erie. 7202

(B) There is hereby created in the state treasury the H2Ohio 7203  
fund consisting of money credited to it and any donations, gifts, 7204  
bequests, and other money received for deposit in the fund. All 7205

investment earnings of the fund shall be credited to the fund. All 7206  
money credited or deposited in the fund shall be used for any of 7207  
the following purposes: 7208

(1) Agriculture water projects; 7209

(2) Community water projects; 7210

(3) Nature water projects; 7211

(4) Awarding or allocating grants or money, issuing loans, or 7212  
making purchases for the development and implementation of 7213  
projects and programs, including remediation projects, that are 7214  
designed to address water quality priorities; 7215

(5) Funding cooperative research, data gathering and 7216  
monitoring, and demonstration projects related to water quality 7217  
priorities; 7218

(6) Encouraging cooperation with and among leaders from state 7219  
legislatures, state agencies, political subdivisions, business and 7220  
industry, labor, agriculture, environmental organizations, 7221  
institutions of higher education, and water conservation 7222  
districts; 7223

(7) Other purposes, policies, programs, and priorities 7224  
identified by the Ohio Lake Erie commission in coordination with 7225  
state agencies or boards responsible for water protection and 7226  
water management, provided that the purposes, policies, programs, 7227  
and priorities align with a statewide strategic vision and 7228  
comprehensive periodic water protection and restoration strategy. 7229

(C) Not later than August 31, 2020, and annually thereafter, 7230  
the Ohio Lake Erie commission, in coordination with state agencies 7231  
or boards responsible for water protection and water management, 7232  
shall do both of the following: 7233

(1) Prepare a report of the activities that were undertaken 7234  
with respect to the fund during the immediately preceding fiscal 7235



year, including the revenues and expenses of the fund for the 7236  
preceding fiscal year; 7237

(2) Submit the report to the general assembly and to the 7238  
governor. 7239

**Sec. 128.021.** (A) Not later than January 1, 2014, and in 7240  
accordance with Chapter 119. of the Revised Code, the steering 7241  
committee shall adopt rules that establish technical and 7242  
operational standards for public safety answering points eligible 7243  
to receive disbursements under section 128.55 of the Revised Code. 7244  
The rules shall incorporate industry standards and best practices 7245  
for wireless 9-1-1 services. Public safety answering points shall 7246  
comply with the standards not later than two years after the 7247  
effective date of the rules adopting the standards. A public 7248  
safety answering point may be deemed compliant with rules for 7249  
minimum staffing standards, if it can demonstrate compliance with 7250  
all other rules for operational standards. 7251

(B) Not later than one year after ~~the effective date of this~~ 7252  
~~amendment~~ September 29, 2015, and in accordance with Chapter 119. 7253  
of the Revised Code, the steering committee shall conduct an 7254  
assessment of the operational standards for public safety 7255  
answering points developed under division (A) of this section and 7256  
revise the standards as necessary to ensure that the operational 7257  
standards contain the following: 7258

(1) Policies to ensure that public safety answering point 7259  
personnel prioritize life-saving questions in responding to each 7260  
call to a 9-1-1 system established under this chapter; 7261

(2) A requirement that all public safety answering point 7262  
personnel complete proper training or provide proof of prior 7263  
training to give instructions regarding emergency situations. 7264

**Sec. 131.02.** (A) Except as otherwise provided in section 7265

4123.37, section 5703.061, and division (K) of section 4123.511 of 7266  
the Revised Code, whenever any amount is payable to the state, the 7267  
officer, employee, or agent responsible for administering the law 7268  
under which the amount is payable shall immediately proceed to 7269  
collect the amount or cause the amount to be collected and shall 7270  
pay the amount into the state treasury or into the appropriate 7271  
custodial fund in the manner set forth pursuant to section 113.08 7272  
of the Revised Code. Except as otherwise provided in this 7273  
division, if the amount is not paid within forty-five days after 7274  
payment is due, the officer, employee, or agent shall certify the 7275  
amount due to the attorney general, in the form and manner 7276  
prescribed by the attorney general, and notify the director of 7277  
budget and management thereof. In the case of an amount payable by 7278  
a student enrolled in a state institution of higher education, the 7279  
amount shall be certified within the later of forty-five days 7280  
after the amount is due or the tenth day after the beginning of 7281  
the next academic semester, quarter, or other session following 7282  
the session for which the payment is payable. The attorney general 7283  
may assess the collection cost to the amount certified in such 7284  
manner and amount as prescribed by the attorney general. If an 7285  
amount payable to a political subdivision is past due, the 7286  
political subdivision may, with the approval of the attorney 7287  
general, certify the amount to the attorney general pursuant to 7288  
this section. 7289

For the purposes of this section, the attorney general and 7290  
the officer, employee, or agent responsible for administering the 7291  
law under which the amount is payable shall agree on the time a 7292  
payment is due, and that agreed upon time shall be one of the 7293  
following times: 7294

(1) If a law, including an administrative rule, of this state 7295  
prescribes the time a payment is required to be made or reported, 7296  
when the payment is required by that law to be paid or reported. 7297

(2) If the payment is for services rendered, when the rendering of the services is completed.	7298 7299
(3) If the payment is reimbursement for a loss, when the loss is incurred.	7300 7301
(4) In the case of a fine or penalty for which a law or administrative rule does not prescribe a time for payment, when the fine or penalty is first assessed.	7302 7303 7304
(5) If the payment arises from a legal finding, judgment, or adjudication order, when the finding, judgment, or order is rendered or issued.	7305 7306 7307
(6) If the payment arises from an overpayment of money by the state to another person, when the overpayment is discovered.	7308 7309
(7) The date on which the amount for which an individual is personally liable under section 5735.35, section 5739.33, or division (G) of section 5747.07 of the Revised Code is determined.	7310 7311 7312
(8) Upon proof of claim being filed in a bankruptcy case.	7313
(9) Any other appropriate time determined by the attorney general and the officer, employee, or agent responsible for administering the law under which the amount is payable on the basis of statutory requirements or ordinary business processes of the state agency to which the payment is owed.	7314 7315 7316 7317 7318
(B)(1) The attorney general shall give immediate notice by mail or otherwise to the party indebted of the nature and amount of the indebtedness.	7319 7320 7321
(2) If the amount payable to this state arises from a tax levied under Chapter 5733., 5739., 5741., 5747., or 5751. of the Revised Code, the notice also shall specify all of the following:	7322 7323 7324
(a) The assessment or case number;	7325
(b) The tax pursuant to which the assessment is made;	7326

(c) The reason for the liability, including, if applicable, that a penalty or interest is due;	7327 7328
(d) An explanation of how and when interest will be added to the amount assessed;	7329 7330
(e) That the attorney general and tax commissioner, acting together, have the authority, but are not required, to compromise the claim and accept payment over a reasonable time, if such actions are in the best interest of the state.	7331 7332 7333 7334
(C) The attorney general shall collect the claim or secure a judgment and issue an execution for its collection.	7335 7336
(D) Each claim shall bear interest, from the day on which the claim became due, at the rate per annum required by section 5703.47 of the Revised Code.	7337 7338 7339
(E) The attorney general and the chief officer of the agency reporting a claim, acting together, may do any of the following if such action is in the best interests of the state:	7340 7341 7342
(1) Compromise the claim;	7343
(2) Extend for a reasonable period the time for payment of the claim by agreeing to accept monthly or other periodic payments. The agreement may require security for payment of the claim.	7344 7345 7346 7347
(3) Add fees to recover the cost of processing checks or other draft instruments returned for insufficient funds and the cost of providing electronic payment options.	7348 7349 7350
(F)(1) Except as provided in division (F)(2) of this section, if the attorney general finds, after investigation, that any claim due and owing to the state is uncollectible, the attorney general, with the consent of the chief officer of the agency reporting the claim, may do the following:	7351 7352 7353 7354 7355
(a) Sell, convey, or otherwise transfer the claim to one or	7356

more private entities for collection; 7357

(b) Cancel the claim or cause it to be canceled. 7358

(2) The attorney general shall cancel or cause to be canceled 7359  
an unsatisfied claim on the date that is forty years after the 7360  
date the claim is certified. 7361

(3) No initial action shall be commenced to collect any tax 7362  
payable to the state that is administered by the tax commissioner, 7363  
whether or not such tax is subject to division (B) of this 7364  
section, or any penalty, interest, or additional charge on such 7365  
tax, after the expiration of the period ending on the later of the 7366  
dates specified in divisions (F)(3)(a) and (b) of this section, 7367  
provided that such period shall be extended by the period of any 7368  
stay to such collection or by any other period to which the 7369  
parties mutually agree. If the initial action in aid of execution 7370  
is commenced before the later of the dates specified in divisions 7371  
(F)(3)(a) and (b) of this section, any and all subsequent actions 7372  
may be pursued in aid of execution of judgment for as long as the 7373  
debt exists. 7374

(a) Seven years after the assessment of the tax, penalty, 7375  
interest, or additional charge is issued. 7376

(b) Four years after the assessment of the tax, penalty, 7377  
interest, or additional charge becomes final. For the purposes of 7378  
division (F)(3)(b) of this section, the assessment becomes final 7379  
at the latest of the following: upon expiration of the period to 7380  
petition for reassessment, or if applicable, to appeal a final 7381  
determination of the commissioner or decision of the board of tax 7382  
appeals or a court, or, if applicable, upon decision of the United 7383  
States supreme court. 7384

For the purposes of division (F)(3) of this section, an 7385  
initial action to collect a tax debt is commenced at the time when 7386  
~~any action, including any action in aid of execution on a~~ 7387

~~judgment, commences after~~ a certified copy of the tax 7388  
commissioner's entry making an assessment final has been filed in 7389  
the office of the clerk of court of common pleas in the county in 7390  
which the taxpayer resides or has its principal place of business 7391  
in this state, or in the office of the clerk of court of common 7392  
pleas of Franklin county, as provided in section 5739.13, 5741.14, 7393  
5747.13, or 5751.09 of the Revised Code or in any other applicable 7394  
law requiring such a filing. If an assessment has not been issued 7395  
and there is no time limitation on the issuance of an assessment 7396  
under applicable law, an action to collect a tax debt commences 7397  
when the action is filed in the courts of this state to collect 7398  
the liability. 7399

(4) If information contained in a claim that is sold, 7400  
conveyed, or transferred to a private entity pursuant to this 7401  
section is confidential pursuant to federal law or a section of 7402  
the Revised Code that implements a federal law governing 7403  
confidentiality, such information remains subject to that law 7404  
during and following the sale, conveyance, or transfer. 7405

**Sec. 131.35.** (A) With respect to ~~the federal funds revenue~~ 7406  
received into any fund of the state ~~from which transfers may be~~ 7407  
~~made under, except for those funds listed in~~ division (D) of 7408  
section 127.14 of the Revised Code: 7409

(1) No state agency may make expenditures of any federal 7410  
~~funds revenue~~, whether ~~such funds are~~ the revenue is advanced 7411  
prior to expenditure or as reimbursement, unless such expenditures 7412  
are made pursuant to specific appropriations of the general 7413  
assembly, are authorized by the controlling board pursuant to 7414  
division (A)(5) of this section, or are authorized by an executive 7415  
order issued in accordance with section 107.17 of the Revised 7416  
Code, and until an allotment has been approved by the director of 7417  
budget and management. All federal ~~funds revenue~~ received by a 7418

state agency shall be reported to the director within fifteen days 7419  
of the receipt of ~~such funds~~ the revenue or the notification of 7420  
award, whichever occurs first. The director shall prescribe the 7421  
forms and procedures to be used when reporting the receipt of 7422  
federal ~~funds~~ revenue. 7423

(2) If the federal ~~funds~~ revenue received ~~are~~ is greater than 7424  
the amount of ~~such funds~~ the revenue appropriated by the general 7425  
assembly for a specific purpose, the total appropriation of 7426  
federal and state funds for such purpose shall remain at the 7427  
amount designated by the general assembly, except that the 7428  
expenditure of federal ~~funds~~ revenue received in excess of such 7429  
specific appropriation may be authorized by the controlling board, 7430  
subject to division (D) of this section. 7431

(3) To the extent that the expenditure of excess federal 7432  
~~funds~~ revenue is authorized, the controlling board may transfer a 7433  
like amount of general revenue fund appropriation authority from 7434  
the affected agency to the emergency purposes appropriation of the 7435  
controlling board, if such action is permitted under federal 7436  
regulations. 7437

(4) Additional funds may be created by the controlling board 7438  
to receive revenues not anticipated in an appropriations act for 7439  
the biennium in which such new revenues are received. Subject to 7440  
division (D) of this section, expenditures from such additional 7441  
funds may be authorized by the controlling board, but such 7442  
authorization shall not extend beyond the end of the biennium in 7443  
which such funds are created. 7444

(5) Controlling board authorization for a state agency to 7445  
make an expenditure of federal ~~funds~~ revenue constitutes authority 7446  
for the agency to participate in the federal program providing the 7447  
~~funds~~ revenue, and the agency is not required to obtain an 7448  
executive order under section 107.17 of the Revised Code to 7449  
participate in the federal program. 7450

(B) With respect to nonfederal ~~funds~~ revenue received into 7451  
~~the waterways safety fund, the wildlife fund, and any fund of the~~ 7452  
~~state from which transfers may be made under, except for any other~~ 7453  
fund listed in division (D) of section 127.14 of the Revised Code: 7454

(1) No state agency may make expenditures of any ~~such funds~~ 7455  
of the revenue unless the expenditures are made pursuant to 7456  
specific appropriations of the general assembly. 7457

(2) If the ~~receipts~~ revenue received into any fund ~~are~~ is 7458  
greater than the amount appropriated, the appropriation for that 7459  
fund shall remain at the amount designated by the general assembly 7460  
or, subject to division (D) of this section, as increased and 7461  
approved by the controlling board. 7462

(3) Additional funds may be created by the controlling board 7463  
to receive revenues not anticipated in an appropriations act for 7464  
the biennium in which such new revenues are received. Subject to 7465  
division (D) of this section, expenditures from such additional 7466  
funds may be authorized by the controlling board, but such 7467  
authorization shall not extend beyond the end of the biennium in 7468  
which such funds are created. 7469

(C) The controlling board shall not authorize more than ten 7470  
per cent of additional spending from the occupational licensing 7471  
and regulatory fund, created in section 4743.05 of the Revised 7472  
Code, in excess of any appropriation made by the general assembly 7473  
to a licensing agency except an appropriation for costs related to 7474  
the examination or reexamination of applicants for a license. As 7475  
used in this division, "licensing agency" and "license" have the 7476  
same meanings as in section 4745.01 of the Revised Code. 7477

(D) If federal revenue is received in the waterways safety 7478  
fund or wildlife fund, the controlling board, at the request of 7479  
the director of natural resources, may approve the expenditure of 7480  
the federal revenue for purposes for which the federal revenue was 7481



granted. 7482

(E) The amount of any expenditure authorized under division 7483  
(A)(2) or (4) or (B)(2) or (3) of this section for a specific or 7484  
related purpose or item in any fiscal year shall not exceed an 7485  
amount greater than one-half of one per cent of the general 7486  
revenue fund appropriations for that fiscal year. 7487

**Sec. 131.44.** (A) As used in this section: 7488

(1) "Surplus revenue" means the excess, if any, of the total 7489  
fund balance over the required year-end balance. 7490

(2) "Total fund balance" means the sum of the unencumbered 7491  
balance in the general revenue fund on the last day of the 7492  
preceding fiscal year plus the balance in the budget stabilization 7493  
fund. 7494

(3) "Required year-end balance" means the sum of the 7495  
following: 7496

(a) Eight and one-half per cent of the general revenue fund 7497  
revenues for the preceding fiscal year; 7498

(b) "Ending fund balance," which means one-half of one per 7499  
cent of general revenue fund revenues for the preceding fiscal 7500  
year; 7501

(c) "Carryover balance," which means, with respect to a 7502  
fiscal biennium, the excess, if any, of the estimated general 7503  
revenue fund appropriation and transfer requirement for the second 7504  
fiscal year of the biennium over the estimated general revenue 7505  
fund revenue for that fiscal year; 7506

(d) "Capital appropriation reserve," which means the amount, 7507  
if any, of general revenue fund capital appropriations made for 7508  
the current biennium that the director of budget and management 7509  
has determined will be encumbered or disbursed; 7510

(e) "Income tax reduction impact reserve," which means an amount equal to the reduction projected by the director of budget and management in income tax revenue in the current fiscal year attributable to the previous reduction in the income tax rate made by the tax commissioner pursuant to division (B) of section 5747.02 of the Revised Code.

(4) "Estimated general revenue fund appropriation and transfer requirement" means the most recent adjusted appropriations made by the general assembly from the general revenue fund and includes both of the following:

(a) Appropriations made and transfers of appropriations from the first fiscal year to the second fiscal year of the biennium in provisions of acts of the general assembly signed by the governor but not yet effective;

(b) Transfers of appropriations from the first fiscal year to the second fiscal year of the biennium approved by the controlling board.

(5) "Estimated general revenue fund revenue" means the most recent such estimate available to the director of budget and management.

(B)(1) Not later than the thirty-first day of July each year, the director of budget and management shall determine the surplus revenue that existed on the preceding thirtieth day of June and transfer from the general revenue fund, to the extent of the unobligated, unencumbered balance on the preceding thirtieth day of June in excess of one-half of one per cent of the general revenue fund revenues in the preceding fiscal year, the following:

(a) First, to the budget stabilization fund, any amount necessary for the balance of the budget stabilization fund to equal eight and one-half per cent of the general revenue fund revenues of the preceding fiscal year;

(b) Then, to the income tax reduction fund, which is hereby 7542  
created in the state treasury, an amount equal to the surplus 7543  
revenue. 7544

(2) Not later than the thirty-first day of July each year, 7545  
the director shall determine the percentage that the balance in 7546  
the income tax reduction fund is of the amount of revenue that the 7547  
director estimates will be received from the tax levied under 7548  
section 5747.02 of the Revised Code in the current fiscal year 7549  
without regard to any reduction under division (B) of that 7550  
section. If that percentage exceeds thirty-five one hundredths of 7551  
one per cent, the director shall certify the percentage to the tax 7552  
commissioner not later than the thirty-first day of July. 7553

(C) The director of budget and management shall transfer 7554  
money in the income tax reduction fund to the general revenue 7555  
fund, the local government fund, and the public library fund as 7556  
necessary to offset revenue reductions resulting from the 7557  
reductions in taxes required under division (B) of section 5747.02 7558  
of the Revised Code in the respective amounts and percentages 7559  
prescribed by ~~division (A) of~~ section 5747.03 and divisions (A) 7560  
and (B) of section 131.51 of the Revised Code as if the amount 7561  
transferred had been collected as taxes under Chapter 5747. of the 7562  
Revised Code. If no reductions in taxes are made under that 7563  
division that affect revenue received in the current fiscal year, 7564  
the director shall not transfer money from the income tax 7565  
reduction fund to the general revenue fund, the local government 7566  
fund, and the public library fund. 7567

**Sec. 131.511.** (A) In addition to the amounts credited to the 7568  
local government fund under section 131.51 of the Revised Code, 7569  
the director of the office of budget and management shall credit 7570  
monthly to the local government audit support fund a portion of 7571  
total tax revenue credited to the general revenue fund equal to 7572

one-twelfth of the annual fiscal year appropriation from the local 7573  
government audit support fund. 7574

(B) The director of budget and management shall develop a 7575  
schedule identifying the specific tax revenue sources to be used 7576  
to make the monthly transfers required under division (A) of this 7577  
section. The director may, from time to time, revise the schedule 7578  
of revenue sources as the director considers necessary. 7579

**Sec. 141.04.** (A) The annual salaries of the chief justice of 7580  
the supreme court and of the justices and judges named in this 7581  
section payable from the state treasury are as follows: 7582

(1) For the chief justice of the supreme court, the following 7583  
amounts effective in the following years: 7584

(a) Beginning January 1, 2018, one hundred seventy-four 7585  
thousand seven hundred dollars; 7586

(b) Beginning January 1, 2019, one hundred eighty-three 7587  
thousand four hundred fifty dollars; 7588

(c) Beginning January 1, 2020, and in each calendar year 7589  
thereafter through calendar year 2028 beginning on the first day 7590  
of January, the annual compensation amount shall be increased by 7591  
one and three-quarters per cent. 7592

(2) For the justices of the supreme court, the following 7593  
amounts effective in the following years: 7594

(a) Beginning January 1, 2018, one hundred sixty-four 7595  
thousand dollars; 7596

(b) Beginning January 1, 2019, one hundred seventy-two 7597  
thousand two hundred dollars; 7598

(c) Beginning January 1, 2020, and in each calendar year 7599  
thereafter through calendar year 2028 beginning on the first day 7600  
of January, the annual compensation amount shall be increased by 7601

one and three-quarters per cent. 7602

(3) For the judges of the courts of appeals, the following 7603  
amounts effective in the following years: 7604

(a) Beginning January 1, 2018, one hundred fifty-two thousand 7605  
eight hundred fifty dollars; 7606

(b) Beginning January 1, 2019, one hundred sixty thousand 7607  
five hundred dollars; 7608

(c) Beginning January 1, 2020, and in each calendar year 7609  
thereafter through calendar year 2028 beginning on the first day 7610  
of January, the annual compensation amount shall be increased by 7611  
one and three-quarters per cent. 7612

(4) For the judges of the courts of common pleas, the 7613  
following amounts effective in the following years, reduced by an 7614  
amount equal to the annual compensation paid to that judge from 7615  
the county treasury pursuant to section 141.05 of the Revised 7616  
Code: 7617

(a) Beginning January 1, 2018, one hundred forty thousand 7618  
five hundred fifty dollars; 7619

(b) Beginning January 1, 2019, one hundred forty-seven 7620  
thousand six hundred dollars; 7621

(c) Beginning January 1, 2020, and in each calendar year 7622  
thereafter through calendar year 2028 beginning on the first day 7623  
of January, the annual compensation amount shall be increased by 7624  
one and three-quarters per cent. 7625

(5) For the full-time judges of a municipal court or the 7626  
part-time judges of a municipal court of a territory having a 7627  
population of more than fifty thousand, the following amounts 7628  
effective in the following years, reduced by an amount equal to 7629  
the annual compensation paid to that judge pursuant to division 7630  
(B)(1)(a) of section 1901.11 of the Revised Code from municipal 7631

corporations and counties: 7632

(a) Beginning January 1, 2018, one hundred thirty-two 7633  
thousand one hundred fifty dollars; 7634

(b) Beginning January 1, 2019, one hundred thirty-eight 7635  
thousand eight hundred dollars; 7636

(c) Beginning January 1, 2020, and in each calendar year 7637  
thereafter through calendar year 2028 beginning on the first day 7638  
of January, the annual compensation amount shall be increased by 7639  
one and three-quarters per cent. 7640

(6) For judges of a municipal court designated as part-time 7641  
judges by section 1901.08 of the Revised Code, other than 7642  
part-time judges to whom division (A)(5) of this section applies, 7643  
and for judges of a county court, the following amounts effective 7644  
in the following years, reduced by an amount equal to the annual 7645  
compensation paid to that judge pursuant to division (A) of 7646  
section 1901.11 of the Revised Code from municipal corporations 7647  
and counties or pursuant to division (A) of section 1907.16 of the 7648  
Revised Code from counties: 7649

(a) Beginning January 1, 2018, seventy-six thousand fifty 7650  
dollars; 7651

(b) Beginning January 1, 2019, seventy-nine thousand nine 7652  
hundred dollars; 7653

(c) Beginning January 1, 2020, and in each calendar year 7654  
thereafter through calendar year 2028 beginning on the first day 7655  
of January, the annual compensation amount shall be increased by 7656  
one and three-quarters per cent. 7657

(B) Except as provided in sections 1901.122 and 1901.123 of 7658  
the Revised Code, except as otherwise provided in this division, 7659  
and except for the compensation to which the judges described in 7660  
division (A)(5) of this section are entitled pursuant to divisions 7661

(B)(1)(a) and (2) of section 1901.11 of the Revised Code, the 7662  
annual salary of the chief justice of the supreme court and of 7663  
each justice or judge listed in division (A) of this section shall 7664  
be paid in equal monthly installments from the state treasury. If 7665  
the chief justice of the supreme court or any justice or judge 7666  
listed in division (A)(2), (3), or (4) of this section delivers a 7667  
written request to be paid biweekly to the administrative director 7668  
of the supreme court prior to the first day of January of any 7669  
year, the annual salary of the chief justice or the justice or 7670  
judge that is listed in division (A)(2), (3), or (4) of this 7671  
section shall be paid, during the year immediately following the 7672  
year in which the request is delivered to the administrative 7673  
director of the supreme court, biweekly from the state treasury. 7674

(C) Upon the death of the chief justice or a justice of the 7675  
supreme court during that person's term of office, an amount shall 7676  
be paid in accordance with section 2113.04 of the Revised Code, or 7677  
to that person's estate. The amount shall equal the amount of the 7678  
salary that the chief justice or justice would have received 7679  
during the remainder of the unexpired term or an amount equal to 7680  
the salary of office for two years, whichever is less. 7681

(D) Neither the chief justice of the supreme court nor any 7682  
justice or judge of the supreme court, the court of appeals, the 7683  
court of common pleas, or the probate court shall hold any other 7684  
office of trust or profit under the authority of this state or the 7685  
United States. 7686

(E) In addition to the salaries payable pursuant to this 7687  
section, the chief justice of the supreme court and the justices 7688  
of the supreme court shall be entitled to a vehicle allowance of 7689  
five hundred dollars per month, payable from the state treasury. 7690  
The allowance shall be increased on the first day of January of 7691  
each odd-numbered year by an amount equal to the percentage 7692  
increase, if any, in the consumer price index for the immediately 7693

preceding twenty-four month period for which information is 7694  
available. 7695

~~(F) On or before the first day of December of each year, the 7696  
Ohio supreme court, through its chief administrator, shall notify 7697  
the administrative judge of the Montgomery county municipal court, 7698  
the board of county commissioners of Montgomery county, and the 7699  
treasurer of the state of the yearly salary cost of five part time 7700  
county court judges as of that date. If the total yearly salary 7701  
costs of all of the judges of the Montgomery county municipal 7702  
court as of the first day of December of that same year exceeds 7703  
that amount, the administrative judge of the Montgomery county 7704  
municipal court shall cause payment of the excess between those 7705  
two amounts less any reduced amount paid for the health care costs 7706  
of the Montgomery county municipal court judges in comparison to 7707  
the health care costs of five part time county court judges from 7708  
the general special projects fund or the fund for a specific 7709  
special project created pursuant to section 1901.26 of the Revised 7710  
Code to the treasurer of Montgomery county and to the treasurer of 7711  
the state in amounts proportional to the percentage of the 7712  
salaries of the municipal court judges paid by the county and by 7713  
the state. 7714~~

~~(G) As used in this section: 7715~~

~~(1) "Consumer price index" has the same meaning as in section 7716  
101.27 of the Revised Code. 7717~~

~~(2) "Salary" does not include any portion of the cost, 7718  
premium, or charge for health, medical, hospital, dental, or 7719  
surgical benefits, or any combination of those benefits, covering 7720  
the chief justice of the supreme court or a justice or judge named 7721  
in this section and paid on the chief justice's or the justice's 7722  
or judge's behalf by a governmental entity. 7723~~

**Sec. 141.16.** (A) Any voluntarily retired judge, or any judge 7724



who is retired under Section 6 of Article IV, Ohio Constitution, 7725  
may be assigned with the judge's consent, by the chief justice or 7726  
acting chief justice of the supreme court, to active duty as a 7727  
judge. While so serving, the judge shall be paid, from money 7728  
appropriated for this purpose, the established compensation for 7729  
such office, computed on a per diem basis, in addition to any 7730  
retirement benefits to which the judge may be entitled. 7731

(B) Annually, on the first day of August, the administrative 7732  
director of the ~~Ohio courts~~ supreme court shall issue a billing to 7733  
the county treasurer of any county to which such a judge is 7734  
assigned for reimbursement of the county's portion of the 7735  
compensation previously paid by the state for the twelve-month 7736  
period preceding the last day of June. The county's portion of the 7737  
compensation shall be that part of each per diem paid by the state 7738  
which is proportional to the county's share of the total 7739  
compensation of a resident judge of such court. The county 7740  
treasurer shall forward the payment within thirty days. 7741

(C)~~(1)~~ A retired assigned judge is eligible to receive a 7742  
retired assigned judge payment if the retired assigned judge 7743  
completes not less than one hundred hours of service in the 7744  
preceding quarter as assigned by the chief justice or acting chief 7745  
justice. The payment shall be seven hundred fifty dollars per 7746  
quarter and shall be paid from money appropriated for this 7747  
purpose. The payment is subject to any and all applicable taxes 7748  
under local, state, and federal law. 7749

~~(2) Except as provided in division (C)(3) of this section,~~ 7750  
~~the~~ The payment shall be paid within thirty days after the end of 7751  
the quarter in which the one hundred hours is served. 7752

~~(3) In the case of a county operated municipal court, other 7753  
municipal court, or county court to which a judge was assigned,~~ 7754  
~~payment shall be made within thirty days after receipt of the~~ 7755

~~quarterly request for reimbursement as required in division (B) of  
section 1901.123 of the Revised Code.~~ 7756  
7757

(D) Division (C) of this section does not affect any right of 7758  
a retired assigned judge to receive any allowance, annuity, 7759  
pension, or other benefit vested pursuant to Chapter 145. of the 7760  
Revised Code or other eligible retirement system pursuant to Ohio 7761  
law. 7762

(E) As used in this section: 7763

(1) "Retired assigned judge" is a judge that is described in 7764  
division (A) of this section. 7765

(2) "Quarter" is the preceding three-month period ending on 7766  
the last day of the month of March, June, September, or December 7767  
of each year. 7768

**Sec. 147.591.** (A) As used in this section, "electronic 7769  
document," "electronic seal," "electronic signature," and "online 7770  
notarization" have the same meanings as in section 147.60 of the 7771  
Revised Code. 7772

(B)(1) An electronic document that is signed in the physical 7773  
presence of the notary public with an electronic signature and 7774  
notarized with an electronic seal shall be considered an original 7775  
document. 7776

(2) Notwithstanding any other provision of the Revised Code 7777  
to the contrary, a ~~printed~~ digital copy of a document executed 7778  
electronically by the parties and acknowledged or sworn before a 7779  
notary acting pursuant to this section shall be accepted by county 7780  
auditors, engineers, and recorders for purposes of approval, 7781  
transfer, and recording to the same extent as any other document 7782  
that is submitted by an electronic recording method and shall not 7783  
be rejected solely by reason of containing electronic signatures 7784  
or an electronic notarization, including an online notarization, 7785

~~if that document contains the certificate required under division 7786  
(G) of section 147.542 of the Revised Code, including the 7787  
notification required under division (G)(7) of that section. 7788~~

(3) A county auditor, engineer, and recorder shall accept a 7789  
printed document that was executed electronically for purposes of 7790  
approval, transfer, and recording if that document contains an 7791  
attached certificate in the following, or a substantially similar, 7792  
format: 7793

"AUTHENTICATOR CERTIFICATE" 7794

I certify and warrant that the foregoing and annexed paper 7795  
document being presented for record, to which this certification 7796  
is attached, represents a true, exact, complete, and unaltered 7797  
copy of the original electronic document. The county offices of 7798  
the auditor, treasurer, recorder, and others necessary to 7799  
effectuate the transfer and recording of the instrument shall be 7800  
entitled to rely on such certification and warranty for all 7801  
purposes. 7802

.....[signature of authenticator] 7803

.....[printed name of authenticator] 7804

.....[street address of authenticator] 7805

.....[city, state, zip code of 7806  
authenticator] 7807

.....[telephone number of authenticator] 7808

State of ..... ) 7809

) :ss 7810

County of ..... ) 7811

The foregoing authenticator certificate was subscribed and 7812  
sworn to in my presence by ..... [printed name 7813  
of authenticator] on this .... day of ....., 20... 7814

..... 7815

Notary Public" 7816

(C) Any notary public may obtain an electronic seal and an 7817  
electronic signature for the purposes of notarizing documents 7818  
under this section. 7819

(D) A notary public shall comply with the provisions of 7820  
section 147.66 of the Revised Code pertaining to the electronic 7821  
seal and electronic signature. 7822

**Sec. 149.11.** (A) Any department, division, bureau, board, or 7823  
commission of the state government issuing a report, pamphlet, 7824  
document, or other publication intended for general public use and 7825  
distribution, which publication is reproduced by duplicating 7826  
processes ~~such as mimeograph, multigraph, planograph, rotaprint,~~ 7827  
~~or multilith, or printed internally or~~ in print whether through a 7828  
contract awarded to any person, company, or the state printing 7829  
division of the department of administrative services, shall cause 7830  
to be delivered to the state library ~~one hundred~~ fifty copies of 7831  
the publication, subject to the provisions of section 125.42 of 7832  
the Revised Code. 7833

(B) The state library board shall distribute the print 7834  
publications so received as follows: 7835

~~(A)~~(1) Retain two copies in the state library; 7836

~~(B)~~(2) Send two copies to the document division of the 7837  
library of congress; 7838

~~(C)~~(3) Send one copy to the Ohio history connection and to 7839  
each public or college library in the state designated by the 7840  
state library board to be a depository for state publications. In 7841  
designating which libraries shall be depositories, the board shall 7842  
select those libraries that can best preserve those publications 7843  
and that are so located geographically as will make the 7844  
publications conveniently accessible to residents in all areas of 7845

the state. 7846

~~(D)~~(4) Send one copy to each state in exchange for like 7847  
publications of that state. 7848

(C) A department, division, bureau, board, or commission of 7849  
the state government shall notify the state library of the 7850  
availability of documents or other publications, intended for 7851  
general public use and distribution, which are made available 7852  
electronically on its internet web site. The state library shall 7853  
retain electronic publications in the state library digital 7854  
archive and provide permanent access and records to each public or 7855  
college library in the state designated by the state library board 7856  
to be a depository for state publications. 7857

(D) The print publications described in division (A) of this 7858  
section and the electronic publications described in division (C) 7859  
of this section shall be considered already prepared and available 7860  
for inspection, and, subject to applicable copyright protections, 7861  
reproduction by any person at all reasonable times during regular 7862  
business hours at the state library and each library designated as 7863  
a depository for state publications. 7864

(E) The provisions of this section do not apply to any 7865  
publication of the general assembly or to the publications 7866  
described in sections 149.07, 149.08, 149.091, and 149.17 of the 7867  
Revised Code, except that the secretary of state shall forward to 7868  
the document division of the library of congress two copies of all 7869  
journals, two copies of the session laws as provided for in 7870  
section 149.091 of the Revised Code, and two copies of all 7871  
appropriation laws in separate form. 7872

**Sec. 149.43.** (A) As used in this section: 7873

(1) "Public record" means records kept by any public office, 7874  
including, but not limited to, state, county, city, village, 7875

township, and school district units, and records pertaining to the 7876  
delivery of educational services by an alternative school in this 7877  
state kept by the nonprofit or for-profit entity operating the 7878  
alternative school pursuant to section 3313.533 of the Revised 7879  
Code. "Public record" does not mean any of the following: 7880

(a) Medical records; 7881

(b) Records pertaining to probation and parole proceedings, 7882  
to proceedings related to the imposition of community control 7883  
sanctions and post-release control sanctions, or to proceedings 7884  
related to determinations under section 2967.271 of the Revised 7885  
Code regarding the release or maintained incarceration of an 7886  
offender to whom that section applies; 7887

(c) Records pertaining to actions under section 2151.85 and 7888  
division (C) of section 2919.121 of the Revised Code and to 7889  
appeals of actions arising under those sections; 7890

(d) Records pertaining to adoption proceedings, including the 7891  
contents of an adoption file maintained by the department of 7892  
health under sections 3705.12 to 3705.124 of the Revised Code; 7893

(e) Information in a record contained in the putative father 7894  
registry established by section 3107.062 of the Revised Code, 7895  
regardless of whether the information is held by the department of 7896  
job and family services or, pursuant to section 3111.69 of the 7897  
Revised Code, the office of child support in the department or a 7898  
child support enforcement agency; 7899

(f) Records specified in division (A) of section 3107.52 of 7900  
the Revised Code; 7901

(g) Trial preparation records; 7902

(h) Confidential law enforcement investigatory records; 7903

(i) Records containing information that is confidential under 7904  
section 2710.03 or 4112.05 of the Revised Code; 7905

(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	7906 7907
(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;	7908 7909 7910 7911
(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;	7912 7913 7914 7915
(m) Intellectual property records;	7916
(n) Donor profile records;	7917
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	7918 7919
(p) Designated public service worker residential and familial information;	7920 7921
(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;	7922 7923 7924 7925 7926
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	7927 7928
(s) In the case of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code or a review conducted pursuant to guidelines established by the director of health under section 3701.70 of the Revised Code, records provided to the board or director, statements made by board members during meetings of the board or by persons participating in the director's review, and all work products of the board or director,	7929 7930 7931 7932 7933 7934 7935

and in the case of a child fatality review board, child fatality review data submitted by the board to the department of health or a national child death review database, other than the report prepared pursuant to division (A) of section 307.626 of the Revised Code;

(t) Records provided to and statements made by the executive director of a public children services agency or a prosecuting attorney acting pursuant to section 5153.171 of the Revised Code other than the information released under that section;

(u) Test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator that the board of executives of long-term services and supports administers under section ~~4751.04~~ 4751.15 of the Revised Code or contracts under that section with a private or government entity to administer;

(v) Records the release of which is prohibited by state or federal law;

(w) Proprietary information of or relating to any person that is submitted to or compiled by the Ohio venture capital authority created under section 150.01 of the Revised Code;

(x) Financial statements and data any person submits for any purpose to the Ohio housing finance agency or the controlling board in connection with applying for, receiving, or accounting for financial assistance from the agency, and information that identifies any individual who benefits directly or indirectly from financial assistance from the agency;

(y) Records listed in section 5101.29 of the Revised Code;

(z) Discharges recorded with a county recorder under section 317.24 of the Revised Code, as specified in division (B)(2) of that section;



(aa) Usage information including names and addresses of specific residential and commercial customers of a municipally owned or operated public utility; 7966  
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(bb) Records described in division (C) of section 187.04 of the Revised Code that are not designated to be made available to the public as provided in that division; 7969  
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(cc) Information and records that are made confidential, privileged, and not subject to disclosure under divisions (B) and (C) of section 2949.221 of the Revised Code; 7972  
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(dd) Personal information, as defined in section 149.45 of the Revised Code; 7975  
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(ee) The confidential name, address, and other personally identifiable information of a program participant in the address confidentiality program established under sections 111.41 to 111.47 of the Revised Code, including the contents of any application for absent voter's ballots, absent voter's ballot identification envelope statement of voter, or provisional ballot affirmation completed by a program participant who has a confidential voter registration record, and records or portions of records pertaining to that program that identify the number of program participants that reside within a precinct, ward, township, municipal corporation, county, or any other geographic area smaller than the state. As used in this division, "confidential address" and "program participant" have the meaning defined in section 111.41 of the Revised Code. 7977  
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(ff) Orders for active military service of an individual serving or with previous service in the armed forces of the United States, including a reserve component, or the Ohio organized militia, except that, such order becomes a public record on the day that is fifteen years after the published date or effective date of the call to order; 7991  
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(gg) The name, address, contact information, or other	7997
personal information of an individual who is less than eighteen	7998
years of age that is included in any record related to a traffic	7999
accident involving a school vehicle in which the individual was an	8000
occupant at the time of the accident;	8001
(hh) Protected health information, as defined in 45 C.F.R.	8002
160.103, that is in a claim for payment for a health care product,	8003
service, or procedure, as well as any other health claims data in	8004
another document that reveals the identity of an individual who is	8005
the subject of the data or could be used to reveal that	8006
individual's identity;	8007
(ii) Any depiction by photograph, film, videotape, or printed	8008
or digital image under either of the following circumstances:	8009
(i) The depiction is that of a victim of an offense the	8010
release of which would be, to a reasonable person of ordinary	8011
sensibilities, an offensive and objectionable intrusion into the	8012
victim's expectation of bodily privacy and integrity.	8013
(ii) The depiction captures or depicts the victim of a	8014
sexually oriented offense, as defined in section 2950.01 of the	8015
Revised Code, at the actual occurrence of that offense.	8016
(jj) Restricted portions of a body-worn camera or dashboard	8017
camera recording;	8018
<u>(kk) In the case of a fetal-infant mortality review board</u>	8019
<u>acting under sections 3707.70 to 3707.77 of the Revised Code,</u>	8020
<u>records, documents, reports, or other information presented to the</u>	8021
<u>board or a person abstracting such materials on the board's</u>	8022
<u>behalf, statements made by review board members during board</u>	8023
<u>meetings, all work products of the board, and data submitted by</u>	8024
<u>the board to the department of health or a national infant death</u>	8025
<u>review database, other than the report prepared pursuant to</u>	8026
<u>section 3707.77 of the Revised Code.</u>	8027

(ll) Records, documents, reports, or other information 8028  
presented to the pregnancy-associated mortality review board 8029  
established under section 3738.01 of the Revised Code, statements 8030  
made by board members during board meetings, all work products of 8031  
the board, and data submitted by the board to the department of 8032  
health, other than the biennial reports prepared under section 8033  
3738.08 of the Revised Code; 8034

(mm) Telephone numbers for a victim, as defined in section 8035  
2930.01 of the Revised Code, a witness to a crime, or a party to a 8036  
motor vehicle accident subject to the requirements of section 8037  
5502.11 of the Revised Code that are listed on any law enforcement 8038  
record or report. 8039

A record that is not a public record under division (A)(1) of 8040  
this section and that, under law, is permanently retained becomes 8041  
a public record on the day that is seventy-five years after the 8042  
day on which the record was created, except for any record 8043  
protected by the attorney-client privilege, a trial preparation 8044  
record as defined in this section, a statement prohibiting the 8045  
release of identifying information signed under section 3107.083 8046  
of the Revised Code, a denial of release form filed pursuant to 8047  
section 3107.46 of the Revised Code, or any record that is exempt 8048  
from release or disclosure under section 149.433 of the Revised 8049  
Code. If the record is a birth certificate and a biological 8050  
parent's name redaction request form has been accepted under 8051  
section 3107.391 of the Revised Code, the name of that parent 8052  
shall be redacted from the birth certificate before it is released 8053  
under this paragraph. If any other section of the Revised Code 8054  
establishes a time period for disclosure of a record that 8055  
conflicts with the time period specified in this section, the time 8056  
period in the other section prevails. 8057

(2) "Confidential law enforcement investigatory record" means 8058  
any record that pertains to a law enforcement matter of a 8059

criminal, quasi-criminal, civil, or administrative nature, but 8060  
only to the extent that the release of the record would create a 8061  
high probability of disclosure of any of the following: 8062

(a) The identity of a suspect who has not been charged with 8063  
the offense to which the record pertains, or of an information 8064  
source or witness to whom confidentiality has been reasonably 8065  
promised; 8066

(b) Information provided by an information source or witness 8067  
to whom confidentiality has been reasonably promised, which 8068  
information would reasonably tend to disclose the source's or 8069  
witness's identity; 8070

(c) Specific confidential investigatory techniques or 8071  
procedures or specific investigatory work product; 8072

(d) Information that would endanger the life or physical 8073  
safety of law enforcement personnel, a crime victim, a witness, or 8074  
a confidential information source. 8075

(3) "Medical record" means any document or combination of 8076  
documents, except births, deaths, and the fact of admission to or 8077  
discharge from a hospital, that pertains to the medical history, 8078  
diagnosis, prognosis, or medical condition of a patient and that 8079  
is generated and maintained in the process of medical treatment. 8080

(4) "Trial preparation record" means any record that contains 8081  
information that is specifically compiled in reasonable 8082  
anticipation of, or in defense of, a civil or criminal action or 8083  
proceeding, including the independent thought processes and 8084  
personal trial preparation of an attorney. 8085

(5) "Intellectual property record" means a record, other than 8086  
a financial or administrative record, that is produced or 8087  
collected by or for faculty or staff of a state institution of 8088  
higher learning in the conduct of or as a result of study or 8089  
research on an educational, commercial, scientific, artistic, 8090

technical, or scholarly issue, regardless of whether the study or 8091  
research was sponsored by the institution alone or in conjunction 8092  
with a governmental body or private concern, and that has not been 8093  
publicly released, published, or patented. 8094

(6) "Donor profile record" means all records about donors or 8095  
potential donors to a public institution of higher education 8096  
except the names and reported addresses of the actual donors and 8097  
the date, amount, and conditions of the actual donation. 8098

(7) "Designated public service worker" means a peace officer, 8099  
parole officer, probation officer, bailiff, prosecuting attorney, 8100  
assistant prosecuting attorney, correctional employee, county or 8101  
multicounty corrections officer, community-based correctional 8102  
facility employee, youth services employee, firefighter, EMT, 8103  
medical director or member of a cooperating physician advisory 8104  
board of an emergency medical service organization, state board of 8105  
pharmacy employee, investigator of the bureau of criminal 8106  
identification and investigation, judge, magistrate, or federal 8107  
law enforcement officer. 8108

(8) "Designated public service worker residential and 8109  
familial information" means any information that discloses any of 8110  
the following about a designated public service worker: 8111

(a) The address of the actual personal residence of a 8112  
designated public service worker, except for the following 8113  
information: 8114

(i) The address of the actual personal residence of a 8115  
prosecuting attorney or judge; and 8116

(ii) The state or political subdivision in which a designated 8117  
public service worker resides. 8118

(b) Information compiled from referral to or participation in 8119  
an employee assistance program; 8120

(c) The social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of, or any medical information pertaining to, a designated public service worker;

(d) The name of any beneficiary of employment benefits, including, but not limited to, life insurance benefits, provided to a designated public service worker by the designated public service worker's employer;

(e) The identity and amount of any charitable or employment benefit deduction made by the designated public service worker's employer from the designated public service worker's compensation, unless the amount of the deduction is required by state or federal law;

(f) The name, the residential address, the name of the employer, the address of the employer, the social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of the spouse, a former spouse, or any child of a designated public service worker;

(g) A photograph of a peace officer who holds a position or has an assignment that may include undercover or plain clothes positions or assignments as determined by the peace officer's appointing authority.

(9) As used in divisions (A)(7) and (15) to (17) of this section:

"Peace officer" has the meaning defined in section 109.71 of the Revised Code and also includes the superintendent and troopers of the state highway patrol; it does not include the sheriff of a county or a supervisory employee who, in the absence of the sheriff, is authorized to stand in for, exercise the authority of, and perform the duties of the sheriff.

"Correctional employee" means any employee of the department of rehabilitation and correction who in the course of performing the employee's job duties has or has had contact with inmates and persons under supervision.

"County or multicounty corrections officer" means any corrections officer employed by any county or multicounty correctional facility.

"Youth services employee" means any employee of the department of youth services who in the course of performing the employee's job duties has or has had contact with children committed to the custody of the department of youth services.

"Firefighter" means any regular, paid or volunteer, member of a lawfully constituted fire department of a municipal corporation, township, fire district, or village.

"EMT" means EMTs-basic, EMTs-I, and paramedics that provide emergency medical services for a public emergency medical service organization. "Emergency medical service organization," "EMT-basic," "EMT-I," and "paramedic" have the meanings defined in section 4765.01 of the Revised Code.

"Investigator of the bureau of criminal identification and investigation" has the meaning defined in section 2903.11 of the Revised Code.

"Federal law enforcement officer" has the meaning defined in section 9.88 of the Revised Code.

(10) "Information pertaining to the recreational activities of a person under the age of eighteen" means information that is kept in the ordinary course of business by a public office, that pertains to the recreational activities of a person under the age of eighteen years, and that discloses any of the following:

(a) The address or telephone number of a person under the age

of eighteen or the address or telephone number of that person's parent, guardian, custodian, or emergency contact person; 8182  
8183

(b) The social security number, birth date, or photographic image of a person under the age of eighteen; 8184  
8185

(c) Any medical record, history, or information pertaining to a person under the age of eighteen; 8186  
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(d) Any additional information sought or required about a person under the age of eighteen for the purpose of allowing that person to participate in any recreational activity conducted or sponsored by a public office or to use or obtain admission privileges to any recreational facility owned or operated by a public office. 8188  
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(11) "Community control sanction" has the meaning defined in section 2929.01 of the Revised Code. 8194  
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(12) "Post-release control sanction" has the meaning defined in section 2967.01 of the Revised Code. 8196  
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(13) "Redaction" means obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a "record" in section 149.011 of the Revised Code. 8198  
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(14) "Designee," "elected official," and "future official" have the meanings defined in section 109.43 of the Revised Code. 8202  
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(15) "Body-worn camera" means a visual and audio recording device worn on the person of a peace officer while the peace officer is engaged in the performance of the peace officer's duties. 8204  
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(16) "Dashboard camera" means a visual and audio recording device mounted on a peace officer's vehicle or vessel that is used while the peace officer is engaged in the performance of the peace officer's duties. 8208  
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(17) "Restricted portions of a body-worn camera or dashboard camera recording" means any visual or audio portion of a body-worn camera or dashboard camera recording that shows, communicates, or discloses any of the following:

(a) The image or identity of a child or information that could lead to the identification of a child who is a primary subject of the recording when the law enforcement agency knows or has reason to know the person is a child based on the law enforcement agency's records or the content of the recording;

(b) The death of a person or a deceased person's body, unless the death was caused by a peace officer or, subject to division (H)(1) of this section, the consent of the decedent's executor or administrator has been obtained;

(c) The death of a peace officer, firefighter, paramedic, or other first responder, occurring while the decedent was engaged in the performance of official duties, unless, subject to division (H)(1) of this section, the consent of the decedent's executor or administrator has been obtained;

(d) Grievous bodily harm, unless the injury was effected by a peace officer or, subject to division (H)(1) of this section, the consent of the injured person or the injured person's guardian has been obtained;

(e) An act of severe violence against a person that results in serious physical harm to the person, unless the act and injury was effected by a peace officer or, subject to division (H)(1) of this section, the consent of the injured person or the injured person's guardian has been obtained;

(f) Grievous bodily harm to a peace officer, firefighter, paramedic, or other first responder, occurring while the injured person was engaged in the performance of official duties, unless, subject to division (H)(1) of this section, the consent of the

injured person or the injured person's guardian has been obtained;	8243
(g) An act of severe violence resulting in serious physical	8244
harm against a peace officer, firefighter, paramedic, or other	8245
first responder, occurring while the injured person was engaged in	8246
the performance of official duties, unless, subject to division	8247
(H)(1) of this section, the consent of the injured person or the	8248
injured person's guardian has been obtained;	8249
(h) A person's nude body, unless, subject to division (H)(1)	8250
of this section, the person's consent has been obtained;	8251
(i) Protected health information, the identity of a person in	8252
a health care facility who is not the subject of a law enforcement	8253
encounter, or any other information in a health care facility that	8254
could identify a person who is not the subject of a law	8255
enforcement encounter;	8256
(j) Information that could identify the alleged victim of a	8257
sex offense, menacing by stalking, or domestic violence;	8258
(k) Information, that does not constitute a confidential law	8259
enforcement investigatory record, that could identify a person who	8260
provides sensitive or confidential information to a law	8261
enforcement agency when the disclosure of the person's identity or	8262
the information provided could reasonably be expected to threaten	8263
or endanger the safety or property of the person or another	8264
person;	8265
(l) Personal information of a person who is not arrested,	8266
cited, charged, or issued a written warning by a peace officer;	8267
(m) Proprietary police contingency plans or tactics that are	8268
intended to prevent crime and maintain public order and safety;	8269
(n) A personal conversation unrelated to work between peace	8270
officers or between a peace officer and an employee of a law	8271
enforcement agency;	8272

(o) A conversation between a peace officer and a member of the public that does not concern law enforcement activities;	8273 8274
(p) The interior of a residence, unless the interior of a residence is the location of an adversarial encounter with, or a use of force by, a peace officer;	8275 8276 8277
(q) Any portion of the interior of a private business that is not open to the public, unless an adversarial encounter with, or a use of force by, a peace officer occurs in that location.	8278 8279 8280
As used in division (A)(17) of this section:	8281
"Grievous bodily harm" has the same meaning as in section 5924.120 of the Revised Code.	8282 8283
"Health care facility" has the same meaning as in section 1337.11 of the Revised Code.	8284 8285
"Protected health information" has the same meaning as in 45 C.F.R. 160.103.	8286 8287
"Law enforcement agency" has the same meaning as in section 2925.61 of the Revised Code.	8288 8289
"Personal information" means any government-issued identification number, date of birth, address, financial information, or criminal justice information from the law enforcement automated data system or similar databases.	8290 8291 8292 8293
"Sex offense" has the same meaning as in section 2907.10 of the Revised Code.	8294 8295
"Firefighter," "paramedic," and "first responder" have the same meanings as in section 4765.01 of the Revised Code.	8296 8297
(B)(1) Upon request and subject to division (B)(8) of this section, all public records responsive to the request shall be promptly prepared and made available for inspection to any person at all reasonable times during regular business hours. Subject to division (B)(8) of this section, upon request by any person, a	8298 8299 8300 8301 8302

public office or person responsible for public records shall make 8303  
copies of the requested public record available to the requester 8304  
at cost and within a reasonable period of time. If a public record 8305  
contains information that is exempt from the duty to permit public 8306  
inspection or to copy the public record, the public office or the 8307  
person responsible for the public record shall make available all 8308  
of the information within the public record that is not exempt. 8309  
When making that public record available for public inspection or 8310  
copying that public record, the public office or the person 8311  
responsible for the public record shall notify the requester of 8312  
any redaction or make the redaction plainly visible. A redaction 8313  
shall be deemed a denial of a request to inspect or copy the 8314  
redacted information, except if federal or state law authorizes or 8315  
requires a public office to make the redaction. 8316

(2) To facilitate broader access to public records, a public 8317  
office or the person responsible for public records shall organize 8318  
and maintain public records in a manner that they can be made 8319  
available for inspection or copying in accordance with division 8320  
(B) of this section. A public office also shall have available a 8321  
copy of its current records retention schedule at a location 8322  
readily available to the public. If a requester makes an ambiguous 8323  
or overly broad request or has difficulty in making a request for 8324  
copies or inspection of public records under this section such 8325  
that the public office or the person responsible for the requested 8326  
public record cannot reasonably identify what public records are 8327  
being requested, the public office or the person responsible for 8328  
the requested public record may deny the request but shall provide 8329  
the requester with an opportunity to revise the request by 8330  
informing the requester of the manner in which records are 8331  
maintained by the public office and accessed in the ordinary 8332  
course of the public office's or person's duties. 8333

(3) If a request is ultimately denied, in part or in whole, 8334

the public office or the person responsible for the requested 8335  
public record shall provide the requester with an explanation, 8336  
including legal authority, setting forth why the request was 8337  
denied. If the initial request was provided in writing, the 8338  
explanation also shall be provided to the requester in writing. 8339  
The explanation shall not preclude the public office or the person 8340  
responsible for the requested public record from relying upon 8341  
additional reasons or legal authority in defending an action 8342  
commenced under division (C) of this section. 8343

(4) Unless specifically required or authorized by state or 8344  
federal law or in accordance with division (B) of this section, no 8345  
public office or person responsible for public records may limit 8346  
or condition the availability of public records by requiring 8347  
disclosure of the requester's identity or the intended use of the 8348  
requested public record. Any requirement that the requester 8349  
disclose the requester's identity or the intended use of the 8350  
requested public record constitutes a denial of the request. 8351

(5) A public office or person responsible for public records 8352  
may ask a requester to make the request in writing, may ask for 8353  
the requester's identity, and may inquire about the intended use 8354  
of the information requested, but may do so only after disclosing 8355  
to the requester that a written request is not mandatory, that the 8356  
requester may decline to reveal the requester's identity or the 8357  
intended use, and when a written request or disclosure of the 8358  
identity or intended use would benefit the requester by enhancing 8359  
the ability of the public office or person responsible for public 8360  
records to identify, locate, or deliver the public records sought 8361  
by the requester. 8362

(6) If any person requests a copy of a public record in 8363  
accordance with division (B) of this section, the public office or 8364  
person responsible for the public record may require that person 8365  
to pay in advance the cost involved in providing the copy of the 8366

public record in accordance with the choice made by the person 8367  
requesting the copy under this division. The public office or the 8368  
person responsible for the public record shall permit that person 8369  
to choose to have the public record duplicated upon paper, upon 8370  
the same medium upon which the public office or person responsible 8371  
for the public record keeps it, or upon any other medium upon 8372  
which the public office or person responsible for the public 8373  
record determines that it reasonably can be duplicated as an 8374  
integral part of the normal operations of the public office or 8375  
person responsible for the public record. When the person 8376  
requesting the copy makes a choice under this division, the public 8377  
office or person responsible for the public record shall provide a 8378  
copy of it in accordance with the choice made by that person. 8379  
Nothing in this section requires a public office or person 8380  
responsible for the public record to allow the person requesting a 8381  
copy of the public record to make the copies of the public record. 8382

(7)(a) Upon a request made in accordance with division (B) of 8383  
this section and subject to division (B)(6) of this section, a 8384  
public office or person responsible for public records shall 8385  
transmit a copy of a public record to any person by United States 8386  
mail or by any other means of delivery or transmission within a 8387  
reasonable period of time after receiving the request for the 8388  
copy. The public office or person responsible for the public 8389  
record may require the person making the request to pay in advance 8390  
the cost of postage if the copy is transmitted by United States 8391  
mail or the cost of delivery if the copy is transmitted other than 8392  
by United States mail, and to pay in advance the costs incurred 8393  
for other supplies used in the mailing, delivery, or transmission. 8394

(b) Any public office may adopt a policy and procedures that 8395  
it will follow in transmitting, within a reasonable period of time 8396  
after receiving a request, copies of public records by United 8397  
States mail or by any other means of delivery or transmission 8398

pursuant to division (B)(7) of this section. A public office that 8399  
adopts a policy and procedures under division (B)(7) of this 8400  
section shall comply with them in performing its duties under that 8401  
division. 8402

(c) In any policy and procedures adopted under division 8403  
(B)(7) of this section: 8404

(i) A public office may limit the number of records requested 8405  
by a person that the office will physically deliver by United 8406  
States mail or by another delivery service to ten per month, 8407  
unless the person certifies to the office in writing that the 8408  
person does not intend to use or forward the requested records, or 8409  
the information contained in them, for commercial purposes; 8410

(ii) A public office that chooses to provide some or all of 8411  
its public records on a web site that is fully accessible to and 8412  
searchable by members of the public at all times, other than 8413  
during acts of God outside the public office's control or 8414  
maintenance, and that charges no fee to search, access, download, 8415  
or otherwise receive records provided on the web site, may limit 8416  
to ten per month the number of records requested by a person that 8417  
the office will deliver in a digital format, unless the requested 8418  
records are not provided on the web site and unless the person 8419  
certifies to the office in writing that the person does not intend 8420  
to use or forward the requested records, or the information 8421  
contained in them, for commercial purposes. 8422

(iii) For purposes of division (B)(7) of this section, 8423  
"commercial" shall be narrowly construed and does not include 8424  
reporting or gathering news, reporting or gathering information to 8425  
assist citizen oversight or understanding of the operation or 8426  
activities of government, or nonprofit educational research. 8427

(8) A public office or person responsible for public records 8428  
is not required to permit a person who is incarcerated pursuant to 8429

a criminal conviction or a juvenile adjudication to inspect or to 8430  
obtain a copy of any public record concerning a criminal 8431  
investigation or prosecution or concerning what would be a 8432  
criminal investigation or prosecution if the subject of the 8433  
investigation or prosecution were an adult, unless the request to 8434  
inspect or to obtain a copy of the record is for the purpose of 8435  
acquiring information that is subject to release as a public 8436  
record under this section and the judge who imposed the sentence 8437  
or made the adjudication with respect to the person, or the 8438  
judge's successor in office, finds that the information sought in 8439  
the public record is necessary to support what appears to be a 8440  
justiciable claim of the person. 8441

(9)(a) Upon written request made and signed by a journalist, 8442  
a public office, or person responsible for public records, having 8443  
custody of the records of the agency employing a specified 8444  
designated public service worker shall disclose to the journalist 8445  
the address of the actual personal residence of the designated 8446  
public service worker and, if the designated public service 8447  
worker's spouse, former spouse, or child is employed by a public 8448  
office, the name and address of the employer of the designated 8449  
public service worker's spouse, former spouse, or child. The 8450  
request shall include the journalist's name and title and the name 8451  
and address of the journalist's employer and shall state that 8452  
disclosure of the information sought would be in the public 8453  
interest. 8454

(b) Division (B)(9)(a) of this section also applies to 8455  
journalist requests for: 8456

(i) Customer information maintained by a municipally owned or 8457  
operated public utility, other than social security numbers and 8458  
any private financial information such as credit reports, payment 8459  
methods, credit card numbers, and bank account information; 8460

(ii) Information about minors involved in a school vehicle 8461



accident as provided in division (A)(1)(gg) of this section, other 8462  
than personal information as defined in section 149.45 of the 8463  
Revised Code. 8464

(c) As used in division (B)(9) of this section, "journalist" 8465  
means a person engaged in, connected with, or employed by any news 8466  
medium, including a newspaper, magazine, press association, news 8467  
agency, or wire service, a radio or television station, or a 8468  
similar medium, for the purpose of gathering, processing, 8469  
transmitting, compiling, editing, or disseminating information for 8470  
the general public. 8471

(10) Upon a request made by a victim, victim's attorney, or 8472  
victim's representative, as that term is used in section 2930.02 8473  
of the Revised Code, a public office or person responsible for 8474  
public records shall transmit a copy of a depiction of the victim 8475  
as described in division (A)(1)(gg) of this section to the victim, 8476  
victim's attorney, or victim's representative. 8477

(C)(1) If a person allegedly is aggrieved by the failure of a 8478  
public office or the person responsible for public records to 8479  
promptly prepare a public record and to make it available to the 8480  
person for inspection in accordance with division (B) of this 8481  
section or by any other failure of a public office or the person 8482  
responsible for public records to comply with an obligation in 8483  
accordance with division (B) of this section, the person allegedly 8484  
aggrieved may do only one of the following, and not both: 8485

(a) File a complaint with the clerk of the court of claims or 8486  
the clerk of the court of common pleas under section 2743.75 of 8487  
the Revised Code; 8488

(b) Commence a mandamus action to obtain a judgment that 8489  
orders the public office or the person responsible for the public 8490  
record to comply with division (B) of this section, that awards 8491  
court costs and reasonable attorney's fees to the person that 8492

instituted the mandamus action, and, if applicable, that includes 8493  
an order fixing statutory damages under division (C)(2) of this 8494  
section. The mandamus action may be commenced in the court of 8495  
common pleas of the county in which division (B) of this section 8496  
allegedly was not complied with, in the supreme court pursuant to 8497  
its original jurisdiction under Section 2 of Article IV, Ohio 8498  
Constitution, or in the court of appeals for the appellate 8499  
district in which division (B) of this section allegedly was not 8500  
complied with pursuant to its original jurisdiction under Section 8501  
3 of Article IV, Ohio Constitution. 8502

(2) If a requester transmits a written request by hand 8503  
delivery, electronic submission, or certified mail to inspect or 8504  
receive copies of any public record in a manner that fairly 8505  
describes the public record or class of public records to the 8506  
public office or person responsible for the requested public 8507  
records, except as otherwise provided in this section, the 8508  
requester shall be entitled to recover the amount of statutory 8509  
damages set forth in this division if a court determines that the 8510  
public office or the person responsible for public records failed 8511  
to comply with an obligation in accordance with division (B) of 8512  
this section. 8513

The amount of statutory damages shall be fixed at one hundred 8514  
dollars for each business day during which the public office or 8515  
person responsible for the requested public records failed to 8516  
comply with an obligation in accordance with division (B) of this 8517  
section, beginning with the day on which the requester files a 8518  
mandamus action to recover statutory damages, up to a maximum of 8519  
one thousand dollars. The award of statutory damages shall not be 8520  
construed as a penalty, but as compensation for injury arising 8521  
from lost use of the requested information. The existence of this 8522  
injury shall be conclusively presumed. The award of statutory 8523  
damages shall be in addition to all other remedies authorized by 8524

this section. 8525

The court may reduce an award of statutory damages or not 8526  
award statutory damages if the court determines both of the 8527  
following: 8528

(a) That, based on the ordinary application of statutory law 8529  
and case law as it existed at the time of the conduct or 8530  
threatened conduct of the public office or person responsible for 8531  
the requested public records that allegedly constitutes a failure 8532  
to comply with an obligation in accordance with division (B) of 8533  
this section and that was the basis of the mandamus action, a 8534  
well-informed public office or person responsible for the 8535  
requested public records reasonably would believe that the conduct 8536  
or threatened conduct of the public office or person responsible 8537  
for the requested public records did not constitute a failure to 8538  
comply with an obligation in accordance with division (B) of this 8539  
section; 8540

(b) That a well-informed public office or person responsible 8541  
for the requested public records reasonably would believe that the 8542  
conduct or threatened conduct of the public office or person 8543  
responsible for the requested public records would serve the 8544  
public policy that underlies the authority that is asserted as 8545  
permitting that conduct or threatened conduct. 8546

(3) In a mandamus action filed under division (C)(1) of this 8547  
section, the following apply: 8548

(a)(i) If the court orders the public office or the person 8549  
responsible for the public record to comply with division (B) of 8550  
this section, the court shall determine and award to the relator 8551  
all court costs, which shall be construed as remedial and not 8552  
punitive. 8553

(ii) If the court makes a determination described in division 8554  
(C)(3)(b)(iii) of this section, the court shall determine and 8555

award to the relator all court costs, which shall be construed as 8556  
remedial and not punitive. 8557

(b) If the court renders a judgment that orders the public 8558  
office or the person responsible for the public record to comply 8559  
with division (B) of this section or if the court determines any 8560  
of the following, the court may award reasonable attorney's fees 8561  
to the relator, subject to division (C)(4) of this section: 8562

(i) The public office or the person responsible for the 8563  
public records failed to respond affirmatively or negatively to 8564  
the public records request in accordance with the time allowed 8565  
under division (B) of this section. 8566

(ii) The public office or the person responsible for the 8567  
public records promised to permit the relator to inspect or 8568  
receive copies of the public records requested within a specified 8569  
period of time but failed to fulfill that promise within that 8570  
specified period of time. 8571

(iii) The public office or the person responsible for the 8572  
public records acted in bad faith when the office or person 8573  
voluntarily made the public records available to the relator for 8574  
the first time after the relator commenced the mandamus action, 8575  
but before the court issued any order concluding whether or not 8576  
the public office or person was required to comply with division 8577  
(B) of this section. No discovery may be conducted on the issue of 8578  
the alleged bad faith of the public office or person responsible 8579  
for the public records. This division shall not be construed as 8580  
creating a presumption that the public office or the person 8581  
responsible for the public records acted in bad faith when the 8582  
office or person voluntarily made the public records available to 8583  
the relator for the first time after the relator commenced the 8584  
mandamus action, but before the court issued any order described 8585  
in this division. 8586

(c) The court shall not award attorney's fees to the relator 8587  
if the court determines both of the following: 8588

(i) That, based on the ordinary application of statutory law 8589  
and case law as it existed at the time of the conduct or 8590  
threatened conduct of the public office or person responsible for 8591  
the requested public records that allegedly constitutes a failure 8592  
to comply with an obligation in accordance with division (B) of 8593  
this section and that was the basis of the mandamus action, a 8594  
well-informed public office or person responsible for the 8595  
requested public records reasonably would believe that the conduct 8596  
or threatened conduct of the public office or person responsible 8597  
for the requested public records did not constitute a failure to 8598  
comply with an obligation in accordance with division (B) of this 8599  
section; 8600

(ii) That a well-informed public office or person responsible 8601  
for the requested public records reasonably would believe that the 8602  
conduct or threatened conduct of the public office or person 8603  
responsible for the requested public records would serve the 8604  
public policy that underlies the authority that is asserted as 8605  
permitting that conduct or threatened conduct. 8606

(4) All of the following apply to any award of reasonable 8607  
attorney's fees awarded under division (C)(3)(b) of this section: 8608

(a) The fees shall be construed as remedial and not punitive. 8609

(b) The fees awarded shall not exceed the total of the 8610  
reasonable attorney's fees incurred before the public record was 8611  
made available to the relator and the fees described in division 8612  
(C)(4)(c) of this section. 8613

(c) Reasonable attorney's fees shall include reasonable fees 8614  
incurred to produce proof of the reasonableness and amount of the 8615  
fees and to otherwise litigate entitlement to the fees. 8616

(d) The court may reduce the amount of fees awarded if the 8617

court determines that, given the factual circumstances involved 8618  
with the specific public records request, an alternative means 8619  
should have been pursued to more effectively and efficiently 8620  
resolve the dispute that was subject to the mandamus action filed 8621  
under division (C)(1) of this section. 8622

(5) If the court does not issue a writ of mandamus under 8623  
division (C) of this section and the court determines at that time 8624  
that the bringing of the mandamus action was frivolous conduct as 8625  
defined in division (A) of section 2323.51 of the Revised Code, 8626  
the court may award to the public office all court costs, 8627  
expenses, and reasonable attorney's fees, as determined by the 8628  
court. 8629

(D) Chapter 1347. of the Revised Code does not limit the 8630  
provisions of this section. 8631

(E)(1) To ensure that all employees of public offices are 8632  
appropriately educated about a public office's obligations under 8633  
division (B) of this section, all elected officials or their 8634  
appropriate designees shall attend training approved by the 8635  
attorney general as provided in section 109.43 of the Revised 8636  
Code. A future official may satisfy the requirements of this 8637  
division by attending the training before taking office, provided 8638  
that the future official may not send a designee in the future 8639  
official's place. 8640

(2) All public offices shall adopt a public records policy in 8641  
compliance with this section for responding to public records 8642  
requests. In adopting a public records policy under this division, 8643  
a public office may obtain guidance from the model public records 8644  
policy developed and provided to the public office by the attorney 8645  
general under section 109.43 of the Revised Code. Except as 8646  
otherwise provided in this section, the policy may not limit the 8647  
number of public records that the public office will make 8648  
available to a single person, may not limit the number of public 8649

records that it will make available during a fixed period of time, 8650  
and may not establish a fixed period of time before it will 8651  
respond to a request for inspection or copying of public records, 8652  
unless that period is less than eight hours. 8653

The public office shall distribute the public records policy 8654  
adopted by the public office under this division to the employee 8655  
of the public office who is the records custodian or records 8656  
manager or otherwise has custody of the records of that office. 8657  
The public office shall require that employee to acknowledge 8658  
receipt of the copy of the public records policy. The public 8659  
office shall create a poster that describes its public records 8660  
policy and shall post the poster in a conspicuous place in the 8661  
public office and in all locations where the public office has 8662  
branch offices. The public office may post its public records 8663  
policy on the internet web site of the public office if the public 8664  
office maintains an internet web site. A public office that has 8665  
established a manual or handbook of its general policies and 8666  
procedures for all employees of the public office shall include 8667  
the public records policy of the public office in the manual or 8668  
handbook. 8669

(F)(1) The bureau of motor vehicles may adopt rules pursuant 8670  
to Chapter 119. of the Revised Code to reasonably limit the number 8671  
of bulk commercial special extraction requests made by a person 8672  
for the same records or for updated records during a calendar 8673  
year. The rules may include provisions for charges to be made for 8674  
bulk commercial special extraction requests for the actual cost of 8675  
the bureau, plus special extraction costs, plus ten per cent. The 8676  
bureau may charge for expenses for redacting information, the 8677  
release of which is prohibited by law. 8678

(2) As used in division (F)(1) of this section: 8679

(a) "Actual cost" means the cost of depleted supplies, 8680  
records storage media costs, actual mailing and alternative 8681

delivery costs, or other transmitting costs, and any direct 8682  
equipment operating and maintenance costs, including actual costs 8683  
paid to private contractors for copying services. 8684

(b) "Bulk commercial special extraction request" means a 8685  
request for copies of a record for information in a format other 8686  
than the format already available, or information that cannot be 8687  
extracted without examination of all items in a records series, 8688  
class of records, or database by a person who intends to use or 8689  
forward the copies for surveys, marketing, solicitation, or resale 8690  
for commercial purposes. "Bulk commercial special extraction 8691  
request" does not include a request by a person who gives 8692  
assurance to the bureau that the person making the request does 8693  
not intend to use or forward the requested copies for surveys, 8694  
marketing, solicitation, or resale for commercial purposes. 8695

(c) "Commercial" means profit-seeking production, buying, or 8696  
selling of any good, service, or other product. 8697

(d) "Special extraction costs" means the cost of the time 8698  
spent by the lowest paid employee competent to perform the task, 8699  
the actual amount paid to outside private contractors employed by 8700  
the bureau, or the actual cost incurred to create computer 8701  
programs to make the special extraction. "Special extraction 8702  
costs" include any charges paid to a public agency for computer or 8703  
records services. 8704

(3) For purposes of divisions (F)(1) and (2) of this section, 8705  
"surveys, marketing, solicitation, or resale for commercial 8706  
purposes" shall be narrowly construed and does not include 8707  
reporting or gathering news, reporting or gathering information to 8708  
assist citizen oversight or understanding of the operation or 8709  
activities of government, or nonprofit educational research. 8710

(G) A request by a defendant, counsel of a defendant, or any 8711  
agent of a defendant in a criminal action that public records 8712



related to that action be made available under this section shall 8713  
be considered a demand for discovery pursuant to the Criminal 8714  
Rules, except to the extent that the Criminal Rules plainly 8715  
indicate a contrary intent. The defendant, counsel of the 8716  
defendant, or agent of the defendant making a request under this 8717  
division shall serve a copy of the request on the prosecuting 8718  
attorney, director of law, or other chief legal officer 8719  
responsible for prosecuting the action. 8720

(H)(1) Any portion of a body-worn camera or dashboard camera 8721  
recording described in divisions (A)(17)(b) to (h) of this section 8722  
may be released by consent of the subject of the recording or a 8723  
representative of that person, as specified in those divisions, 8724  
only if either of the following applies: 8725

(a) The recording will not be used in connection with any 8726  
probable or pending criminal proceedings; 8727

(b) The recording has been used in connection with a criminal 8728  
proceeding that was dismissed or for which a judgment has been 8729  
entered pursuant to Rule 32 of the Rules of Criminal Procedure, 8730  
and will not be used again in connection with any probable or 8731  
pending criminal proceedings. 8732

(2) If a public office denies a request to release a 8733  
restricted portion of a body-worn camera or dashboard camera 8734  
recording, as defined in division (A)(17) of this section, any 8735  
person may file a mandamus action pursuant to this section or a 8736  
complaint with the clerk of the court of claims pursuant to 8737  
section 2743.75 of the Revised Code, requesting the court to order 8738  
the release of all or portions of the recording. If the court 8739  
considering the request determines that the filing articulates by 8740  
clear and convincing evidence that the public interest in the 8741  
recording substantially outweighs privacy interests and other 8742  
interests asserted to deny release, the court shall order the 8743  
public office to release the recording. 8744

Sec. 153.02. (A) The executive director of the Ohio 8745  
facilities construction commission, may debar a contractor from 8746  
contract awards for public improvements as referred to in section 8747  
153.01 of the Revised Code or for projects as defined in section 8748  
3318.01 of the Revised Code, upon proof that the contractor has 8749  
done any of the following: 8750

(1) Defaulted on a contract requiring the execution of a 8751  
takeover agreement as set forth in division (B) of section 153.17 8752  
of the Revised Code; 8753

(2) Knowingly failed during the course of a contract to 8754  
maintain the coverage required by the bureau of workers' 8755  
compensation; 8756

(3) Knowingly failed during the course of a contract to 8757  
maintain the contractor's drug-free workplace program as required 8758  
by the contract; 8759

(4) Knowingly failed during the course of a contract to 8760  
maintain insurance required by the contract or otherwise by law, 8761  
resulting in a substantial loss to the owner, as owner is referred 8762  
to in section 153.01 of the Revised Code, or to the commission and 8763  
school district board, as provided in division (F) of section 8764  
3318.08 of the Revised Code; 8765

(5) Misrepresented the firm's qualifications in the selection 8766  
process set forth in sections 153.65 to 153.71 or section 3318.10 8767  
of the Revised Code; 8768

(6) Been convicted of a criminal offense related to the 8769  
application for or performance of any public or private contract, 8770  
including, but not limited to, embezzlement, theft, forgery, 8771  
bribery, falsification or destruction of records, receiving stolen 8772  
property, and any other offense that directly reflects on the 8773  
contractor's business integrity; 8774

(7) Been convicted of a criminal offense under state or federal antitrust laws; 8775  
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(8) Deliberately or willfully submitted false or misleading information in connection with the application for or performance of a public contract; 8777  
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(9) Been debarred from bidding on or participating in a contract with any state or federal agency. 8780  
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(B) When the executive director debar a contractor that is a partnership, association, or corporation, the executive director also may debar any partner of the partnership or any officer or director of the association or corporation, as applicable. 8782  
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(C) When the executive director reasonably believes that grounds for debarment exist, the executive director shall send the contractor a notice of proposed debarment indicating the grounds for the proposed debarment and the procedure for requesting a hearing on the proposed debarment. The hearing shall be conducted in accordance with Chapter 119. of the Revised Code. If the contractor does not respond with a request for a hearing in the manner specified in Chapter 119. of the Revised Code, the executive director shall issue the debarment decision without a hearing and shall notify the contractor of the decision by certified mail, return receipt requested. 8786  
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(D) The executive director shall determine the length of the debarment period and may rescind the debarment at any time upon notification to the contractor. During the period of debarment, the contractor is not eligible to bid for or participate in any contract for a public improvement as referred to in section 153.01 of the Revised Code or for a project as defined in section 3318.01 of the Revised Code. After the debarment period expires, the contractor ~~shall~~ may be eligible to bid for and participate in such contracts if the vendor is not otherwise debarred. 8797  
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(E) The executive director shall maintain a list of all 8806  
contractors currently debarred under this section. Any 8807  
governmental entity awarding a contract for construction of a 8808  
public improvement or project may use a contractor's presence on 8809  
the debarment list to determine whether a contractor is 8810  
responsible or best under section 9.312 or any other section of 8811  
the Revised Code in the award of a contract. 8812

(F) As used in this section, "contractor" means a 8813  
construction contracting business, a subcontractor of a 8814  
construction contracting business, a supplier of materials, or a 8815  
manufacturer of materials. 8816

**Sec. 166.01.** As used in this chapter: 8817

(A) "Allowable costs" means all or part of the costs of 8818  
project facilities, eligible projects, eligible innovation 8819  
projects, eligible research and development projects, eligible 8820  
advanced energy projects, or eligible logistics and distribution 8821  
projects, including costs of acquiring, constructing, 8822  
reconstructing, rehabilitating, renovating, enlarging, improving, 8823  
equipping, or furnishing project facilities, eligible projects, 8824  
eligible innovation projects, eligible research and development 8825  
projects, eligible advanced energy projects, or eligible logistics 8826  
and distribution projects, site clearance and preparation, 8827  
supplementing and relocating public capital improvements or 8828  
utility facilities, designs, plans, specifications, surveys, 8829  
studies, and estimates of costs, expenses necessary or incident to 8830  
determining the feasibility or practicability of assisting an 8831  
eligible project, an eligible innovation project, an eligible 8832  
research and development project, an eligible advanced energy 8833  
project, or an eligible logistics and distribution project, or 8834  
providing project facilities or facilities related to an eligible 8835  
project, an eligible innovation project, an eligible research and 8836

development project, an eligible advanced energy project, or an 8837  
eligible logistics and distribution project, architectural, 8838  
engineering, and legal services fees and expenses, the costs of 8839  
conducting any other activities as part of a voluntary action, and 8840  
such other expenses as may be necessary or incidental to the 8841  
establishment or development of an eligible project, an eligible 8842  
innovation project, an eligible research and development project, 8843  
an eligible advanced energy project, or an eligible logistics and 8844  
distribution project, and reimbursement of moneys advanced or 8845  
applied by any governmental agency or other person for allowable 8846  
costs. 8847

(B) "Allowable innovation costs" includes allowable costs of 8848  
eligible innovation projects and, in addition, includes the costs 8849  
of research and development of eligible innovation projects; 8850  
obtaining or creating any requisite software or computer hardware 8851  
related to an eligible innovation project or the products or 8852  
services associated therewith; testing (including, without 8853  
limitation, quality control activities necessary for initial 8854  
production), perfecting, and marketing of such products and 8855  
services; creating and protecting intellectual property related to 8856  
an eligible innovation project or any products or services related 8857  
thereto, including costs of securing appropriate patent, 8858  
trademark, trade secret, trade dress, copyright, or other form of 8859  
intellectual property protection for an eligible innovation 8860  
project or related products and services; all to the extent that 8861  
such expenditures could be capitalized under then-applicable 8862  
generally accepted accounting principles; and the reimbursement of 8863  
moneys advanced or applied by any governmental agency or other 8864  
person for allowable innovation costs. 8865

(C) "Eligible innovation project" includes an eligible 8866  
project, including any project facilities associated with an 8867  
eligible innovation project and, in addition, includes all 8868

tangible and intangible property related to a new product or 8869  
process based on new technology or the creative application of 8870  
existing technology, including research and development, product 8871  
or process testing, quality control, market research, and related 8872  
activities, that is to be acquired, established, expanded, 8873  
remodeled, rehabilitated, or modernized for industry, commerce, 8874  
distribution, or research, or any combination thereof, the 8875  
operation of which, alone or in conjunction with other eligible 8876  
projects, eligible innovation projects, or innovation property, 8877  
will create new jobs or preserve existing jobs and employment 8878  
opportunities and improve the economic welfare of the people of 8879  
the state. 8880

(D) "Eligible project" means project facilities to be 8881  
acquired, established, expanded, remodeled, rehabilitated, or 8882  
modernized for industry, commerce, distribution, or research, or 8883  
any combination thereof, the operation of which, alone or in 8884  
conjunction with other facilities, will create new jobs or 8885  
preserve existing jobs and employment opportunities and improve 8886  
the economic welfare of the people of the state. "Eligible 8887  
project" includes, without limitation, a voluntary action. For 8888  
purposes of this division, "new jobs" does not include existing 8889  
jobs transferred from another facility within the state, and 8890  
"existing jobs" includes only those existing jobs with work places 8891  
within the municipal corporation or unincorporated area of the 8892  
county in which the eligible project is located. 8893

"Eligible project" does not include project facilities to be 8894  
acquired, established, expanded, remodeled, rehabilitated, or 8895  
modernized for industry, commerce, distribution, or research, or 8896  
any combination of industry, commerce, distribution, or research, 8897  
if the project facilities consist solely of 8898  
point-of-final-purchase retail facilities. If the project 8899  
facilities consist of both point-of-final-purchase retail 8900

facilities and nonretail facilities, only the portion of the 8901  
project facilities consisting of nonretail facilities is an 8902  
eligible project. If a warehouse facility is part of a 8903  
point-of-final-purchase retail facility and supplies only that 8904  
facility, the warehouse facility is not an eligible project. 8905  
Catalog distribution facilities are not considered 8906  
point-of-final-purchase retail facilities for purposes of this 8907  
paragraph, and are eligible projects. 8908

(E) "Eligible research and development project" means an 8909  
eligible project, including project facilities, comprising, 8910  
within, or related to, a facility or portion of a facility at 8911  
which research is undertaken for the purpose of discovering 8912  
information that is technological in nature and the application of 8913  
which is intended to be useful in the development of a new or 8914  
improved product, process, technique, formula, or invention, a new 8915  
product or process based on new technology, or the creative 8916  
application of existing technology. 8917

(F) "Financial assistance" means inducements under division 8918  
(B) of section 166.02 of the Revised Code, loan guarantees under 8919  
section 166.06 of the Revised Code, and direct loans under section 8920  
166.07 of the Revised Code. 8921

(G) "Governmental action" means any action by a governmental 8922  
agency relating to the establishment, development, or operation of 8923  
an eligible project, eligible innovation project, eligible 8924  
research and development project, eligible advanced energy 8925  
project, or eligible logistics and distribution project, and 8926  
project facilities that the governmental agency acting has 8927  
authority to take or provide for the purpose under law, including, 8928  
but not limited to, actions relating to contracts and agreements, 8929  
zoning, building, permits, acquisition and disposition of 8930  
property, public capital improvements, utility and transportation 8931  
service, taxation, employee recruitment and training, and liaison 8932

and coordination with and among governmental agencies. 8933

(H) "Governmental agency" means the state and any state 8934  
department, division, commission, institution or authority; a 8935  
municipal corporation, county, or township, and any agency 8936  
thereof, and any other political subdivision or public corporation 8937  
or the United States or any agency thereof; any agency, 8938  
commission, or authority established pursuant to an interstate 8939  
compact or agreement; and any combination of the above. 8940

(I) "Innovation financial assistance" means inducements under 8941  
division (B) of section 166.12 of the Revised Code, innovation 8942  
Ohio loan guarantees under section 166.15 of the Revised Code, and 8943  
innovation Ohio loans under section 166.16 of the Revised Code. 8944

(J) "Innovation Ohio loan guarantee reserve requirement" 8945  
means, at any time, with respect to innovation loan guarantees 8946  
made under section 166.15 of the Revised Code, a balance in the 8947  
innovation Ohio loan guarantee fund equal to the greater of twenty 8948  
per cent of the then-outstanding principal amount of all 8949  
outstanding innovation loan guarantees made pursuant to section 8950  
166.15 of the Revised Code or fifty per cent of the principal 8951  
amount of the largest outstanding guarantee made pursuant to 8952  
section 166.15 of the Revised Code. 8953

(K) "Innovation property" includes property and also includes 8954  
software, inventory, licenses, contract rights, goodwill, 8955  
intellectual property, including without limitation, patents, 8956  
patent applications, trademarks and service marks, and trade 8957  
secrets, and other tangible and intangible property, and any 8958  
rights and interests in or connected to the foregoing. 8959

(L) "Loan guarantee reserve requirement" means, at any time, 8960  
with respect to loan guarantees made under section 166.06 of the 8961  
Revised Code, a balance in the loan guarantee fund equal to the 8962  
greater of twenty per cent of the then-outstanding principal 8963



amount of all outstanding guarantees made pursuant to section 8964  
166.06 of the Revised Code or fifty per cent of the principal 8965  
amount of the largest outstanding guarantee made pursuant to 8966  
section 166.06 of the Revised Code. 8967

(M) "Person" means any individual, firm, partnership, 8968  
association, corporation, or governmental agency, and any 8969  
combination thereof. 8970

(N) "Project facilities" means buildings, structures, and 8971  
other improvements, and equipment and other property, excluding 8972  
small tools, supplies, and inventory, and any one, part of, or 8973  
combination of the above, comprising all or part of, or serving or 8974  
being incidental to, an eligible project, an eligible innovation 8975  
project, an eligible research and development project, an eligible 8976  
advanced energy project, or an eligible logistics and distribution 8977  
project, including, but not limited to, public capital 8978  
improvements. 8979

(O) "Property" means real and personal property and interests 8980  
therein. 8981

(P) "Public capital improvements" means capital improvements 8982  
or facilities that any governmental agency has authority to 8983  
acquire, pay the costs of, own, maintain, or operate, or to 8984  
contract with other persons to have the same done, including, but 8985  
not limited to, highways, roads, streets, water and sewer 8986  
facilities, railroad and other transportation facilities, and air 8987  
and water pollution control and solid waste disposal facilities. 8988  
For purposes of this division, "air pollution control facilities" 8989  
includes, without limitation, solar, geothermal, biofuel, biomass, 8990  
wind, hydro, wave, and other advanced energy projects as defined 8991  
in section 3706.25 of the Revised Code. 8992

(Q) "Research and development financial assistance" means 8993  
inducements under section 166.17 of the Revised Code, research and 8994

development loans under section 166.21 of the Revised Code, and 8995  
research and development tax credits under sections 5733.352 and 8996  
5747.331 of the Revised Code. 8997

(R) "Targeted innovation industry sectors" means industry 8998  
sectors involving the production or use of advanced materials, 8999  
instruments, controls and electronics, power and propulsion, 9000  
biosciences, and information technology, or such other sectors as 9001  
may be designated by the director of development services. 9002

(S) "Voluntary action" means a voluntary action, as defined 9003  
in section 3746.01 of the Revised Code, that is conducted under 9004  
the voluntary action program established in Chapter 3746. of the 9005  
Revised Code. 9006

(T) "Project financing obligations" means obligations issued 9007  
pursuant to section 166.08 of the Revised Code other than 9008  
obligations for which the bond proceedings provide that bond 9009  
service charges shall be paid from receipts of the state 9010  
representing gross profit on the sale of spirituous liquor as 9011  
referred to in division (B)(4) of section 4310.10 of the Revised 9012  
Code. 9013

(U) "Regional economic development entity" means an entity 9014  
that is under contract with the director to administer a loan 9015  
program under this chapter in a particular area of this state. 9016

(V) ~~"Advanced energy research and development fund" means the 9017  
advanced energy research and development fund created in section 9018  
3706.27 of the Revised Code. 9019~~

~~(W) "Advanced energy research and development taxable fund" 9020  
means the advanced energy research and development taxable fund 9021  
created in section 3706.27 of the Revised Code. 9022~~

~~(X) "Eligible advanced energy project" means an eligible 9023  
project that is an "advanced energy project" as defined in section 9024  
3706.25 of the Revised Code. 9025~~

~~(Y)~~(W) "Eligible logistics and distribution project" means an 9026  
eligible project, including project facilities, to be acquired, 9027  
established, expanded, remodeled, rehabilitated, or modernized for 9028  
transportation logistics and distribution infrastructure purposes. 9029  
As used in this division, "transportation logistics and 9030  
distribution infrastructure purposes" means promoting, providing 9031  
for, and enabling improvements to the ground, air, and water 9032  
transportation infrastructure comprising the transportation system 9033  
in this state, including, without limitation, highways, streets, 9034  
roads, bridges, railroads carrying freight, and air and water 9035  
ports and port facilities, and all related supporting facilities. 9036

~~(Z)~~(X) "Department of development" means the development 9037  
services agency and "director of development" means the director 9038  
of development services. 9039

**Sec. 169.06.** (A) Before the first day of November of each 9040  
year immediately following the calendar year in which the filing 9041  
of reports is required by section 169.03 of the Revised Code, the 9042  
director of commerce shall cause notice to be published once in an 9043  
English language newspaper of general circulation in the county in 9044  
this state in which is located the last known address of any 9045  
person to be named in the notice required by this section. The 9046  
notice may be published in print or electronic format. If no 9047  
address is listed, the notice shall be published in the county in 9048  
which the holder of the unclaimed funds has its principal place of 9049  
business within this state; or if the holder has no principal 9050  
place of business within this state, publication shall be made as 9051  
the director determines most effective. If the address is outside 9052  
this state, notice shall be published in a newspaper of general 9053  
circulation in the county or parish of any state in the United 9054  
States in which such last known address is located. If the last 9055  
known address is in a foreign country, publication shall be made 9056  
as the director determines most effective. 9057

If the name of the owner is not available, the director may 9058  
publish notice by class, identifying number, or as the director 9059  
determines most effective. 9060

(B) The published notice shall be entitled "Notice of Names 9061  
of Persons Appearing to be Owners of Unclaimed Funds," and shall 9062  
contain: 9063

(1) The names in alphabetical order and last known addresses, 9064  
if any, of each person appearing from the records of the holder to 9065  
be the owner of unclaimed funds of a value of fifty dollars or 9066  
more and entitled to notice as specified in division (A) of this 9067  
section; 9068

(2) A statement that information concerning the amount of the 9069  
funds and any necessary information concerning the presentment of 9070  
a claim therefor may be obtained by any persons possessing a 9071  
property interest in the unclaimed funds by addressing an inquiry 9072  
to the director. 9073

(C) With respect to items of unclaimed funds each having a 9074  
value of ten dollars or more, the director shall have available in 9075  
~~his~~ the director's office during business hours an alphabetical 9076  
list of owners and where a holder is a person providing life 9077  
insurance coverage, beneficiaries, and their last known addresses, 9078  
if any, whose funds are being held by the state pursuant to this 9079  
chapter. 9080

(D) The director may give any additional notice ~~he~~ using any 9081  
electronic or print medium that the director deems necessary to 9082  
inform the owner of the whereabouts of ~~his~~ the owner's funds. 9083

**Sec. 173.04.** (A) As used in this section, ~~"respite:~~ 9084

(1) "Respite care" means short-term, temporary care or 9085  
supervision provided to a person who has ~~Alzheimer's disease~~ 9086  
dementia in the absence of the person who normally provides that 9087

care or supervision. 9088

(2) "Dementia" includes Alzheimer's disease or other 9089  
dementia. 9090

(B) Through the internet web site maintained by the 9091  
department of aging, the director of aging shall disseminate 9092  
~~Alzheimer's disease~~ dementia training materials for licensed 9093  
physicians, registered nurses, licensed practical nurses, 9094  
administrators of health care programs, social workers, and other 9095  
health care and social service personnel who participate or assist 9096  
in the care or treatment of persons who have ~~Alzheimer's disease~~ 9097  
dementia. The training materials disseminated through the web site 9098  
may be developed by the director or obtained from other sources. 9099

(C) To the extent funds are available, the director shall 9100  
administer respite care programs and other supportive services for 9101  
persons who have ~~Alzheimer's disease~~ dementia and their families 9102  
or care givers. Respite care programs shall be approved by the 9103  
director and shall be provided for the following purposes: 9104

(1) Giving persons who normally provide care or supervision 9105  
for a person who has ~~Alzheimer's disease~~ dementia relief from the 9106  
stresses and responsibilities that result from providing such 9107  
care; 9108

(2) Preventing or reducing inappropriate institutional care 9109  
and enabling persons who have ~~Alzheimer's disease~~ dementia to 9110  
remain at home as long as possible. 9111

(D) The director may provide services under this section to 9112  
persons with ~~Alzheimer's disease~~ dementia and their families 9113  
regardless of the age of the persons with ~~Alzheimer's disease~~ 9114  
dementia. 9115

(E) The director may adopt rules in accordance with Chapter 9116  
119. of the Revised Code governing respite care programs and other 9117  
supportive services, the distribution of funds, and the purpose 9118

for which funds may be utilized under this section. 9119

**Sec. 173.27.** (A) As used in this section: 9120

(1) "Applicant" means a person who is under final 9121  
consideration for employment by a responsible party in a 9122  
full-time, part-time, or temporary position that involves 9123  
providing ombudsman services to residents and recipients. 9124  
"Applicant" includes a person who is under final consideration for 9125  
employment as the state long-term care ombudsman or the head of a 9126  
regional long-term care ombudsman program. "Applicant" does not 9127  
include a person seeking to provide ombudsman services to 9128  
residents and recipients as a volunteer without receiving or 9129  
expecting to receive any form of remuneration other than 9130  
reimbursement for actual expenses. 9131

(2) "Criminal records check" has the same meaning as in 9132  
section 109.572 of the Revised Code. 9133

(3) "Disqualifying offense" means any of the offenses listed 9134  
or described in divisions (A)(3)(a) to (e) of section 109.572 of 9135  
the Revised Code. 9136

(4) "Employee" means a person employed by a responsible party 9137  
in a full-time, part-time, or temporary position that involves 9138  
providing ombudsman services to residents and recipients. 9139  
"Employee" includes the person employed as the state long-term 9140  
care ombudsman and a person employed as the head of a regional 9141  
long-term care ombudsman program. "Employee" does not include a 9142  
person who provides ombudsman services to residents and recipients 9143  
as a volunteer without receiving or expecting to receive any form 9144  
of remuneration other than reimbursement for actual expenses. 9145

(5) "Responsible party" means the following: 9146

(a) In the case of an applicant who is under final 9147  
consideration for employment as the state long-term care ombudsman 9148

or the person employed as the state long-term care ombudsman, the 9149  
director of aging; 9150

(b) In the case of any other applicant who is under final 9151  
consideration for employment with the state long-term care 9152  
ombudsman program or any other employee of the state long-term 9153  
care ombudsman program, the state long-term care ombudsman; 9154

(c) In the case of an applicant who is under final 9155  
consideration for employment with a regional long-term care 9156  
ombudsman program (including as the head of the regional program) 9157  
or an employee of a regional long-term care ombudsman program 9158  
(including the head of a regional program), the regional long-term 9159  
care ombudsman program. 9160

(B) A responsible party may not employ an applicant or 9161  
continue to employ an employee in a position that involves 9162  
providing ombudsman services to residents and recipients if any of 9163  
the following apply: 9164

(1) A review of the databases listed in division (D) of this 9165  
section reveals any of the following: 9166

(a) That the applicant or employee is included in one or more 9167  
of the databases listed in divisions (D)(1) to (5) of this 9168  
section; 9169

(b) That there is in the state nurse aide registry 9170  
established under section 3721.32 of the Revised Code a statement 9171  
detailing findings by the director of health that the applicant or 9172  
employee abused, neglected, or exploited a long-term care facility 9173  
or residential care facility resident or misappropriated property 9174  
of such a resident; 9175

(c) That the applicant or employee is included in one or more 9176  
of the databases, if any, specified in rules adopted under this 9177  
section and the rules prohibit the responsible party from 9178  
employing an applicant or continuing to employ an employee 9179

included in such a database in a position that involves providing 9180  
ombudsman services to residents and recipients. 9181

(2) After the applicant or employee is provided, pursuant to 9182  
division (E)(2)(a) of this section, a copy of the form prescribed 9183  
pursuant to division (C)(1) of section 109.572 of the Revised Code 9184  
and the standard impression sheet prescribed pursuant to division 9185  
(C)(2) of that section, the applicant or employee fails to 9186  
complete the form or provide the applicant's or employee's 9187  
fingerprint impressions on the standard impression sheet. 9188

(3) Unless the applicant or employee meets standards 9189  
specified in rules adopted under this section, the applicant or 9190  
employee is found by a criminal records check required by this 9191  
section to have been convicted of, pleaded guilty to, or been 9192  
found eligible for intervention in lieu of conviction for a 9193  
disqualifying offense. 9194

(C) A responsible party or a responsible party's designee 9195  
shall inform each applicant of both of the following at the time 9196  
of the applicant's initial application for employment in a 9197  
position that involves providing ombudsman services to residents 9198  
and recipients: 9199

(1) That a review of the databases listed in division (D) of 9200  
this section will be conducted to determine whether the 9201  
responsible party is prohibited by division (B)(1) of this section 9202  
from employing the applicant in the position; 9203

(2) That, unless the database review reveals that the 9204  
applicant may not be employed in the position, a criminal records 9205  
check of the applicant will be conducted and the applicant is 9206  
required to provide a set of the applicant's fingerprint 9207  
impressions as part of the criminal records check. 9208

(D) As a condition of any applicant's being employed by a 9209  
responsible party in a position that involves providing ombudsman 9210



services to residents and recipients, the responsible party or 9211  
designee shall conduct a database review of the applicant in 9212  
accordance with rules adopted under this section. If rules adopted 9213  
under this section so require, the responsible party or designee 9214  
shall conduct a database review of an employee in accordance with 9215  
the rules as a condition of the responsible party continuing to 9216  
employ the employee in a position that involves providing 9217  
ombudsman services to residents and recipients. A database review 9218  
shall determine whether the applicant or employee is included in 9219  
any of the following: 9220

(1) The excluded parties list system that is maintained by 9221  
the United States general services administration pursuant to 9222  
subpart 9.4 of the federal acquisition regulation and available at 9223  
the federal web site known as the system for award management; 9224

(2) The list of excluded individuals and entities maintained 9225  
by the office of inspector general in the United States department 9226  
of health and human services pursuant to section 1128 of the 9227  
"Social Security Act," 94 Stat. 2619 (1980), 42 U.S.C. 1320a-7, as 9228  
amended, and section 1156 of the "Social Security Act," 96 Stat. 9229  
388 (1982), 42 U.S.C. 1320c-5, as amended; 9230

(3) The registry of developmental disabilities employees 9231  
established under section 5123.52 of the Revised Code; 9232

(4) The internet-based sex offender and child-victim offender 9233  
database established under division (A)(11) of section 2950.13 of 9234  
the Revised Code; 9235

(5) The internet-based database of inmates established under 9236  
section 5120.66 of the Revised Code; 9237

(6) The state nurse aide registry established under section 9238  
3721.32 of the Revised Code; 9239

(7) Any other database, if any, specified in rules adopted 9240  
under this section. 9241

(E)(1) As a condition of any applicant's being employed by a responsible party in a position that involves providing ombudsman services to residents and recipients, the responsible party or designee shall request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check of the applicant. If rules adopted under this section so require, the responsible party or designee shall request that the superintendent conduct a criminal records check of an employee at times specified in the rules as a condition of the responsible party continuing to employ the employee in a position that involves providing ombudsman services to residents and recipients. However, the responsible party or designee is not required to request the criminal records check of the applicant or employee if the responsible party is prohibited by division (B)(1) of this section from employing the applicant or continuing to employ the employee in a position that involves providing ombudsman services to residents and recipients. If an applicant or employee for whom a criminal records check request is required by this section does not present proof of having been a resident of this state for the five-year period immediately prior to the date the criminal records check is requested or provide evidence that within that five-year period the superintendent has requested information about the applicant or employee from the federal bureau of investigation in a criminal records check, the responsible party or designee shall request that the superintendent obtain information from the federal bureau of investigation as part of the criminal records check. Even if an applicant or employee for whom a criminal records check request is required by this section presents proof of having been a resident of this state for the five-year period, the responsible party or designee may request that the superintendent include information from the federal bureau of investigation in the criminal records check.

(2) A responsible party or designee shall do all of the 9275  
following: 9276

(a) Provide to each applicant and employee for whom a 9277  
criminal records check request is required by this section a copy 9278  
of the form prescribed pursuant to division (C)(1) of section 9279  
109.572 of the Revised Code and a standard impression sheet 9280  
prescribed pursuant to division (C)(2) of that section; 9281

(b) Obtain the completed form and standard impression sheet 9282  
from the applicant or employee; 9283

(c) Forward the completed form and standard impression sheet 9284  
to the superintendent. 9285

(3) A responsible party shall pay to the bureau of criminal 9286  
identification and investigation the fee prescribed pursuant to 9287  
division (C)(3) of section 109.572 of the Revised Code for each 9288  
criminal records check the responsible party or the responsible 9289  
party's designee requests under this section. The responsible 9290  
party may charge an applicant a fee not exceeding the amount the 9291  
responsible party pays to the bureau under this section if the 9292  
responsible party or designee notifies the applicant at the time 9293  
of initial application for employment of the amount of the fee. 9294

(F)(1) A responsible party may employ conditionally an 9295  
applicant for whom a criminal records check is required by this 9296  
section prior to obtaining the results of the criminal records 9297  
check if both of the following apply: 9298

(a) The responsible party is not prohibited by division 9299  
(B)(1) of this section from employing the applicant in a position 9300  
that involves providing ombudsman services to residents and 9301  
recipients; 9302

(b) The responsible party or designee requests the criminal 9303  
records check in accordance with division (E) of this section ~~not~~ 9304  
~~later than five business days after~~ before conditionally employing 9305

the applicant ~~begins conditional employment.~~ 9306

(2) A responsible party shall terminate the employment of an 9307  
applicant employed conditionally under division (F)(1) of this 9308  
section if the results of the criminal records check, other than 9309  
the results of any request for information from the federal bureau 9310  
of investigation, are not obtained within the period ending sixty 9311  
days after the date the request for the criminal records check is 9312  
made. Regardless of when the results of the criminal records check 9313  
are obtained, if the results indicate that the applicant has been 9314  
convicted of, pleaded guilty to, or been found eligible for 9315  
intervention in lieu of conviction for a disqualifying offense, 9316  
the responsible party shall terminate the applicant's employment 9317  
unless the applicant meets standards specified in rules adopted 9318  
under this section that permit the responsible party to employ the 9319  
applicant and the responsible party chooses to employ the 9320  
applicant. Termination of employment under this division shall be 9321  
considered just cause for discharge for purposes of division 9322  
(D)(2) of section 4141.29 of the Revised Code if the applicant 9323  
makes any attempt to deceive the responsible party or designee 9324  
about the applicant's criminal record. 9325

(G) The report of any criminal records check conducted 9326  
pursuant to a request made under this section is not a public 9327  
record for the purposes of section 149.43 of the Revised Code and 9328  
shall not be made available to any person other than the 9329  
following: 9330

(1) The applicant or employee who is the subject of the 9331  
criminal records check or the applicant's or employee's 9332  
representative; 9333

(2) The responsible party or designee; 9334

(3) In the case of a criminal records check conducted for an 9335  
applicant who is under final consideration for employment with a 9336

regional long-term care ombudsman program (including as the head of the regional program) or an employee of a regional long-term care ombudsman program (including the head of a regional program), the state long-term care ombudsman or a representative of the office of the state long-term care ombudsman program who is responsible for monitoring the regional program's compliance with this section;

(4) A court, hearing officer, or other necessary individual involved in a case dealing with any of the following:

(a) A denial of employment of the applicant or employee;

(b) Employment or unemployment benefits of the applicant or employee;

(c) A civil or criminal action regarding the medicaid program or a program the department of aging administers.

(H) In a tort or other civil action for damages that is brought as the result of an injury, death, or loss to person or property caused by an applicant or employee who a responsible party employs in a position that involves providing ombudsman services to residents and recipients, all of the following shall apply:

(1) If the responsible party employed the applicant or employee in good faith and reasonable reliance on the report of a criminal records check requested under this section, the responsible party shall not be found negligent solely because of its reliance on the report, even if the information in the report is determined later to have been incomplete or inaccurate.

(2) If the responsible party employed the applicant in good faith on a conditional basis pursuant to division (F) of this section, the responsible party shall not be found negligent solely because it employed the applicant prior to receiving the report of a criminal records check requested under this section.

(3) If the responsible party in good faith employed the applicant or employee because the applicant or employee meets standards specified in rules adopted under this section, the responsible party shall not be found negligent solely because the applicant or employee has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.

(I) The state long-term care ombudsman may not act as the director of aging's designee for the purpose of this section. The head of a regional long-term care ombudsman program may not act as the regional program's designee for the purpose of this section if the head is the employee for whom a database review or criminal records check is being conducted.

(J) The director of aging shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section.

(1) The rules may do the following:

(a) Require employees to undergo database reviews and criminal records checks under this section;

(b) If the rules require employees to undergo database reviews and criminal records checks under this section, exempt one or more classes of employees from the requirements;

(c) For the purpose of division (D)(7) of this section, specify other databases that are to be checked as part of a database review conducted under this section.

(2) The rules shall specify all of the following:

(a) The procedures for conducting database reviews under this section;

(b) If the rules require employees to undergo database reviews and criminal records checks under this section, the times at which the database reviews and criminal records checks are to

be conducted; 9398

(c) If the rules specify other databases to be checked as 9399  
part of the database reviews, the circumstances under which a 9400  
responsible party is prohibited from employing an applicant or 9401  
continuing to employ an employee who is found by a database review 9402  
to be included in one or more of those databases; 9403

(d) Standards that an applicant or employee must meet for a 9404  
responsible party to be permitted to employ the applicant or 9405  
continue to employ the employee in a position that involves 9406  
providing ombudsman services to residents and recipients if the 9407  
applicant or employee is found by a criminal records check 9408  
required by this section to have been convicted of, pleaded guilty 9409  
to, or been found eligible for intervention in lieu of conviction 9410  
for a disqualifying offense. 9411

**Sec. 173.38.** (A) As used in this section: 9412

(1) "Applicant" means a person who is under final 9413  
consideration for employment with a responsible party in a 9414  
full-time, part-time, or temporary direct-care position or is 9415  
referred to a responsible party by an employment service for such 9416  
a position. "Applicant" does not include a person being considered 9417  
for a direct-care position as a volunteer. 9418

(2) "Area agency on aging" has the same meaning as in section 9419  
173.14 of the Revised Code. 9420

(3) "Chief administrator of a responsible party" includes a 9421  
consumer when the consumer is a responsible party. 9422

(4) "Community-based long-term care services" means 9423  
community-based long-term care services, as defined in section 9424  
173.14 of the Revised Code, that are provided under a program the 9425  
department of aging administers. 9426

(5) "Consumer" means an individual who receives 9427

community-based long-term care services.	9428
(6) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.	9429 9430
(7)(a) "Direct-care position" means an employment position in which an employee has either or both of the following:	9431 9432
(i) In-person contact with one or more consumers;	9433
(ii) Access to one or more consumers' personal property or records.	9434 9435
(b) "Direct-care position" does not include a person whose sole duties are transporting individuals under Chapter 306. of the Revised Code.	9436 9437 9438
(8) "Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code.	9439 9440 9441
(9) "Employee" means a person employed by a responsible party in a full-time, part-time, or temporary direct-care position and a person who works in such a position due to being referred to a responsible party by an employment service. "Employee" does not include a person who works in a direct-care position as a volunteer.	9442 9443 9444 9445 9446 9447
(10) "PASSPORT administrative agency" has the same meaning as in section 173.42 of the Revised Code.	9448 9449
(11) "Provider" has the same meaning as in section 173.39 of the Revised Code.	9450 9451
(12) "Responsible party" means the following:	9452
(a) An area agency on aging in the case of either of the following:	9453 9454
(i) A person who is an applicant because the person is under final consideration for employment with the agency in a full-time,	9455 9456



part-time, or temporary direct-care position or is referred to the 9457  
agency by an employment service for such a position; 9458

(ii) A person who is an employee because the person is 9459  
employed by the agency in a full-time, part-time, or temporary 9460  
direct-care position or works in such a position due to being 9461  
referred to the agency by an employment service. 9462

(b) A PASSPORT administrative agency in the case of either of 9463  
the following: 9464

(i) A person who is an applicant because the person is under 9465  
final consideration for employment with the agency in a full-time, 9466  
part-time, or temporary direct-care position or is referred to the 9467  
agency by an employment service for such a position; 9468

(ii) A person who is an employee because the person is 9469  
employed by the agency in a full-time, part-time, or temporary 9470  
direct-care position or works in such a position due to being 9471  
referred to the agency by an employment service. 9472

(c) A provider in the case of either of the following: 9473

(i) A person who is an applicant because the person is under 9474  
final consideration for employment with the provider in a 9475  
full-time, part-time, or temporary direct-care position or is 9476  
referred to the provider by an employment service for such a 9477  
position; 9478

(ii) A person who is an employee because the person is 9479  
employed by the provider in a full-time, part-time, or temporary 9480  
direct-care position or works in such a position due to being 9481  
referred to the provider by an employment service. 9482

(d) A subcontractor in the case of either of the following: 9483

(i) A person who is an applicant because the person is under 9484  
final consideration for employment with the subcontractor in a 9485  
full-time, part-time, or temporary direct-care position or is 9486

referred to the subcontractor by an employment service for such a position; 9487  
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(ii) A person who is an employee because the person is employed by the subcontractor in a full-time, part-time, or temporary direct-care position or works in such a position due to being referred to the subcontractor by an employment service. 9489  
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(e) A consumer in the case of either of the following: 9493

(i) A person who is an applicant because the person is under final consideration for employment with the consumer in a full-time, part-time, or temporary direct-care position for which the consumer, as the employer of record, is to direct the person in the provision of community-based long-term care services the person is to provide the consumer or is referred to the consumer by an employment service for such a position; 9494  
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(ii) A person who is an employee because the person is employed by the consumer in a full-time, part-time, or temporary direct-care position for which the consumer, as the employer of record, directs the person in the provision of community-based long-term care services the person provides to the consumer or who works in such a position due to being referred to the consumer by an employment service. 9501  
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(13) "Subcontractor" has the meaning specified in rules adopted under this section. 9508  
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(14) "Volunteer" means a person who serves in a direct-care position without receiving or expecting to receive any form of remuneration other than reimbursement for actual expenses. 9510  
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(15) "Waiver agency" has the same meaning as in section 5164.342 of the Revised Code. 9513  
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(B) This section does not apply to any individual who is subject to a database review or criminal records check under 9515  
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section 173.381 or 3701.881 of the Revised Code or to any 9517  
individual who is subject to a criminal records check under 9518  
section 3721.121 of the Revised Code. ~~If a provider or 9519  
subcontractor also is a waiver agency, the provider or 9520  
subcontractor may provide for applicants and employees to undergo 9521  
database reviews and criminal records checks in accordance with 9522  
section 5164.342 of the Revised Code rather than this section.~~ 9523

(C) No responsible party shall employ an applicant or 9524  
continue to employ an employee in a direct-care position if any of 9525  
the following apply: 9526

(1) A review of the databases listed in division (E) of this 9527  
section reveals any of the following: 9528

(a) That the applicant or employee is included in one or more 9529  
of the databases listed in divisions (E)(1) to (5) of this 9530  
section; 9531

(b) That there is in the state nurse aide registry 9532  
established under section 3721.32 of the Revised Code a statement 9533  
detailing findings by the director of health that the applicant or 9534  
employee abused, neglected, or exploited a long-term care facility 9535  
or residential care facility resident or misappropriated property 9536  
of such a resident; 9537

(c) That the applicant or employee is included in one or more 9538  
of the databases, if any, specified in rules adopted under this 9539  
section and the rules prohibit the responsible party from 9540  
employing an applicant or continuing to employ an employee 9541  
included in such a database in a direct-care position. 9542

(2) After the applicant or employee is provided, pursuant to 9543  
division (F)(2)(a) of this section, a copy of the form prescribed 9544  
pursuant to division (C)(1) of section 109.572 of the Revised Code 9545  
and the standard impression sheet prescribed pursuant to division 9546  
(C)(2) of that section, the applicant or employee fails to 9547

complete the form or provide the applicant's or employee's 9548  
fingerprint impressions on the standard impression sheet. 9549

(3) Unless the applicant or employee meets standards 9550  
specified in rules adopted under this section, the applicant or 9551  
employee is found by a criminal records check required by this 9552  
section to have been convicted of, pleaded guilty to, or been 9553  
found eligible for intervention in lieu of conviction for a 9554  
disqualifying offense. 9555

(D) Except as provided by division (G) of this section, the 9556  
chief administrator of a responsible party shall inform each 9557  
applicant of both of the following at the time of the applicant's 9558  
initial application for employment or referral to the responsible 9559  
party by an employment service for a direct-care position: 9560

(1) That a review of the databases listed in division (E) of 9561  
this section will be conducted to determine whether the 9562  
responsible party is prohibited by division (C)(1) of this section 9563  
from employing the applicant in the direct-care position; 9564

(2) That, unless the database review reveals that the 9565  
applicant may not be employed in the direct-care position, a 9566  
criminal records check of the applicant will be conducted and the 9567  
applicant is required to provide a set of the applicant's 9568  
fingerprint impressions as part of the criminal records check. 9569

(E) As a condition of employing any applicant in a 9570  
direct-care position, the chief administrator of a responsible 9571  
party shall conduct a database review of the applicant in 9572  
accordance with rules adopted under this section. If rules adopted 9573  
under this section so require, the chief administrator of a 9574  
responsible party shall conduct a database review of an employee 9575  
in accordance with the rules as a condition of continuing to 9576  
employ the employee in a direct-care position. However, a chief 9577  
administrator is not required to conduct a database review of an 9578

applicant or employee if division (G) of this section applies. A 9579  
database review shall determine whether the applicant or employee 9580  
is included in any of the following: 9581

(1) The excluded parties list system that is maintained by 9582  
the United States general services administration pursuant to 9583  
subpart 9.4 of the federal acquisition regulation and available at 9584  
the federal web site known as the system for award management; 9585

(2) The list of excluded individuals and entities maintained 9586  
by the office of inspector general in the United States department 9587  
of health and human services pursuant to the "Social Security 9588  
Act," sections 1128 and 1156, 42 U.S.C. 1320a-7 and 1320c-5; 9589

(3) The registry of developmental disabilities employees 9590  
established under section 5123.52 of the Revised Code; 9591

(4) The internet-based sex offender and child-victim offender 9592  
database established under division (A)(11) of section 2950.13 of 9593  
the Revised Code; 9594

(5) The internet-based database of inmates established under 9595  
section 5120.66 of the Revised Code; 9596

(6) The state nurse aide registry established under section 9597  
3721.32 of the Revised Code; 9598

(7) Any other database, if any, specified in rules adopted 9599  
under this section. 9600

(F)(1) As a condition of employing any applicant in a 9601  
direct-care position, the chief administrator of a responsible 9602  
party shall request that the superintendent of the bureau of 9603  
criminal identification and investigation conduct a criminal 9604  
records check of the applicant. If rules adopted under this 9605  
section so require, the chief administrator of a responsible party 9606  
shall request that the superintendent conduct a criminal records 9607  
check of an employee at times specified in the rules as a 9608

condition of continuing to employ the employee in a direct-care 9609  
position. However, the chief administrator is not required to 9610  
request the criminal records check of the applicant or employee if 9611  
division (G) of this section applies or the responsible party is 9612  
prohibited by division (C)(1) of this section from employing the 9613  
applicant or continuing to employ the employee in a direct-care 9614  
position. If an applicant or employee for whom a criminal records 9615  
check request is required by this section does not present proof 9616  
of having been a resident of this state for the five-year period 9617  
immediately prior to the date the criminal records check is 9618  
requested or provide evidence that within that five-year period 9619  
the superintendent has requested information about the applicant 9620  
or employee from the federal bureau of investigation in a criminal 9621  
records check, the chief administrator shall request that the 9622  
superintendent obtain information from the federal bureau of 9623  
investigation as part of the criminal records check. Even if an 9624  
applicant or employee for whom a criminal records check request is 9625  
required by this section presents proof of having been a resident 9626  
of this state for the five-year period, the chief administrator 9627  
may request that the superintendent include information from the 9628  
federal bureau of investigation in the criminal records check. 9629

(2) The chief administrator shall do all of the following: 9630

(a) Provide to each applicant and employee for whom a 9631  
criminal records check request is required by this section a copy 9632  
of the form prescribed pursuant to division (C)(1) of section 9633  
109.572 of the Revised Code and a standard impression sheet 9634  
prescribed pursuant to division (C)(2) of that section; 9635

(b) Obtain the completed form and standard impression sheet 9636  
from the applicant or employee; 9637

(c) Forward the completed form and standard impression sheet 9638  
to the superintendent. 9639

(3) A responsible party shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check the responsible party requests under this section. A responsible party may charge an applicant a fee not exceeding the amount the responsible party pays to the bureau under this section if both of the following apply:

(a) The responsible party notifies the applicant at the time of initial application for employment of the amount of the fee and that, unless the fee is paid, the applicant will not be considered for employment.

(b) The medicaid program does not pay the responsible party for the fee it pays to the bureau under this section.

(G) Divisions (D) to (F) of this section do not apply with regard to an applicant or employee if the applicant or employee is referred to a responsible party by an employment service that supplies full-time, part-time, or temporary staff for direct-care positions and both of the following apply:

(1) The chief administrator of the responsible party receives from the employment service confirmation that a review of the databases listed in division (E) of this section was conducted of the applicant or employee.

(2) The chief administrator of the responsible party receives from the employment service, applicant, or employee a report of the results of a criminal records check of the applicant or employee that has been conducted by the superintendent within the one-year period immediately preceding the following:

(a) In the case of an applicant, the date of the applicant's referral by the employment service to the responsible party;

(b) In the case of an employee, the date by which the responsible party would otherwise have to request a criminal

records check of the employee under division (F) of this section. 9671

(H)(1) A responsible party may employ conditionally an 9672  
applicant for whom a criminal records check request is required by 9673  
this section prior to obtaining the results of the criminal 9674  
records check if the responsible party is not prohibited by 9675  
division (C)(1) of this section from employing the applicant in a 9676  
direct-care position and either of the following applies: 9677

(a) The chief administrator of the responsible party requests 9678  
the criminal records check in accordance with division (F) of this 9679  
section ~~not later than five business days after~~ before 9680  
conditionally employing the applicant ~~begins conditional~~ 9681  
~~employment.~~ 9682

(b) The applicant is referred to the responsible party by an 9683  
employment service, the employment service or the applicant 9684  
provides the chief administrator of the responsible party a letter 9685  
that is on the letterhead of the employment service, the letter is 9686  
dated and signed by a supervisor or another designated official of 9687  
the employment service, and the letter states all of the 9688  
following: 9689

(i) That the employment service has requested the 9690  
superintendent to conduct a criminal records check regarding the 9691  
applicant; 9692

(ii) That the requested criminal records check is to include 9693  
a determination of whether the applicant has been convicted of, 9694  
pleaded guilty to, or been found eligible for intervention in lieu 9695  
of conviction for a disqualifying offense; 9696

(iii) That the employment service has not received the 9697  
results of the criminal records check as of the date set forth on 9698  
the letter; 9699

(iv) That the employment service promptly will send a copy of 9700  
the results of the criminal records check to the chief 9701



administrator of the responsible party when the employment service receives the results. 9702  
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(2) If a responsible party employs an applicant conditionally pursuant to division (H)(1)(b) of this section, the employment service, on its receipt of the results of the criminal records check, promptly shall send a copy of the results to the chief administrator of the responsible party. 9704  
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(3) A responsible party that employs an applicant conditionally pursuant to division (H)(1)(a) or (b) of this section shall terminate the applicant's employment if the results of the criminal records check, other than the results of any request for information from the federal bureau of investigation, are not obtained within the period ending sixty days after the date the request for the criminal records check is made. 9709  
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Regardless of when the results of the criminal records check are obtained, if the results indicate that the applicant has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense, the responsible party shall terminate the applicant's employment unless the applicant meets standards specified in rules adopted under this section that permit the responsible party to employ the applicant and the responsible party chooses to employ the applicant. Termination of employment under this division shall be considered just cause for discharge for purposes of division (D)(2) of section 4141.29 of the Revised Code if the applicant makes any attempt to deceive the responsible party about the applicant's criminal record. 9716  
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(I) The report of any criminal records check conducted pursuant to a request made under this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the following: 9729  
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- (1) The applicant or employee who is the subject of the criminal records check or the applicant's or employee's representative; 9734  
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- (2) The chief administrator of the responsible party requesting the criminal records check or the administrator's representative; 9737  
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- (3) The administrator of any other facility, agency, or program that provides community-based long-term care services that is owned or operated by the same entity that owns or operates the responsible party that requested the criminal records check; 9740  
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- (4) The employment service that requested the criminal records check; 9744  
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- (5) The director of aging or a person authorized by the director to monitor a responsible party's compliance with this section; 9746  
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- (6) The medicaid director and the staff of the department of medicaid who are involved in the administration of the medicaid program if any of the following apply: 9749  
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9751
- (a) In the case of a criminal records check requested by a provider or subcontractor, the provider or subcontractor also is a waiver agency; 9752  
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- (b) In the case of a criminal records check requested by an employment service, the employment service makes the request for an applicant or employee the employment service refers to a provider or subcontractor that also is a waiver agency; 9755  
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- (c) The criminal records check is requested by a consumer who is acting as a responsible party. 9759  
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- (7) A court, hearing officer, or other necessary individual involved in a case dealing with any of the following: 9761  
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- (a) A denial of employment of the applicant or employee; 9763

(b) Employment or unemployment benefits of the applicant or 9764  
employee; 9765

(c) A civil or criminal action regarding the medicaid program 9766  
or a program the department of aging administers. 9767

(J) In a tort or other civil action for damages that is 9768  
brought as the result of an injury, death, or loss to person or 9769  
property caused by an applicant or employee who a responsible 9770  
party employs in a direct-care position, all of the following 9771  
shall apply: 9772

(1) If the responsible party employed the applicant or 9773  
employee in good faith and reasonable reliance on the report of a 9774  
criminal records check requested under this section, the 9775  
responsible party shall not be found negligent solely because of 9776  
its reliance on the report, even if the information in the report 9777  
is determined later to have been incomplete or inaccurate. 9778

(2) If the responsible party employed the applicant in good 9779  
faith on a conditional basis pursuant to division (H) of this 9780  
section, the responsible party shall not be found negligent solely 9781  
because it employed the applicant prior to receiving the report of 9782  
a criminal records check requested under this section. 9783

(3) If the responsible party in good faith employed the 9784  
applicant or employee because the applicant or employee meets 9785  
standards specified in rules adopted under this section, the 9786  
responsible party shall not be found negligent solely because the 9787  
applicant or employee has been convicted of, pleaded guilty to, or 9788  
been found eligible for intervention in lieu of conviction for a 9789  
disqualifying offense. 9790

(K) The director of aging shall adopt rules in accordance 9791  
with Chapter 119. of the Revised Code to implement this section. 9792

(1) The rules may do the following: 9793

(a) Require employees to undergo database reviews and criminal records checks under this section;	9794 9795
(b) If the rules require employees to undergo database reviews and criminal records checks under this section, exempt one or more classes of employees from the requirements;	9796 9797 9798
(c) For the purpose of division (E)(7) of this section, specify other databases that are to be checked as part of a database review conducted under this section.	9799 9800 9801
(2) The rules shall specify all of the following:	9802
(a) The meaning of the term "subcontractor";	9803
(b) The procedures for conducting database reviews under this section;	9804 9805
(c) If the rules require employees to undergo database reviews and criminal records checks under this section, the times at which the database reviews and criminal records checks are to be conducted;	9806 9807 9808 9809
(d) If the rules specify other databases to be checked as part of the database reviews, the circumstances under which a responsible party is prohibited from employing an applicant or continuing to employ an employee who is found by a database review to be included in one or more of those databases;	9810 9811 9812 9813 9814
(e) Standards that an applicant or employee must meet for a responsible party to be permitted to employ the applicant or continue to employ the employee in a direct-care position if the applicant or employee is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.	9815 9816 9817 9818 9819 9820 9821
<b>Sec. 173.391.</b> (A) Subject to section 173.381 of the Revised Code, the department of aging or its designee shall do all of the	9822 9823

following in accordance with Chapter 119. of the Revised Code:	9824
(1) Certify a provider to provide community-based long-term care services under a program the department administers if the provider satisfies the requirements for certification established by rules adopted under division (B) of this section and pays the fee, if any, established by rules adopted under division (G) of this section;	9825 9826 9827 9828 9829 9830
(2) When required to do so by rules adopted under division (B) of this section, take one or more of the following disciplinary actions against a provider certified under division (A)(1) of this section:	9831 9832 9833 9834
(a) Issue a written warning;	9835
(b) Require the submission of a plan of correction or evidence of compliance with requirements identified by the department;	9836 9837 9838
(c) Suspend referrals;	9839
(d) Remove clients;	9840
(e) Impose a fiscal sanction such as a civil monetary penalty or an order that unearned funds be repaid;	9841 9842
(f) Suspend the certification;	9843
(g) Revoke the certification;	9844
(h) Impose another sanction.	9845
(3) Except as provided in division (E) of this section, hold hearings when there is a dispute between the department or its designee and a provider concerning actions the department or its designee takes regarding a decision not to certify the provider under division (A)(1) of this section or a disciplinary action under divisions (A)(2)(e) to (h) of this section.	9846 9847 9848 9849 9850 9851
(B) The director of aging shall adopt rules in accordance	9852

with Chapter 119. of the Revised Code establishing certification 9853  
requirements and standards for determining which type of 9854  
disciplinary action to take under division (A)(2) of this section 9855  
in individual situations. The rules shall establish procedures for 9856  
all of the following: 9857

(1) Ensuring that providers comply with sections 173.38 and 9858  
173.381 of the Revised Code; 9859

(2) Evaluating the services provided by the providers to 9860  
ensure that the services are provided in a quality manner 9861  
advantageous to the individual receiving the services; 9862

(3) In a manner consistent with section 173.381 of the 9863  
Revised Code, determining when to take disciplinary action under 9864  
division (A)(2) of this section and which disciplinary action to 9865  
take; 9866

(4) Determining what constitutes another sanction for 9867  
purposes of division (A)(2)(h) of this section. 9868

(C) The procedures established in rules adopted under 9869  
division (B)(2) of this section shall require that all of the 9870  
following be considered as part of an evaluation described in 9871  
division (B)(2) of this section: 9872

(1) The provider's experience and financial responsibility; 9873

(2) The provider's ability to comply with standards for the 9874  
community-based long-term care services that the provider provides 9875  
under a program the department administers; 9876

(3) The provider's ability to meet the needs of the 9877  
individuals served; 9878

(4) Any other factor the director considers relevant. 9879

(D) The rules adopted under division (B)(3) of this section 9880  
shall specify that the reasons disciplinary action may be taken 9881  
under division (A)(2) of this section include good cause, 9882

including misfeasance, malfeasance, nonfeasance, confirmed abuse 9883  
or neglect, financial irresponsibility, or other conduct the 9884  
director determines is injurious, or poses a threat, to the health 9885  
or safety of individuals being served. 9886

(E) Subject to division (F) of this section, the department 9887  
is not required to hold hearings under division (A)(3) of this 9888  
section if any of the following conditions apply: 9889

(1) Rules adopted by the director of aging pursuant to this 9890  
chapter require the provider to be a party to a provider 9891  
agreement; hold a license, certificate, or permit; or maintain a 9892  
certification, any of which is required or issued by a state or 9893  
federal government entity other than the department of aging, and 9894  
either of the following is the case: 9895

(a) The provider agreement has not been entered into or the 9896  
license, certificate, permit, or certification has not been 9897  
obtained or maintained. 9898

(b) The provider agreement, license, certificate, permit, or 9899  
certification has been denied, revoked, not renewed, or suspended 9900  
or has been otherwise restricted. 9901

(2) The provider's certification under this section has been 9902  
denied, suspended, or revoked for any of the following reasons: 9903

(a) A government entity of this state, other than the 9904  
department of aging, has terminated or refused to renew any of the 9905  
following held by, or has denied any of the following sought by, a 9906  
provider: a provider agreement, license, certificate, permit, or 9907  
certification. Division (E)(2)(a) of this section applies 9908  
regardless of whether the provider has entered into a provider 9909  
agreement in, or holds a license, certificate, permit, or 9910  
certification issued by, another state. 9911

(b) The provider or a principal owner or manager of the 9912  
provider who provides direct care has entered a guilty plea for, 9913

or has been convicted of, an offense materially related to the 9914  
medicaid program. 9915

(c) A principal owner or manager of the provider who provides 9916  
direct care has entered a guilty plea for, been convicted of, or 9917  
been found eligible for intervention in lieu of conviction for an 9918  
offense listed or described in divisions (A)(3)(a) to (e) of 9919  
section 109.572 of the Revised Code, but only if the provider, 9920  
principal owner, or manager does not meet standards specified by 9921  
the director in rules adopted under section 173.38 of the Revised 9922  
Code. 9923

(d) The department or its designee is required by section 9924  
173.381 of the Revised Code to deny or revoke the provider's 9925  
certification. 9926

(e) The United States department of health and human services 9927  
has taken adverse action against the provider and that action 9928  
impacts the provider's participation in the medicaid program. 9929

(f) The provider has failed to enter into or renew a provider 9930  
agreement with the PASSPORT administrative agency, as that term is 9931  
defined in section 173.42 of the Revised Code, that administers 9932  
programs on behalf of the department of aging in the region of the 9933  
state in which the provider is certified to provide services. 9934

(g) The provider has not billed or otherwise submitted a 9935  
claim to the department for payment under the medicaid program in 9936  
at least two years. 9937

(h) The provider denied or failed to provide the department 9938  
or its designee access to the provider's facilities during the 9939  
provider's normal business hours for purposes of conducting an 9940  
audit or structural compliance review. 9941

(i) The provider has ceased doing business. 9942

(j) The provider has voluntarily relinquished its 9943



certification for any reason. 9944

(3) The provider's provider agreement with the department of 9945  
medicaid has been suspended under ~~division (C) of section 5164.37~~ 9946  
5164.36 of the Revised Code. 9947

(4) The provider's provider agreement with the department of 9948  
medicaid is denied or revoked because the provider or its owner, 9949  
officer, authorized agent, associate, manager, or employee has 9950  
been convicted of an offense that caused the provider agreement to 9951  
be suspended under section ~~5164.37~~ 5164.36 of the Revised Code. 9952

(F) If the department does not hold hearings when any 9953  
condition described in division (E) of this section applies, the 9954  
department ~~may~~ shall send a notice to the provider describing a 9955  
decision not to certify the provider under division (A)(1) of this 9956  
section or the disciplinary action the department ~~proposes to take~~ 9957  
is taking under ~~division~~ divisions (A)(2)(e) to (h) of this 9958  
section. The notice shall be sent to the provider's address that 9959  
is on record with the department and may be sent by regular mail. 9960

(G) The director of aging may adopt rules in accordance with 9961  
Chapter 119. of the Revised Code establishing a fee to be charged 9962  
by the department of aging or its designee for certification 9963  
issued under this section. 9964

~~All fees~~ (H) Any amounts collected by the department or its 9965  
designee under this section shall be deposited in the state 9966  
treasury to the credit of the provider certification fund, which 9967  
is hereby created. Money credited to the fund shall be used to pay 9968  
for community-based long-term care services, administrative costs 9969  
associated with provider certification under this section, and 9970  
administrative costs related to the publication of the Ohio 9971  
long-term care consumer guide. 9972

**Sec. 174.02.** (A) The low- and moderate-income housing trust 9973

fund is hereby created in the state treasury. The fund consists of 9974  
all appropriations made to the fund, housing trust fund fees 9975  
collected by county recorders pursuant to section 317.36 of the 9976  
Revised Code and deposited into the fund pursuant to section 9977  
319.63 of the Revised Code, ~~money transferred from the housing~~ 9978  
~~trust reserve fund pursuant to section 174.09 of the Revised Code,~~ 9979  
and all grants, gifts, loan repayments, and contributions of money 9980  
made from any source to the development services agency for 9981  
deposit in the fund. All investment earnings of the fund shall be 9982  
credited to the fund. The director of development services shall 9983  
allocate a portion of the money in the fund to an account of the 9984  
Ohio housing finance agency. The development services agency shall 9985  
administer the fund. The Ohio housing finance agency shall use 9986  
money allocated to it for implementing and administering its 9987  
programs and duties under sections 174.03 and 174.05 of the 9988  
Revised Code, and the development services agency shall use the 9989  
remaining money in the fund for implementing and administering its 9990  
programs and duties under sections 174.03 to 174.06 of the Revised 9991  
Code. Use of all money drawn from the fund is subject to the 9992  
following restrictions: 9993

(1)(a) Not more than five per cent of the current year 9994  
appropriation authority for the fund shall be allocated between 9995  
grants to community development corporations for the community 9996  
development corporation grant program and grants and loans to the 9997  
Ohio community development finance fund, a private nonprofit 9998  
corporation. 9999

(b) In any year in which the amount in the fund exceeds one 10000  
hundred thousand dollars and at least that much is allocated for 10001  
the uses described in this section, not less than one hundred 10002  
thousand dollars shall be used to provide training, technical 10003  
assistance, and capacity building assistance to nonprofit 10004  
development organizations. 10005

(2) Not more than ten per cent of any current year appropriation authority for the fund shall be used for the emergency shelter housing grants program to make grants to private, nonprofit organizations and municipal corporations, counties, and townships for emergency shelter housing for the homeless and emergency shelter facilities serving unaccompanied youth seventeen years of age and younger. The grants shall be distributed pursuant to rules the director adopts and qualify as matching funds for funds obtained pursuant to the McKinney Act, 101 Stat. 85 (1987), 42 U.S.C.A. 11371 to 11378.

(3) In any fiscal year in which the amount in the fund exceeds the amount awarded pursuant to division (A)(1)(b) of this section by at least two hundred fifty thousand dollars, at least two hundred fifty thousand dollars from the fund shall be provided to the department of aging for the resident services coordinator program as established in section 173.08 of the Revised Code.

(4) Of all current year appropriation authority for the fund, not more than five per cent shall be used for administration.

(5) Not less than forty-five per cent of the funds awarded during any one fiscal year shall be for grants and loans to nonprofit organizations under section 174.03 of the Revised Code.

(6) Not less than fifty per cent of the funds awarded during any one fiscal year, excluding the amounts awarded pursuant to divisions (A)(1), (2), and (7) of this section, shall be for grants and loans for activities that provide housing and housing assistance to families and individuals in rural areas and small cities that are not eligible to participate as a participating jurisdiction under the "HOME Investment Partnerships Act," 104 Stat. 4094 (1990), 42 U.S.C. 12701 note, 12721.

(7) No money in the fund shall be used to pay for any legal services other than the usual and customary legal services

associated with the acquisition of housing. 10037

(8) Money in the fund may be used as matching money for 10038  
federal funds received by the state, counties, municipal 10039  
corporations, and townships for the activities listed in section 10040  
174.03 of the Revised Code. 10041

(B) If, after the second quarter of any year, it appears to 10042  
the director of development services that the full amount of the 10043  
money in the fund designated in that year for activities that 10044  
provide housing and housing assistance to families and individuals 10045  
in rural areas and small cities under division (A) of this section 10046  
will not be used for that purpose, the director may reallocate all 10047  
or a portion of that amount for other housing activities. In 10048  
determining whether or how to reallocate money under this 10049  
division, the director may consult with and shall receive advice 10050  
from the housing trust fund advisory committee. 10051

**Sec. 177.02.** (A) Any person may file with the organized crime 10052  
investigations commission a complaint that alleges that organized 10053  
criminal activity has occurred in a county. A person who files a 10054  
complaint under this division also may file with the commission 10055  
information relative to the complaint. 10056

(B) Upon the filing of a complaint under division (A) of this 10057  
section or upon its own initiative, the commission may establish 10058  
an organized crime task force to investigate organized criminal 10059  
activity in a single county or in two or more counties if it 10060  
determines, based upon the complaint filed and the information 10061  
relative to it or based upon any information that it may have 10062  
received, that there is reason to believe that organized criminal 10063  
activity has occurred and continues to occur in that county or in 10064  
each of those counties. The commission shall not establish an 10065  
organized crime task force to investigate organized criminal 10066  
activity in any single county unless it makes the determination 10067

required under this division relative to that county and shall not 10068  
establish an organized crime task force to investigate organized 10069  
criminal activity in two or more counties unless it makes the 10070  
determination required under this division relative to each of 10071  
those counties. The commission, at any time, may terminate an 10072  
organized crime task force it has established under this section. 10073

(C)(1) If the commission establishes an organized crime task 10074  
force to investigate organized criminal activity in a single 10075  
county or in two or more counties pursuant to division (B) of this 10076  
section, the commission initially shall appoint a task force 10077  
director to directly supervise the investigation. The task force 10078  
director shall be either the sheriff or a deputy sheriff of any 10079  
county in the state, the chief law enforcement officer or a member 10080  
of a law enforcement agency of any municipal corporation or 10081  
township in the state, or an agent of the bureau of criminal 10082  
identification and investigation. No person shall be appointed as 10083  
task force director without the person's consent and, if 10084  
applicable, the consent of the person's employing sheriff or law 10085  
enforcement agency or of the superintendent of the bureau of 10086  
criminal identification and investigation if the person is an 10087  
employee of the bureau. Upon appointment of a task force director, 10088  
the commission shall meet with the director and establish the 10089  
scope and limits of the investigation to be conducted by the task 10090  
force and the size of the task force investigatory staff to be 10091  
appointed by the task force director. The commission, at any time, 10092  
may remove a task force director appointed under this division and 10093  
may replace any director so removed according to the guidelines 10094  
for the initial appointment of a director. 10095

(2) A task force director appointed under this section shall 10096  
assemble a task force investigatory staff, of a size determined by 10097  
the commission and the director, to conduct the investigation. 10098  
Unless it appears to the commission and the director, based upon 10099

the complaint filed and any information relative to it or based 10100  
upon any information that the commission may have received, that 10101  
there is reason to believe that the office of the prosecuting 10102  
attorney of the county or one of the counties served by the task 10103  
force is implicated in the organized criminal activity to be 10104  
investigated, one member of the investigatory staff shall be the 10105  
prosecuting attorney or an assistant prosecuting attorney of the 10106  
county or one of the counties served by the task force. If a 10107  
prosecuting attorney or assistant prosecuting attorney is not a 10108  
participating member of the task force, the office of the attorney 10109  
general shall provide legal assistance to the task force upon 10110  
request. Each of the other members of the investigatory staff 10111  
shall be either the sheriff or a deputy sheriff of any county in 10112  
the state, the chief law enforcement officer or a member of a law 10113  
enforcement agency of any municipal corporation or township in the 10114  
state, or an agent of the bureau of criminal identification and 10115  
investigation. No person shall be appointed to the investigatory 10116  
staff without the person's consent and, if applicable, the consent 10117  
of the person's employing sheriff or law enforcement agency or the 10118  
superintendent of the bureau of criminal identification and 10119  
investigation if the person is an employee of the bureau. To the 10120  
extent possible, the investigatory staff shall be composed of 10121  
persons familiar with investigatory techniques that generally 10122  
would be utilized in an investigation of organized criminal 10123  
activity. To the extent practicable, the investigatory staff shall 10124  
be assembled in such a manner that numerous law enforcement 10125  
agencies within the county or the counties served by the task 10126  
force are represented on the investigatory staff. The 10127  
investigatory staff shall be assembled in such a manner that at 10128  
least one sheriff, deputy sheriff, municipal corporation law 10129  
enforcement officer, or township law enforcement officer from each 10130  
of the counties served by the task force is represented on the 10131  
investigatory staff. A task force director, at any time, may 10132

remove any member of the investigatory staff the task force 10133  
director has assembled under this division and may replace any 10134  
member so removed according to the guidelines for the initial 10135  
assembly of the investigatory staff. 10136

(3) The commission may provide an organized crime task force 10137  
established under this section with technical and clerical 10138  
employees and with equipment necessary to efficiently conduct its 10139  
investigation into organized criminal activity. 10140

(4) Upon the establishment of a task force, the commission 10141  
shall issue to the task force director and each member of the task 10142  
force investigatory staff appropriate credentials stating the 10143  
person's identity, position, and authority. 10144

(D)(1) A task force investigatory staff, during the period of 10145  
the investigation for which it is assembled, is responsible only 10146  
to the task force director and shall operate under the direction 10147  
and control of the task force director. Any necessary and actual 10148  
expenses incurred by a task force director or investigatory staff, 10149  
including any such expenses incurred for food, lodging, or travel, 10150  
and any other necessary and actual expenses of an investigation 10151  
into organized criminal activity conducted by a task force, shall 10152  
be paid by the commission. ~~For~~ 10153

(2) For purposes of workers' compensation and the allocation 10154  
of liability for any death, injury, or damage they may cause in 10155  
the performance of their duties, a task force director and 10156  
investigatory staff, during the period of the investigation for 10157  
which the task force is assembled, shall be considered to be 10158  
employees of the commission and of the state. ~~However, for~~ 10159

(3) For purposes of compensation, pension or indemnity fund 10160  
rights, and other rights and benefits to which they may be 10161  
entitled, a task force director and investigatory staff, during 10162  
the period of the performance of their duties as director and 10163

investigatory staff, shall be considered to be performing their 10164  
duties in their normal capacity as prosecuting attorney, assistant 10165  
prosecuting attorney, sheriff, deputy sheriff, chief law 10166  
enforcement officer or member of a law enforcement agency of a 10167  
municipal corporation or township, or agent of the bureau of 10168  
criminal identification and investigation. 10169

The commission may reimburse a political subdivision for any 10170  
costs incurred under division (D)(3) of this section resulting 10171  
from the payment of any compensation, rights, or benefits as 10172  
described in that division from the organized crime commission 10173  
fund created in section 177.011 of the Revised Code. 10174

(E) Except as provided in this division, upon the 10175  
establishment of a task force, the commission shall provide the 10176  
prosecuting attorney of each of the counties served by the task 10177  
force with written notice that the task force has been established 10178  
to investigate organized criminal activity in that county. Such 10179  
notice shall not be provided to a prosecuting attorney if it 10180  
appears to the commission, based upon the complaint filed and any 10181  
information relative to it or based upon any information that the 10182  
commission may have received, that there is reason to believe that 10183  
the office of that prosecuting attorney is implicated in the 10184  
organized criminal activity to be investigated. 10185

(F) The filing of a complaint alleging organized criminal 10186  
activity, the establishment of an organized crime task force, the 10187  
appointment of a task force director and the identity of the task 10188  
force director, the assembly of an investigatory staff and the 10189  
identity of its members, the conduct of an investigation into 10190  
organized criminal activity, and the identity of any person who is 10191  
being or is expected to be investigated by the task force shall be 10192  
kept confidential by the commission and its director and 10193  
employees, and by the task force and its director, investigatory 10194  
staff, and employees until an indictment is returned or a criminal 10195



action or proceeding is initiated in a court of proper jurisdiction. 10196  
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(G) For purposes of divisions (C) and (E) of this section, 10198  
the office of a prosecuting attorney shall be considered as being 10199  
implicated in organized criminal activity only if the prosecuting 10200  
attorney, one or more of the prosecuting attorney's assistants, or 10201  
one or more of the prosecuting attorney's employees has committed 10202  
or attempted or conspired to commit, is committing or attempting 10203  
or conspiring to commit, or has engaged in or is engaging in 10204  
complicity in the commission of, organized criminal activity. 10205

**Sec. 183.18.** (A) Ohio's public health priorities trust fund 10206  
is hereby created in the state treasury. All investment earnings 10207  
of the fund shall be credited to the fund. Notwithstanding any 10208  
conflicting provision of the Revised Code, the director of budget 10209  
and management may credit to the fund any money received by the 10210  
state, director of health, or department of health as part of a 10211  
settlement agreement relating to a pressing public health issue. 10212

(B) Money credited to the fund shall be used by the director 10213  
of health for the following purposes: 10214

~~(A) Minority health programs, on which not less than~~ 10215  
~~twenty five per cent of the annual appropriations from the trust~~ 10216  
~~fund shall be expended;~~ 10217

~~(B) Enforcing section 2927.02 of the Revised Code;~~ 10218

~~(C) Alcohol and drug abuse treatment and prevention programs,~~ 10219  
~~including programs for adult and juvenile offenders in state~~ 10220  
~~institutions and aftercare programs;~~ 10221

~~(D) A non-entitlement program funded through the department~~ 10222  
~~of health to provide emergency assistance consisting of~~ 10223  
~~medication, oxygen, or both to seniors whose health has been~~ 10224  
~~adversely affected by tobacco use and whose income does not exceed~~ 10225

~~one hundred per cent of the federal poverty guidelines, on which 10226  
five per cent of the annual appropriations from the trust fund 10227  
shall be expended. However, if federal funding becomes available 10228  
for this purpose, the department shall utilize the federal funding 10229  
and the appropriations from the trust fund shall be used for the 10230  
other purposes authorized by this section. If the federal program 10231  
requires seniors described by this division to pay a premium or 10232  
copayment to obtain medication or oxygen, the director of health 10233  
shall recommend to the general assembly whether this division's 10234  
set aside of five per cent of the appropriations from the trust 10235  
fund should be used to pay such premiums or copayments. As used in 10236  
this division, "federal poverty guidelines" has the same meaning 10237  
as in section 5101.46 of the Revised Code. 10238~~

~~(E) Partial reimbursement, on a county basis, of hospitals, 10239  
free medical clinics, and similar organizations or programs that 10240  
provide free, uncompensated care to the general public, and of 10241  
counties that pay private entities to provide such care using 10242  
revenue from a property tax levied at least in part for that 10243  
purpose (1) To conduct public health awareness and educational 10244  
campaigns; 10245~~

~~(2) To address any pressing public health issue identified by 10246  
the director or described in the state health improvement plan or 10247  
a successor document prepared for the department of health; 10248~~

~~(3) To implement and administer innovative public health 10249  
programs and prevention strategies; 10250~~

~~(4) To improve the population health of Ohio. 10251~~

~~The director may collaborate with one or more nonprofit 10252  
entities, including a public health foundation, to meet the 10253  
requirements of division (B) of this section. 10254~~

~~All investment earnings of the fund shall be credited to the 10255  
fund. 10256~~

**Sec. 183.33.** No money shall be appropriated or transferred 10257  
from the general revenue fund to the law enforcement improvements 10258  
trust fund, southern Ohio agricultural and community development 10259  
foundation endowment fund, ~~Ohio's public health priorities trust~~ 10260  
~~fund,~~ biomedical research and technology transfer trust fund, 10261  
~~education facilities trust fund,~~ or education technology trust 10262  
fund. 10263

**Sec. 195.01.** (A) As used in this chapter, "internet crimes 10264  
against children task force" means the Ohio internet crimes 10265  
against children task force recognized by the United States 10266  
department of justice's internet crimes against children task 10267  
force program in this state. 10268

(B) The Ohio internet crimes against children task force 10269  
shall do all of the following: 10270

(1) Consistent with its federal duties, coordinate a state 10271  
network of local law enforcement agencies that assist federal, 10272  
state, and local law enforcement agencies in investigations, 10273  
forensic examinations, and prosecutions related to technologically 10274  
facilitated sexual exploitation of children, internet crimes 10275  
against children, and victim identification; 10276

(2) Consistent with available funding, support the state 10277  
network of law enforcement agencies by funding personnel with 10278  
agencies who have demonstrated the ability to investigate and 10279  
prosecute internet crimes against children; 10280

(3) Support the state network of law enforcement agencies by 10281  
coordinating and providing investigative training and digital 10282  
forensic support through on-scene forensic facilities, laboratory 10283  
computer forensic services, or by funding computer forensic 10284  
hardware and software licensing to agencies who employ trained 10285  
computer forensic personnel; and 10286

(4) Conduct or support internet safety presentations and community outreach events throughout the state aimed at educating the public about the dangers of the internet and how to keep children safe while they are online. 10287  
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(C) Not later than the last day of January of each year, the Ohio internet crimes against children task force and the office of the attorney general shall compile and provide a summary of the previous calendar year's expenditures, including any money appropriated for the task force in a previous year that is carried over, and progress in combating internet crimes against children, to the general assembly. The task force and the office of the attorney general shall include in the report annual statistics, including statistics from affiliated agencies, consistent with the reporting requirements of the United States department of justice, office of juvenile justice and delinquency prevention's internet crimes against children task force program. 10291  
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Sec. 195.02. The attorney general shall use money appropriated to the internet crimes against children task force to support the operation of the task force including equipment, personnel, and training only and for no other purpose. 10303  
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The attorney general shall disburse money appropriated for the purposes of this section in the following manner: 10307  
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Sixty per cent to the Ohio internet crimes against children task force; 10309  
10310

Twenty per cent, in coordination with the task force, to local internet crimes against children affiliated agencies in good standing with the task force; and 10311  
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10313

Twenty per cent to the crimes against children initiative within the office of the attorney general for investigations, forensic examinations, and prosecutions related to technologically 10314  
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10316

facilitated sexual exploitation of children, internet crimes 10317  
against children, and victim identification. 10318

**Sec. 307.622.** (A) The health commissioner of the board of 10319  
health of a city or a general health district who is appointed 10320  
under section 307.621 of the Revised Code to establish the child 10321  
fatality review board shall select six members to serve on the 10322  
child fatality review board along with the commissioner. The 10323  
review board shall consist of the following: 10324

(1) A county coroner or designee; 10325

(2) The chief of police of a police department or the sheriff 10326  
that serves the greatest population in the county or region or a 10327  
designee of the chief or sheriff; 10328

(3) The executive director of a public children services 10329  
agency or designee; 10330

(4) A public health official or designee; 10331

(5) The executive director of a board of alcohol, drug 10332  
addiction, and mental health services or designee; 10333

(6) A physician who holds a ~~certificate~~ license issued 10334  
pursuant to Chapter 4731. of the Revised Code authorizing the 10335  
practice of medicine and surgery or osteopathic medicine and 10336  
surgery, specializes in pediatric or family medicine, and 10337  
currently practices pediatric or family medicine. 10338

(B) The majority of the members of a review board may invite 10339  
additional members to serve on the board. The additional members 10340  
invited under this division shall serve for a period of time 10341  
determined by a majority of the members described in division (A) 10342  
of this section. An additional member shall have the same 10343  
authority, duties, and responsibilities as members described in 10344  
division (A) of this section. 10345

(C) A vacancy in a child fatality review board shall be 10346

filled in the same manner as the original appointment. 10347

(D) A child fatality review board member shall not receive 10348  
any compensation for, and shall not be paid for any expenses 10349  
incurred pursuant to, fulfilling the member's duties on the board 10350  
unless compensation for, or payment for expenses incurred pursuant 10351  
to, those duties is received pursuant to a member's regular 10352  
employment. 10353

**Sec. 311.42.** (A) Each county shall establish in the county 10354  
treasury a sheriff's concealed handgun license issuance expense 10355  
fund. The sheriff of that county shall deposit into that fund all 10356  
fees paid by applicants for the issuance or renewal of a concealed 10357  
handgun license or duplicate concealed handgun license under 10358  
section 2923.125 of the Revised Code and all fees paid by the 10359  
person seeking a concealed handgun license on a temporary 10360  
emergency basis under section 2923.1213 of the Revised Code. The 10361  
county shall distribute all fees deposited into the fund except 10362  
forty dollars of each fee paid by an applicant under division (B) 10363  
of section 2923.125 of the Revised Code, fifteen dollars of each 10364  
fee paid under section 2923.1213 of the Revised Code, and 10365  
thirty-five dollars of each fee paid under division (F) of section 10366  
2923.125 of the Revised Code to the attorney general to be used to 10367  
pay the cost of background checks performed by the bureau of 10368  
criminal identification and investigation and the federal bureau 10369  
of investigation and to cover administrative costs associated with 10370  
issuing the license. 10371

(B) The sheriff, with the approval of the board of county 10372  
commissioners, may expend any county portion of the fees deposited 10373  
into the sheriff's concealed handgun license issuance expense fund 10374  
for any of the following: 10375

(1) Any costs incurred by the sheriff in connection with 10376  
performing any administrative functions related to the issuance of 10377

concealed handgun licenses under section 2923.125 or 2923.1213 of 10378  
the Revised Code, including, but not limited to, personnel 10379  
expenses and any costs associated with a firearm safety education 10380  
program, or a firearm training or qualification program that the 10381  
sheriff chooses to fund; 10382

(2) Ammunition and firearms to be used by the sheriff and the 10383  
sheriff's employees; 10384

(3) Any costs incurred in constructing, maintaining, or 10385  
renovating a shooting range to be used by the sheriff or the 10386  
sheriff's employees, including costs incurred for equipment 10387  
associated with the shooting range. 10388

**Sec. 317.32.** The county recorder shall charge and collect the 10389  
following fees, to include, except as otherwise provided in 10390  
division (A)(2) of this section, base fees for the recorder's 10391  
services and housing trust fund fees collected pursuant to section 10392  
317.36 of the Revised Code: 10393

(A)(1) Except as otherwise provided in division (A)(2) of 10394  
this section, for recording and indexing an instrument if the 10395  
photocopy or any similar process is employed, a base fee of 10396  
~~fourteen~~ seventeen dollars for the first two pages and a housing 10397  
trust fund fee of ~~fourteen~~ seventeen dollars, and a base fee of 10398  
four dollars and a housing trust fund fee of four dollars for each 10399  
subsequent page, size eight and one-half inches by fourteen 10400  
inches, or fraction of a page, including the caption page, of such 10401  
instrument; 10402

(2) For recording and indexing an instrument described in 10403  
division (D) of section 317.08 of the Revised Code if the 10404  
photocopy or any similar process is employed, a fee of 10405  
twenty-eight dollars for the first two pages to be deposited as 10406  
specified elsewhere in this division, and a fee of eight dollars 10407  
to be deposited in the same manner for each subsequent page, size 10408

eight and one-half inches by fourteen inches, or fraction of a 10409  
page, including the caption page, of that instrument. If the 10410  
county recorder's technology fund has been established under 10411  
section 317.321 of the Revised Code, of the twenty-eight dollars, 10412  
fourteen dollars shall be deposited into the county treasury to 10413  
the credit of the county recorder's technology fund and fourteen 10414  
dollars shall be deposited into the county treasury to the credit 10415  
of the county general fund. If the county recorder's technology 10416  
fund has not been established, the twenty-eight dollars shall be 10417  
deposited into the county treasury to the credit of the county 10418  
general fund. 10419

(B) For certifying a photocopy from the record previously 10420  
recorded, a base fee of one dollar and a housing trust fund fee of 10421  
one dollar per page, size eight and one-half inches by fourteen 10422  
inches, or fraction of a page; for each certification if the 10423  
recorder's seal is required, except as to instruments issued by 10424  
the armed forces of the United States, a base fee of fifty cents 10425  
and a housing trust fund fee of fifty cents; 10426

(C) For entering any marginal reference by separate recorded 10427  
instrument, a base fee of two dollars and a housing trust fund fee 10428  
of two dollars for each marginal reference set out in that 10429  
instrument, in addition to the fees set forth in division (A)(1) 10430  
of this section; 10431

(D) For indexing in the real estate mortgage records, 10432  
pursuant to section 1309.519 of the Revised Code, financing 10433  
statements covering crops growing or to be grown, timber to be 10434  
cut, minerals or the like, including oil and gas, accounts subject 10435  
to section 1309.301 of the Revised Code, or fixture filings made 10436  
pursuant to section 1309.334 of the Revised Code, a base fee of 10437  
two dollars and a housing trust fund fee of two dollars for each 10438  
name indexed; 10439

(E) For filing zoning resolutions, including text and maps, 10440



in the office of the recorder as required under sections 303.11 10441  
and 519.11 of the Revised Code, a base fee of twenty-five dollars 10442  
and a housing trust fund fee of twenty-five dollars, regardless of 10443  
the size or length of the resolutions; 10444

(F) For filing zoning amendments, including text and maps, in 10445  
the office of the recorder as required under sections 303.12 and 10446  
519.12 of the Revised Code, a base fee of ten dollars and a 10447  
housing trust fund fee of ten dollars regardless of the size or 10448  
length of the amendments; 10449

(G) For photocopying a document, other than at the time of 10450  
recording and indexing as provided for in division (A)(1) or (2) 10451  
of this section, a base fee of one dollar and a housing trust fund 10452  
fee of one dollar per page, size eight and one-half inches by 10453  
fourteen inches, or fraction thereof; 10454

(H) For local facsimile transmission of a document, a base 10455  
fee of one dollar and a housing trust fund fee of one dollar per 10456  
page, size eight and one-half inches by fourteen inches, or 10457  
fraction thereof; for long distance facsimile transmission of a 10458  
document, a base fee of two dollars and a housing trust fund fee 10459  
of two dollars per page, size eight and one-half inches by 10460  
fourteen inches, or fraction thereof; 10461

(I) For recording a declaration executed pursuant to section 10462  
2133.02 of the Revised Code or a durable power of attorney for 10463  
health care executed pursuant to section 1337.12 of the Revised 10464  
Code, or both a declaration and a durable power of attorney for 10465  
health care, a base fee of at least fourteen dollars but not more 10466  
than twenty dollars and a housing trust fund fee of at least 10467  
fourteen dollars but not more than twenty dollars. 10468

In any county in which the recorder employs the photostatic 10469  
or any similar process for recording maps, plats, or prints the 10470  
recorder shall determine, charge, and collect for the recording or 10471

rerecording of any map, plat, or print, a base fee of five cents 10472  
and a housing trust fund fee of five cents per square inch, for 10473  
each square inch of the map, plat, or print filed for that 10474  
recording or rerecording, with a minimum base fee of twenty 10475  
dollars and a minimum housing trust fund fee of twenty dollars; 10476  
for certifying a copy from the record, a base fee of two cents and 10477  
a housing trust fund fee of two cents per square inch of the 10478  
record, with a minimum base fee of two dollars and a minimum 10479  
housing trust fund fee of two dollars. 10480

The fees provided in this section shall be paid upon the 10481  
presentation of the instruments for record or upon the application 10482  
for any certified copy of the record, except that the payment of 10483  
fees for providing copies of instruments conveying or 10484  
extinguishing agricultural easements to the office of farmland 10485  
preservation in the department of agriculture under division (H) 10486  
of section 5301.691 of the Revised Code shall be governed by that 10487  
division. 10488

The fees provided for in this section shall not apply to the 10489  
recording, indexing, or making of a certified copy or to the 10490  
filing of any instrument by a county land reutilization 10491  
corporation, its wholly owned subsidiary, or any other electing 10492  
subdivision as defined in section 5722.01 of the Revised Code. 10493

**Sec. 317.321.** (A) Not later than the first day of October of 10494  
any year, the county recorder may submit to the board of county 10495  
commissioners a proposal for funding any of the following: 10496

(1) The acquisition and maintenance of imaging and other 10497  
technological equipment and contract services therefor; 10498

(2) To reserve funds for the office's future technology needs 10499  
if the county recorder has no immediate plans for the acquisition 10500  
of imaging and other technological equipment or contract services, 10501  
or to use the county recorder's technology fund as a dedicated 10502

revenue source to repay debt to purchase any imaging and other 10503  
technological equipment before the accumulation of adequate 10504  
resources to purchase the equipment with cash. 10505

(3) Subject to division (G) of this section, for other 10506  
expenses associated with the acquisition and maintenance of 10507  
imaging and other technological equipment and contract services. 10508

(B) The proposal shall be in writing and shall include at 10509  
least the following: 10510

(1) A request that an amount not to exceed eight dollars of 10511  
the total base fees collected for filing or recording a document 10512  
for which a fee is charged as required by division (A)(1) of 10513  
section 317.32 or by section 1309.525 or 5310.15 of the Revised 10514  
Code be placed in the county treasury to the credit of the county 10515  
recorder's technology fund; 10516

(2) Except as provided in division (E)(3) of this section, 10517  
the number of years, not to exceed five, for which the county 10518  
recorder requests that the amount requested under division (A)(1) 10519  
of this section be given the designation specified in that 10520  
division; 10521

(3) An estimate of the total amount of fees that will be 10522  
generated for filing or recording a document for which a fee is 10523  
charged as required by division (A)(1) or (2) of section 317.32 of 10524  
the Revised Code or by section 1309.525 or 5310.15 of the Revised 10525  
Code; 10526

(4) An estimate of the total amount of fees for filing or 10527  
recording a document for which a fee is charged as required by 10528  
division (A)(1) or (2) of section 317.32 or by section 1309.525 or 10529  
5310.15 of the Revised Code that will be credited to the county 10530  
recorder's technology fund if the request submitted under division 10531  
(B)(1) of this section is approved by the board of county 10532  
commissioners. 10533

(C) A proposal for the purposes of division (A)(1) of this section shall include a description or summary of the imaging and other technological equipment that the county recorder proposes to acquire and maintain, and the nature of contract services that the county recorder proposes to utilize, if the proposal is for those purposes. A proposal for the purposes of division (A)(2) of this section shall explain the general future technology needs of the office for imaging and other technological equipment, or for revenue to repay debt, if the proposal is for those purposes. A proposal for the purposes of division (A)(3) of this section shall identify the other expenses associated with the acquisition and maintenance of imaging and other technological equipment and contract services that the county recorder proposes to pay with moneys in the county recorder's technology fund, if the proposal is for those purposes.

(D) The board of county commissioners shall receive a proposal and the clerk shall enter it on the journal. At the same time, the board shall establish a date, not sooner than fifteen or later than thirty days after the board receives the proposal, on which to meet with the recorder to review the proposal.

(E)(1) Except as provided in division (E)(3) of this section, not later than the fifteenth day of December of any year in which a proposal is submitted under division (A) of this section, the board of county commissioners shall approve, reject, or modify the proposal and notify the county recorder of its action on the proposal. If the board rejects or modifies the proposal, it shall make a written finding that the request is for a purpose other than for a purpose in division (A) of this section, or that the amount requested is excessive as determined by the board.

(2) A proposal submitted under division (A) of this section that was approved by the board of county commissioners before, and is in effect on ~~, the effective date of this amendment~~ the

effective date of this amendment, shall continue in effect until 10566  
January 1, ~~2019~~ 2025, notwithstanding the number of years of 10567  
funding specified in the approved proposal. 10568

(3) A proposal submitted under division (A) of this section 10569  
between October 1, ~~2013~~ 2019, and October 1, ~~2017~~ 2023, may 10570  
request that an amount that does not exceed three dollars be 10571  
credited to the county recorder's technology fund, in addition to 10572  
the amount previously approved by the board of county 10573  
commissioners in a proposal described in division (E)(2) of this 10574  
section. The proposal may be submitted each year during that time 10575  
period, but shall be limited to funding in the following fiscal 10576  
year. If the total of the amount under division (E)(2) of this 10577  
section and the amount requested under this division does not 10578  
exceed eight dollars, the board shall approve the proposal and 10579  
notify the county recorder of its approval. 10580

(4) If the total amount of fees provided for in divisions 10581  
(B), (E)(2), and (E)(3) of this section is less than eight 10582  
dollars, a proposal requesting additional fees may be submitted to 10583  
the board of county commissioners under division (E)(1) of this 10584  
section, as long as the total amount of the fees in divisions (B) 10585  
and (E)(2), (3), and (4) of this section that are to be credited 10586  
to the county recorder's technology fund does not exceed eight 10587  
dollars, and the proposal is for a number of years, not to exceed 10588  
five. 10589

(5) When a proposal is approved by the board of county 10590  
commissioners under division (E) of this section, the county 10591  
recorder's technology fund is established in the county treasury, 10592  
and, beginning on the following first day of January, the fees 10593  
approved shall be deposited in that fund. 10594

(F) The acquisition and maintenance of imaging and other 10595  
technological equipment, and other associated expenses and 10596  
contract services therefor, shall be specifically governed by 10597

sections 307.80 to 307.806, 307.84 to 307.846, 307.86 to 307.92, 10598  
and 5705.38, and by division (D) of section 5705.41 of the Revised 10599  
Code. 10600

(G) If the use of the county recorder's technology fund for 10601  
the purposes of division (A)(3) of this section includes 10602  
associated expenses for personnel, the use of the fund for 10603  
personnel shall be strictly confined to personnel directly related 10604  
to imaging and other technological equipment, and any compensation 10605  
increases for those personnel shall not exceed the average of the 10606  
annual aggregate percentage increase or decrease in the 10607  
compensation fixed by the board of county commissioners for their 10608  
employees, and for the officers in section 325.27 of the Revised 10609  
Code. Use of the fund for compensation bonuses, or for recognizing 10610  
outstanding employee performance in a manner described in section 10611  
325.25 of the Revised Code, is prohibited. 10612

(H) If a county is under a fiscal caution under section 10613  
118.025 of the Revised Code, or is under a fiscal watch or fiscal 10614  
emergency as defined in section 118.01 of the Revised Code, the 10615  
board of county commissioners, notwithstanding sections 5705.14 to 10616  
5705.16 of the Revised Code, may transfer from the county 10617  
recorder's technology fund any moneys the board deems necessary. 10618

**Sec. 319.302.** (A)(1) Real property that is not intended 10619  
primarily for use in a business activity shall qualify for a 10620  
partial exemption from real property taxation. For purposes of 10621  
this partial exemption, "business activity" includes all uses of 10622  
real property, except farming; leasing property for farming; 10623  
occupying or holding property improved with single-family, 10624  
two-family, or three-family dwellings; leasing property improved 10625  
with single-family, two-family, or three-family dwellings; or 10626  
holding vacant land that the county auditor determines will be 10627  
used for farming or to develop single-family, two-family, or 10628

three-family dwellings. For purposes of this partial exemption, 10629  
"farming" does not include land used for the commercial production 10630  
of timber that is receiving the tax benefit under section 5713.23 10631  
or 5713.31 of the Revised Code and all improvements connected with 10632  
such commercial production of timber. 10633

(2) Each year, the county auditor shall review each parcel of 10634  
real property to determine whether it qualifies for the partial 10635  
exemption provided for by this section as of the first day of 10636  
January of the current tax year. 10637

(B) After complying with section 319.301 of the Revised Code, 10638  
the county auditor shall reduce the remaining sums to be levied by 10639  
qualifying levies against each parcel of real property that is 10640  
listed on the general tax list and duplicate of real and public 10641  
utility property for the current tax year and that qualifies for 10642  
partial exemption under division (A) of this section, and against 10643  
each manufactured and mobile home that is taxed pursuant to 10644  
division (D)(2) of section 4503.06 of the Revised Code and that is 10645  
on the manufactured home tax list for the current tax year, by ten 10646  
per cent, to provide a partial exemption for that parcel or home. 10647  
For the purposes of this division: 10648

(1) "Qualifying levy" means a levy approved at an election 10649  
held before September 29, 2013; a levy within the ten-mill 10650  
limitation; a levy provided for by the charter of a municipal 10651  
corporation that was levied on the tax list for tax year 2013; a 10652  
subsequent renewal of any such levy; or a subsequent substitute 10653  
for such a levy under section 5705.199 of the Revised Code. 10654

(2) "Qualifying levy" does not include any replacement 10655  
imposed under section 5705.192 of the Revised Code of any levy 10656  
described in division (B)(1) of this section. 10657

(C) Except as otherwise provided in sections 323.152, 10658  
323.158, 323.16, 323.18, 505.06, and 715.263 of the Revised Code, 10659

the amount of the taxes remaining after any such reduction shall 10660  
be the real and public utility property taxes charged and payable 10661  
on each parcel of real property, including property that does not 10662  
qualify for partial exemption under division (A) of this section, 10663  
and the manufactured home tax charged and payable on each 10664  
manufactured or mobile home, and shall be the amounts certified to 10665  
the county treasurer for collection. Upon receipt of the real and 10666  
public utility property tax duplicate, the treasurer shall certify 10667  
to the tax commissioner the total amount by which the real 10668  
property taxes were reduced under this section, as shown on the 10669  
duplicate. Such reduction shall not directly or indirectly affect 10670  
the determination of the principal amount of notes that may be 10671  
issued in anticipation of any tax levies or the amount of bonds or 10672  
notes for any planned improvements. If after application of 10673  
sections 5705.31 and 5705.32 of the Revised Code and other 10674  
applicable provisions of law, including divisions (F) and (I) of 10675  
section 321.24 of the Revised Code, there would be insufficient 10676  
funds for payment of debt charges on bonds or notes payable from 10677  
taxes reduced by this section, the reduction of taxes provided for 10678  
in this section shall be adjusted to the extent necessary to 10679  
provide funds from such taxes. 10680

(D) The tax commissioner may adopt rules governing the 10681  
administration of the partial exemption provided for by this 10682  
section. 10683

(E) The determination of whether property qualifies for 10684  
partial exemption under division (A) of this section is solely for 10685  
the purpose of allowing the partial exemption under division (B) 10686  
of this section. 10687

**Sec. 319.63.** (A) During the first thirty days of each 10688  
calendar quarter, the county auditor shall pay to the treasurer of 10689  
state all amounts that the county recorder collected as housing 10690



trust fund fees pursuant to section 317.36 of the Revised Code 10691  
during the previous calendar quarter. If payment is made to the 10692  
treasurer of state within the first thirty days of the quarter, 10693  
the county auditor may retain an administrative fee of one per 10694  
cent of the amount of the trust fund fees collected during the 10695  
previous calendar quarter. 10696

(B) The treasurer of state shall deposit the ~~first fifty~~ 10697  
~~million dollars~~ of housing trust fund fees received each year 10698  
pursuant to this section into the low- and moderate-income housing 10699  
trust fund created under section 174.02 of the Revised Code. ~~The~~ 10700  
~~treasurer of state shall deposit any amounts received each year in~~ 10701  
~~excess of fifty million dollars into the housing trust reserve~~ 10702  
~~fund created under section 174.09 of the Revised Code, unless the~~ 10703  
~~cash balance of the housing trust reserve fund is greater than~~ 10704  
~~fifteen million dollars. In that event, the treasurer of state~~ 10705  
~~shall deposit any amounts received each year in excess of fifty~~ 10706  
~~million dollars into the state general revenue fund.~~ 10707

(C) The county auditor shall deposit the administrative fee 10708  
that the auditor is permitted to retain pursuant to division (A) 10709  
of this section into the county general fund for the county 10710  
recorder to use in administering the trust fund fee. 10711

**Sec. 321.24.** (A) On or before the fifteenth day of February, 10712  
in each year, the county treasurer shall settle with the county 10713  
auditor for all taxes and assessments that the treasurer has 10714  
collected on the general duplicate of real and public utility 10715  
property at the time of making the settlement. If the county 10716  
treasurer has made or will make advance payments to the several 10717  
taxing districts of current year unpaid taxes under section 10718  
321.341 of the Revised Code before collecting them, the county 10719  
treasurer shall take the advance payments into account for 10720  
purposes of the settlement with the county auditor under this 10721

division. 10722

(B) On or before the thirtieth day of June, in each year, the 10723  
treasurer shall settle with the auditor for all advance payments 10724  
of general personal and classified property taxes that the 10725  
treasurer has received at the time of making the settlement. 10726

(C) On or before the tenth day of August, in each year, the 10727  
treasurer shall settle with the auditor for all taxes and 10728  
assessments that the treasurer has collected on the general 10729  
duplicates of real and public utility property at the time of 10730  
making such settlement, not included in the preceding February 10731  
settlement. If the county treasurer has made or will make advance 10732  
payments to the several taxing districts of the current year 10733  
delinquent taxes under section 321.341 of the Revised Code before 10734  
collecting them, the county treasurer shall take the advance 10735  
payments into account for purposes of the settlement with the 10736  
county auditor under this division. 10737

(D) On or before the thirty-first day of October, in each 10738  
year, the treasurer shall settle with the auditor for all taxes 10739  
that the treasurer has collected on the general personal and 10740  
classified property duplicates, and for all advance payments of 10741  
general personal and classified property taxes, not included in 10742  
the preceding June settlement, that the treasurer has received at 10743  
the time of making such settlement. 10744

(E) In the event the time for the payment of taxes is 10745  
extended, pursuant to section 323.17 of the Revised Code, the date 10746  
on or before which settlement for the taxes so extended must be 10747  
made, as herein prescribed, shall be deemed to be extended for a 10748  
like period of time. At each such settlement, the auditor shall 10749  
allow to the treasurer, on the moneys received or collected and 10750  
accounted for by the treasurer, the treasurer's fees, at the rate 10751  
or percentage allowed by law, at a full settlement of the 10752

treasurer. 10753

(F) Within thirty days after the day of each settlement of 10754  
taxes required under divisions (A) and (C) of this section, the 10755  
treasurer shall certify to the tax commissioner any adjustments 10756  
that have been made to the amount certified previously pursuant to 10757  
section 319.302 of the Revised Code and that the settlement has 10758  
been completed. Upon receipt of such certification, the 10759  
commissioner shall provide for payment to the county treasurer 10760  
from the general revenue fund of an amount equal to one-half of 10761  
the amount certified by the treasurer in the preceding tax year 10762  
under section 319.302 of the Revised Code, less the sum of (1) 10763  
one-half of the amount computed for all taxing districts in that 10764  
county for the current fiscal year under section 5703.80 of the 10765  
Revised Code for crediting to the property tax administration fund 10766  
and (2) any reduction required by the commissioner under division 10767  
(D) of section 718.83 of the Revised Code. Such payment shall be 10768  
credited upon receipt to the county's undivided income tax fund, 10769  
and the county auditor shall transfer to the county general fund 10770  
from the amount thereof the total amount of all fees and charges 10771  
which the auditor and treasurer would have been authorized to 10772  
receive had such section not been in effect and that amount had 10773  
been levied and collected as taxes. The county auditor shall 10774  
distribute the amount remaining among the various taxing districts 10775  
in the county as if it had been levied, collected, and settled as 10776  
real property taxes. The amount distributed to each taxing 10777  
district shall be reduced by the total of the amounts computed for 10778  
the district under section 5703.80 of the Revised Code, but the 10779  
reduction shall not exceed the amount that otherwise would be 10780  
distributed to the taxing district under this division. The amount 10781  
distributed to a taxing district shall account for any reduction 10782  
required by the commissioner under division (D) of section 718.83 10783  
of the Revised Code. The tax commissioner shall make available to 10784  
taxing districts such information as is sufficient for a taxing 10785

district to be able to determine the amount of the reduction in 10786  
its distribution under this section. 10787

(G)(1) Within thirty days after the day of the settlement 10788  
required in division (D) of this section, the county treasurer 10789  
shall notify the tax commissioner that the settlement has been 10790  
completed. Upon receipt of that notification, the commissioner 10791  
shall provide for payment to the county treasurer from the general 10792  
revenue fund of an amount equal to the amount certified under 10793  
former section 319.311 of the Revised Code and paid in the state's 10794  
fiscal year 2003 multiplied by the percentage specified in 10795  
division (G)(2) of this section. The payment shall be credited 10796  
upon receipt to the county's undivided income tax fund, and the 10797  
county auditor shall distribute the amount thereof among the 10798  
various taxing districts of the county as if it had been levied, 10799  
collected, and settled as personal property taxes. The amount 10800  
received by a taxing district under this division shall be 10801  
apportioned among its funds in the same proportion as the current 10802  
year's personal property taxes are apportioned. 10803

(2) Payments required under division (G)(1) of this section 10804  
shall be made at the following percentages of the amount certified 10805  
under former section 319.311 of the Revised Code and paid under 10806  
division (G)(1) of this section in the state's fiscal year 2003: 10807

(a) In fiscal year 2004, ninety per cent; 10808

(b) In fiscal year 2005, eighty per cent; 10809

(c) In fiscal year 2006, sixty-four per cent; 10810

(d) In fiscal year 2007, forty per cent; 10811

(e) In fiscal year 2008, thirty-two per cent; 10812

(f) In fiscal year 2009, sixteen per cent. 10813

After fiscal year 2009, no payments shall be made under 10814  
division (G)(1) of this section. 10815

(H)(1) On or before the fifteenth day of April each year, the county treasurer shall settle with the county auditor for all manufactured home taxes that the county treasurer has collected on the manufactured home tax duplicate at the time of making the settlement.

(2) On or before the fifteenth day of September each year, the county treasurer shall settle with the county auditor for all remaining manufactured home taxes that the county treasurer has collected on the manufactured home tax duplicate at the time of making the settlement.

(3) If the time for payment of such taxes is extended under section 4503.06 of the Revised Code, the time for making the settlement as prescribed by divisions (H)(1) and (2) of this section is extended for a like period of time.

(I) On or before the second Monday in September of each year, the county treasurer shall certify to the tax commissioner the total amount by which the manufactured home taxes levied in that year were reduced pursuant to section 319.302 of the Revised Code. Within ninety days after the receipt of such certification, the commissioner shall provide for payment to the county treasurer from the general revenue fund of an amount equal to the amount certified by the treasurer. Such payment shall be credited upon receipt to the county's undivided income tax fund, and the county auditor shall transfer to the county general fund from the amount thereof the total amount of all fees and charges that the auditor and treasurer would have been authorized to receive had such section not been in effect and that amount had been levied and collected as manufactured home taxes. The county auditor shall distribute the amount remaining among the various taxing districts in the county as if it had been levied, collected, and settled as manufactured home taxes.

**Sec. 323.131.** (A) Each tax bill prepared and mailed or 10847  
delivered under section 323.13 of the Revised Code shall be in the 10848  
form and contain the information required by the tax commissioner. 10849  
The commissioner may prescribe different forms for each county and 10850  
may authorize the county auditor to make up tax bills and tax 10851  
receipts to be used by the county treasurer. For any county in 10852  
which the board of county commissioners has granted a partial 10853  
property tax exemption on homesteads under section 323.158 of the 10854  
Revised Code, the commissioner shall require that the tax bills 10855  
for those homesteads include a notice of the amount of the tax 10856  
reduction that results from the partial exemption. In addition to 10857  
the information required by the commissioner, each tax bill shall 10858  
contain the following information: 10859

(1) The taxes levied and the taxes charged and payable 10860  
against the property; 10861

(2) The effective tax rate. The words "effective tax rate" 10862  
shall appear in boldface type. 10863

(3) The following notices: 10864

(a) "Notice: If the taxes are not paid within sixty days from 10865  
the date they are certified delinquent, the property is subject to 10866  
foreclosure for tax delinquency." Failure to provide such notice 10867  
has no effect upon the validity of any tax foreclosure to which a 10868  
property is subjected. 10869

(b) "Notice: If the taxes charged against this parcel have 10870  
been reduced by the 2-1/2 per cent tax reduction for residences 10871  
occupied by the owner but the property is not a residence occupied 10872  
by the owner, the owner must notify the county auditor's office 10873  
not later than March 31 of the year following the year for which 10874  
the taxes are due. Failure to do so may result in the owner being 10875  
convicted of a fourth degree misdemeanor, which is punishable by 10876  
imprisonment up to 30 days, a fine up to \$250, or both, and in the 10877

owner having to repay the amount by which the taxes were 10878  
erroneously or illegally reduced, plus any interest that may 10879  
apply. 10880

If the taxes charged against this parcel have not been 10881  
reduced by the 2-1/2 per cent tax reduction and the parcel 10882  
includes a residence occupied by the owner, the parcel may qualify 10883  
for the tax reduction. To obtain an application for the tax 10884  
reduction or further information, the owner may contact the county 10885  
auditor's office at ..... (insert the address and telephone 10886  
number of the county auditor's office). 10887

(4) For a tract or lot on the real property tax suspension 10888  
list under section 319.48 of the Revised Code, the following 10889  
notice: "Notice: The taxes shown due on this bill are for the 10890  
current year only. Delinquent taxes, penalties, and interest also 10891  
are due on this property. Contact the county treasurer to learn 10892  
the total amount due." 10893

The tax bill shall not contain or be mailed or delivered with 10894  
any information or material that is not required by this section 10895  
or that is not authorized by section 321.45 of the Revised Code or 10896  
by the tax commissioner. 10897

(B) If the property is residential rental property, the tax 10898  
bill shall contain a statement that the owner of the residential 10899  
rental property shall file with the county auditor the information 10900  
required under division (A) or (C) of section 5323.02 of the 10901  
Revised Code. 10902

(C) Each county auditor and treasurer shall post on their 10903  
respective web sites, or on the county's web site, the percentage 10904  
of property taxes charged by each taxing unit and, in the case of 10905  
the county as a taxing unit, the percentage of taxes charged by 10906  
the county for each of the county purposes for which taxes are 10907  
charged. 10908

(D) As used in this section, "residential rental property" 10909  
has the same meaning as in section 5323.01 of the Revised Code. 10910

**Sec. 323.151.** As used in sections 323.151 to 323.159 of the 10911  
Revised Code: 10912

(A)(1) "Homestead" means either of the following: 10913

(a) A dwelling, including a unit in a multiple-unit dwelling 10914  
and a manufactured home or mobile home taxed as real property 10915  
pursuant to division (B) of section 4503.06 of the Revised Code, 10916  
owned and occupied as a home by an individual whose domicile is in 10917  
this state and who has not acquired ownership from a person, other 10918  
than the individual's spouse, related by consanguinity or affinity 10919  
for the purpose of qualifying for the real property tax reduction 10920  
provided in section 323.152 of the Revised Code. 10921

(b) A unit in a housing cooperative that is occupied as a 10922  
home, but not owned, by an individual whose domicile is in this 10923  
state. 10924

(2) The homestead shall include so much of the land 10925  
surrounding it, not exceeding one acre, as is reasonably necessary 10926  
for the use of the dwelling or unit as a home. An owner includes a 10927  
holder of one of the several estates in fee, a vendee in 10928  
possession under a purchase agreement or a land contract, a 10929  
mortgagor, a life tenant, one or more tenants with a right of 10930  
survivorship, tenants in common, and a settlor of a revocable or 10931  
irrevocable inter vivos trust holding the title to a homestead 10932  
occupied by the settlor as of right under the trust. The tax 10933  
commissioner shall adopt rules for the uniform classification and 10934  
valuation of real property or portions of real property as 10935  
homesteads. 10936

(B) "Sixty-five years of age or older" means a person who has 10937  
attained age sixty-four prior to the first day of January of the 10938



year of application for reduction in real estate taxes. 10939

(C) "Total income" means ~~this~~ modified adjusted gross income, 10940  
as that term is defined in section 5747.01 of the Revised Code, of 10941  
the owner and the owner's spouse for the year preceding the year 10942  
in which application for a reduction in taxes is made, ~~as~~ 10943  
~~determined under division (A) of section 5747.01 of the Revised~~ 10944  
~~Code.~~ 10945

(D) "Permanently and totally disabled" means that a person 10946  
other than a disabled veteran has, on the first day of January of 10947  
the year of application for reduction in real estate taxes, some 10948  
impairment in body or mind that makes the person unable to work at 10949  
any substantially remunerative employment that the person is 10950  
reasonably able to perform and that will, with reasonable 10951  
probability, continue for an indefinite period of at least twelve 10952  
months without any present indication of recovery therefrom or has 10953  
been certified as permanently and totally disabled by a state or 10954  
federal agency having the function of so classifying persons. 10955

(E) "Housing cooperative" means a housing complex of at least 10956  
two units that is owned and operated by a nonprofit corporation 10957  
that issues a share of the corporation's stock to an individual, 10958  
entitling the individual to live in a unit of the complex, and 10959  
collects a monthly maintenance fee from the individual to 10960  
maintain, operate, and pay the taxes of the complex. 10961

(F) "Disabled veteran" means a person who is a veteran of the 10962  
armed forces of the United States, including reserve components 10963  
thereof, or of the national guard, who has been discharged or 10964  
released from active duty in the armed forces under honorable 10965  
conditions, and who has received a total disability rating or a 10966  
total disability rating for compensation based on individual 10967  
unemployability for a service-connected disability or combination 10968  
of service-connected disabilities as prescribed in Title 38, Part 10969  
4 of the Code of Federal Regulations, as amended. 10970

**Sec. 323.155.** The tax bill prescribed under section 323.131 10971  
of the Revised Code shall indicate the net amount of taxes due 10972  
following the reductions in taxes under sections 319.301, 319.302, 10973  
~~and~~ 323.152, 323.16, and 323.18 of the Revised Code. 10974

Any reduction in taxes under section 323.152 of the Revised 10975  
Code shall be disregarded as income or resources in determining 10976  
eligibility for any program or calculating any payment under Title 10977  
LI of the Revised Code. 10978

**Sec. 323.16.** (A) As used in this section: 10979

(1) "Qualifying child care center" means real property on 10980  
which a licensed child care program operates. For purposes of this 10981  
division, "licensed child care program" means a licensed child 10982  
care program, as defined in section 5104.01 of the Revised Code, 10983  
that meets all of the following requirements: 10984

(a) The program only serves children under six years of age; 10985

(b) At least twenty-five per cent of the children in the 10986  
program reside in a household that receives public assistance; 10987

(c) The program is not operated from the permanent residence 10988  
of the licensee or administrator or from a location that is also 10989  
used for a separate commercial purpose. 10990

(2) "Public assistance" means benefits or assistance provided 10991  
under any of the following government programs: 10992

(a) The publicly funded child care program authorized by 10993  
Chapter 5104. of the Revised Code; 10994

(b) Medicaid. 10995

(3) The Ohio works first program established by Chapter 5107. 10996  
of the Revised Code; 10997

(4) The supplemental nutrition assistance program 10998

administered by the department of job and family services under 10999  
section 5101.54 of the Revised Code; 11000

(5) The special supplemental nutrition program for women, 11001  
infants, and children administered by the department of health 11002  
under section 3701.132 of the Revised Code. 11003

(B) A partial real property tax exemption is allowed to a 11004  
qualifying child care center for each tax year for which an 11005  
application for the partial exemption has been approved. The 11006  
partial exemption shall take the form of a percentage reduction in 11007  
the real property taxes levied on the qualifying child care 11008  
center. That percentage shall equal one of the following: 11009

(1) Twenty-five per cent, if at least twenty-five per cent, 11010  
but less than fifty per cent, of the children that attend the 11011  
qualifying child care center reside in a household that receives 11012  
public assistance; 11013

(2) Seventy-five per cent, if at least fifty per cent of the 11014  
children that attend the qualifying child care center reside in a 11015  
household that receives public assistance. 11016

After complying with section 319.301 of the Revised Code, the 11017  
county auditor shall reduce the remaining sum to be levied against 11018  
a qualifying child care center by the applicable percentage. The 11019  
auditor shall certify the amount of taxes remaining after the 11020  
reduction to the county treasurer for collection as the real 11021  
property taxes charged and payable on the qualifying child care 11022  
center. 11023

(C)(1) To obtain the partial exemption, the owner of a 11024  
qualifying child care center shall file an application each year 11025  
with the county auditor of the county in which the center is 11026  
located. The application shall be filed on or before the 11027  
thirty-first day of December of the year for which the partial 11028  
exemption is sought. The tax commissioner shall prescribe the form 11029

of the application, which shall contain a statement that 11030  
conviction of willfully falsifying information to obtain the 11031  
partial exemption results in the revocation of the right to the 11032  
partial exemption for a period of three years. 11033

(2) The county auditor shall approve or deny an application 11034  
for the partial exemption within thirty days after receiving the 11035  
application. Notification shall be provided on a form prescribed 11036  
by the tax commissioner. If the application is approved, upon 11037  
issuance of the notification the county auditor shall record the 11038  
partial exemption in the appropriate column on the general tax 11039  
list and duplicate of real and public utility property. If the 11040  
application is denied, the notification shall inform the applicant 11041  
of the reasons for the denial. 11042

If an applicant believes that the application for the partial 11043  
exemption has been improperly denied for a tax year, the applicant 11044  
may file an appeal with the county board of revision on or before 11045  
the last day of March of the ensuing tax year. The appeal shall be 11046  
treated in the same manner as a complaint relating to the 11047  
valuation or assessment of real property under Chapter 5715. of 11048  
the Revised Code. 11049

**Sec. 323.18.** (A) As used in this section: 11050

(1) A school district's "operating expenditure per pupil" 11051  
means the total amount of revenue from state and federal sources 11052  
spent by the district for operating expenses during the preceding 11053  
fiscal year, divided by the district's average daily student 11054  
enrollment as reported on the most recent report card issued for 11055  
each district under section 3302.03 of the Revised Code. 11056

(2) "Statewide average operating expenditure per pupil" means 11057  
the sum of the operating expenditure per pupil of all school 11058  
districts in the state, divided by the total number of school 11059  
districts in the state. 11060

(3) "Qualifying area" means any territory within both of the 11061  
following: 11062

(a) A school district with a formula ADM, as that term is 11063  
defined in section 3317.02 of the Revised Code, of at least one 11064  
thousand three hundred students and with an operating expenditure 11065  
per pupil that is at least six thousand five hundred dollars 11066  
greater than the statewide average operating expenditure per 11067  
pupil; 11068

(b) A village. 11069

(4) "School district taxes charged and payable" means the 11070  
taxes charged and payable from taxes levied by a school district 11071  
on property located in a qualifying area and extended on the real 11072  
and public utility property tax list, after making the reduction 11073  
required by section 319.301 of the Revised Code but before the 11074  
reductions required by this section or section 319.302 or 323.152 11075  
of the Revised Code, and excluding levies charged for the purpose 11076  
of paying debt charges. 11077

(5) "School district" means a city, local, or exempted 11078  
village school district as defined in sections 3311.02, 3311.03, 11079  
and 3311.04 of the Revised Code. 11080

(B) Real property located within a qualifying area qualifies 11081  
for a partial exemption from real property taxation under this 11082  
section. On or before the first day of August of each year, the 11083  
county auditor shall determine the amount of the exemption to be 11084  
applied to each parcel of such real property, which shall be 11085  
computed as a reduction in taxes as follows: 11086

(1) First, the auditor shall determine the "total qualifying 11087  
area reduction," which shall equal the difference obtained by 11088  
subtracting the amount described in division (B)(1)(b) of this 11089  
section from the amount described in division (B)(1)(a) of this 11090  
section: 11091

<u>(a) The total school district taxes charged and payable in</u>	11092
<u>the qualifying area;</u>	11093
<u>(b) The product obtained by multiplying (i) four times the</u>	11094
<u>number of students residing in the qualifying area that are</u>	11095
<u>enrolled in the school district located in the qualifying area by</u>	11096
<u>(ii) the operating expenditure per pupil for the district.</u>	11097
<u>(2) Second, the auditor shall determine the amount of the</u>	11098
<u>reduction to be applied to each parcel, which shall equal the</u>	11099
<u>product obtained by multiplying the amount described in division</u>	11100
<u>(B)(2)(a) of this section by the amount described in division</u>	11101
<u>(B)(2)(b) of this section:</u>	11102
<u>(a) The total qualifying area reduction;</u>	11103
<u>(b) A fraction, the numerator of which is the school district</u>	11104
<u>taxes charged and payable on the parcel for the tax year, and the</u>	11105
<u>denominator of which is the total school district taxes charged</u>	11106
<u>and payable in the qualifying area.</u>	11107
<u>(C) The county auditor shall enter the amount of the</u>	11108
<u>reduction for each parcel on the general tax list of real and</u>	11109
<u>public utility property.</u>	11110
<u>(D) Upon making the settlement of taxes collected on the</u>	11111
<u>general tax list and distributing the proceeds thereof, the county</u>	11112
<u>auditor and county treasurer shall apply the reduction authorized</u>	11113
<u>in this section only to the taxes distributed to the school</u>	11114
<u>district in the qualifying area. All other subdivisions in the</u>	11115
<u>qualifying area shall receive the same tax distribution as those</u>	11116
<u>subdivisions would have received without regard to the reduction.</u>	11117
<u>Upon receipt of tax distributions from the county treasurer, the</u>	11118
<u>treasurer of a school district for which taxes are reduced under</u>	11119
<u>this section shall reduce the amount of taxes credited to each of</u>	11120
<u>the school district's funds, other than bond retirement or other</u>	11121
<u>funds established for the payment of debt charges, in proportion</u>	11122

to the amount of taxes otherwise payable to each of those funds. 11123

Sec. 339.10. (A) The board of county hospital trustees of a 11124  
county hospital may do either of the following: 11125

(1) Form, or acquire control of, a domestic nonprofit 11126  
corporation or a domestic nonprofit limited liability company; 11127

(2) Be a partner, member, owner, associate, or participant in 11128  
a nonprofit enterprise or nonprofit venture. 11129

(B) A board of county hospital trustees of a county hospital 11130  
forming, acquiring, or becoming involved with a nonprofit 11131  
corporation, limited liability company, enterprise, or venture 11132  
under division (A) of this section shall do so in furtherance of 11133  
any of the following: 11134

(1) To support the county hospital's mission; 11135

(2) To provide for any or all health care or medical 11136  
services, whether inpatient or outpatient services, diagnostic, 11137  
treatment, care, or rehabilitation services, wellness services, 11138  
services involving the prevention, detection, and control of 11139  
disease, home health services or services provided at or through 11140  
various facilities, education, training, and other necessary and 11141  
related services for the health professions; 11142

(3) The management or operation of any hospital facility as 11143  
defined in division (E) of section 140.01 of the Revised Code; 11144

(4) The management, operation, or participation in programs, 11145  
projects, activities, and services useful to, connected with, 11146  
supporting, or otherwise related to the health, wellness, and 11147  
medical services and wellness programs provided in divisions 11148  
(B)(2) and (3) of this section; 11149

(5) Any other activities that are in furtherance of the 11150  
county hospital or the persons served by the county hospital or 11151  
are necessary to perform the county hospital's mission and 11152

functions and respond to change in the health care industry as 11153  
determined by the board of trustees. 11154

**Sec. 341.34.** (A) As used in this section, "building or 11155  
structure" includes, but is not limited to, a modular unit, 11156  
building, or structure and a movable unit, building, or structure. 11157

(B)(1) The board of county commissioners of any county, by 11158  
resolution, may dedicate and permit the use, as a minimum security 11159  
jail, of any vacant or abandoned public building or structure 11160  
owned by the county that has not been dedicated to or is not then 11161  
in use for any county or other public purpose, or any building or 11162  
structure rented or leased by the county. The board of county 11163  
commissioners of any county, by resolution, also may dedicate and 11164  
permit the use, as a minimum security jail, of any building or 11165  
structure purchased by or constructed by or for the county. 11166  
Subject to divisions (B)(3) and (C) of this section, upon the 11167  
effective date of such a resolution, the specified building or 11168  
structure shall be used, in accordance with this section, for the 11169  
confinement of persons who meet one of the following conditions: 11170

(a) The person is sentenced to a term of imprisonment for a 11171  
traffic violation or a misdemeanor or is sentenced to a 11172  
residential sanction in the jail for a felony of the fourth or 11173  
fifth degree pursuant to sections 2929.11 to 2929.19 of the 11174  
Revised Code, and the jail administrator or the jail 11175  
administrator's designee has classified the person as a minimal 11176  
security risk. In determining the person's classification under 11177  
this division, the administrator or designee shall consider all 11178  
relevant factors, including, but not limited to, the person's 11179  
escape risk and propensity for assaultive or violent behavior, 11180  
based upon the person's prior and current behavior. 11181

(b) The person is charged with a traffic violation, a 11182  
misdemeanor, or a felony of the fourth or fifth degree and has had 11183



bail set and has not been released on bail and is confined in a 11184  
county or municipal jail pending trial, and the jail administrator 11185  
or the jail administrator's designee has classified the person as 11186  
a minimal security risk. In determining the person's 11187  
classification under this division, the administrator or designee 11188  
shall consider all relevant factors, including, but not limited 11189  
to, the person's escape risk and propensity for assaultive or 11190  
violent behavior, based upon the person's prior and current 11191  
behavior. Nothing in this division authorizes the operation or 11192  
management of a minimum security jail by a private entity. 11193

(c) The person is an inmate transferred by order of a judge 11194  
of the sentencing court upon the request of the sheriff, 11195  
administrator, jailer, or other person responsible for operating 11196  
the jail other than a contractor as defined in section 9.06 of the 11197  
Revised Code, who is named in the request as being suitable for 11198  
confinement in a minimum security facility. 11199

(2) The board of county commissioners of any county, by 11200  
resolution, may affiliate with one or more adjacent counties, or 11201  
with one or more municipal corporations located within the county 11202  
or within an adjacent county, and dedicate and permit the use, as 11203  
a minimum security jail, of any vacant or abandoned public 11204  
building or structure owned by any of the affiliating counties or 11205  
municipal corporations that has not been dedicated to or is not 11206  
then in use for any public purpose, or any building or structure 11207  
rented or leased by any of the affiliating counties or municipal 11208  
corporations. The board of county commissioners of any county, by 11209  
resolution, also may affiliate with one or more adjacent counties 11210  
or with one or more municipal corporations located within the 11211  
county or within an adjacent county and dedicate and permit the 11212  
use, as a minimum security jail, of any building or structure 11213  
purchased by or constructed by or for any of the affiliating 11214  
counties or municipal corporations. Any counties and municipal 11215

corporations that affiliate for purposes of this division shall 11216  
enter into an agreement that establishes the responsibilities for 11217  
the operation and for the cost of operation of the minimum 11218  
security jail. Subject to divisions (B)(3) and (C) of this 11219  
section, upon the effective date of a resolution adopted under 11220  
this division, the specified building or structure shall be used, 11221  
in accordance with this section, for the confinement of persons 11222  
who meet one of the following conditions: 11223

(a) The person is sentenced to a term of imprisonment for a 11224  
traffic violation, a misdemeanor, or a violation of an ordinance 11225  
of any municipal corporation, or is sentenced to a residential 11226  
sanction in the jail for a felony of the fourth or fifth degree 11227  
pursuant to sections 2929.11 to 2929.19 of the Revised Code, and 11228  
the jail administrator or the jail administrator's designee has 11229  
classified the person as a minimal security risk. In determining 11230  
the person's classification under this division, the administrator 11231  
or designee shall consider all relevant factors, including, but 11232  
not limited to, the person's escape risk and propensity for 11233  
assaultive or violent behavior, based upon the person's prior and 11234  
current behavior. 11235

(b) The person is charged with a traffic violation, a 11236  
misdemeanor, or a felony of the fourth or fifth degree and has had 11237  
bail set and has not been released on bail and is confined in a 11238  
county jail pending trial, and the jail administrator or the jail 11239  
administrator's designee has classified the person as a minimal 11240  
security risk. In determining the person's classification under 11241  
this division, the administrator or designee shall consider all 11242  
relevant factors, including, but not limited to, the person's 11243  
escape risk and propensity for assaultive or violent behavior, 11244  
based upon the person's prior and current behavior. Nothing in 11245  
this division authorizes the operation or management of a minimum 11246  
security jail by a private entity. 11247

(c) The person is an inmate transferred by order of a judge 11248  
of the sentencing court upon the request of the sheriff, 11249  
administrator, jailer, or other person responsible for operating 11250  
the jail other than a contractor as defined in section 9.06 of the 11251  
Revised Code, who is named in the request as being suitable for 11252  
confinement in a minimum security facility. 11253

(3) No person shall be confined in a building or structure 11254  
dedicated as a minimum security jail under division (B)(1) or (2) 11255  
of this section unless the judge who sentenced the person to the 11256  
term of imprisonment for the traffic violation or the misdemeanor 11257  
specifies that the term of imprisonment is to be served in that 11258  
jail, and division (B)(1) or (2) of this section permits the 11259  
confinement of the person in that jail or unless the judge who 11260  
sentenced the person to the residential sanction for the felony 11261  
specifies that the residential sanction is to be served in a jail, 11262  
and division (B)(1) or (2) of this section permits the confinement 11263  
of the person in that jail. If a rented or leased building or 11264  
structure is so dedicated, the building or structure may be used 11265  
as a minimum security jail only during the period that it is 11266  
rented or leased by the county or by an affiliated county or 11267  
municipal corporation. If a person convicted of a misdemeanor is 11268  
confined to a building or structure dedicated as a minimum 11269  
security jail under division (B)(1) or (2) of this section and the 11270  
sheriff, administrator, jailer, or other person responsible for 11271  
operating the jail other than a contractor as defined in section 11272  
9.06 of the Revised Code determines that it would be more 11273  
appropriate for the person so confined to be confined in another 11274  
jail or workhouse facility, the sheriff, administrator, jailer, or 11275  
other person may transfer the person so confined to a more 11276  
appropriate jail or workhouse facility. 11277

(C) All of the following apply to a building or structure 11278  
that is dedicated pursuant to division (B)(1) or (2) of this 11279

section for use as a minimum security jail: 11280

(1) To the extent that the use of the building or structure 11281  
as a minimum security jail requires a variance from any county, 11282  
municipal corporation, or township zoning regulations or 11283  
ordinances, the variance shall be granted. 11284

(2) Except as provided in this section, the building or 11285  
structure shall not be used to confine any person unless it is in 11286  
substantial compliance with any applicable housing, fire 11287  
prevention, sanitation, health, and safety codes, regulations, or 11288  
standards. 11289

(3) Unless such satisfaction or compliance is required under 11290  
the standards described in division (C)(4) of this section, and 11291  
notwithstanding any other provision of state or local law to the 11292  
contrary, the building or structure need not satisfy or comply 11293  
with any state or local building standard or code in order to be 11294  
used to confine a person for the purposes specified in division 11295  
(B) of this section. 11296

(4) The building or structure shall not be used to confine 11297  
any person unless it is in compliance with all minimum standards 11298  
and minimum renovation, modification, and construction criteria 11299  
for ~~minimum security~~ jails that have been proposed by the 11300  
department of rehabilitation and correction, through its bureau of 11301  
adult detention, under section 5120.10 of the Revised Code. 11302

(5) The building or structure need not be renovated or 11303  
modified into a secure detention facility in order to be used 11304  
solely to confine a person for the purposes specified in divisions 11305  
(B)(1)(a) or (b) and (B)(2)(a) or (b) of this section. 11306

(6) The building or structure shall be used, equipped, 11307  
furnished, and staffed in the manner necessary to provide adequate 11308  
and suitable living, sleeping, food service or preparation, 11309  
drinking, bathing and toilet, sanitation, and other necessary 11310

facilities, furnishings, and equipment. 11311

(D) Except as provided in this section, a minimum security 11312  
jail dedicated and used under this section shall be considered to 11313  
be part of the jail, workhouse, or other correctional facilities 11314  
of the county or the affiliated counties and municipal 11315  
corporations for all purposes under the law. All persons confined 11316  
in such a minimum security jail shall be and shall remain, in all 11317  
respects, under the control of the county authority that has 11318  
responsibility for the management and operation of the jail, 11319  
workhouse, or other correctional facilities of the county or, if 11320  
it is operated by any affiliation of counties or municipal 11321  
corporations, under the control of the specified county or 11322  
municipal corporation with that authority, provided that, if the 11323  
person was convicted of a felony and is serving a residential 11324  
sanction in the facility, all provisions of law that pertain to 11325  
persons convicted of a felony that would not by their nature 11326  
clearly be inapplicable apply regarding the person. A minimum 11327  
security jail dedicated and used under this section shall be 11328  
managed and maintained in accordance with policies and procedures 11329  
adopted by the board of county commissioners or the affiliated 11330  
counties and municipal corporations governing the safe and 11331  
healthful operation of the jail, the confinement and supervision 11332  
of the persons sentenced to it, and their participation in work 11333  
release or similar rehabilitation programs. In addition to other 11334  
rules of conduct and discipline, the rights of ingress and egress 11335  
of persons confined in a minimum security jail dedicated and used 11336  
under this section shall be subject to reasonable restrictions. 11337  
Every person confined in a minimum security jail dedicated and 11338  
used under this section shall be given verbal and written 11339  
notification, at the time of the person's admission to the jail, 11340  
that purposely leaving, or purposely failing to return to, the 11341  
jail without proper authority or permission constitutes the felony 11342  
offense of escape. 11343

(E) If a person who has been convicted of or pleaded guilty 11344  
to an offense is sentenced to a term of imprisonment or a 11345  
residential sanction in a minimum security jail as described in 11346  
division (B)(1)(a) or (B)(2)(a) of this section, or if a person is 11347  
an inmate transferred to a minimum security jail by order of a 11348  
judge of the sentencing court as described in division (B)(1)(c) 11349  
or (B)(2)(c) of this section, at the time of reception and at 11350  
other times the person in charge of the operation of the jail 11351  
determines to be appropriate, the sheriff or other person in 11352  
charge of the operation of the jail may cause the convicted 11353  
offender to be examined and tested for tuberculosis, HIV 11354  
infection, hepatitis, including but not limited to hepatitis A, B, 11355  
and C, and other contagious diseases. The person in charge of the 11356  
operation of the jail may cause a convicted offender in the jail 11357  
who refuses to be tested or treated for tuberculosis, HIV 11358  
infection, hepatitis, including but not limited to hepatitis A, B, 11359  
and C, or another contagious disease to be tested and treated 11360  
involuntarily. 11361

**Sec. 349.01.** As used in this chapter: 11362

(A) "New community" means a community or development of 11363  
property in relation to an existing community planned so that the 11364  
resulting community includes facilities for the conduct of 11365  
industrial, commercial, residential, cultural, educational, and 11366  
recreational activities, and designed in accordance with planning 11367  
concepts for the placement of utility, open space, and other 11368  
supportive facilities. 11369

(B) "New community development program" means a program for 11370  
the development of a new community characterized by well-balanced 11371  
and diversified land use patterns and which includes land 11372  
acquisition and land development, the acquisition, construction, 11373  
operation, and maintenance of community facilities, and the 11374

provision of services authorized in this chapter. 11375

A new community development program may take into account any 11376  
existing community in relation to which a new community is 11377  
developed for purposes of being characterized by well-balanced and 11378  
diversified land use patterns. 11379

(C) "New community district" means the area of land described 11380  
by the developer in the petition as set forth in division (A) of 11381  
section 349.03 of the Revised Code for development as a new 11382  
community and any lands added to the district by amendment of the 11383  
resolution establishing the community authority. 11384

(D) "New community authority" means a body corporate and 11385  
politic in this state, established pursuant to section 349.03 of 11386  
the Revised Code and governed by a board of trustees as provided 11387  
in section 349.04 of the Revised Code. 11388

(E) "Developer" means any person, organized for carrying out 11389  
a new community development program who owns or controls, through 11390  
leases of at least seventy-five years' duration, options, or 11391  
contracts to purchase, the land within a new community district, 11392  
or any municipal corporation, county, or port authority that owns 11393  
the land within a new community district, or has the ability to 11394  
acquire such land, either by voluntary acquisition or condemnation 11395  
in order to eliminate slum, blighted, and deteriorated or 11396  
deteriorating areas and to prevent the recurrence thereof. 11397

"Developer" may also mean a person, municipal corporation, county, 11398  
or port authority that controls land within a new community 11399  
district through leases of at least seventy-five years' duration. 11400

(F) "Organizational board of commissioners" means the 11401  
following: 11402

(1) For a new community district that is located in only one 11403  
county, the board of county commissioners of that county; 11404

(2) For a new community district that is located in more than 11405

one county, a board consisting of the members of the board of 11406  
county commissioners of each of the counties in which the district 11407  
is located, provided that action of the board shall require a 11408  
majority vote of the members of each separate board of county 11409  
commissioners; or 11410

(3) For a new community district that is located entirely 11411  
within the boundaries of a municipal corporation or for a new 11412  
community district where more than half of the new community 11413  
district is located within the boundaries of the most populous 11414  
municipal corporation of a county, the legislative authority of 11415  
the municipal corporation. 11416

(G) "Land acquisition" means the acquisition of real property 11417  
and interests in real property as part of a new community 11418  
development program. 11419

(H) "Land development" means the process of clearing and 11420  
grading land, making, installing, or constructing water 11421  
distribution systems, sewers, sewage collection systems, steam, 11422  
gas, and electric lines, roads, streets, curbs, gutters, 11423  
sidewalks, storm drainage facilities, and other installations or 11424  
work, whether within or without the new community district, and 11425  
the construction of community facilities. 11426

(I) "Community facilities" means all real property, 11427  
buildings, structures, or other facilities, including related 11428  
fixtures, equipment, and furnishings, to be owned, operated, 11429  
financed, constructed, and maintained under this chapter or in 11430  
furtherance of community activities, whether within or without the 11431  
new community district, including public, community, village, 11432  
neighborhood, or town buildings, centers and plazas, auditoriums, 11433  
day care centers, recreation halls, educational facilities, health 11434  
care facilities including hospital facilities as defined in 11435  
section 140.01 of the Revised Code, telecommunications facilities, 11436  
including all facilities necessary to provide telecommunications 11437



service as defined in section 4927.01 of the Revised Code, 11438  
recreational facilities, natural resource facilities, including 11439  
parks and other open space land, lakes and streams, cultural 11440  
facilities, community streets and off-street parking facilities, 11441  
pathway and bikeway systems, pedestrian underpasses and 11442  
overpasses, lighting facilities, design amenities, or other 11443  
community facilities, and buildings needed in connection with 11444  
water supply or sewage disposal installations, or energy 11445  
facilities including those for renewable or sustainable energy 11446  
sources, and steam, gas, or electric lines or installation. 11447

(J) "Cost" as applied to a new community development program 11448  
means all costs related to land acquisition and land development, 11449  
the acquisition, construction, maintenance, and operation of 11450  
community facilities and offices of the community authority, and 11451  
of providing furnishings and equipment therefor, financing charges 11452  
including interest prior to and during construction and for the 11453  
duration of the new community development program, planning 11454  
expenses, engineering expenses, administrative expenses including 11455  
working capital, and all other expenses necessary and incident to 11456  
the carrying forward of the new community development program. 11457

(K) "Income source" means any and all sources of income to 11458  
the community authority, including community development charges 11459  
of which the new community authority is the beneficiary as 11460  
provided in section 349.07 of the Revised Code, rentals, user fees 11461  
and other charges received by the new community authority, any 11462  
gift or grant received, any moneys received from any funds 11463  
invested by or on behalf of the new community authority, and 11464  
proceeds from the sale or lease of land and community facilities. 11465

(L) "Community development charge" means: 11466

(1) A dollar amount which shall be determined on the basis of 11467  
the assessed valuation of real property or interests in real 11468  
property in a new community district ~~owned, sold, leased, or~~ 11469

~~otherwise conveyed by the developer or the new community~~ 11470  
authority, the income of the residents of such property subject to 11471  
such charge under section 349.07 of the Revised Code, if such 11472  
property is devoted to residential uses or to the profits, gross 11473  
receipts, or other revenues of any business including, but not 11474  
limited to, rentals received from leases of real property located 11475  
in the district, a uniform or other fee on each parcel of such 11476  
real property ~~owned, sold, leased, or otherwise conveyed by the~~ 11477  
~~developer or new community authority~~ in a new community district, 11478  
or any combination of the foregoing bases. 11479

(2) If a new community authority imposes a community 11480  
development charge determined on the basis of rentals received 11481  
from leases of real property, improvements of any real property 11482  
located in the new community district and subject to that charge 11483  
may not be exempted from taxation under section 5709.40, 5709.41, 11484  
5709.73, or 5709.78 of the Revised Code. 11485

(M) "Proximate city" means the following: 11486

(1) For a new community district other than a new community 11487  
district described in division (M)(2) or (3) of this section, any 11488  
city that, as of the date of filing of the petition under section 11489  
349.03 of the Revised Code, is the city with the greatest 11490  
population located in the county in which the proposed new 11491  
community district is located, is the city with the greatest 11492  
population located in an adjoining county if any portion of such 11493  
city is within five miles of any part of the boundaries of such 11494  
district, or exercises extraterritorial subdivision authority 11495  
under section 711.09 of the Revised Code with respect to any part 11496  
of such district. 11497

(2) A municipal corporation in which, at the time of filing 11498  
the petition under section 349.03 of the Revised Code, any portion 11499  
of the proposed new community district is located. 11500

(3) For a new community district other than a new community district described in division (M)(2) of this section, if at the time of filing the petition under section 349.03 of the Revised Code, more than one-half of the proposed district is contained within a joint economic development district created under sections 715.70 to 715.83 of the Revised Code, the township containing the greatest portion of the territory of the joint economic development district.

(N) "Community activities" means cultural, educational, governmental, recreational, residential, industrial, commercial, distribution and research activities, or any combination thereof that includes residential activities.

**Sec. 349.03.** (A) Proceedings for the organization of a new community authority shall be initiated by a petition filed by the developer in the office of the clerk of the organizational board of commissioners. Such petition shall be signed by the developer and may be signed by each proximate city. The legislative authorities of each such proximate city shall act in behalf of such city. Such petition shall contain:

(1) The name of the proposed new community authority;

(2) The address where the principal office of the authority will be located or the manner in which the location will be selected;

(3) A map and a full and accurate description of the boundaries of the new community district together with a description of the properties within such boundaries, if any, which will not be included in the new community district.

~~The total acreage included in such district shall be owned by, or under the control through leases of at least seventy five years' duration, options, or contracts to purchase, of the~~

~~developer, if the developer is a private entity, unless one of the following applies:~~ 11531  
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~~(a) The district is wholly contained within municipal corporations.~~ 11533  
11534

~~(b) More than one half of the proposed district is, at the time of filing the petition under this section, contained within a joint economic development district created under sections 715.70 to 715.83 of the Revised Code.~~ 11535  
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(4) A statement setting forth the zoning regulations proposed for zoning the area within the boundaries of the new community district for comprehensive development as a new community, and if the area has been zoned for such development, a certified copy of the applicable zoning regulations therefor; 11539  
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(5) A current plan indicating the proposed development program for the new community district, the land acquisition and land development activities, community facilities, services proposed to be undertaken by the new community authority under such program, the proposed method of financing such activities and services, including a description of the bases, timing, and manner of collecting any proposed community development charges, and the projected total residential population of, and employment within, the new community; 11544  
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(6) A suggested number of members, consistent with section 349.04 of the Revised Code, for the board of trustees; 11553  
11554

(7) A preliminary economic feasibility analysis, including the area development pattern and demand, location and proposed new community district size, present and future socio-economic conditions, public services provision, financial plan, and the developer's management capability; 11555  
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(8) A statement that the development will comply with all applicable environmental laws and regulations. 11560  
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Upon the filing of such petition, the organizational board of commissioners shall determine whether such petition complies with the requirements of this section as to form and substance. The board in subsequent proceedings may at any time permit the petition to be amended in form and substance to conform to the facts by correcting any errors in the description of the proposed new community district or in any other particular.

Upon the determination of the organizational board of commissioners that a sufficient petition has been filed in accordance with this section, the board shall fix the time and place of a hearing on the petition for the establishment of the proposed new community authority. Such hearing shall be held not less than ninety-five nor more than one hundred fifteen days after the petition filing date, except that if the petition has been signed by all proximate cities or if the organizational board of commissioners is the legislative authority of the only proximate city for the proposed new community district, such hearing shall be held not less than thirty nor more than forty-five days after the petition filing date. The clerk of the organizational board of commissioners with which the petition was filed shall give notice thereof by publication once each week for three consecutive weeks, or as provided in section 7.16 of the Revised Code, in a newspaper of general circulation in any county of which a portion is within the proposed new community district. Except where the organizational board of commissioners is the legislative authority of the only proximate city for the proposed new community district, such clerk shall also give written notice of the date, time, and place of the hearing and furnish a certified copy of the petition to the clerk of the legislative authority of each proximate city which has not signed such petition. Except where the organizational board of commissioners is the legislative authority of the only proximate city for the proposed new community district, in the event that the legislative authority of

a proximate city which did not sign the petition does not approve 11595  
by ordinance, resolution, or motion the establishment of the 11596  
proposed new community authority and does not deliver such 11597  
ordinance, resolution, or motion to the clerk of the 11598  
organizational board of commissioners with which the petition was 11599  
filed within ninety days following the date of the first 11600  
publication of the notice of the public hearing, the 11601  
organizational board of commissioners shall cancel such public 11602  
hearing and terminate the proceedings for the establishment of the 11603  
new community authority. 11604

Upon the hearing, if the organizational board of 11605  
commissioners determines by resolution that the proposed new 11606  
community district will be conducive to the public health, safety, 11607  
convenience, and welfare, and is intended to result in the 11608  
development of a new community, the board shall by its resolution, 11609  
declare the new community authority to be organized and a body 11610  
politic and corporate with the corporate name designated in the 11611  
resolution, and define the boundary of the new community district. 11612  
In addition, the resolution shall provide the method of selecting 11613  
the board of trustees of the new community authority and fix the 11614  
surety for their bonds in accordance with section 349.04 of the 11615  
Revised Code. 11616

If the organizational board of commissioners finds that the 11617  
establishment of the district will not be conducive to the public 11618  
health, safety, convenience, or welfare, or is not intended to 11619  
result in the development of a new community, it shall reject the 11620  
petition thereby terminating the proceedings for the establishment 11621  
of the new community authority. 11622

(B) At any time after the creation of a new community 11623  
authority, the developer may file an application with the clerk of 11624  
the organizational board of commissioners with which the original 11625  
petition was filed, setting forth a general description of 11626

territory it desires to add or to delete from such district, that 11627  
such change will be conducive to the public health, safety, 11628  
convenience, and welfare, and will be consistent with the 11629  
development of a new community and will not jeopardize the plan of 11630  
the new community. If the developer is not a municipal 11631  
corporation, port authority, or county, all of such an addition to 11632  
such a district shall be owned by, or under the control through 11633  
leases of at least seventy-five years' duration, options, or 11634  
contracts to purchase, of the developer. Upon the filing of the 11635  
application, the organizational board of commissioners shall 11636  
follow the same procedure as required by this section in relation 11637  
to the petition for the establishment of the proposed new 11638  
community. The organizational board of commissioners also may 11639  
determine by resolution to add territory to such district, 11640  
provided that the owner or other person who controls such 11641  
territory through leases of at least forty years' duration, 11642  
options, or contracts to purchase files a written consent to the 11643  
addition of such territory with the clerk of the organizational 11644  
board of commissioners, and the developer does not object to the 11645  
addition of such territory by filing a written objection to the 11646  
addition of such territory with the clerk of the organizational 11647  
board of commissioners before the adoption of the resolution 11648  
adding such territory to the district. The organizational board of 11649  
commissioners shall follow the same procedure as required by this 11650  
section in relation to the petition for the establishment of the 11651  
proposed new community when adopting such a resolution. 11652

(C) If all or any part of the new community district is 11653  
annexed to one or more existing municipal corporations, their 11654  
legislative authorities may appoint persons to replace any 11655  
appointed citizen member of the board of trustees. The number of 11656  
such trustees to be replaced by the municipal corporation shall be 11657  
the number, rounded to the lowest integer, bearing the 11658  
proportionate relationship to the number of existing appointed 11659

citizen members as the acreage of the new community district 11660  
within such municipal corporation bears to the total acreage of 11661  
the new community district. If any such municipal corporation 11662  
chooses to replace an appointed citizen member, it shall do so by 11663  
ordinance, the term of the trustee being replaced shall terminate 11664  
thirty days from the date of passage of such ordinance, and the 11665  
trustee to be replaced shall be determined by lot. Each newly 11666  
appointed member shall assume the term of the member's 11667  
predecessor. 11668

**Sec. 349.07.** Notwithstanding any other rule of law, any 11669  
covenant or agreement in deeds, land contracts, leases and any 11670  
other instruments or conveyance by which real estate or any 11671  
interest in real estate is conveyed by or to the developer or by 11672  
the new community authority to any person or entity, including the 11673  
developer, or any declaration of covenants executed by the owner 11674  
of real estate, whereby such person or entity agrees, by 11675  
acceptance of any such instrument of conveyance containing said 11676  
covenant of agreement or execution of said declaration, to pay 11677  
annually or semiannually a community development charge for the 11678  
benefit and use of the new community authority to cover all or 11679  
part of the cost of the acquisition, construction, operation and 11680  
maintenance of land, land development and community facilities, 11681  
the debt service thereof and any other cost incurred by the 11682  
authority in the exercise of the powers granted by Chapter 349. of 11683  
the Revised Code shall be deemed to be a covenant running with the 11684  
land and shall, in any event and without regard to technical 11685  
classification, after such instrument has been duly recorded in 11686  
the land records of the county, be fully binding on behalf of and 11687  
enforceable by the new community authority against each such 11688  
person or entity and all successors and assigns of the property 11689  
conveyed by such instrument of conveyance or encumbered by such 11690  
declaration. 11691



No purchase agreement for any real estate or interest in real estate upon which a community development charge exists by reason of a covenant running with the land shall be enforceable by the seller or binding upon the purchaser unless such purchase agreement specifically refers to such community development charge and identifies the volume and page number of the deed records of the county in which the covenant running with the land establishing such community development charge is recorded, provided that in the event a conveyance of such real estate or interest in real estate is made pursuant to a purchase agreement which does not make such reference and identification, the covenant shall continue to be deemed to be a covenant running with the land fully binding on behalf of and enforceable by the community authority against such person or entity accepting the conveyance pursuant to such purchase agreement.

The new community authority may certify the community development charge to the county auditor, who shall enter the unpaid charge on the tax list and duplicates of real property opposite the parcel against which it is charged, and certify the charge to the county treasurer. An unpaid community development charge is a lien on property against which it is charged from the date the charge is entered on the tax list, and shall be collected in the manner provided for the collection of real property taxes. Once the charge is collected, it shall be paid immediately to the new community district.

No community development charge established pursuant to this chapter shall be construed as prohibiting or limiting the taxing power of municipal corporations.

**Sec. 351.021.** (A) The resolution of the county commissioners creating a convention facilities authority, or any amendment or supplement to that resolution, may authorize the authority to levy

one or both of the excise taxes authorized by division (B) of this section to pay the cost of one or more facilities; to pay principal, interest, and premium on convention facilities authority tax anticipation bonds issued to pay those costs; to pay the operating costs of the authority; to pay operating and maintenance costs of those facilities; and to pay the costs of administering the excise tax.

(B) The board of directors of a convention facilities authority that has been authorized pursuant to resolution adopted, amended, or supplemented by the board of county commissioners pursuant to division (A) of this section may levy, by resolution adopted on or before December 31, 1988, either or both of the following:

(1) Within the territory of the authority, an additional excise tax not to exceed four per cent on each transaction. The excise tax authorized by division (B)(1) of this section shall be in addition to any excise tax levied pursuant to section 5739.08 or 5739.09 of the Revised Code, or division (B)(2) of this section.

(2) Within that portion of any municipal corporation that is located within the territory of the authority or within the boundaries of any township that is located within the territory of the authority, which municipal corporation or township is levying any portion of the excise tax authorized by division (A) of section 5739.08 of the Revised Code, and with the approval, by ordinance or resolution, of the legislative authority of that municipal corporation or township, an additional excise tax not to exceed nine-tenths of one per cent on each transaction. The excise tax authorized by division (B)(2) of this section may be levied only if, on the effective date of the levy specified in the resolution making the levy, the amount being levied pursuant to division (A) of section 5739.08 of the Revised Code by each

municipal corporation or township in which the tax authorized by 11755  
division (B)(2) of this section will be levied, when added to the 11756  
amount levied under division (B)(2) of this section, does not 11757  
exceed three per cent on each transaction. The excise tax 11758  
authorized by division (B)(2) of this section shall be in addition 11759  
to any excise tax that is levied pursuant to section 5739.08 or 11760  
5739.09 of the Revised Code, or division (B)(1) of this section. 11761

(C)(1) The board of directors of a convention facilities 11762  
authority that is located in an eligible Appalachian county; that 11763  
has been authorized pursuant to resolution adopted, amended, or 11764  
supplemented by the board of county commissioners pursuant to 11765  
division (A) of this section; and that is not levying a tax under 11766  
division (B)(1) or (2) of this section may levy within the 11767  
territory of the authority, by resolution adopted on or before 11768  
December 31, 2005, an additional excise tax not to exceed three 11769  
per cent on each transaction. The excise tax authorized under 11770  
division (C)(1) of this section shall be in addition to any excise 11771  
tax levied pursuant to section 5739.08 or 5739.09 of the Revised 11772  
Code. 11773

As used in division (C)(1) of this section, "eligible 11774  
Appalachian county" means a county in this state designated as 11775  
being in the "Appalachian region" under the "Appalachian Regional 11776  
Development Act of 1965," 79 Stat. 4, 40 U.S.C. App. 403, and 11777  
having a population less than eighty thousand according to the 11778  
most recent federal decennial census. 11779

(2) Division (C)(2) of this section applies only to a 11780  
convention facilities authority located in a county with a 11781  
population, according to the 2000 federal decennial census, of at 11782  
least one hundred thirty-five thousand and not more than one 11783  
hundred fifty thousand and containing entirely within its 11784  
boundaries the territory of a municipal corporation with a 11785  
population according to that census of more than fifty thousand. 11786

The board of directors of such a convention facilities authority, 11787  
by resolution adopted on or before November 1, 2009, may levy 11788  
within the territory of the authority an excise tax on 11789  
transactions by which lodging by a hotel is or is to be furnished 11790  
to transient guests at a rate not to exceed three per cent on such 11791  
transactions for the same purposes for which a tax may be levied 11792  
under division (B) of this section. The resolution may be adopted 11793  
only if the board of county commissioners of the county, by 11794  
resolution, authorizes the levy of the tax. The resolution of the 11795  
board of county commissioners is subject to referendum as 11796  
prescribed by sections 305.31 to 305.41 of the Revised Code. If, 11797  
pursuant to those procedures, a referendum is to be held, the 11798  
board's resolution does not take effect until approved by a 11799  
majority of electors voting on the question. The convention 11800  
facilities authority may adopt the resolution authorized by 11801  
division (C)(2) of this section before the election, but the 11802  
authority's resolution shall not take effect if the board of 11803  
commissioners' resolution is not approved at the election. A tax 11804  
levied under division (C)(2) of this section is in addition to any 11805  
tax levied under section 5739.09 of the Revised Code. 11806

(3) The board of directors of a convention facilities 11807  
authority created between July 1, 2019, and December 31, 2019, by 11808  
resolution adopted on or before December 30, 2020, may levy within 11809  
the territory of the authority an excise tax on transactions by 11810  
which lodging by a hotel is or is to be furnished to transient 11811  
guests at a rate not to exceed three per cent on such transactions 11812  
for the purposes described in division (A) of this section. This 11813  
tax shall be in addition to any excise tax levied pursuant to this 11814  
section or section 5739.08 or 5739.09 of the Revised Code. The 11815  
resolution levying the tax shall not take effect sooner than 11816  
ninety days after the convention facilities authority is created. 11817

(D) The authority shall provide for the administration and 11818

allocation of an excise tax levied pursuant to division (B) or (C) 11819  
of this section. All receipts arising from those excise taxes 11820  
shall be expended for the purposes provided in, and in accordance 11821  
with this section and section 351.141 of the Revised Code. An 11822  
excise tax levied under division (B) or (C) of this section shall 11823  
remain in effect at the rate at which it is levied for at least 11824  
the duration of the period for which the receipts from the tax 11825  
have been anticipated and pledged pursuant to section 351.141 of 11826  
the Revised Code. 11827

(E) Except as provided in division (B)(2) of this section, 11828  
the levy of an excise tax on each transaction pursuant to sections 11829  
5739.08 and 5739.09 of the Revised Code does not prevent a 11830  
convention facilities authority from levying an excise tax 11831  
pursuant to division (B) or (C) of this section. 11832

(F) A convention facilities authority located in a county 11833  
with a population greater than eighty thousand but less than 11834  
ninety thousand according to the 2010 federal decennial census 11835  
that levies a tax under division (B) of this section may amend the 11836  
resolution levying the tax to allocate a portion of the revenue 11837  
from the tax for support of tourism-related sites or facilities 11838  
and programs operated by the county or a municipal corporation 11839  
within the county in which the authority is located or for the 11840  
purpose of leasing lands for county fairs, erecting buildings for 11841  
county fair purposes, making improvements on a county fairground, 11842  
or for any purpose connected with the use of a county fairground 11843  
or with the management thereof by the county in which the 11844  
authority is located. The revenue allocated by the authority for 11845  
such purposes in a calendar year shall not exceed ~~fifteen~~ 11846  
twenty-five per cent of the total revenue from the tax in the 11847  
preceding calendar year. Revenue allocated for such purposes that 11848  
is not fully used by the end of the calendar year may be carried 11849  
forward for use in subsequent calendar years. Any amount carried 11850

forward does not count toward the limitation on the amount that 11851  
may be allocated for such purposes in succeeding calendar years. 11852

**Sec. 503.56.** (A) As used in this section: 11853

(1) "Tourism development district" means a district 11854  
designated by a township under this section. 11855

(2) "Territory of a tourism development district" means all 11856  
of the area included within the territorial boundaries of a 11857  
tourism development district. 11858

(3) "Business" means a sole proprietorship, a corporation for 11859  
profit, a pass-through entity as defined in section 5733.04 of the 11860  
Revised Code, the federal government, the state, the state's 11861  
political subdivisions, a nonprofit organization, or a school 11862  
district. A business "operates within the proposed district" if 11863  
the business would be subject to a tax levied in the proposed 11864  
tourism development district pursuant to division (C) of section 11865  
5739.101 of the Revised Code. 11866

(4) "Owner" means a partner of a partnership, a member of a 11867  
limited liability company, a majority shareholder of an S 11868  
corporation, a person with a majority ownership interest in a 11869  
pass-through entity, or any officer, employee, or agent with the 11870  
authority to make decisions legally binding upon a business. The 11871  
signature of any owner of a business operates as the signature of 11872  
the business. 11873

(5) "Eligible township" means a township wholly or partly 11874  
located in a county having a population greater than three hundred 11875  
seventy-five thousand but less than four hundred thousand that 11876  
levies taxes under section 5739.021 or 5739.026 of the Revised 11877  
Code, the aggregate rate of which does not exceed one-half of one 11878  
per cent on September 29, 2015. 11879

(B)(1) The board of trustees of an eligible township, by 11880

resolution, may declare an unincorporated area of the township to 11881  
be a tourism development district for the purpose of fostering and 11882  
developing tourism in the district if all of the following 11883  
criteria are met: 11884

(a) The district's area does not exceed six hundred acres. 11885

(b) All territory in the district is contiguous. 11886

(c) Before adopting that resolution or ordinance, the board 11887  
holds at least two public hearings concerning the creation of the 11888  
tourism development district. 11889

(d) Before adopting the resolution or ordinance, the board 11890  
receives a petition signed by every record owner of a parcel of 11891  
real property located in the proposed district and the owner of 11892  
every business that operates in the proposed district. 11893

(e) The board adopts the resolution on or before December 31, 11894  
2020. 11895

(2) The petition described in division (B)(1)(d) of this 11896  
section shall include an explanation of the taxes and charges that 11897  
may be levied or imposed in the proposed district. 11898

(3) The board shall certify the resolution to the tax 11899  
commissioner within five days after its adoption, along with a 11900  
description of the boundaries of the district authorized in the 11901  
resolution. That description shall include sufficient information 11902  
for the commissioner to determine if the address of a vendor is 11903  
within the boundaries of the district. 11904

(4) Subject to the limitations of division (B)(1)(a) and (b) 11905  
of this section, the board of trustees of an eligible township may 11906  
enlarge the territory of an existing tourism development district 11907  
in the manner prescribed for the creation of a district under 11908  
divisions (B)(1) to (3) of this section, except that the petition 11909  
described in division (B)(1)(d) of this section must be signed by 11910

every record owner of a parcel of real property located in the 11911  
area proposed to be added to the district and the owner of every 11912  
business that operates in the area proposed to be added to the 11913  
district. 11914

(C) For the purpose of fostering and developing tourism in a 11915  
tourism development district, a lessor leasing real property in a 11916  
tourism development district may impose and collect a uniform fee 11917  
on each parcel of real property leased by the lessor, to be paid 11918  
by each of the person's lessees. A lessee is subject to such a fee 11919  
only if the lease separately states the amount of the fee. Before 11920  
a lessor may impose and collect such a fee, the lessor shall file 11921  
a copy of such lease with the fiscal officer of the township that 11922  
designated the tourism development district. A lessor that imposes 11923  
such a fee shall remit all collections of the fee to the fiscal 11924  
officer of the township in which the real property is located. 11925

The board shall establish all regulations necessary to 11926  
provide for the administration and remittance of such fees. The 11927  
regulations may prescribe the time for payment of the fee, and may 11928  
provide for the imposition of a penalty or interest, or both, for 11929  
late remittances, provided that the penalty does not exceed ten 11930  
per cent of the amount of fee due, and the rate at which interest 11931  
accrues does not exceed the rate per annum prescribed pursuant to 11932  
section 5703.47 of the Revised Code. The regulations shall 11933  
provide, after deducting the real and actual costs of 11934  
administering the fee, that the revenue be used exclusively for 11935  
fostering and developing tourism within the tourism development 11936  
district. 11937

(D) The board of trustees of an eligible township that has 11938  
designated a tourism development district under this section may 11939  
levy one or both of the taxes authorized under section 503.57 or 11940  
5739.101 of the Revised Code. If the board does not levy a tax 11941  
under section 5739.101 of the Revised Code, the board may enter 11942



into and enforce agreements imposing a development charge under 11943  
section 503.58 of the Revised Code. 11944

(E) On or before the first day of each January and July, 11945  
beginning after the designation of the tourism development 11946  
district, the fiscal officer of the township shall certify a list 11947  
of vendors located within the tourism development district to the 11948  
tax commissioner, which shall include the name, address, and 11949  
vendor's license number for each vendor. 11950

**Sec. 503.58.** (A) The board of trustees of an eligible 11951  
township that has designated a tourism development district under 11952  
section 503.56 of the Revised Code may enter into and enforce 11953  
agreements with one or more owners of property located within the 11954  
district by which the owner or owners agree to pay a development 11955  
charge for the purpose of fostering and developing tourism within 11956  
the district. The amount of the development charge shall equal 11957  
one-half, one, one and one-half, or two per cent of the gross 11958  
receipts derived from making sales at or from the property, 11959  
whether wholesale or retail, but including sales of food only to 11960  
the extent such sales are subject to the tax levied under section 11961  
5739.02 of the Revised Code. 11962

(B) The imposition of a development charge under this section 11963  
is subject to approval of the board of county commissioners of the 11964  
county in which the property is located. If the property owner 11965  
agrees to the development charge and the board of county 11966  
commissioners, by resolution, approves the agreement, the 11967  
development charge shall be treated in the same manner as taxes 11968  
for all purposes of the lien described in section 323.11 of the 11969  
Revised Code, including, but not limited to, the priority and 11970  
enforcement of the lien and the collection of the development 11971  
charge secured by the lien. 11972

Sec. 505.37. (A) The board of township trustees may establish 11973  
all necessary rules to guard against the occurrence of fires and 11974  
to protect the property and lives of the citizens against damage 11975  
and accidents, and may, with the approval of the specifications by 11976  
the prosecuting attorney or, if the township has adopted limited 11977  
home rule government under Chapter 504. of the Revised Code, with 11978  
the approval of the specifications by the township's law director, 11979  
purchase, lease, lease with an option to purchase, or otherwise 11980  
provide any fire apparatus, mechanical resuscitators, underwater 11981  
rescue and recovery equipment, or other fire equipment, 11982  
appliances, materials, fire hydrants, and water supply for 11983  
fire-fighting and fire and rescue purposes that seems advisable to 11984  
the board. The board shall provide for the care and maintenance of 11985  
such fire equipment, and, for these purposes, may purchase, lease, 11986  
lease with an option to purchase, or construct and maintain 11987  
necessary buildings, and it may establish and maintain lines of 11988  
fire-alarm communications within the limits of the township. The 11989  
board may employ one or more persons to maintain and operate such 11990  
fire equipment, or it may enter into an agreement with a volunteer 11991  
fire company for the use and operation of the equipment. The board 11992  
may compensate the members of a volunteer fire company on any 11993  
basis and in any amount that it considers equitable. 11994

11995

When the estimated cost to purchase fire apparatus, 11996  
mechanical resuscitators, underwater rescue and recovery 11997  
equipment, or other fire equipment, appliances, materials, fire 11998  
hydrants, buildings, or fire-alarm communications equipment or 11999  
services exceeds fifty thousand dollars, the contract shall be let 12000  
by competitive bidding. When competitive bidding is required, the 12001  
board shall advertise once a week for not less than two 12002  
consecutive weeks in a newspaper of general circulation within the 12003  
township. The board may also cause notice to be inserted in trade 12004

papers or other publications designated by it or to be distributed 12005  
by electronic means, including posting the notice on the board's 12006  
internet web site. If the board posts the notice on its web site, 12007  
it may eliminate the second notice otherwise required to be 12008  
published in a newspaper of general circulation within the 12009  
township, provided that the first notice published in such 12010  
newspaper meets all of the following requirements: 12011

(1) It is published at least two weeks before the opening of 12012  
bids. 12013

(2) It includes a statement that the notice is posted on the 12014  
board's internet web site. 12015

(3) It includes the internet address of the board's internet 12016  
web site. 12017

(4) It includes instructions describing how the notice may be 12018  
accessed on the board's internet web site. 12019

The advertisement shall include the time, date, and place 12020  
where the clerk of the township, or the clerk's designee, will 12021  
read bids publicly. The time, date, and place of bid openings may 12022  
be extended to a later date by the board of township trustees, 12023  
provided that written or oral notice of the change shall be given 12024  
to all persons who have received or requested specifications not 12025  
later than ninety-six hours prior to the original time and date 12026  
fixed for the opening. The board may reject all the bids or accept 12027  
the lowest and best bid, provided that the successful bidder meets 12028  
the requirements of section 153.54 of the Revised Code when the 12029  
contract is for the construction, demolition, alteration, repair, 12030  
or reconstruction of an improvement. 12031

(B) The boards of township trustees of any two or more 12032  
townships, or the legislative authorities of any two or more 12033  
political subdivisions, or any combination of these, may, through 12034  
joint action, unite in the joint purchase, lease, lease with an 12035

option to purchase, maintenance, use, and operation of fire 12036  
equipment described in division (A) of this section, or for any 12037  
other purpose designated in sections 505.37 to 505.42 of the 12038  
Revised Code, and may prorate the expense of the joint action on 12039  
any terms that are mutually agreed upon. 12040

(C) The board of township trustees of any township may, by 12041  
resolution, whenever it is expedient and necessary to guard 12042  
against the occurrence of fires or to protect the property and 12043  
lives of the citizens against damages resulting from their 12044  
occurrence, create a fire district of any portions of the township 12045  
that it considers necessary. The board may purchase, lease, lease 12046  
with an option to purchase, or otherwise provide any fire 12047  
apparatus, mechanical resuscitators, underwater rescue and 12048  
recovery equipment, or other fire equipment, appliances, 12049  
materials, fire hydrants, and water supply for fire-fighting and 12050  
fire and rescue purposes, or may contract for the fire protection 12051  
for the fire district as provided in section 9.60 of the Revised 12052  
Code. The fire district so created shall be given a separate name 12053  
by which it shall be known. 12054

Additional unincorporated territory of the township may be 12055  
added to a fire district upon the board's adoption of a resolution 12056  
authorizing the addition. A municipal corporation, or a portion of 12057  
a municipal corporation, that is within or adjoining the township 12058  
may be added to a fire district upon the board's adoption of a 12059  
resolution authorizing the addition and the municipal legislative 12060  
authority's adoption of a resolution or ordinance requesting the 12061  
addition of the municipal corporation or a portion of the 12062  
municipal corporation to the fire district. 12063

If the township fire district imposes a tax, additional 12064  
unincorporated territory of the township or a municipal 12065  
corporation or a portion of a municipal corporation that is within 12066  
or adjoining the township shall become part of the fire district 12067

only after all of the following have occurred: 12068

(1) Adoption by the board of township trustees of a 12069  
resolution approving the expansion of the territorial limits of 12070  
the district and, if the resolution proposes to add a municipal 12071  
corporation or a portion of a municipal corporation, adoption by 12072  
the municipal legislative authority of a resolution or ordinance 12073  
requesting the addition of the municipal corporation or a portion 12074  
of the municipal corporation to the district; 12075

(2) Adoption by the board of township trustees of a 12076  
resolution recommending the extension of the tax to the additional 12077  
territory; 12078

(3) Approval of the tax by the electors of the territory 12079  
proposed for addition to the district. 12080

Each resolution of the board adopted under division (C)(2) of 12081  
this section shall state the name of the fire district, a 12082  
description of the territory to be added, and the rate and 12083  
termination date of the tax, which shall be the rate and 12084  
termination date of the tax currently in effect in the fire 12085  
district. 12086

The board of trustees shall certify each resolution adopted 12087  
under division (C)(2) of this section to the board of elections in 12088  
accordance with section 5705.19 of the Revised Code. The election 12089  
required under division (C)(3) of this section shall be held, 12090  
canvassed, and certified in the manner provided for the submission 12091  
of tax levies under section 5705.25 of the Revised Code, except 12092  
that the question appearing on the ballot shall read: 12093

"Shall the territory within ..... 12094  
(description of the proposed territory to be added) be added to 12095  
..... (name) fire district, and a property tax 12096  
at a rate of taxation not exceeding ..... (here insert tax rate) 12097  
be in effect for ..... (here insert the number of years the 12098

tax is to be in effect or "a continuing period of time," as 12099  
applicable)?" 12100

If the question is approved by at least a majority of the 12101  
electors voting on it, the joinder shall be effective as of the 12102  
first day of July of the year following approval, and on that 12103  
date, the township fire district tax shall be extended to the 12104  
taxable property within the territory that has been added. If the 12105  
territory that has been added is a municipal corporation or 12106  
portion thereof and if it had adopted a tax levy for fire 12107  
purposes, the levy is terminated on the effective date of the 12108  
joinder in the area of the municipal corporation added to the 12109  
district. 12110

Any municipal corporation may withdraw from a township fire 12111  
district created under division (C) of this section by the 12112  
adoption by the municipal legislative authority of a resolution or 12113  
ordinance ordering withdrawal. On the first day of July of the 12114  
year following the adoption of the resolution or ordinance of 12115  
withdrawal, the withdrawing municipal corporation ~~withdrawing~~ or 12116  
the portion thereof ceases to be a part of the district, and the 12117  
power of the fire district to levy a tax upon taxable property in 12118  
the withdrawing municipal corporation or the portion thereof 12119  
terminates, except that the fire district shall continue to levy 12120  
and collect taxes for the payment of indebtedness within the 12121  
territory of the fire district as it was composed at the time the 12122  
indebtedness was incurred. 12123

Upon the withdrawal of any municipal corporation from a 12124  
township fire district created under division (C) of this section, 12125  
the county auditor shall ascertain, apportion, and order a 12126  
division of the funds on hand, moneys and taxes in the process of 12127  
collection except for taxes levied for the payment of 12128  
indebtedness, credits, and real and personal property, either in 12129  
money or in kind, on the basis of the valuation of the respective 12130

tax duplicates of the withdrawing municipal corporation and the 12131  
remaining territory of the fire district. 12132

A board of township trustees may remove unincorporated 12133  
territory of the township from the fire district upon the adoption 12134  
of a resolution authorizing the removal. On the first day of July 12135  
of the year following the adoption of the resolution, the 12136  
unincorporated township territory described in the resolution 12137  
ceases to be a part of the district, and the power of the fire 12138  
district to levy a tax upon taxable property in that territory 12139  
terminates, except that the fire district shall continue to levy 12140  
and collect taxes for the payment of indebtedness within the 12141  
territory of the fire district as it was composed at the time the 12142  
indebtedness was incurred. 12143

(D) The board of township trustees of any township, the board 12144  
of fire district trustees of a fire district created under section 12145  
505.371 of the Revised Code, or the legislative authority of any 12146  
municipal corporation may purchase, lease, or lease with an option 12147  
to purchase the necessary fire equipment described in division (A) 12148  
of this section, buildings, and sites for the township, fire 12149  
district, or municipal corporation and issue securities for that 12150  
purpose with maximum maturities as provided in section 133.20 of 12151  
the Revised Code. The board of township trustees, board of fire 12152  
district trustees, or legislative authority may also construct any 12153  
buildings necessary to house fire equipment and issue securities 12154  
for that purpose with maximum maturities as provided in section 12155  
133.20 of the Revised Code. 12156

The board of township trustees, board of fire district 12157  
trustees, or legislative authority may issue the securities of the 12158  
township, fire district, or municipal corporation, signed by the 12159  
board or designated officer of the municipal corporation and 12160  
attested by the signature of the township fiscal officer, fire 12161  
district clerk, or municipal clerk, covering any deferred payments 12162

and payable at the times provided, which securities shall bear 12163  
interest not to exceed the rate determined as provided in section 12164  
9.95 of the Revised Code, and shall not be subject to Chapter 133. 12165  
of the Revised Code. The legislation authorizing the issuance of 12166  
the securities shall provide for levying and collecting annually 12167  
by taxation, amounts sufficient to pay the interest on and 12168  
principal of the securities. The securities shall be offered for 12169  
sale on the open market or given to the vendor or contractor if no 12170  
sale is made. 12171

Section 505.40 of the Revised Code does not apply to any 12172  
securities issued, or any lease with an option to purchase entered 12173  
into, in accordance with this division. 12174

(E) A board of township trustees of any township or a board 12175  
of fire district trustees of a fire district created under section 12176  
505.371 of the Revised Code may purchase a policy or policies of 12177  
liability insurance for the officers, employees, and appointees of 12178  
the fire department, fire district, or joint fire district 12179  
governed by the board that includes personal injury liability 12180  
coverage as to the civil liability of those officers, employees, 12181  
and appointees for false arrest, detention, or imprisonment, 12182  
malicious prosecution, libel, slander, defamation or other 12183  
violation of the right of privacy, wrongful entry or eviction, or 12184  
other invasion of the right of private occupancy, arising out of 12185  
the performance of their duties. 12186

When a board of township trustees cannot, by deed of gift or 12187  
by purchase and upon terms it considers reasonable, procure land 12188  
for a township fire station that is needed in order to respond in 12189  
reasonable time to a fire or medical emergency, the board may 12190  
appropriate land for that purpose under sections 163.01 to 163.22 12191  
of the Revised Code. If it is necessary to acquire additional 12192  
adjacent land for enlarging or improving the fire station, the 12193  
board may purchase, appropriate, or accept a deed of gift for the 12194



land for these purposes. 12195

(F) As used in this division, "emergency medical service 12196  
organization" has the same meaning as in section 4766.01 of the 12197  
Revised Code. 12198

A board of township trustees, by adoption of an appropriate 12199  
resolution, may choose to have the state board of emergency 12200  
medical, fire, and transportation services license any emergency 12201  
medical service organization it operates. If the board adopts such 12202  
a resolution, Chapter 4766. of the Revised Code, except for 12203  
sections 4766.06 and 4766.99 of the Revised Code, applies to the 12204  
organization. All rules adopted under the applicable sections of 12205  
that chapter also apply to the organization. A board of township 12206  
trustees, by adoption of an appropriate resolution, may remove its 12207  
emergency medical service organization from the jurisdiction of 12208  
the state board of emergency medical, fire, and transportation 12209  
services. 12210

**Sec. 505.371.** (A) The boards of township trustees of one or 12211  
more townships and the legislative authorities of one or more 12212  
municipal corporations, or the legislative authorities of two or 12213  
more municipal corporations, or the boards of township trustees of 12214  
two or more townships, may, by adoption of a joint resolution by a 12215  
majority of the members of each board of township trustees and by 12216  
a majority of the members of the legislative authority of each 12217  
municipal corporation, create a joint fire district comprising all 12218  
or any portions of the municipal corporations and all or any 12219  
portions of the townships as are mutually agreed upon. A joint 12220  
fire district so created shall be given a name different from the 12221  
name of any participating township or municipal corporation. 12222

(B) The governing body of the joint fire district shall be a 12223  
board of fire district trustees, which shall include one 12224  
representative from each board of township trustees and one 12225

representative from the legislative authority of each municipal 12226  
corporation in the district. The board of fire district trustees 12227  
may exercise the same powers as are granted to a board of township 12228  
trustees in sections 505.37 to 505.45 of the Revised Code, 12229  
including, but not limited to, the power to levy a tax upon all 12230  
taxable property in the fire district as provided in section 12231  
505.39 of the Revised Code. The board of fire district trustees 12232  
may be compensated at a rate not to exceed thirty dollars per 12233  
meeting, not to exceed fifteen meetings per year, and may be 12234  
reimbursed for all necessary expenses incurred. The board shall 12235  
employ a clerk of the board of fire district trustees. 12236

(C)(1) The board of fire district trustees may establish 12237  
reasonable charges for the use of ambulance or emergency medical 12238  
services. The board may establish different charges for residents 12239  
and nonresidents of the district, and may waive, at its 12240  
discretion, all or part of the charge for any resident of the 12241  
district. The charge for nonresidents shall be an amount not less 12242  
than the authorized medicare reimbursement rate, except that if, 12243  
prior to February 4, 1998, the board had different charges for 12244  
residents and nonresidents and the charge for nonresidents was 12245  
less than the authorized medicare reimbursement rate, the board 12246  
may charge nonresidents less than the authorized medicare 12247  
reimbursement rate. 12248

(2) In the resolution creating the joint fire district, the 12249  
political subdivisions that create the district may provide that 12250  
any of those political subdivisions may agree to pay any charges 12251  
for the use of ambulance or emergency medical services that the 12252  
board of fire district trustees establishes under division (C)(1) 12253  
of this section and that are incurred by the residents of the 12254  
particular political subdivision. Unless the board elects pursuant 12255  
to that division to waive all or part of the charges for the use 12256  
of ambulance or emergency medical services that any resident of 12257

the district incurs, the residents of a particular political 12258  
subdivision that has not so agreed to pay the charges for the use 12259  
of ambulance or emergency medical services incurred by its 12260  
residents shall pay those charges. 12261

(3) Charges collected under division (C) of this section 12262  
shall be kept in a separate fund designated as the ambulance and 12263  
emergency medical services fund and shall be appropriated and 12264  
administered by the board. The fund shall be used for the payment 12265  
of the costs of the management, maintenance, and operation of 12266  
ambulance and emergency medical services in the district. 12267

(4) As used in division (C) of this section, "authorized 12268  
medicare reimbursement rate" has the same meaning as in section 12269  
505.84 of the Revised Code. 12270

(D) Any municipal corporation or township, or parts of them, 12271  
may join an existing joint fire district by the adoption of a 12272  
resolution requesting such membership and upon approval of the 12273  
board of fire district trustees. Any municipal corporation or 12274  
township may withdraw from a joint fire district created under 12275  
this section, by the adoption of a resolution ordering withdrawal. 12276  
On or after the first day of January of the year following the 12277  
adoption of the resolution of withdrawal, the municipal 12278  
corporation or township withdrawing ceases to be a part of such 12279  
district, and the power of the district to levy a tax upon taxable 12280  
property in the withdrawing township or municipal corporation 12281  
terminates, except that the district shall continue to levy and 12282  
collect taxes for the payment of indebtedness within the territory 12283  
of the district as it was comprised at the time the indebtedness 12284  
was incurred. 12285

Upon the withdrawal of any township or municipal corporation 12286  
from a joint fire district created under this section, the county 12287  
auditor shall ascertain, apportion, and order a division of the 12288  
funds on hand, including funds in the ambulance and emergency 12289

medical services fund, moneys and taxes in the process of 12290  
collection, except for taxes levied for the payment of 12291  
indebtedness, credits, and real and personal property, either in 12292  
money or in kind, on the basis of the valuation of the respective 12293  
tax duplicates of the withdrawing municipal corporation or 12294  
township and the remaining territory of the joint fire district. 12295

When the number of townships and municipal corporations 12296  
comprising a joint fire district is reduced to one, the joint fire 12297  
district ceases to exist by operation of law, and the funds, 12298  
credits, and property remaining after apportionments to 12299  
withdrawing municipal corporations or townships shall be assumed 12300  
by the one remaining township or municipal corporation. When a 12301  
joint fire district ceases to exist and an indebtedness remains 12302  
unpaid, the board of county commissioners shall continue to levy 12303  
and collect taxes for the payment of that indebtedness within the 12304  
territory of the joint fire district as it was comprised at the 12305  
time the indebtedness was incurred. 12306

(E) Neither this section nor any other section of the Revised 12307  
Code requires, or shall be construed to require, that the fire 12308  
chief of a joint fire district be a resident of the fire district. 12309

Sec. 513.172. (A) A joint township district hospital board 12310  
may do either of the following: 12311

(1) Form, or acquire control of, a domestic nonprofit 12312  
corporation or a domestic nonprofit limited liability company; 12313

(2) Be a partner, member, owner, associate, or participant in 12314  
a nonprofit enterprise or nonprofit venture. 12315

(B) A joint township district hospital board forming, 12316  
acquiring, or becoming involved with a nonprofit corporation, 12317  
limited liability company, enterprise, or venture under division 12318  
(A) of this section shall do so in furtherance of any of the 12319



by a person using the collection or disposal services, when the 12350  
unpaid amount is at least two hundred fifty dollars. The amount 12351  
certified shall be a lien on the person's property to which 12352  
services are provided, placed on the tax list in a separate 12353  
column, collected as other taxes, and paid into the general fund 12354  
of the municipal corporation. 12355

**Sec. 711.131.** (A) Notwithstanding sections 711.001 to 711.13 12356  
of the Revised Code and except as provided in division (C) of this 12357  
section, unless the rules adopted under section 711.05, 711.09, or 12358  
711.10 of the Revised Code are amended pursuant to division (B) of 12359  
this section, a proposed division of a parcel of land along an 12360  
existing public street, not involving the opening, widening, or 12361  
extension of any street or road, and involving no more than five 12362  
lots after the original tract has been completely subdivided, may 12363  
be submitted to the planning authority having approving 12364  
jurisdiction of plats under section 711.05, 711.09, or 711.10 of 12365  
the Revised Code for approval without plat. If the authority 12366  
acting through a properly designated representative finds that a 12367  
proposed division is not contrary to applicable platting, 12368  
subdividing, zoning, health, sanitary, or access management 12369  
regulations, regulations adopted under division (B)(3) of section 12370  
307.37 of the Revised Code regarding existing surface or 12371  
subsurface drainage, or household sewage treatment rules adopted 12372  
under section 3718.02 of the Revised Code, it shall approve the 12373  
proposed division within seven business days after its submission 12374  
and, on presentation of a conveyance of the parcel, shall stamp 12375  
the conveyance "approved by (planning authority); no plat 12376  
required" and have it signed by its clerk, secretary, or other 12377  
official as may be designated by it. The planning authority may 12378  
require the submission of a sketch and other information that is 12379  
pertinent to its determination under this division. 12380

(B) For a period of up to two years after ~~the effective date~~ 12381  
~~of this amendment~~ the effective date of this amendment, the rules 12382  
adopted under section 711.05, 711.09, or 711.10 of the Revised 12383  
Code may be amended within that period to authorize the planning 12384  
authority involved to approve proposed divisions of parcels of 12385  
land without plat under this division. If an authority so amends 12386  
its rules, it may approve no more than five lots without a plat 12387  
from an original tract as that original tract exists on the 12388  
effective date of the amendment to the rules. The authority shall 12389  
make the findings and approve a proposed division in the time and 12390  
manner specified in division (A) of this section. 12391

(C) This section does not apply to parcels subject to section 12392  
711.133 of the Revised Code. 12393

(D) As used in this section, "business day" means a day of 12394  
the week excluding Saturday, Sunday, or a legal holiday as defined 12395  
in section 1.14 of the Revised Code. 12396

**Sec. 715.014.** (A) As used in this section: 12397

(1) "Tourism development district" means a district 12398  
designated by a municipal corporation under this section. 12399

(2) "Territory of a tourism development district" means all 12400  
of the area included within the territorial boundaries of a 12401  
tourism development district. 12402

(3) "Business" and "owner" have the same meanings as in 12403  
section 503.56 of the Revised Code. 12404

(4) "Eligible municipal corporation" means a municipal 12405  
corporation wholly or partly located in a county having a 12406  
population greater than three hundred seventy-five thousand but 12407  
less than four hundred thousand that levies taxes under section 12408  
5739.021 or 5739.026 of the Revised Code, the aggregate rate of 12409  
which does not exceed one-half of one per cent on September 29, 12410

2015. 12411

(5) "Fiscal officer" means the city auditor, village clerk,  
or other municipal officer having the duties and functions of a  
city auditor or village clerk. 12412  
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(B)(1) The legislative authority of an eligible municipal  
corporation, by resolution or ordinance, may declare an area of  
the municipal corporation to be a tourism development district for  
the purpose of fostering and developing tourism in the district if  
all of the following criteria are met: 12415  
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(a) The district's area does not exceed six hundred acres. 12420

(b) All territory in the district is contiguous. 12421

(c) Before adopting the resolution or ordinance, the  
legislative authority holds at least two public hearings  
concerning the creation of the tourism development district. 12422  
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(d) Before adopting the resolution or ordinance, the  
legislative authority receives a petition signed by every record  
owner of a parcel of real property located in the proposed  
district and the owner of every business that operates in the  
proposed district. 12425  
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(e) The legislative authority adopts the resolution or  
ordinance on or before December 31, 2020. 12430  
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A legislative authority may declare more than one area of the  
municipal corporation to be a tourism development district under  
this section. 12432  
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(2) The petition described in division (B)(1)(d) of this  
section shall include an explanation of the taxes and charges that  
may be levied or imposed in the proposed district. 12435  
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(3) The legislative authority shall certify the resolution or  
ordinance to the tax commissioner within five days after its  
adoption, along with a description of the boundaries of the 12438  
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district authorized in the resolution. That description shall 12441  
include sufficient information for the commissioner to determine 12442  
if the address of a vendor is within the boundaries of the 12443  
district. 12444

(4) Subject to the limitations of divisions (B)(1)(a) and (b) 12445  
of this section, the legislative authority of an eligible 12446  
municipal corporation may enlarge the territory of an existing 12447  
tourism development district in the manner prescribed for the 12448  
creation of a district under divisions (B)(1) to (3) of this 12449  
section, except that the petition described in division (B)(1)(d) 12450  
of this section must be signed by every record owner of a parcel 12451  
of real property located in the area proposed to be added to the 12452  
district and the owner of every business that operates in the area 12453  
proposed to be added to the district. 12454

(C) For the purpose of fostering and developing tourism in a 12455  
tourism development district, a lessor leasing real property in a 12456  
tourism development district may impose and collect a uniform fee 12457  
on each parcel of real property leased by the lessor, to be paid 12458  
by each of the person's lessees. A lessee is subject to such a fee 12459  
only if the lease separately states the amount of the fee. Before 12460  
a lessor may impose and collect such a fee, the lessor shall file 12461  
a copy of such lease with the fiscal officer. A lessor that 12462  
imposes such a fee shall remit all collections of the fee to the 12463  
municipal corporation in which the real property is located. 12464

The legislative authority of that municipal corporation shall 12465  
establish all regulations necessary to provide for the 12466  
administration and remittance of such fees. The regulations may 12467  
prescribe the time for payment of the fee, and may provide for the 12468  
imposition of a penalty or interest, or both, for late 12469  
remittances, provided that the penalty does not exceed ten per 12470  
cent of the amount of fee due, and the rate at which interest 12471  
accrues does not exceed the rate per annum prescribed pursuant to 12472

section 5703.47 of the Revised Code. The regulations shall 12473  
provide, after deducting the real and actual costs of 12474  
administering the fee, that the revenue be used exclusively for 12475  
fostering and developing tourism within the tourism development 12476  
district. 12477

(D) The legislative authority of an eligible municipal 12478  
corporation that has designated a tourism development district may 12479  
levy the tax authorized under section 5739.101 of the Revised Code 12480  
or enter into and enforce agreements imposing a development charge 12481  
under section 715.015 of the Revised Code. Nothing in this section 12482  
limits the power of the legislative authority of a municipal 12483  
corporation to levy a tax on the basis of admissions in a tourism 12484  
development district pursuant to its powers of local 12485  
self-government conferred by Section 3 of Article XVIII, Ohio 12486  
Constitution. 12487

(E) On or before the first day of each January and July, 12488  
beginning after the designation of a tourism development district, 12489  
the fiscal officer shall certify a list of vendors located within 12490  
the tourism development district to the tax commissioner, which 12491  
shall include the name, address, and vendor's license number for 12492  
each vendor. 12493

Sec. 715.015. (A) The legislative authority of an eligible 12494  
municipal corporation that has designated a tourism development 12495  
district under section 715.014 of the Revised Code may enter into 12496  
and enforce agreements with one or more owners of property located 12497  
within the district by which the owner or owners agree to pay a 12498  
development charge for the purpose of fostering and developing 12499  
tourism within the district. The amount of the development charge 12500  
shall equal one-half, one, one and one-half, or two per cent of 12501  
the gross receipts derived from making sales at or from the 12502  
property, whether wholesale or retail, but including sales of food 12503

only to the extent such sales are subject to the tax levied under 12504  
section 5739.02 of the Revised Code. 12505

(B) The imposition of a development charge under this section 12506  
is subject to approval of the board of county commissioners of the 12507  
county in which the property is located. If the property owner 12508  
agrees to the development charge and the board of county 12509  
commissioners, by resolution, approves the agreement, the 12510  
development charge shall be treated in the same manner as taxes 12511  
for all purposes of the lien described in section 323.11 of the 12512  
Revised Code, including, but not limited to, the priority and 12513  
enforcement of the lien and the collection of the development 12514  
charge secured by the lien. 12515

(C) Nothing in this section limits the power of the 12516  
legislative authority of a municipal corporation to levy taxes 12517  
pursuant to its powers of local self-government conferred by 12518  
Section 3 of Article XVIII, Ohio Constitution. 12519

**Sec. 718.01.** Any term used in this chapter that is not 12520  
otherwise defined in this chapter has the same meaning as when 12521  
used in a comparable context in laws of the United States relating 12522  
to federal income taxation or in Title LVII of the Revised Code, 12523  
unless a different meaning is clearly required. Except as provided 12524  
in section 718.81 of the Revised Code, if a term used in this 12525  
chapter that is not otherwise defined in this chapter is used in a 12526  
comparable context in both the laws of the United States relating 12527  
to federal income tax and in Title LVII of the Revised Code and 12528  
the use is not consistent, then the use of the term in the laws of 12529  
the United States relating to federal income tax shall control 12530  
over the use of the term in Title LVII of the Revised Code. 12531

Except as otherwise provided in section 718.81 of the Revised 12532  
Code, as used in this chapter: 12533

(A)(1) "Municipal taxable income" means the following: 12534

(a) For a person other than an individual, income apportioned 12535  
or situated to the municipal corporation under section 718.02 of 12536  
the Revised Code, as applicable, reduced by any pre-2017 net 12537  
operating loss carryforward available to the person for the 12538  
municipal corporation. 12539

(b)(i) For an individual who is a resident of a municipal 12540  
corporation other than a qualified municipal corporation, income 12541  
reduced by exempt income to the extent otherwise included in 12542  
income, then reduced as provided in division (A)(2) of this 12543  
section, and further reduced by any pre-2017 net operating loss 12544  
carryforward available to the individual for the municipal 12545  
corporation. 12546

(ii) For an individual who is a resident of a qualified 12547  
municipal corporation, Ohio adjusted gross income reduced by 12548  
income exempted, and increased by deductions excluded, by the 12549  
qualified municipal corporation from the qualified municipal 12550  
corporation's tax. If a qualified municipal corporation, on or 12551  
before December 31, 2013, exempts income earned by individuals who 12552  
are not residents of the qualified municipal corporation and net 12553  
profit of persons that are not wholly located within the qualified 12554  
municipal corporation, such individual or person shall have no 12555  
municipal taxable income for the purposes of the tax levied by the 12556  
qualified municipal corporation and may be exempted by the 12557  
qualified municipal corporation from the requirements of section 12558  
718.03 of the Revised Code. 12559

(c) For an individual who is a nonresident of a municipal 12560  
corporation, income reduced by exempt income to the extent 12561  
otherwise included in income and then, as applicable, apportioned 12562  
or situated to the municipal corporation under section 718.02 of 12563  
the Revised Code, then reduced as provided in division (A)(2) of 12564  
this section, and further reduced by any pre-2017 net operating 12565

loss carryforward available to the individual for the municipal corporation. 12566  
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(2) In computing the municipal taxable income of a taxpayer who is an individual, the taxpayer may subtract, as provided in division (A)(1)(b)(i) or (c) of this section, the amount of the individual's employee business expenses reported on the individual's form 2106 that the individual deducted for federal income tax purposes for the taxable year, subject to the limitation imposed by section 67 of the Internal Revenue Code. For the municipal corporation in which the taxpayer is a resident, the taxpayer may deduct all such expenses allowed for federal income tax purposes. For a municipal corporation in which the taxpayer is not a resident, the taxpayer may deduct such expenses only to the extent the expenses are related to the taxpayer's performance of personal services in that nonresident municipal corporation. 12568  
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(B) "Income" means the following: 12581

(1)(a) For residents, all income, salaries, qualifying wages, commissions, and other compensation from whatever source earned or received by the resident, including the resident's distributive share of the net profit of pass-through entities owned directly or indirectly by the resident and any net profit of the resident, except as provided in division (D)(5) of this section. 12582  
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(b) For the purposes of division (B)(1)(a) of this section: 12588

(i) Any net operating loss of the resident incurred in the taxable year and the resident's distributive share of any net operating loss generated in the same taxable year and attributable to the resident's ownership interest in a pass-through entity shall be allowed as a deduction, for that taxable year and the following five taxable years, against any other net profit of the resident or the resident's distributive share of any net profit attributable to the resident's ownership interest in a 12589  
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pass-through entity until fully utilized, subject to division 12597  
(B)(1)(d) of this section; 12598

(ii) The resident's distributive share of the net profit of 12599  
each pass-through entity owned directly or indirectly by the 12600  
resident shall be calculated without regard to any net operating 12601  
loss that is carried forward by that entity from a prior taxable 12602  
year and applied to reduce the entity's net profit for the current 12603  
taxable year. 12604

(c) Division (B)(1)(b) of this section does not apply with 12605  
respect to any net profit or net operating loss attributable to an 12606  
ownership interest in an S corporation unless shareholders' 12607  
distributive shares of net profits from S corporations are subject 12608  
to tax in the municipal corporation as provided in division 12609  
(C)(14)(b) or (c) of this section. 12610

(d) Any amount of a net operating loss used to reduce a 12611  
taxpayer's net profit for a taxable year shall reduce the amount 12612  
of net operating loss that may be carried forward to any 12613  
subsequent year for use by that taxpayer. In no event shall the 12614  
cumulative deductions for all taxable years with respect to a 12615  
taxpayer's net operating loss exceed the original amount of that 12616  
net operating loss available to that taxpayer. 12617

(2) In the case of nonresidents, all income, salaries, 12618  
qualifying wages, commissions, and other compensation from 12619  
whatever source earned or received by the nonresident for work 12620  
done, services performed or rendered, or activities conducted in 12621  
the municipal corporation, including any net profit of the 12622  
nonresident, but excluding the nonresident's distributive share of 12623  
the net profit or loss of only pass-through entities owned 12624  
directly or indirectly by the nonresident. 12625

(3) For taxpayers that are not individuals, net profit of the 12626  
taxpayer; 12627

(4) Lottery, sweepstakes, gambling and sports winnings, 12628  
winnings from games of chance, and prizes and awards. If the 12629  
taxpayer is a professional gambler for federal income tax 12630  
purposes, the taxpayer may deduct related wagering losses and 12631  
expenses to the extent authorized under the Internal Revenue Code 12632  
and claimed against such winnings. 12633

(C) "Exempt income" means all of the following: 12634

(1) The military pay or allowances of members of the armed 12635  
forces of the United States or members of their reserve 12636  
components, including the national guard of any state; 12637

(2)(a) Except as provided in division (C)(2)(b) of this 12638  
section, intangible income; 12639

(b) A municipal corporation that taxed any type of intangible 12640  
income on March 29, 1988, pursuant to Section 3 of S.B. 238 of the 12641  
116th general assembly, may continue to tax that type of income if 12642  
a majority of the electors of the municipal corporation voting on 12643  
the question of whether to permit the taxation of that type of 12644  
intangible income after 1988 voted in favor thereof at an election 12645  
held on November 8, 1988. 12646

(3) Social security benefits, railroad retirement benefits, 12647  
unemployment compensation, pensions, retirement benefit payments, 12648  
payments from annuities, and similar payments made to an employee 12649  
or to the beneficiary of an employee under a retirement program or 12650  
plan, disability payments received from private industry or local, 12651  
state, or federal governments or from charitable, religious or 12652  
educational organizations, and the proceeds of sickness, accident, 12653  
or liability insurance policies. As used in division (C)(3) of 12654  
this section, "unemployment compensation" does not include 12655  
supplemental unemployment compensation described in section 12656  
3402(o)(2) of the Internal Revenue Code. 12657

(4) The income of religious, fraternal, charitable, 12658

scientific, literary, or educational institutions to the extent	12659
such income is derived from tax-exempt real estate, tax-exempt	12660
tangible or intangible property, or tax-exempt activities.	12661
(5) Compensation paid under section 3501.28 or 3501.36 of the	12662
Revised Code to a person serving as a precinct election official	12663
to the extent that such compensation does not exceed one thousand	12664
dollars for the taxable year. Such compensation in excess of one	12665
thousand dollars for the taxable year may be subject to taxation	12666
by a municipal corporation. A municipal corporation shall not	12667
require the payer of such compensation to withhold any tax from	12668
that compensation.	12669
(6) Dues, contributions, and similar payments received by	12670
charitable, religious, educational, or literary organizations or	12671
labor unions, lodges, and similar organizations;	12672
(7) Alimony and child support received;	12673
(8) Compensation for personal injuries or for damages to	12674
property from insurance proceeds or otherwise, excluding	12675
compensation paid for lost salaries or wages or compensation from	12676
punitive damages;	12677
(9) Income of a public utility when that public utility is	12678
subject to the tax levied under section 5727.24 or 5727.30 of the	12679
Revised Code. Division (C)(9) of this section does not apply for	12680
purposes of Chapter 5745. of the Revised Code.	12681
(10) Gains from involuntary conversions, interest on federal	12682
obligations, items of income subject to a tax levied by the state	12683
and that a municipal corporation is specifically prohibited by law	12684
from taxing, and income of a decedent's estate during the period	12685
of administration except such income from the operation of a trade	12686
or business;	12687
(11) Compensation or allowances excluded from federal gross	12688
income under section 107 of the Internal Revenue Code;	12689



(12) Employee compensation that is not qualifying wages as 12690  
defined in division (R) of this section; 12691

(13) Compensation paid to a person employed within the 12692  
boundaries of a United States air force base under the 12693  
jurisdiction of the United States air force that is used for the 12694  
housing of members of the United States air force and is a center 12695  
for air force operations, unless the person is subject to taxation 12696  
because of residence or domicile. If the compensation is subject 12697  
to taxation because of residence or domicile, tax on such income 12698  
shall be payable only to the municipal corporation of residence or 12699  
domicile. 12700

(14)(a) Except as provided in division (C)(14)(b) or (c) of 12701  
this section, an S corporation shareholder's distributive share of 12702  
net profits of the S corporation, other than any part of the 12703  
distributive share of net profits that represents wages as defined 12704  
in section 3121(a) of the Internal Revenue Code or net earnings 12705  
from self-employment as defined in section 1402(a) of the Internal 12706  
Revenue Code. 12707

(b) If, pursuant to division (H) of former section 718.01 of 12708  
the Revised Code as it existed before March 11, 2004, a majority 12709  
of the electors of a municipal corporation voted in favor of the 12710  
question at an election held on November 4, 2003, the municipal 12711  
corporation may continue after 2002 to tax an S corporation 12712  
shareholder's distributive share of net profits of an S 12713  
corporation. 12714

(c) If, on December 6, 2002, a municipal corporation was 12715  
imposing, assessing, and collecting a tax on an S corporation 12716  
shareholder's distributive share of net profits of the S 12717  
corporation to the extent the distributive share would be 12718  
allocated or apportioned to this state under divisions (B)(1) and 12719  
(2) of section 5733.05 of the Revised Code if the S corporation 12720  
were a corporation subject to taxes imposed under Chapter 5733. of 12721

the Revised Code, the municipal corporation may continue to impose 12722  
the tax on such distributive shares to the extent such shares 12723  
would be so allocated or apportioned to this state only until 12724  
December 31, 2004, unless a majority of the electors of the 12725  
municipal corporation voting on the question of continuing to tax 12726  
such shares after that date voted in favor of that question at an 12727  
election held November 2, 2004. If a majority of those electors 12728  
voted in favor of the question, the municipal corporation may 12729  
continue after December 31, 2004, to impose the tax on such 12730  
distributive shares only to the extent such shares would be so 12731  
allocated or apportioned to this state. 12732

(d) A municipal corporation shall be deemed to have elected 12733  
to tax S corporation shareholders' distributive shares of net 12734  
profits of the S corporation in the hands of the shareholders if a 12735  
majority of the electors of a municipal corporation voted in favor 12736  
of a question at an election held under division (C)(14)(b) or (c) 12737  
of this section. The municipal corporation shall specify by 12738  
resolution or ordinance that the tax applies to the distributive 12739  
share of a shareholder of an S corporation in the hands of the 12740  
shareholder of the S corporation. 12741

(15) To the extent authorized under a resolution or ordinance 12742  
adopted by a municipal corporation before January 1, 2016, all or 12743  
a portion of the income of individuals or a class of individuals 12744  
under eighteen years of age. 12745

(16)(a) Except as provided in divisions (C)(16)(b), (c), and 12746  
(d) of this section, qualifying wages described in division (B)(1) 12747  
or (E) of section 718.011 of the Revised Code to the extent the 12748  
qualifying wages are not subject to withholding for the municipal 12749  
corporation under either of those divisions. 12750

(b) The exemption provided in division (C)(16)(a) of this 12751  
section does not apply with respect to the municipal corporation 12752  
in which the employee resided at the time the employee earned the 12753

qualifying wages.	12754
(c) The exemption provided in division (C)(16)(a) of this section does not apply to qualifying wages that an employer elects to withhold under division (D)(2) of section 718.011 of the Revised Code.	12755 12756 12757 12758
(d) The exemption provided in division (C)(16)(a) of this section does not apply to qualifying wages if both of the following conditions apply:	12759 12760 12761
(i) For qualifying wages described in division (B)(1) of section 718.011 of the Revised Code, the employee's employer withholds and remits tax on the qualifying wages to the municipal corporation in which the employee's principal place of work is situated, or, for qualifying wages described in division (E) of section 718.011 of the Revised Code, the employee's employer withholds and remits tax on the qualifying wages to the municipal corporation in which the employer's fixed location is located;	12762 12763 12764 12765 12766 12767 12768 12769
(ii) The employee receives a refund of the tax described in division (C)(16)(d)(i) of this section on the basis of the employee not performing services in that municipal corporation.	12770 12771 12772
(17)(a) Except as provided in division (C)(17)(b) or (c) of this section, compensation that is not qualifying wages paid to a nonresident individual for personal services performed in the municipal corporation on not more than twenty days in a taxable year.	12773 12774 12775 12776 12777
(b) The exemption provided in division (C)(17)(a) of this section does not apply under either of the following circumstances:	12778 12779 12780
(i) The individual's base of operation is located in the municipal corporation.	12781 12782
(ii) The individual is a professional athlete, professional	12783

entertainer, or public figure, and the compensation is paid for 12784  
the performance of services in the individual's capacity as a 12785  
professional athlete, professional entertainer, or public figure. 12786  
For purposes of division (C)(17)(b)(ii) of this section, 12787  
"professional athlete," "professional entertainer," and "public 12788  
figure" have the same meanings as in section 718.011 of the 12789  
Revised Code. 12790

(c) Compensation to which division (C)(17) of this section 12791  
applies shall be treated as earned or received at the individual's 12792  
base of operation. If the individual does not have a base of 12793  
operation, the compensation shall be treated as earned or received 12794  
where the individual is domiciled. 12795

(d) For purposes of division (C)(17) of this section, "base 12796  
of operation" means the location where an individual owns or rents 12797  
an office, storefront, or similar facility to which the individual 12798  
regularly reports and at which the individual regularly performs 12799  
personal services for compensation. 12800

(18) Compensation paid to a person for personal services 12801  
performed for a political subdivision on property owned by the 12802  
political subdivision, regardless of whether the compensation is 12803  
received by an employee of the subdivision or another person 12804  
performing services for the subdivision under a contract with the 12805  
subdivision, if the property on which services are performed is 12806  
annexed to a municipal corporation pursuant to section 709.023 of 12807  
the Revised Code on or after March 27, 2013, unless the person is 12808  
subject to such taxation because of residence. If the compensation 12809  
is subject to taxation because of residence, municipal income tax 12810  
shall be payable only to the municipal corporation of residence. 12811

(19) In the case of a tax administered, collected, and 12812  
enforced by a municipal corporation pursuant to an agreement with 12813  
the board of directors of a joint economic development district 12814  
under section 715.72 of the Revised Code, the net profits of a 12815

business, and the income of the employees of that business, 12816  
exempted from the tax under division (Q) of that section. 12817

(20) All of the following: 12818

(a) Income derived from disaster work conducted in this state 12819  
by an out-of-state disaster business during a disaster response 12820  
period pursuant to a qualifying solicitation received by the 12821  
business; 12822

(b) Income of a qualifying employee described in division 12823  
(A)(14)(a) of section 5703.94 of the Revised Code, to the extent 12824  
such income is derived from disaster work conducted in this state 12825  
by the employee during a disaster response period pursuant to a 12826  
qualifying solicitation received by the employee's employer; 12827

(c) Income of a qualifying employee described in division 12828  
(A)(14)(b) of section 5703.94 of the Revised Code, to the extent 12829  
such income is derived from disaster work conducted in this state 12830  
by the employee during a disaster response period on critical 12831  
infrastructure owned or used by the employee's employer. 12832

(21) Income the taxation of which is prohibited by the 12833  
constitution or laws of the United States. 12834

Any item of income that is exempt income of a pass-through 12835  
entity under division (C) of this section is exempt income of each 12836  
owner of the pass-through entity to the extent of that owner's 12837  
distributive or proportionate share of that item of the entity's 12838  
income. 12839

(D)(1) "Net profit" for a person who is an individual means 12840  
the individual's net profit required to be reported on schedule C, 12841  
schedule E, or schedule F reduced by any net operating loss 12842  
carried forward. For the purposes of division (D)(1) of this 12843  
section, the net operating loss carried forward shall be 12844  
calculated and deducted in the same manner as provided in division 12845  
(D)(3) of this section. 12846

(2) "Net profit" for a person other than an individual means 12847  
adjusted federal taxable income reduced by any net operating loss 12848  
incurred by the person in a taxable year beginning on or after 12849  
January 1, 2017, subject to the limitations of division (D)(3) of 12850  
this section. 12851

(3)(a) The amount of such net operating loss shall be 12852  
deducted from net profit to the extent necessary to reduce 12853  
municipal taxable income to zero, with any remaining unused 12854  
portion of the net operating loss carried forward to not more than 12855  
five consecutive taxable years following the taxable year in which 12856  
the loss was incurred, but in no case for more years than 12857  
necessary for the deduction to be fully utilized. 12858

(b) No person shall use the deduction allowed by division 12859  
(D)(3) of this section to offset qualifying wages. 12860

(c)(i) For taxable years beginning in 2018, 2019, 2020, 2021, 12861  
or 2022, a person may not deduct, for purposes of an income tax 12862  
levied by a municipal corporation that levies an income tax before 12863  
January 1, 2016, more than fifty per cent of the amount of the 12864  
deduction otherwise allowed by division (D)(3) of this section. 12865

(ii) For taxable years beginning in 2023 or thereafter, a 12866  
person may deduct, for purposes of an income tax levied by a 12867  
municipal corporation that levies an income tax before January 1, 12868  
2016, the full amount allowed by division (D)(3) of this section 12869  
without regard to the limitation of division (D)(3)(b)(i) of this 12870  
section. 12871

(d) Any pre-2017 net operating loss carryforward deduction 12872  
that is available may be utilized before a taxpayer may deduct any 12873  
amount pursuant to division (D)(3) of this section. 12874

(e) Nothing in division (D)(3)(c)(i) of this section 12875  
precludes a person from carrying forward, for use with respect to 12876  
any return filed for a taxable year beginning after 2018, any 12877

amount of net operating loss that was not fully utilized by 12878  
operation of division (D)(3)(c)(i) of this section. To the extent 12879  
that an amount of net operating loss that was not fully utilized 12880  
in one or more taxable years by operation of division (D)(3)(c)(i) 12881  
of this section is carried forward for use with respect to a 12882  
return filed for a taxable year beginning in 2019, 2020, 2021, or 12883  
2022, the limitation described in division (D)(3)(c)(i) of this 12884  
section shall apply to the amount carried forward. 12885

(4) For the purposes of this chapter, and notwithstanding 12886  
division (D)(2) of this section, net profit of a disregarded 12887  
entity shall not be taxable as against that disregarded entity, 12888  
but shall instead be included in the net profit of the owner of 12889  
the disregarded entity. 12890

(5) For the purposes of this chapter, and notwithstanding any 12891  
other provision of this chapter, the net profit of a publicly 12892  
traded partnership that makes the election described in division 12893  
(D)(5) of this section shall be taxed as if the partnership were a 12894  
C corporation, and shall not be treated as the net profit or 12895  
income of any owner of the partnership. 12896

A publicly traded partnership that is treated as a 12897  
partnership for federal income tax purposes and that is subject to 12898  
tax on its net profits in one or more municipal corporations in 12899  
this state may elect to be treated as a C corporation for 12900  
municipal income tax purposes. The publicly traded partnership 12901  
shall make the election in every municipal corporation in which 12902  
the partnership is subject to taxation on its net profits. The 12903  
election shall be made on the annual tax return filed in each such 12904  
municipal corporation. The publicly traded partnership shall not 12905  
be required to file the election with any municipal corporation in 12906  
which the partnership is not subject to taxation on its net 12907  
profits, but division (D)(5) of this section applies to all 12908  
municipal corporations in which an individual owner of the 12909

partnership resides. 12910

(E) "Adjusted federal taxable income," for a person required 12911  
to file as a C corporation, or for a person that has elected to be 12912  
taxed as a C corporation under division (D)(5) of this section, 12913  
means a C corporation's federal taxable income before net 12914  
operating losses and special deductions as determined under the 12915  
Internal Revenue Code, adjusted as follows: 12916

(1) Deduct intangible income to the extent included in 12917  
federal taxable income. The deduction shall be allowed regardless 12918  
of whether the intangible income relates to assets used in a trade 12919  
or business or assets held for the production of income. 12920

(2) Add an amount equal to five per cent of intangible income 12921  
deducted under division (E)(1) of this section, but excluding that 12922  
portion of intangible income directly related to the sale, 12923  
exchange, or other disposition of property described in section 12924  
1221 of the Internal Revenue Code; 12925

(3) Add any losses allowed as a deduction in the computation 12926  
of federal taxable income if the losses directly relate to the 12927  
sale, exchange, or other disposition of an asset described in 12928  
section 1221 or 1231 of the Internal Revenue Code; 12929

(4)(a) Except as provided in division (E)(4)(b) of this 12930  
section, deduct income and gain included in federal taxable income 12931  
to the extent the income and gain directly relate to the sale, 12932  
exchange, or other disposition of an asset described in section 12933  
1221 or 1231 of the Internal Revenue Code; 12934

(b) Division (E)(4)(a) of this section does not apply to the 12935  
extent the income or gain is income or gain described in section 12936  
1245 or 1250 of the Internal Revenue Code. 12937

(5) Add taxes on or measured by net income allowed as a 12938  
deduction in the computation of federal taxable income; 12939



(6) In the case of a real estate investment trust or	12940
regulated investment company, add all amounts with respect to	12941
dividends to, distributions to, or amounts set aside for or	12942
credited to the benefit of investors and allowed as a deduction in	12943
the computation of federal taxable income;	12944
(7) Deduct, to the extent not otherwise deducted or excluded	12945
in computing federal taxable income, any income derived from a	12946
transfer agreement or from the enterprise transferred under that	12947
agreement under section 4313.02 of the Revised Code;	12948
(8) Deduct exempt income to the extent not otherwise deducted	12949
or excluded in computing adjusted federal taxable income.	12950
(9) Deduct any net profit of a pass-through entity owned	12951
directly or indirectly by the taxpayer and included in the	12952
taxpayer's federal taxable income unless an affiliated group of	12953
corporations includes that net profit in the group's federal	12954
taxable income in accordance with division (E)(3)(b) of section	12955
718.06 of the Revised Code.	12956
(10) Add any loss incurred by a pass-through entity owned	12957
directly or indirectly by the taxpayer and included in the	12958
taxpayer's federal taxable income unless an affiliated group of	12959
corporations includes that loss in the group's federal taxable	12960
income in accordance with division (E)(3)(b) of section 718.06 of	12961
the Revised Code.	12962
If the taxpayer is not a C corporation, is not a disregarded	12963
entity that has made the election described in division (L)(2) of	12964
this section, is not a publicly traded partnership that has made	12965
the election described in division (D)(5) of this section, and is	12966
not an individual, the taxpayer shall compute adjusted federal	12967
taxable income under this section as if the taxpayer were a C	12968
corporation, except guaranteed payments and other similar amounts	12969
paid or accrued to a partner, former partner, shareholder, former	12970

shareholder, member, or former member shall not be allowed as a 12971  
deductible expense unless such payments are in consideration for 12972  
the use of capital and treated as payment of interest under 12973  
section 469 of the Internal Revenue Code or United States treasury 12974  
regulations. Amounts paid or accrued to a qualified self-employed 12975  
retirement plan with respect to a partner, former partner, 12976  
shareholder, former shareholder, member, or former member of the 12977  
taxpayer, amounts paid or accrued to or for health insurance for a 12978  
partner, former partner, shareholder, former shareholder, member, 12979  
or former member, and amounts paid or accrued to or for life 12980  
insurance for a partner, former partner, shareholder, former 12981  
shareholder, member, or former member shall not be allowed as a 12982  
deduction. 12983

Nothing in division (E) of this section shall be construed as 12984  
allowing the taxpayer to add or deduct any amount more than once 12985  
or shall be construed as allowing any taxpayer to deduct any 12986  
amount paid to or accrued for purposes of federal self-employment 12987  
tax. 12988

(F) "Schedule C" means internal revenue service schedule C 12989  
(form 1040) filed by a taxpayer pursuant to the Internal Revenue 12990  
Code. 12991

(G) "Schedule E" means internal revenue service schedule E 12992  
(form 1040) filed by a taxpayer pursuant to the Internal Revenue 12993  
Code. 12994

(H) "Schedule F" means internal revenue service schedule F 12995  
(form 1040) filed by a taxpayer pursuant to the Internal Revenue 12996  
Code. 12997

(I) "Internal Revenue Code" has the same meaning as in 12998  
section 5747.01 of the Revised Code. 12999

(J) "Resident" means an individual who is domiciled in the 13000  
municipal corporation as determined under section 718.012 of the 13001

Revised Code.	13002
(K) "Nonresident" means an individual that is not a resident.	13003
(L)(1) "Taxpayer" means a person subject to a tax levied on income by a municipal corporation in accordance with this chapter.	13004
"Taxpayer" does not include a grantor trust or, except as provided in division (L)(2)(a) of this section, a disregarded entity.	13005
(2)(a) A single member limited liability company that is a disregarded entity for federal tax purposes may be a separate taxpayer from its single member in all Ohio municipal corporations in which it either filed as a separate taxpayer or did not file for its taxable year ending in 2003, if all of the following conditions are met:	13006
(i) The limited liability company's single member is also a limited liability company.	13007
(ii) The limited liability company and its single member were formed and doing business in one or more Ohio municipal corporations for at least five years before January 1, 2004.	13008
(iii) Not later than December 31, 2004, the limited liability company and its single member each made an election to be treated as a separate taxpayer under division (L) of this section as this section existed on December 31, 2004.	13009
(iv) The limited liability company was not formed for the purpose of evading or reducing Ohio municipal corporation income tax liability of the limited liability company or its single member.	13010
(v) The Ohio municipal corporation that was the primary place of business of the sole member of the limited liability company consented to the election.	13011
(b) For purposes of division (L)(2)(a)(v) of this section, a municipal corporation was the primary place of business of a	13012
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limited liability company if, for the limited liability company's 13032  
taxable year ending in 2003, its income tax liability was greater 13033  
in that municipal corporation than in any other municipal 13034  
corporation in Ohio, and that tax liability to that municipal 13035  
corporation for its taxable year ending in 2003 was at least four 13036  
hundred thousand dollars. 13037

(M) "Person" includes individuals, firms, companies, joint 13038  
stock companies, business trusts, estates, trusts, partnerships, 13039  
limited liability partnerships, limited liability companies, 13040  
associations, C corporations, S corporations, governmental 13041  
entities, and any other entity. 13042

(N) "Pass-through entity" means a partnership not treated as 13043  
an association taxable as a C corporation for federal income tax 13044  
purposes, a limited liability company not treated as an 13045  
association taxable as a C corporation for federal income tax 13046  
purposes, an S corporation, or any other class of entity from 13047  
which the income or profits of the entity are given pass-through 13048  
treatment for federal income tax purposes. "Pass-through entity" 13049  
does not include a trust, estate, grantor of a grantor trust, or 13050  
disregarded entity. 13051

(O) "S corporation" means a person that has made an election 13052  
under subchapter S of Chapter 1 of Subtitle A of the Internal 13053  
Revenue Code for its taxable year. 13054

(P) "Single member limited liability company" means a limited 13055  
liability company that has one direct member. 13056

(Q) "Limited liability company" means a limited liability 13057  
company formed under Chapter 1705. of the Revised Code or under 13058  
the laws of another state. 13059

(R) "Qualifying wages" means wages, as defined in section 13060  
3121(a) of the Internal Revenue Code, without regard to any wage 13061  
limitations, adjusted as follows: 13062

(1) Deduct the following amounts:	13063
(a) Any amount included in wages if the amount constitutes compensation attributable to a plan or program described in section 125 of the Internal Revenue Code.	13064 13065 13066
(b) Any amount included in wages if the amount constitutes payment on account of a disability related to sickness or an accident paid by a party unrelated to the employer, agent of an employer, or other payer.	13067 13068 13069 13070
(c) Any amount attributable to a nonqualified deferred compensation plan or program described in section 3121(v)(2)(C) of the Internal Revenue Code if the compensation is included in wages and the municipal corporation has, by resolution or ordinance adopted before January 1, 2016, exempted the amount from withholding and tax.	13071 13072 13073 13074 13075 13076
(d) Any amount included in wages if the amount arises from the sale, exchange, or other disposition of a stock option, the exercise of a stock option, or the sale, exchange, or other disposition of stock purchased under a stock option and the municipal corporation has, by resolution or ordinance adopted before January 1, 2016, exempted the amount from withholding and tax.	13077 13078 13079 13080 13081 13082 13083
(e) Any amount included in wages that is exempt income.	13084
(2) Add the following amounts:	13085
(a) Any amount not included in wages solely because the employee was employed by the employer before April 1, 1986.	13086 13087
(b) Any amount not included in wages because the amount arises from the sale, exchange, or other disposition of a stock option, the exercise of a stock option, or the sale, exchange, or other disposition of stock purchased under a stock option and the municipal corporation has not, by resolution or ordinance,	13088 13089 13090 13091 13092

exempted the amount from withholding and tax adopted before	13093
January 1, 2016. Division (R)(2)(b) of this section applies only	13094
to those amounts constituting ordinary income.	13095
(c) Any amount not included in wages if the amount is an	13096
amount described in section 401(k), 403(b), or 457 of the Internal	13097
Revenue Code. Division (R)(2)(c) of this section applies only to	13098
employee contributions and employee deferrals.	13099
(d) Any amount that is supplemental unemployment compensation	13100
benefits described in section 3402(o)(2) of the Internal Revenue	13101
Code and not included in wages.	13102
(e) Any amount received that is treated as self-employment	13103
income for federal tax purposes in accordance with section	13104
1402(a)(8) of the Internal Revenue Code.	13105
(f) Any amount not included in wages if all of the following	13106
apply:	13107
(i) For the taxable year the amount is employee compensation	13108
that is earned outside of the United States and that either is	13109
included in the taxpayer's gross income for federal income tax	13110
purposes or would have been included in the taxpayer's gross	13111
income for such purposes if the taxpayer did not elect to exclude	13112
the income under section 911 of the Internal Revenue Code;	13113
(ii) For no preceding taxable year did the amount constitute	13114
wages as defined in section 3121(a) of the Internal Revenue Code;	13115
(iii) For no succeeding taxable year will the amount	13116
constitute wages; and	13117
(iv) For any taxable year the amount has not otherwise been	13118
added to wages pursuant to either division (R)(2) of this section	13119
or section 718.03 of the Revised Code, as that section existed	13120
before the effective date of H.B. 5 of the 130th general assembly,	13121
March 23, 2015.	13122

(S) "Intangible income" means income of any of the following 13123  
types: income yield, interest, capital gains, dividends, or other 13124  
income arising from the ownership, sale, exchange, or other 13125  
disposition of intangible property including, but not limited to, 13126  
investments, deposits, money, or credits as those terms are 13127  
defined in Chapter 5701. of the Revised Code, and patents, 13128  
copyrights, trademarks, tradenames, investments in real estate 13129  
investment trusts, investments in regulated investment companies, 13130  
and appreciation on deferred compensation. "Intangible income" 13131  
does not include prizes, awards, or other income associated with 13132  
any lottery winnings, gambling winnings, or other similar games of 13133  
chance. 13134

(T) "Taxable year" means the corresponding tax reporting 13135  
period as prescribed for the taxpayer under the Internal Revenue 13136  
Code. 13137

(U) "Tax administrator" means the individual charged with 13138  
direct responsibility for administration of an income tax levied 13139  
by a municipal corporation in accordance with this chapter, and 13140  
also includes the following: 13141

(1) A municipal corporation acting as the agent of another 13142  
municipal corporation; 13143

(2) A person retained by a municipal corporation to 13144  
administer a tax levied by the municipal corporation, but only if 13145  
the municipal corporation does not compensate the person in whole 13146  
or in part on a contingency basis; 13147

(3) The central collection agency or the regional income tax 13148  
agency or their successors in interest, or another entity 13149  
organized to perform functions similar to those performed by the 13150  
central collection agency and the regional income tax agency. 13151

"Tax administrator" does not include the tax commissioner. 13152

(V) "Employer" means a person that is an employer for federal 13153

income tax purposes.	13154
(W) "Employee" means an individual who is an employee for federal income tax purposes.	13155 13156
(X) "Other payer" means any person, other than an individual's employer or the employer's agent, that pays an individual any amount included in the federal gross income of the individual. "Other payer" includes casino operators and video lottery terminal sales agents.	13157 13158 13159 13160 13161
(Y) "Calendar quarter" means the three-month period ending on the last day of March, June, September, or December.	13162 13163
(Z) "Form 2106" means internal revenue service form 2106 filed by a taxpayer pursuant to the Internal Revenue Code.	13164 13165
(AA) "Municipal corporation" includes a joint economic development district or joint economic development zone that levies an income tax under section 715.691, 715.70, 715.71, or 715.72 of the Revised Code.	13166 13167 13168 13169
(BB) "Disregarded entity" means a single member limited liability company, a qualifying subchapter S subsidiary, or another entity if the company, subsidiary, or entity is a disregarded entity for federal income tax purposes.	13170 13171 13172 13173
(CC) "Generic form" means an electronic or paper form that is not prescribed by a particular municipal corporation and that is designed for reporting taxes withheld by an employer, agent of an employer, or other payer, estimated municipal income taxes, or annual municipal income tax liability or for filing a refund claim.	13174 13175 13176 13177 13178 13179
(DD) "Tax return preparer" means any individual described in section 7701(a)(36) of the Internal Revenue Code and 26 C.F.R. 301.7701-15.	13180 13181 13182
(EE) "Ohio business gateway" means the online computer	13183



network system, created under section 125.30 of the Revised Code, 13184  
that allows persons to electronically file business reply forms 13185  
with state agencies and includes any successor electronic filing 13186  
and payment system. 13187

(FF) "Local board of tax review" and "board of tax review" 13188  
mean the entity created under section 718.11 of the Revised Code. 13189

(GG) "Net operating loss" means a loss incurred by a person 13190  
in the operation of a trade or business. "Net operating loss" does 13191  
not include unutilized losses resulting from basis limitations, 13192  
at-risk limitations, or passive activity loss limitations. 13193

(HH) "Casino operator" and "casino facility" have the same 13194  
meanings as in section 3772.01 of the Revised Code. 13195

(II) "Video lottery terminal" has the same meaning as in 13196  
section 3770.21 of the Revised Code. 13197

(JJ) "Video lottery terminal sales agent" means a lottery 13198  
sales agent licensed under Chapter 3770. of the Revised Code to 13199  
conduct video lottery terminals on behalf of the state pursuant to 13200  
section 3770.21 of the Revised Code. 13201

(KK) "Postal service" means the United States postal service. 13202

(LL) "Certified mail," "express mail," "United States mail," 13203  
"postal service," and similar terms include any delivery service 13204  
authorized pursuant to section 5703.056 of the Revised Code. 13205

(MM) "Postmark date," "date of postmark," and similar terms 13206  
include the date recorded and marked in the manner described in 13207  
division (B)(3) of section 5703.056 of the Revised Code. 13208

(NN) "Related member" means a person that, with respect to 13209  
the taxpayer during all or any portion of the taxable year, is 13210  
either a related entity, a component member as defined in section 13211  
1563(b) of the Internal Revenue Code, or a person to or from whom 13212  
there is attribution of stock ownership in accordance with section 13213

1563(e) of the Internal Revenue Code except, for purposes of 13214  
determining whether a person is a related member under this 13215  
division, "twenty per cent" shall be substituted for "5 percent" 13216  
wherever "5 percent" appears in section 1563(e) of the Internal 13217  
Revenue Code. 13218

(OO) "Related entity" means any of the following: 13219

(1) An individual stockholder, or a member of the 13220  
stockholder's family enumerated in section 318 of the Internal 13221  
Revenue Code, if the stockholder and the members of the 13222  
stockholder's family own directly, indirectly, beneficially, or 13223  
constructively, in the aggregate, at least fifty per cent of the 13224  
value of the taxpayer's outstanding stock; 13225

(2) A stockholder, or a stockholder's partnership, estate, 13226  
trust, or corporation, if the stockholder and the stockholder's 13227  
partnerships, estates, trusts, or corporations own directly, 13228  
indirectly, beneficially, or constructively, in the aggregate, at 13229  
least fifty per cent of the value of the taxpayer's outstanding 13230  
stock; 13231

(3) A corporation, or a party related to the corporation in a 13232  
manner that would require an attribution of stock from the 13233  
corporation to the party or from the party to the corporation 13234  
under division (OO)(4) of this section, provided the taxpayer owns 13235  
directly, indirectly, beneficially, or constructively, at least 13236  
fifty per cent of the value of the corporation's outstanding 13237  
stock; 13238

(4) The attribution rules described in section 318 of the 13239  
Internal Revenue Code apply for the purpose of determining whether 13240  
the ownership requirements in divisions (OO)(1) to (3) of this 13241  
section have been met. 13242

(PP)(1) "Assessment" means a written finding by the tax 13243  
administrator that a person has underpaid municipal income tax, or 13244

owes penalty and interest, or any combination of tax, penalty, or 13245  
interest, to the municipal corporation that commences the person's 13246  
time limitation for making an appeal to the local board of tax 13247  
review pursuant to section 718.11 of the Revised Code, and has 13248  
"ASSESSMENT" written in all capital letters at the top of such 13249  
finding. 13250

(2) "Assessment" does not include an informal notice denying 13251  
a request for refund issued under division (B)(3) of section 13252  
718.19 of the Revised Code, a billing statement notifying a 13253  
taxpayer of current or past-due balances owed to the municipal 13254  
corporation, a tax administrator's request for additional 13255  
information, a notification to the taxpayer of mathematical 13256  
errors, or a tax administrator's other written correspondence to a 13257  
person or taxpayer that does meet the criteria prescribed by 13258  
division (PP)(1) of this section. 13259

(QQ) "Taxpayers' rights and responsibilities" means the 13260  
rights provided to taxpayers in sections 718.11, 718.12, 718.19, 13261  
718.23, 718.36, 718.37, 718.38, 5717.011, and 5717.03 of the 13262  
Revised Code and the responsibilities of taxpayers to file, 13263  
report, withhold, remit, and pay municipal income tax and 13264  
otherwise comply with Chapter 718. of the Revised Code and 13265  
resolutions, ordinances, and rules adopted by a municipal 13266  
corporation for the imposition and administration of a municipal 13267  
income tax. 13268

(RR) "Qualified municipal corporation" means a municipal 13269  
corporation that, by resolution or ordinance adopted on or before 13270  
December 31, 2011, adopted Ohio adjusted gross income, as defined 13271  
by section 5747.01 of the Revised Code, as the income subject to 13272  
tax for the purposes of imposing a municipal income tax. 13273

(SS)(1) "Pre-2017 net operating loss carryforward" means any 13274  
net operating loss incurred in a taxable year beginning before 13275  
January 1, 2017, to the extent such loss was permitted, by a 13276

resolution or ordinance of the municipal corporation that was 13277  
adopted by the municipal corporation before January 1, 2016, to be 13278  
carried forward and utilized to offset income or net profit 13279  
generated in such municipal corporation in future taxable years. 13280

(2) For the purpose of calculating municipal taxable income, 13281  
any pre-2017 net operating loss carryforward may be carried 13282  
forward to any taxable year, including taxable years beginning in 13283  
2017 or thereafter, for the number of taxable years provided in 13284  
the resolution or ordinance or until fully utilized, whichever is 13285  
earlier. 13286

(TT) "Small employer" means any employer that had total 13287  
revenue of less than five hundred thousand dollars during the 13288  
preceding taxable year. For purposes of this division, "total 13289  
revenue" means receipts of any type or kind, including, but not 13290  
limited to, sales receipts; payments; rents; profits; gains, 13291  
dividends, and other investment income; compensation; commissions; 13292  
premiums; money; property; grants; contributions; donations; 13293  
gifts; program service revenue; patient service revenue; premiums; 13294  
fees, including premium fees and service fees; tuition payments; 13295  
unrelated business revenue; reimbursements; any type of payment 13296  
from a governmental unit, including grants and other allocations; 13297  
and any other similar receipts reported for federal income tax 13298  
purposes or under generally accepted accounting principles. "Small 13299  
employer" does not include the federal government; any state 13300  
government, including any state agency or instrumentality; any 13301  
political subdivision; or any entity treated as a government for 13302  
financial accounting and reporting purposes. 13303

(UU) "Audit" means the examination of a person or the 13304  
inspection of the books, records, memoranda, or accounts of a 13305  
person for the purpose of determining liability for a municipal 13306  
income tax. 13307

(VV) "Publicly traded partnership" means any partnership, an 13308

interest in which is regularly traded on an established securities 13309  
market. A "publicly traded partnership" may have any number of 13310  
partners. 13311

(WW) "Tax commissioner" means the tax commissioner appointed 13312  
under section 121.03 of the Revised Code. 13313

(XX) "Out-of-state disaster business," "qualifying 13314  
solicitation," "qualifying employee," "disaster work," "critical 13315  
infrastructure," and "disaster response period" have the same 13316  
meanings as in section 5703.94 of the Revised Code. 13317

(YY) "Pension" means a retirement benefit plan, regardless of 13318  
whether the plan satisfies the qualifications described under 13319  
section 401(a) of the Internal Revenue Code, including amounts 13320  
that are taxable under the "Federal Insurance Contributions Act," 13321  
Chapter 21 of the Internal Revenue Code, excluding employee 13322  
contributions and elective deferrals, and regardless of whether 13323  
such amounts are paid in the same taxable year in which the 13324  
amounts are included in the employee's wages, as defined by 13325  
section 3121(a) of the Internal Revenue Code. 13326

(ZZ) "Retirement benefit plan" means an arrangement whereby 13327  
an entity provides benefits to individuals either on or after 13328  
their termination of service because of retirement or disability. 13329  
"Retirement benefit plan" does not include wage continuation 13330  
payments, severance payments, or payments made for accrued 13331  
personal or vacation time. 13332

Sec. 718.131. (A) Division (B) of this section applies to any 13333  
of the following individuals: 13334

(1) An employee in the service of a municipal corporation or 13335  
regional council of government; 13336

(2) A prospective employee for a position in the service of a 13337  
municipal corporation or regional council of government; 13338

(3) A contractor of a municipal corporation or regional council of government. 13339  
13340

(B) If an individual described in division (A) of this section has or, in the case of a prospective employee, will have access to or the use of federal tax information, the tax administrator shall request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check based on the individual's fingerprints in accordance with section 109.572 of the Revised Code. The tax administrator shall request that criminal record information from the federal bureau of investigation be obtained as part of the criminal records check. 13341  
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The individual and the tax administrator shall also comply with any separate request by the federal bureau of investigation to conduct a national criminal records check. 13351  
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(C) A tax administrator may adopt any rules or policies necessary to implement this section. 13354  
13355

**Sec. 718.80.** (A) A taxpayer may elect to be subject to sections 718.80 to 718.95 of the Revised Code in lieu of the provisions set forth in the remainder of this chapter. Notwithstanding any other provision of this chapter, upon the taxpayer's election, both of the following shall apply: 13356  
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(1) The tax commissioner shall serve as the sole administrator of each municipal income tax for which the taxpayer is liable for the term of the election; 13361  
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(2) The commissioner shall administer the tax pursuant to sections 718.80 to 718.95 of the Revised Code and any applicable provision of Chapter 5703. of the Revised Code. 13364  
13365  
13366

(B)(1) A taxpayer shall make the initial election on or before the first day of the third month after the beginning of the 13367  
13368

taxpayer's taxable year by notifying the tax commissioner and each 13369  
municipal corporation in which the taxpayer conducted business 13370  
during the previous taxable year, on a form prescribed by the tax 13371  
commissioner. 13372

(2)(a) The election, once made by the taxpayer, applies to 13373  
the taxable year in which the election is made ~~and~~. A taxpayer may 13374  
terminate the initial election within twenty-four months after the 13375  
election is made by providing written notice to the tax 13376  
commissioner. Such notice shall be provided at least sixty days 13377  
before the effective date of the termination. Effective on the 13378  
termination date, the taxpayer shall make all payments and 13379  
remittances, and file all returns, due on or after the termination 13380  
date to the appropriate municipal tax administrator. If not 13381  
terminated, the election shall continue to apply to each 13382  
subsequent taxable year until the taxpayer notifies the tax 13383  
commissioner ~~and each municipal corporation in which the taxpayer~~ 13384  
~~conducted business during the previous taxable year~~ of its 13385  
termination of the election. 13386

(b) ~~A~~ After the end of the twenty-four-month period in which 13387  
a taxpayer may terminate an initial election, a notification of 13388  
termination shall be made, on a form prescribed by the tax 13389  
commissioner, on or before the first day of the third month of any 13390  
taxable year. 13391

(c) Upon a timely and valid termination of the election, the 13392  
taxpayer is no longer subject to sections 718.80 to 718.95 of the 13393  
Revised Code, and is instead subject to the provisions set forth 13394  
in the remainder of this chapter. 13395

(C)(1)(a) On or before the thirty-first day of January each 13396  
year, each municipal corporation imposing a tax on income shall 13397  
certify to the tax commissioner the rate of the tax in effect on 13398  
the first day of January of that year. 13399

(b) If, after the thirty-first day of January of any year, 13400  
the electors of a municipal corporation approve an increase in the 13401  
rate of the municipal corporation's tax on income that takes 13402  
effect within that year, the municipal corporation shall certify 13403  
to the tax commissioner the new rate of tax not less than sixty 13404  
days before the effective date of the increase, after which 13405  
effective date the commissioner shall apply the increased rate. 13406

(2) A municipal corporation, within ninety days of receiving 13407  
a taxpayer's notification of election under division (B) of this 13408  
section, shall submit to the tax commissioner, on a form 13409  
prescribed by the tax commissioner, the following information 13410  
regarding the taxpayer: 13411

(a) The amount of any net operating loss that the taxpayer is 13412  
entitled to carry forward to a future tax year; 13413

(b) The amount of any net operating loss carryforward 13414  
utilized by the taxpayer in prior years; 13415

(c) Any credits granted by the municipal corporation to which 13416  
the taxpayer is entitled, the amount of such credits, whether the 13417  
credits may be carried forward to future tax years, and, if the 13418  
credits may be carried forward, the duration of any such 13419  
carryforward; 13420

(d) Any overpayments of tax that the taxpayer has elected to 13421  
carry forward to a subsequent tax year; 13422

(e) Any other information the municipal corporation deems 13423  
relevant in order to effectuate the tax commissioner's efficient 13424  
administration of the tax on the municipal corporation's behalf. 13425

(3) If any municipal corporation fails to timely comply with 13426  
divisions (C)(1) and (2) of this section, the tax commissioner 13427  
shall notify the director of budget and management, who, upon 13428  
receiving such notification, shall withhold from each payment made 13429  
to the municipal corporation under section 718.83 of the Revised 13430



Code fifty per cent of the amount of the payment otherwise due to 13431  
the municipal corporation under that section. The director shall 13432  
compute the withholding on the basis of the tax rate most recently 13433  
certified to the tax commissioner until the municipal corporation 13434  
complies with divisions (C)(1) and (2) of this section. 13435

(D) The tax commissioner shall enforce and administer 13436  
sections 718.80 to 718.95 of the Revised Code. In addition to any 13437  
other powers conferred upon the tax commissioner by law, the tax 13438  
commissioner may: 13439

(1) Prescribe all forms necessary to administer those 13440  
sections; 13441

(2) Adopt such rules as the tax commissioner finds necessary 13442  
to carry out those sections; 13443

(3) Appoint and employ such personnel as are necessary to 13444  
carry out the duties imposed upon the tax commissioner by those 13445  
sections. 13446

(E) No tax administrator shall utilize sections 718.81 to 13447  
718.95 of the Revised Code in the administrator's administration 13448  
of a municipal income tax, and those sections shall not be applied 13449  
to any taxpayer that has not made the election under this section. 13450

(F) Nothing in this chapter shall be construed to make any 13451  
section of this chapter, other than sections 718.01 and 718.80 to 13452  
718.95 of the Revised Code, applicable to the tax commissioner's 13453  
administration of a municipal income tax or to any taxpayer that 13454  
has made the election under this section. 13455

(G) The tax commissioner shall not be considered a tax 13456  
administrator, as that term is defined in section 718.01 of the 13457  
Revised Code. 13458

**Sec. 718.83.** (A) On or before the last day of each month, the 13459  
tax commissioner shall certify to the director of budget and 13460

management the amount to be paid to each municipal corporation, 13461  
based on amounts reported on annual returns and declarations of 13462  
estimated tax under sections 718.85 and 718.88 of the Revised 13463  
Code, less any amounts previously distributed and net of any audit 13464  
adjustments made or refunds granted by the commissioner, for the 13465  
~~ealender~~ calendar month preceding the month in which the 13466  
certification is made. Not later than the fifth day of each month, 13467  
the director shall provide for payment of the amount certified to 13468  
each municipal corporation from the municipal ~~income~~ net profit 13469  
tax fund, plus a pro rata share of any investment earnings 13470  
accruing to the fund since the previous payment under this 13471  
section, and minus any reduction required by the commissioner 13472  
under division (D) of this section. Each municipal corporation's 13473  
share of such earnings shall equal the proportion that the 13474  
municipal corporation's certified tax payment is of the total 13475  
taxes certified to all municipal corporations in that quarter. All 13476  
investment earnings on money in the municipal ~~income~~ net profit 13477  
tax fund shall be credited to that fund. 13478

(B) If the tax commissioner determines that the amount of tax 13479  
paid by a taxpayer and distributed to a municipal corporation 13480  
under this section for a taxable year exceeds the amount payable 13481  
to that municipal corporation under sections 718.80 to 718.95 of 13482  
the Revised Code after accounting for amounts remitted with the 13483  
annual return and as estimated taxes, the commissioner shall 13484  
proceed according to divisions (A) and (B) of section 5703.77 of 13485  
the Revised Code. 13486

(C) If the amount of a municipal corporation's net 13487  
distribution computed by the commissioner under division (A) of 13488  
this section is less than zero, the commissioner may notify the 13489  
municipal corporation of the deficiency. Within thirty days after 13490  
receiving such a notice, the municipal corporation shall pay an 13491  
amount equal to the deficiency to the treasurer of state. The 13492

treasurer of state shall credit any payment received under this 13493  
division to the municipal net profit tax fund. 13494

(D) If a municipal corporation fails to make a timely payment 13495  
required under division (C) of this section, the commissioner may 13496  
recover the deficiency using any or all of the following options: 13497

(1) Deduct the amount of the deficiency from the next 13498  
distribution to that municipal corporation under division (A) of 13499  
this section or, if the amount of the deficiency exceeds the 13500  
amount of such distribution, withhold such distributions entirely 13501  
until the withheld amount equals the amount of the municipal 13502  
corporation's deficiency; 13503

(2) Deduct the amount of the deficiency from the next payment 13504  
to that municipal corporation under division (A) of section 13505  
5745.05 of the Revised Code or, if the amount of the deficiency 13506  
exceeds the amount of such distribution, withhold such 13507  
distributions entirely until the withheld amount equals the amount 13508  
of the municipal corporation's deficiency; 13509

(3) Deduct the amount of the deficiency from the municipal 13510  
corporation's share of the next payment made by the commissioner 13511  
under division (F) of section 321.24 of the Revised Code or, if 13512  
the amount of the deficiency exceeds the amount of the municipal 13513  
corporation's share of such payment, withhold the municipal 13514  
corporation's share of the payments entirely until the withheld 13515  
amount equals the amount of the municipal corporation's 13516  
deficiency. 13517

(E) The total amount of payments and distributions withheld 13518  
from a municipal corporation under division (D) of this section 13519  
shall not exceed the unpaid portion of the municipal corporation's 13520  
net distribution deficiency. All amounts withheld under division 13521  
(D) of this section shall be credited to the municipal net profit 13522  
tax fund. 13523

(F) The commissioner may adopt rules necessary to administer 13524  
this section. 13525

**Sec. 718.85.** (A)(1) For each taxable year, every taxpayer 13526  
shall file an annual return. Such return, along with the amount of 13527  
tax shown to be due on the return less the amount paid for the 13528  
taxable year under section 718.88 of the Revised Code, shall be 13529  
submitted to the tax commissioner, on a form and in the manner 13530  
prescribed by the commissioner, on or before the fifteenth day of 13531  
the fourth month following the end of the taxpayer's taxable year. 13532

(2) If a taxpayer has multiple taxable years beginning within 13533  
one calendar year, the taxpayer shall aggregate the facts and 13534  
figures necessary to compute the tax due under this chapter, in 13535  
accordance with sections 718.81, 718.82, and, if applicable, 13536  
718.86 of the Revised Code onto its annual return. 13537

(3) The remittance shall be made payable to the treasurer of 13538  
state and in the form prescribed by the tax commissioner. If the 13539  
amount payable with the tax return is ten dollars or less, no 13540  
remittance is required. 13541

(B) The tax commissioner shall immediately forward to the 13542  
treasurer of state all amounts the commissioner receives pursuant 13543  
to sections 718.80 to 718.95 of the Revised Code. The treasurer 13544  
shall credit ninety-nine and one-half per cent of such amounts to 13545  
the municipal ~~income~~ net profit tax fund which is hereby created 13546  
in the state treasury, and the remainder to the municipal income 13547  
tax administrative fund established under section 5745.03 of the 13548  
Revised Code. 13549

(C)(1) Each return required to be filed under this section 13550  
shall contain the signature of the taxpayer or the taxpayer's duly 13551  
authorized agent and of the person who prepared the return for the 13552  
taxpayer, and shall include the taxpayer's identification number. 13553  
Each return shall be verified by a declaration under penalty of 13554

perjury. 13555

(2)(a) The tax commissioner may require a taxpayer to 13556  
include, with each annual tax return, amended return, or request 13557  
for refund filed with the commissioner under sections 718.80 to 13558  
718.95 of the Revised Code, copies of any relevant documents or 13559  
other information. 13560

(b) A taxpayer that files an annual tax return electronically 13561  
through the Ohio business gateway or in another manner as 13562  
prescribed by the tax commissioner shall either submit the 13563  
documents required under this division electronically as 13564  
prescribed at the time of filing or, if electronic submission is 13565  
not available, mail the documents to the tax commissioner. The 13566  
department of taxation shall publish a method of electronically 13567  
submitting the documents required under this division on or before 13568  
January 1, 2019. 13569

(3) After a taxpayer files a tax return, the tax commissioner 13570  
may request, and the taxpayer shall provide, any information, 13571  
statements, or documents required to determine and verify the 13572  
taxpayer's municipal income tax. 13573

(D)(1)(a) Any taxpayer that has duly requested an automatic 13574  
extension for filing the taxpayer's federal income tax return 13575  
shall automatically receive an extension for the filing of a tax 13576  
return with the commissioner under this section. The extended due 13577  
date of the return shall be the fifteenth day of the tenth month 13578  
after the last day of the taxable year to which the return 13579  
relates. 13580

(b) A taxpayer that has not requested or received a six-month 13581  
extension for filing the taxpayer's federal income tax return may 13582  
request that the commissioner grant the taxpayer a six-month 13583  
extension of the date for filing the taxpayer's municipal income 13584  
tax return. If the commissioner receives the request on or before 13585

the date the municipal income tax return is due, the commissioner 13586  
shall grant the taxpayer's extension request. 13587

(c) An extension of time to file under division (D)(1) of 13588  
this section is not an extension of the time to pay any tax due 13589  
unless the tax commissioner grants an extension of that date. 13590

(2) If the commissioner considers it necessary in order to 13591  
ensure payment of a tax imposed in accordance with section 718.04 13592  
of the Revised Code, the commissioner may require taxpayers to 13593  
file returns and make payments otherwise than as provided in this 13594  
section, including taxpayers not otherwise required to file annual 13595  
returns. 13596

(E) Each return required to be filed in accordance with this 13597  
section shall include a box that the taxpayer may check to 13598  
authorize another person, including a tax return preparer who 13599  
prepared the return, to communicate with the tax commissioner 13600  
about matters pertaining to the return. The return or instructions 13601  
accompanying the return shall indicate that by checking the box 13602  
the taxpayer authorizes the commissioner to contact the preparer 13603  
or other person concerning questions that arise during the 13604  
examination or other review of the return and authorizes the 13605  
preparer or other person only to provide the commissioner with 13606  
information that is missing from the return, to contact the 13607  
commissioner for information about the examination or other review 13608  
of the return or the status of the taxpayer's refund or payments, 13609  
and to respond to notices about mathematical errors, offsets, or 13610  
return preparation that the taxpayer has received from the 13611  
commissioner and has shown to the preparer or other person. 13612

(F) When income tax returns or other documents require the 13613  
signature of a tax return preparer, the tax commissioner shall 13614  
accept a facsimile or electronic version of such a signature in 13615  
lieu of a manual signature. 13616

Sec. 718.90. (A) If any taxpayer required to file a return 13617  
under section 718.80 to 718.95 of the Revised Code fails to file 13618  
the return within the time prescribed, files an incorrect return, 13619  
or fails to remit the full amount of the tax due for the period 13620  
covered by the return, the tax commissioner may make an assessment 13621  
against the taxpayer for any deficiency for the period for which 13622  
the return or tax is due, based upon any information in the 13623  
commissioner's possession. 13624

The tax commissioner shall not make or issue an assessment 13625  
against a taxpayer more than three years after the later of the 13626  
date the return subject to assessment was required to be filed or 13627  
the date the return was filed. Such time limit may be extended if 13628  
both the taxpayer and the commissioner consent in writing to the 13629  
extension. Any such extension shall extend the three-year time 13630  
limit in section 718.91 of the Revised Code for the same period of 13631  
time. There shall be no bar or limit to an assessment against a 13632  
taxpayer that fails to file a return subject to assessment as 13633  
required by sections 718.80 to 718.95 of the Revised Code, or that 13634  
files a fraudulent return. The commissioner shall give the 13635  
taxpayer assessed written notice of the assessment as provided in 13636  
section 5703.37 of the Revised Code. With the notice, the 13637  
commissioner shall provide instructions on how to petition for 13638  
reassessment and request a hearing on the petition. 13639

(B) Unless the taxpayer assessed files with the tax 13640  
commissioner within sixty days after service of the notice of 13641  
assessment, either personally or by certified mail, a written 13642  
petition for reassessment signed by the authorized agent of the 13643  
taxpayer assessed having knowledge of the facts, the assessment 13644  
becomes final, and the amount of the assessment is due and payable 13645  
from the taxpayer to the treasurer of state. The petition shall 13646  
indicate the taxpayer's objections, but additional objections may 13647  
be raised in writing if received by the commissioner prior to the 13648

date shown on the final determination. If the petition has been 13649  
properly filed, the commissioner shall proceed under section 13650  
5703.60 of the Revised Code. 13651

(C) After an assessment becomes final, if any portion of the 13652  
assessment remains unpaid, including accrued interest, a certified 13653  
copy of the tax commissioner's entry making the assessment final 13654  
may be filed in the office of the clerk of the court of common 13655  
pleas in the county in which the taxpayer has an office or place 13656  
of business in this state, the county in which the taxpayer's 13657  
statutory agent is located, or Franklin county. 13658

Immediately upon the filing of the entry, the clerk shall 13659  
enter a judgment against the taxpayer assessed in the amount shown 13660  
on the entry. The judgment may be filed by the clerk in a 13661  
loose-leaf book entitled "special judgments for municipal income 13662  
taxes," and shall have the same effect as other judgments. 13663  
Execution shall issue upon the judgment upon the request of the 13664  
tax commissioner, and all laws applicable to sales on execution 13665  
shall apply to sales made under the judgment. 13666

If the assessment is not paid in its entirety within sixty 13667  
days after the day the assessment was issued, the portion of the 13668  
assessment consisting of tax due shall bear interest at the rate 13669  
per annum prescribed by section 5703.47 of the Revised Code from 13670  
the day the commissioner issues the assessment until the 13671  
assessment is paid or until it is certified to the attorney 13672  
general for collection under section 131.02 of the Revised Code, 13673  
whichever comes first. If the unpaid portion of the assessment is 13674  
certified to the attorney general for collection, the entire 13675  
unpaid portion of the assessment shall bear interest at the rate 13676  
per annum prescribed by section 5703.47 of the Revised Code from 13677  
the date of certification until the date it is paid in its 13678  
entirety. Interest shall be paid in the same manner as the tax and 13679  
may be collected by issuing an assessment under this section. 13680



(D) All money collected under this section shall be credited 13681  
to the municipal ~~income~~ net profit tax fund and distributed to the 13682  
municipal corporation to which the money is owed based on the 13683  
assessment issued under this section. 13684

(E) If the tax commissioner believes that collection of the 13685  
tax will be jeopardized unless proceedings to collect or secure 13686  
collection of the tax are instituted without delay, the 13687  
commissioner may issue a jeopardy assessment against the taxpayer 13688  
liable for the tax. Immediately upon the issuance of the jeopardy 13689  
assessment, the commissioner shall file an entry with the clerk of 13690  
the court of common pleas in the manner prescribed by division (C) 13691  
of this section. Notice of the jeopardy assessment shall be served 13692  
on the taxpayer assessed or the taxpayer's legal representative in 13693  
the manner provided in section 5703.37 of the Revised Code within 13694  
five days of the filing of the entry with the clerk. The total 13695  
amount assessed is immediately due and payable, unless the 13696  
taxpayer assessed files a petition for reassessment in accordance 13697  
with division (B) of this section and provides security in a form 13698  
satisfactory to the commissioner and in an amount sufficient to 13699  
satisfy the unpaid balance of the assessment. Full or partial 13700  
payment of the assessment does not prejudice the commissioner's 13701  
consideration of the petition for reassessment. 13702

(F) Notwithstanding the fact that a petition for reassessment 13703  
is pending, the taxpayer may pay all or a portion of the 13704  
assessment that is the subject of the petition. The acceptance of 13705  
a payment by the treasurer of state does not prejudice any claim 13706  
for refund upon final determination of the petition. 13707

If upon final determination of the petition an error in the 13708  
assessment is corrected by the tax commissioner, upon petition so 13709  
filed or pursuant to a decision of the board of tax appeals or any 13710  
court to which the determination or decision has been appealed, so 13711  
that the amount due from the taxpayer under the corrected 13712

assessment is less than the portion paid, there shall be issued to 13713  
the taxpayer, its assigns, or legal representative a refund in the 13714  
amount of the overpayment as provided by section 718.91 of the 13715  
Revised Code, with interest on that amount as provided by that 13716  
section. 13717

**Sec. 753.21.** (A) As used in this section, "building or 13718  
structure" includes, but is not limited to, a modular unit, 13719  
building, or structure and a movable unit, building, or structure. 13720

(B)(1) The legislative authority of a municipal corporation, 13721  
by ordinance, may dedicate and permit the use, as a minimum 13722  
security jail, of any vacant or abandoned public building or 13723  
structure owned by the municipal corporation that has not been 13724  
dedicated to or is not then in use for any municipal or other 13725  
public purpose, or any building or structure rented or leased by 13726  
the municipal corporation. The legislative authority of a 13727  
municipal corporation, by ordinance, also may dedicate and permit 13728  
the use, as a minimum security jail, of any building or structure 13729  
purchased by or constructed by or for the municipal corporation. 13730  
Subject to divisions (B)(3) and (C) of this section, upon the 13731  
effective date of such an ordinance, the specified building or 13732  
structure shall be used, in accordance with this section, for the 13733  
confinement of persons who meet one of the following conditions: 13734

(a) The person is sentenced to a term of imprisonment for a 13735  
traffic violation, a misdemeanor, or a violation of a municipal 13736  
ordinance and is under the jurisdiction of the municipal 13737  
corporation or is sentenced to a residential sanction in the jail 13738  
for a felony of the fourth or fifth degree pursuant to sections 13739  
2929.11 to 2929.19 of the Revised Code, and the jail administrator 13740  
or the jail administrator's designee has classified the person as 13741  
a minimal security risk. In determining the person's 13742  
classification under this division, the administrator or designee 13743

shall consider all relevant factors, including, but not limited 13744  
to, the person's escape risk and propensity for assaultive or 13745  
violent behavior, based upon the person's prior and current 13746  
behavior. 13747

(b) The person is an inmate transferred by order of a judge 13748  
of the sentencing court upon the request of the sheriff, 13749  
administrator, jailer, or other person responsible for operating 13750  
the jail other than a contractor as defined in section 9.06 of the 13751  
Revised Code, who is named in the request as being suitable for 13752  
confinement in a minimum security facility. 13753

(2) The legislative authority of a municipal corporation, by 13754  
ordinance, may affiliate with the county in which it is located, 13755  
with one or more counties adjacent to the county in which it is 13756  
located, or with one or more municipal corporations located within 13757  
the county in which it is located or within an adjacent county, 13758  
and dedicate and permit the use, as a minimum security jail, of 13759  
any vacant or abandoned public building or structure owned by any 13760  
of the affiliating counties or municipal corporations that has not 13761  
been dedicated to or is not then in use for any public purpose, or 13762  
any building or structure rented or leased by any of the 13763  
affiliating counties or municipal corporations. The legislative 13764  
authority of a municipal corporation, by ordinance, also may 13765  
affiliate with one or more counties adjacent to the county in 13766  
which it is located or with one or more municipal corporations 13767  
located within the county in which it is located or within an 13768  
adjacent county and dedicate and permit the use, as a minimum 13769  
security jail, of any building or structure purchased by or 13770  
constructed by or for any of the affiliating counties or municipal 13771  
corporations. Any counties and municipal corporations that 13772  
affiliate for purposes of this division shall enter into an 13773  
agreement that establishes the responsibilities for the operation 13774  
and for the cost of operation of the minimum security jail. 13775

Subject to divisions (B)(3) and (C) of this section, upon the 13776  
effective date of an ordinance adopted under this division, the 13777  
specified building or structure shall be used, in accordance with 13778  
this section, for the confinement of persons who meet one of the 13779  
following conditions: 13780

(a) The person is sentenced to a term of imprisonment for a 13781  
traffic violation, a misdemeanor, or a violation of an ordinance 13782  
of a municipal corporation and is under the jurisdiction of any of 13783  
the affiliating counties or municipal corporations or is sentenced 13784  
to a residential sanction in the jail for a felony of the fourth 13785  
or fifth degree pursuant to sections 2929.11 to 2929.19 of the 13786  
Revised Code, and the jail administrator or the jail 13787  
administrator's designee has classified the person as a minimal 13788  
security risk. In determining the person's classification under 13789  
this division, the administrator or designee shall consider all 13790  
relevant factors, including, but not limited to, the person's 13791  
escape risk and propensity for assaultive or violent behavior, 13792  
based upon the person's prior and current behavior. 13793

(b) The person is an inmate transferred by order of a judge 13794  
of the sentencing court upon the request of the sheriff, 13795  
administrator, jailer, or other person responsible for operating 13796  
the jail other than a contractor as defined in section 9.06 of the 13797  
Revised Code, who is named in the request as being suitable for 13798  
confinement in a minimum security facility. 13799

(3) No person shall be confined in a building or structure 13800  
dedicated as a minimum security jail under division (B)(1) or (2) 13801  
of this section unless the judge who sentenced the person to the 13802  
term of imprisonment for the traffic violation or the misdemeanor 13803  
specifies that the term of imprisonment is to be served in that 13804  
jail, and division (B)(1) or (2) of this section permits the 13805  
confinement of the person in that jail or unless the judge who 13806  
sentenced the person to the residential sanction for the felony 13807

specifies that the residential sanction is to be served in a jail, 13808  
and division (B)(1) or (2) of this section permits the confinement 13809  
of the person in that jail. If a rented or leased building or 13810  
structure is so dedicated, the building or structure may be used 13811  
as a minimum security jail only during the period that it is 13812  
rented or leased by the municipal corporation or by an affiliated 13813  
county or municipal corporation. If a person convicted of a 13814  
misdemeanor is confined to a building or structure dedicated as a 13815  
minimum security jail under division (B)(1) or (2) of this section 13816  
and the sheriff, administrator, jailer, or other person 13817  
responsible for operating the jail other than a contractor as 13818  
defined in division (H) of section 9.06 of the Revised Code 13819  
determines that it would be more appropriate for the person so 13820  
confined to be confined in another jail or workhouse facility, the 13821  
sheriff, administrator, jailer, or other person may transfer the 13822  
person so confined to a more appropriate jail or workhouse 13823  
facility. 13824

(C) All of the following apply in relation to a building or 13825  
structure that is dedicated pursuant to division (B)(1) or (2) of 13826  
this section for use as a minimum security jail: 13827

(1) To the extent that the use of the building or structure 13828  
as a minimum security jail requires a variance from any municipal 13829  
corporation, county, or township zoning ordinances or regulations, 13830  
the variance shall be granted. 13831

(2) Except as provided in this section, the building or 13832  
structure shall not be used to confine any person unless it is in 13833  
substantial compliance with any applicable housing, fire 13834  
prevention, sanitation, health, and safety codes, regulations, or 13835  
standards. 13836

(3) Unless such satisfaction or compliance is required under 13837  
the standards described in division (C)(4) of this section, and 13838  
notwithstanding any other provision of state or local law to the 13839

contrary, the building or structure need not satisfy or comply 13840  
with any state or local building standard or code in order to be 13841  
used to confine a person for the purposes specified in division 13842  
(B) of this section. 13843

(4) The building or structure shall not be used to confine 13844  
any person unless it is in compliance with all minimum standards 13845  
and minimum renovation, modification, and construction criteria 13846  
for ~~minimum security~~ jails that have been proposed by the 13847  
department of rehabilitation and correction, through its bureau of 13848  
adult detention, under section 5120.10 of the Revised Code. 13849

(5) The building or structure need not be renovated or 13850  
modified into a secure detention facility in order to be used 13851  
solely to confine a person for the purposes specified in divisions 13852  
(B)(1)(a) and (B)(2)(a) of this section. 13853

(6) The building or structure shall be used, equipped, 13854  
furnished, and staffed to provide adequate and suitable living, 13855  
sleeping, food service or preparation, drinking, bathing and 13856  
toilet, sanitation, and other necessary facilities, furnishings, 13857  
and equipment. 13858

(D) Except as provided in this section, a minimum security 13859  
jail dedicated and used under this section shall be considered to 13860  
be part of the jail, workhouse, or other correctional facilities 13861  
of the municipal corporation or the affiliated counties and 13862  
municipal corporations for all purposes under the law. All persons 13863  
confined in such a minimum security jail shall be and shall 13864  
remain, in all respects, under the control of the authority of the 13865  
municipal corporation that has responsibility for the management 13866  
and operation of the jail, workhouse, or other correctional 13867  
facilities of the municipal corporation or, if it is operated by 13868  
any affiliation of counties or municipal corporations, under the 13869  
control of the specified county or municipal corporation with that 13870  
authority, provided that, if the person was convicted of a felony 13871

and is serving a residential sanction in the facility, all 13872  
provisions of law that pertain to persons convicted of a felony 13873  
that would not by their nature clearly be inapplicable apply 13874  
regarding the person. A minimum security jail dedicated and used 13875  
under this section shall be managed and maintained in accordance 13876  
with policies and procedures adopted by the legislative authority 13877  
of the municipal corporation or the affiliated counties and 13878  
municipal corporations governing the safe and healthful operation 13879  
of the jail, the confinement and supervision of the persons 13880  
sentenced to it, and their participation in work release or 13881  
similar rehabilitation programs. In addition to other rules of 13882  
conduct and discipline, the rights of ingress and egress of 13883  
persons confined in a minimum security jail dedicated and used 13884  
under this section shall be subject to reasonable restrictions. 13885  
Every person confined in a minimum security jail dedicated and 13886  
used under this section shall be given verbal and written 13887  
notification, at the time of the person's admission to the jail, 13888  
that purposely leaving, or purposely failing to return to, the 13889  
jail without proper authority or permission constitutes the felony 13890  
offense of escape. 13891

(E) If a person who has been convicted of or pleaded guilty 13892  
to an offense is sentenced to a term of imprisonment or a 13893  
residential sanction in a minimum security jail as described in 13894  
division (B)(1)(a) or (B)(2)(a) of this section, or if a person is 13895  
an inmate transferred to a minimum security jail by order of a 13896  
judge of the sentencing court as described in division (B)(1)(b) 13897  
or (2)(b) of this section, at the time of reception and at other 13898  
times the person in charge of the operation of the jail determines 13899  
to be appropriate, the person in charge of the operation of the 13900  
jail may cause the convicted offender to be examined and tested 13901  
for tuberculosis, HIV infection, hepatitis, including but not 13902  
limited to hepatitis A, B, and C, and other contagious diseases. 13903  
The person in charge of the operation of the jail may cause a 13904

convicted offender in the jail who refuses to be tested or treated 13905  
for tuberculosis, HIV infection, hepatitis, including but not 13906  
limited to hepatitis A, B, and C, or another contagious disease to 13907  
be tested and treated involuntarily. 13908

**Sec. 755.16.** (A) Any contracting subdivision, jointly with 13909  
one or more other contracting subdivisions, in any combination, 13910  
may acquire property for, construct, operate, and maintain any 13911  
parks, playgrounds, playfields, gymnasiums, public baths, swimming 13912  
pools, indoor recreation centers, educational facilities, or 13913  
community centers. Any school district, educational service 13914  
center, or state institution of higher education may provide by 13915  
the erection of any school, educational service center, or state 13916  
institution of higher education building or premises, or by the 13917  
enlargement of, addition to, or reconstruction or improvement of 13918  
any school, educational service center, or state institution of 13919  
higher education building or premises, for the inclusion of any 13920  
such parks, recreational facilities, educational facilities, and 13921  
community centers to be jointly acquired, constructed, operated, 13922  
and maintained. Any contracting subdivision, jointly with one or 13923  
more other contracting subdivisions, in any combination, may 13924  
equip, operate, and maintain those parks, recreational facilities, 13925  
educational facilities, and community centers and may appropriate 13926  
money for those purposes. 13927

Any contracting subdivision agreeing to jointly acquire, 13928  
construct, operate, or maintain parks, recreational facilities, 13929  
educational facilities, and community centers pursuant to this 13930  
section may contribute lands, money, other personal property, or 13931  
services to the joint venture, as may be agreed upon. Any 13932  
agreement shall specify the rights of the parties in any lands or 13933  
personal property contributed. 13934

Any lands acquired by a township park district pursuant to 13935



Chapter 511. of the Revised Code and established as a public park 13936  
or parks may be contributed to a joint venture authorized by this 13937  
section. Fees may be charged in connection with the use of any 13938  
recreational facilities, educational facilities, and community 13939  
centers that may be constructed on those lands. 13940

(B) Any township may, jointly with a private land owner, 13941  
construct, operate, equip, and maintain free public playgrounds 13942  
and playfields. Any equipment provided by a township pursuant to 13943  
this division shall remain township property and shall be used 13944  
subject to a right of removal by the township. 13945

(C) As used in this section and in sections 755.17 and 755.18 13946  
of the Revised Code: 13947

(1) "Community centers" means facilities characterized by all 13948  
of the following: 13949

(a) They are acquired, constructed, operated, or maintained 13950  
by contracting subdivisions pursuant to division (A) of this 13951  
section. 13952

(b) They may be used for governmental, civic, or educational 13953  
operations or purposes, or recreational activities. 13954

(c) They may be used only by the contracting subdivisions 13955  
that acquire, construct, operate, or maintain them or by any other 13956  
person upon terms and conditions determined by those contracting 13957  
subdivisions. 13958

(2) "Educational service center" has the same meaning as in 13959  
division (A) of section 3311.05 of the Revised Code. 13960

(3) "Contracting subdivision" means a municipal corporation, 13961  
township, joint recreation district, township park district, a 13962  
park district created under Chapter 1545. of the Revised Code, 13963  
county, school district, educational service center, or state 13964  
institution of higher education. 13965

(4) "School district" means any of the school districts or joint vocational school districts referred to in section 3311.01 of the Revised Code. 13966  
13967  
13968

(5) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code. 13969  
13970

Sec. 901.172. (A) As used in this section, "beer," "cider," and "spirituous liquor" have the same meanings as in section 4301.01 of the Revised Code. 13971  
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(B) The department of agriculture may promote the use of Ohio-produced agricultural goods grown for inclusion in both of the following: 13974  
13975  
13976

(1) Beer or cider through the issuance of logotypes to qualified producers and processors under a voluntary promotional certification program to be developed and administered by the division of markets. The voluntary program shall be entitled "Ohio Proud Craft Beer." 13977  
13978  
13979  
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(2) Spirituous liquor through the issuance of logotypes to qualified producers and processors under a voluntary promotional certification program to be developed and administered by the division. The voluntary program shall be entitled "Ohio Proud Craft Spirits." 13982  
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(C) Pursuant to rules adopted under Chapter 119. of the Revised Code, the department may establish reasonable fees and criteria for participation in the voluntary programs. All such fees shall be credited to the general revenue fund and used to finance the voluntary programs. 13987  
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**Sec. 905.31.** As used in sections 905.31 to 905.503 of the Revised Code: 13992  
13993

(A) "Brand name" means a name or expression, design, or 13994

trademark used in connection with one or several grades of any type of fertilizer. 13995  
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(B) "Bulk fertilizer" means any type of fertilizer in solid, liquid, or gaseous state, or any combination thereof, in a nonpackaged form. 13997  
13998  
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(C) "Distribute" means to offer for sale, sell, barter, or otherwise supply fertilizer for other than manufacturing purposes. 14000  
14001

(D) "Fertilizer" means any substance containing nitrogen, phosphorus, or potassium or any recognized plant nutrient element or compound that is used for its plant nutrient content or for compounding mixed fertilizers. "Fertilizer" does not include lime, limestone, marl, unground bone, water, residual farm products, and animal and vegetable manures unless mixed with fertilizer materials or distributed with a guaranteed analysis. 14002  
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(E) "Grade" means the percentages of total nitrogen, available phosphorus or available phosphate ( $P_2O_5$ ), and soluble potassium or soluble potash ( $K_2O$ ) stated in the same terms, order, and percentage as in guaranteed analysis. 14009  
14010  
14011  
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(F) "Guaranteed analysis" means: 14013

(1) The minimum percentages of plant nutrients claimed in the following order and form: 14014  
14015

Total Nitrogen (N)	per cent	14016
Available phosphate ( $P_2O_5$ )	per cent	14017
Soluble Potash ( $K_2O$ )	per cent	14018

(2) Guaranteed analysis includes, in the following order: 14019

(a) For bone and tankage, total phosphorus (P) or phosphate ( $P_2O_5$ ); 14020  
14021

(b) For basic slag and unacidulated phosphatic materials, available and total phosphorus (P) or phosphate ( $P_2O_5$ ) and the degree of fineness; 14022  
14023  
14024

(c) Additional plant nutrients guaranteed expressed as percentage of elements in the order and form as prescribed by rules adopted by the director of agriculture.	14025 14026 14027
(G) "Label" means any written or printed matter on the package or tag attached to it or on the pertinent delivery and billing invoice.	14028 14029 14030
(H) "Manufacture" means to process, granulate, blend, mix, or alter the composition of fertilizers for distribution.	14031 14032
(I) "Mixed fertilizer" means any combination or mixture of fertilizer designed for use, or claimed to have value, in promoting plant growth, including fertilizer pesticide mixtures.	14033 14034 14035
(J) "Net weight" means the weight of a commodity excluding any packaging in pounds or metric equivalent, as determined by a sealed weighing device or other means prescribed by rules adopted by the director.	14036 14037 14038 14039
(K) "Packaged fertilizer" means any type of fertilizer in closed containers of not over one hundred pounds or metric equivalent.	14040 14041 14042
(L) "Per cent" or "percentage" means the percentage of weight.	14043 14044
(M) "Person" includes any partnership, association, firm, corporation, company, society, individual or combination of individuals, institution, park, or public agency administered by the state or any subdivision of the state.	14045 14046 14047 14048
(N) "Product name" means a coined or specific designation applied to an individual fertilizer material or mixture of a fixed composition and derivation.	14049 14050 14051
(O) "Sale" means exchange of ownership or transfer of custody.	14052 14053
(P) "Official sample" means the sample of fertilizer taken	14054

and designated as official by the director.	14055
(Q) "Specialty fertilizer" means any fertilizer designed, labeled, and distributed for uses other than the production of commercial crops.	14056 14057 14058
(R) "Ton" means a net weight of two thousand pounds.	14059
(S) "Fertilizer material" includes any of the following:	14060
(1) A material containing not more than one of the following primary plant nutrients:	14061 14062
(a) Nitrogen (N);	14063
(b) Phosphorus (P);	14064
(c) Potassium (K).	14065
(2) A material that has not less than eighty-five per cent of its plant nutrient content composed of a single chemical compound;	14066 14067
(3) A material that is derived from a residue or by-product of a plant or animal or a natural material deposit and has been processed in such a way that its plant nutrients content has not been materially changed except by purification and concentration.	14068 14069 14070 14071
(T) "Custom mixed fertilizer" means a fertilizer that is not premixed, but that is blended specifically to meet the nutrient needs of one specific customer.	14072 14073 14074
(U) "Director" or "director of agriculture" means the director of agriculture or the director's designee.	14075 14076
(V) "Lot" means an identifiable quantity of fertilizer that may be used as an official sample.	14077 14078
(W) "Unit" means twenty pounds of fertilizer or one per cent of a ton.	14079 14080
(X) "Anhydrous ammonia equipment" means, with regard to the handling or storage of anhydrous ammonia, a container or containers with a maximum capacity of not more than four thousand	14081 14082 14083

nine hundred ninety-nine gallons or any appurtenances, pumps, 14084  
compressors, or interconnecting pipes associated with such a 14085  
container or containers. "Anhydrous ammonia equipment" does not 14086  
include equipment for the manufacture of anhydrous ammonia or the 14087  
storage of anhydrous ammonia either underground or in refrigerated 14088  
structures. 14089

(Y) "Anhydrous ammonia system" or "system" means, with regard 14090  
to the handling or storage of anhydrous ammonia, a container or 14091  
containers with a minimum capacity of not less than five thousand 14092  
gallons or any appurtenances, pumps, compressors, or 14093  
interconnecting pipes associated with such a container or 14094  
containers. "Anhydrous ammonia system" does not include equipment 14095  
for the manufacture of anhydrous ammonia or the storage of 14096  
anhydrous ammonia either underground or in refrigerated 14097  
structures. 14098

(Z) "Agricultural production" means the cultivation, 14099  
primarily for sale, of plants or any parts of plants on more than 14100  
fifty acres. "Agricultural production" does not include the use of 14101  
start-up fertilizer applied through a planter. 14102

(AA) "Rule" means a rule adopted under section 905.322, 14103  
905.40, or 905.44 of the Revised Code, as applicable. 14104

(BB) "Certificate holder" means a person who has been 14105  
certified to apply fertilizer under section 905.321 of the Revised 14106  
Code and rules adopted under section 905.322 of the Revised Code. 14107

(CC) "Residual farm products" has the same meaning as in 14108  
section 939.01 of the Revised Code. 14109

(DD) "Voluntary nutrient management plan" means any of the 14110  
following: 14111

(1) A nutrient management plan that is in the form of the 14112  
Ohio nutrient management workbook made available by the Ohio state 14113  
university; 14114

(2) A comprehensive nutrient management plan developed by the United States department of agriculture natural resources conservation service, a technical service provider certified by the conservation service, or a person authorized by the conservation service to develop a plan;

(3) A document that is equivalent to a plan specified in division (DD)(1) or (2) of this section, that is in a form approved by the director or the director's designee, and that contains at least all of the following information:

(a) Results of soil tests conducted on land subject to the plan that comply with the field office technical guide established by the conservation service and adopted by the director in rules adopted under division (E) of section 939.02 of the Revised Code and that are not older than ~~three~~ four years;

(b) Documentation of the method and seasonal time of utilization and application of nutrients;

(c) Identification of all nutrients applied, including manure, fertilizer, sewage sludge, and biodigester residue;

(d) Field information regarding land subject to the plan, including the location, spreadable acreage, crops grown, and actual and projected yields.

**Sec. 929.04.** (A) As used in this section, "agricultural activities" means common agricultural practices, including all of the following:

(1) The cultivation of crops or changing crop rotation;

(2) Raising of livestock or changing the species of livestock raised;

(3) Entering into and operating under a livestock contract;

(4) The storage and application of commercial fertilizer;

<u>(5) The storage and application of manure;</u>	14144
<u>(6) The storage and application of pesticides and other chemicals commonly used in agriculture;</u>	14145 14146
<u>(7) A change in corporate structure or ownership;</u>	14147
<u>(8) An expansion, contraction, or change in operations;</u>	14148
<u>(9) Any agricultural practice that is acceptable by local custom.</u>	14149 14150
<u>(B) In a civil action for nuisances involving agricultural activities, it is a complete defense if:</u>	14151 14152
<del>(A)</del> <u>(1) The agricultural activities <del>Were</del> <u>were</u> conducted within an agricultural district <u>or on land devoted exclusively to agricultural use in accordance with section 5713.30 of the Revised Code, or were conducted by a person pursuant to a lease agreement, written or otherwise;</u></u>	14153 14154 14155 14156 14157
<del>(B) Agricultural</del> <u>(2) The agricultural activities <del>Were</del> <u>were</u> established <del>within the agricultural district</del> prior to the plaintiff's activities or interest on which the action is based;</u>	14158 14159 14160
<del>(C) the plaintiff was not involved in agricultural production; and</del>	14161 14162
<del>(D)</del> <u>(3) The agricultural activities <del>Were</del> <u>were</u> not in conflict with federal, state, and local laws and rules relating to the alleged nuisance or were conducted in accordance with generally accepted agriculture practices.</u>	14163 14164 14165 14166
The	14167
<u>The</u> plaintiff may offer proof of a violation independently of proof of a violation or conviction by any public official.	14168 14169
<b><u>Sec. 936.01. As used in this chapter:</u></b>	14170
<u>"Education" means any activity designed to provide</u>	14171



information regarding propane, propane equipment, mechanical and 14172  
technical practices, and uses and promotion of propane to 14173  
consumers and members of the propane industry. 14174

"Propane" means liquefied petroleum gas, a material with a 14175  
vapor pressure not exceeding that of commercial propane composed 14176  
predominately of the following hydrocarbons or mixtures: 14177

(A) Propane; 14178

(B) Propylene; 14179

(C) Butane; 14180

(D) Butylene 14181

"Propane council" or "council" means the propane council 14182  
created under section 936.02 of the Revised Code. 14183

"Retailer" means a person engaged primarily in the sale of 14184  
odorized propane to the ultimate consumer or to a retail propane 14185  
dispenser. 14186

"Wholesale distributor" means a person whose primary business 14187  
involves the sale of propane to a retailer. 14188

**Sec. 936.02.** (A) The director of agriculture shall establish 14189  
a propane council and adopt rules in accordance with Chapter 119. 14190  
of the Revised Code necessary to implement this chapter. 14191

(B) The director shall appoint the following members to the 14192  
council in accordance with this section and rules adopted under 14193  
it: 14194

(1) Two multi-state propane gas retailers; 14195

(2) Two intrastate propane gas retailers; 14196

(3) One cooperative propane gas retailer; 14197

(4) One wholesale propane gas wholesale distributor; 14198

(5) One propane gas equipment dealer; 14199

The director of agriculture or the director's designee and 14200  
the state fire marshal or the fire marshal's designee also shall 14201  
serve on the council. 14202

(C) The director shall appoint members under divisions (B)(1) 14203  
through (5) of this section from a list submitted by a qualified 14204  
statewide propane association. The director shall not appoint a 14205  
person as a member of the council unless the person is at least 14206  
twenty-five years old and has at least five years of active 14207  
experience in the propane gas industry. 14208

(D) Not later than ninety days after the effective date of 14209  
this section, the director shall make initial appointments to the 14210  
council. Members shall serve three-year staggered terms of office 14211  
in accordance with rules adopted by the director. 14212

Sec. 936.03. The propane council shall adopt procedures by 14213  
which retailers of propane in this state may propose, develop, and 14214  
operate a marketing program to do all of the following: 14215

(A) Promote the safe and efficient use of propane; 14216

(B) Demonstrate to the general public the importance and 14217  
economic significance of propane; 14218

(C) Develop new uses and markets for propane and enable 14219  
engagement in promotional activities that incentivize the use of 14220  
propane; 14221

(D) Support research, training, and educational activities 14222  
concerning the propane industry; 14223

(E) Determine the eligibility of retailers to participate in 14224  
referendums and other procedures that may be required to establish 14225  
the marketing program; 14226

(F) Establish procedures necessary to implement and 14227  
administer the marketing program; 14228

(G) Enter into contracts with qualified organizations, agencies, individuals, or any combination thereof, to carry out the purpose of the marketing program; 14229  
14230  
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(H) Employ staff to carry out the purpose of the marketing program. 14232  
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**Sec. 936.04.** (A) Retailers in this state may present the propane council with a petition signed by the lesser of twenty-five or ten per cent of all such retailers requesting that the council hold a referendum in accordance with section 936.05 of the Revised Code to establish or amend a marketing program for propane. 14234  
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(B) At the time of presentation of the petition to the council under division (A) of this section, the petitioners also shall present the proposed program or amendment, which shall include all of the following: 14240  
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(1) The rate of assessment to be made on the volume of odorized propane purchased by a retailer from a wholesale distributor in this state, which shall not exceed five thousandths of a mill per gallon; 14244  
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(2) Terms, conditions, limitations, and other eligibility qualifications for assessment; 14248  
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(3) Procedures and eligibility requirements for a refund of the assessment. 14250  
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(C) Before the council makes a decision to approve or disapprove a proposed program or amendment, the council shall publish in at least two appropriate periodicals designated by the council a notice that the program or amendment has been proposed and informing interested persons of the procedures for submitting comments regarding the proposal. After publishing the notice, the council shall provide interested persons with a copy of the 14252  
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proposed program or amendment and an opportunity to comment on the 14259  
proposed program or amendment for thirty days after the 14260  
publication of the notice. The petitioners may make changes to the 14261  
proposed program or amendment based upon the comments received. 14262  
The council may make technical changes to the proposal to ensure 14263  
compliance with this chapter. Subsequent to any changes made by 14264  
the petitioners or any technical changes made by the council to a 14265  
proposed program or amendment, the council may approve or 14266  
disapprove the proposed program or amendment. 14267

(D) If the council approves the proposed program or 14268  
amendment, with any changes made under division (C) of this 14269  
section, the council shall hold a referendum in accordance with 14270  
section 936.05 of the Revised Code to establish a marketing 14271  
program for propane or to amend an existing program. 14272

**Sec. 936.05.** (A) Not later than ninety days after the propane 14273  
council has approved a marketing program proposed under section 14274  
936.04 of the Revised Code, or an amendment to such a program, the 14275  
council shall determine by a referendum whether the eligible 14276  
retailers, as determined under section 936.03 of the Revised Code, 14277  
favor the proposed program or amendment. The council shall cause a 14278  
ballot request form to be published not less than thirty days 14279  
before the beginning of the election period established under 14280  
division (B) of this section in at least two appropriate 14281  
periodicals designated by the council and shall make the form 14282  
available for reproduction to any qualified statewide propane 14283  
association. 14284

(B) In a referendum held under this section, each eligible 14285  
retailer is entitled to one vote. The council shall establish a 14286  
three-day period during which eligible retailers may vote either 14287  
in person during normal business hours at polling places 14288  
designated by the council or by mailing a ballot to such a polling 14289

place. The council shall send a mail-in ballot by first-class mail 14290  
to any eligible retailer who requests one by sending in the ballot 14291  
request form provided for in division (A) of this section or by 14292  
any additional method that the council may provide. A ballot that 14293  
is returned by mail is not valid if it is postmarked later than 14294  
the third day of the election period established by the council. 14295

(C) A marketing program or an amendment to a marketing 14296  
program is favored by retailers if a majority of the retailers who 14297  
vote in the referendum vote in favor of the program or amendment. 14298

Sec. 936.06. When the retailers who vote in a referendum held 14299  
under section 936.05 of the Revised Code favor a proposed 14300  
marketing program, the propane council shall order the program 14301  
established. 14302

Sec. 936.07. The director of agriculture shall monitor the 14303  
actions of the propane council to ensure all of the following: 14304

(A) A marketing program is self-supporting. 14305

(B) The council keeps all records that are required for 14306  
agencies of the state. 14307

(C) All program operations are in accord with both of the 14308  
following: 14309

(1) The provisions of the marketing program; 14310

(2) This chapter and procedures established under it. 14311

Sec. 936.08. (A) For the purpose of a marketing program 14312  
established under this chapter, the council may levy assessments 14313  
on retailers at the time of purchase of odorized propane by a 14314  
retailer from a wholesale distributor. The council shall base the 14315  
assessments on the volume of odorized propane purchased by the 14316  
retailer from the wholesale distributor. 14317

(B) A marketing program shall require a refund of assessments collected under this section after receiving an application for a refund from a retailer who has been assessed and is eligible for a refund. The retailer shall submit the application for a refund on a form furnished by the council. The council shall ensure that refund forms are available where assessments for its program are withheld. 14318  
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A retailer who desires a refund shall submit a request for a refund not later than thirty days after the end of the month for which the request is submitted. The council shall refund the assessment to the retailer not later than sixty days after the request for the refund is submitted. 14325  
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(C) The propane council shall not use money from any assessments that it levies for any political or legislative purpose or for preferential treatment of one person to the detriment of another person who is affected by the marketing program that the council administers. 14330  
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(D) If the propane council requests that a retailer seeking a refund provide additional information to support a refund request, any additional information provided to the council is not a public record under section 149.43 of the Revised Code, is confidential, and the propane council shall treat the information as confidential. 14335  
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**Sec. 936.09.** (A) There is hereby established a fund for the marketing program that is established by the propane council under this chapter. The fund shall be in the custody of the treasurer of state, but shall not be part of the state treasury. Except as authorized in division (B) of this section, all money collected pursuant to section 936.08 of the Revised Code for the marketing program shall be paid into the fund for the marketing program and shall be disbursed only pursuant to a voucher signed by the 14341  
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chairperson of the council for use in defraying the costs of 14349  
administration of the marketing program and for carrying out 14350  
sections 936.03 and 936.11 of the Revised Code. 14351

(B) In lieu of deposits in the fund established under 14352  
division (A) of this section, the propane council may deposit all 14353  
money collected pursuant to section 936.08 of the Revised Code 14354  
with a bank as defined in section 1101.01 of the Revised Code. All 14355  
money collected pursuant to section 936.08 of the Revised Code for 14356  
the marketing program and deposited pursuant to this division also 14357  
shall be used only in defraying the costs of administration of the 14358  
marketing program and for carrying out sections 936.03 and 936.11 14359  
of the Revised Code. 14360

(C) The council shall establish a fiscal year for its 14361  
marketing program, shall publish an activity and financial report 14362  
within sixty days of the end of each fiscal year, and shall make 14363  
the report available to each retailer who pays an assessment or 14364  
otherwise contributes to the marketing program that the council 14365  
administers and to other interested persons. 14366

(D) In addition to the report required by division (C) of 14367  
this section, if the council deposits money in accordance with 14368  
division (B) of this section, the council shall annually submit a 14369  
financial statement prepared by a certified public accountant 14370  
holding valid certification from the Ohio board of accountancy 14371  
issued pursuant to Chapter 4701. of the Revised Code to the 14372  
department of agriculture. The council shall file the financial 14373  
statement with the department not more than one hundred fifty days 14374  
after the end of each fiscal year. 14375

(E) The council shall use money in the fund or deposited in a 14376  
bank to promote the common good, welfare, and advancement of the 14377  
propane industry, including, but not limited to, all of the 14378  
following activities and programs: 14379

<u>(1) Education;</u>	14380
<u>(2) Training;</u>	14381
<u>(3) Safety compliance;</u>	14382
<u>(4) Advertising;</u>	14383
<u>(5) Promotion;</u>	14384
<u>(6) Customer rebates to encourage energy efficient appliance</u>	14385
<u>and equipment purchases by residential, commercial, or</u>	14386
<u>agricultural customers.</u>	14387
<u>Sec. 936.10. (A) The director of agriculture temporarily may</u>	14388
<u>suspend the operation of a marketing program, or any part of a</u>	14389
<u>program, established under this chapter for any reason upon</u>	14390
<u>recommendation by the propane council for a period of not more</u>	14391
<u>than twelve consecutive months.</u>	14392
<u>(B) At least once in each five years of operation, or at any</u>	14393
<u>time upon written petition by the lesser of twenty-five or ten per</u>	14394
<u>cent of the retailers in this state, the council shall hold a</u>	14395
<u>hearing as prescribed in Chapter 119. of the Revised Code to</u>	14396
<u>consider the continuation of the program.</u>	14397
<u>(C) Not later than thirty days after the close of any hearing</u>	14398
<u>to consider the continuation of a marketing program, the council</u>	14399
<u>shall recommend continuation or termination of the program, shall</u>	14400
<u>give public notice, and shall notify each retailer of record, all</u>	14401
<u>parties appearing at the hearing, and other interested parties of</u>	14402
<u>the recommendation.</u>	14403
<u>(D) When the council recommends termination of a marketing</u>	14404
<u>program, within forty-five days the council shall conduct a</u>	14405
<u>referendum to determine whether retailers favor the proposed</u>	14406
<u>termination. Retailers favor the termination of the program if a</u>	14407
<u>majority of the retailers who vote in the referendum vote in favor</u>	14408
<u>of termination of the program.</u>	14409



Sec. 936.11. (A) When retailers favor termination of a 14410  
marketing program established under this chapter, the propane 14411  
council shall terminate all operations of the program. 14412

(B)(1) Except as provided in division (B)(2) of this section, 14413  
upon termination of a program, the council shall return any 14414  
remaining unobligated money to the retailers who paid the 14415  
assessments levied under section 936.08 of the Revised Code during 14416  
the immediately preceding twelve months and shall prorate the 14417  
money accordingly. 14418

(2) If a program is operated by a nonprofit corporation that 14419  
is organized under Chapter 1702. of the Revised Code for the 14420  
purpose of carrying out the purposes identified in section 936.03 14421  
of the Revised Code, and if the nonprofit corporation is exempt 14422  
from federal income taxation pursuant to section 501(a) of the 14423  
Internal Revenue Code and is described in section 501(c) (3) of 14424  
the Internal Revenue Code, upon termination of the program, the 14425  
nonprofit corporation shall distribute any remaining unobligated 14426  
money to be used for one or more exempt purposes within the 14427  
meaning of section 501(c)(3) of the Internal Revenue Code or to 14428  
the federal, a state, or a local government to be used for a 14429  
public purpose. If there remains any unobligated money after the 14430  
distribution by the nonprofit corporation, the court of common 14431  
pleas of the county in which the principal office of the nonprofit 14432  
corporation is located shall distribute the remaining unobligated 14433  
money to be used for one or more exempt purposes within the 14434  
meaning of section 501(c)(3) of the Internal Revenue Code, to the 14435  
federal, a state, or a local government to be used for a public 14436  
purpose, or to one or more organizations that are organized and 14437  
operated exclusively for one or more of the purposes that are 14438  
within the meaning of section 501(c)(3) of the Internal Revenue 14439  
Code, as the court determines is best to accomplish the exempt 14440  
purposes of the nonprofit corporation. 14441

Sec. 936.12. The propane council may institute an action at 14442  
law or in equity that appears necessary to enforce compliance with 14443  
this chapter, a procedure established under it, or a marketing 14444  
program established under it. 14445

Sec. 936.13. No retailer shall knowingly fail or refuse to 14446  
withhold or remit any assessment levied under section 936.08 of 14447  
the Revised Code. 14448

Sec. 936.99. Whoever violates section 936.13 of the Revised 14449  
Code is guilty of a misdemeanor of the fourth degree. 14450

Sec. 939.02. The director of agriculture shall do all of the 14451  
following: 14452

(A) Provide administrative leadership to soil and water 14453  
conservation districts in planning, budgeting, staffing, and 14454  
administering district programs and the training of district 14455  
supervisors and personnel in their duties, responsibilities, and 14456  
authorities as prescribed in this chapter and Chapter 940. of the 14457  
Revised Code; 14458

(B) Administer this chapter and Chapter 940. of the Revised 14459  
Code pertaining to state responsibilities and provide staff 14460  
assistance to the Ohio soil and water conservation commission in 14461  
exercising its statutory responsibilities; 14462

(C) Assist in expediting state responsibilities for watershed 14463  
development and other natural resource conservation works of 14464  
improvement; 14465

(D) Coordinate or support the development and implementation 14466  
of cooperative programs and working agreements between soil and 14467  
water conservation districts and the department of agriculture, 14468  
department of natural resources, environmental protection agency, 14469

or other agencies of local, state, and federal government~~†~~. The 14470  
cooperative programs and working agreements shall be for the 14471  
support of farm, rural, suburban, and urban conservation programs. 14472

(E) Subject to the approval of the Ohio soil and water 14473  
conservation commission, adopt rules in accordance with Chapter 14474  
119. of the Revised Code that do or comply with all of the 14475  
following: 14476

(1) Establish technically feasible and economically 14477  
reasonable standards to achieve a level of management and 14478  
conservation practices in farming operations that will abate wind 14479  
or water erosion of the soil or abate the degradation of the 14480  
waters of the state by residual farm products, manure, or soil 14481  
sediment, including attached substances, and establish criteria 14482  
for determination of the acceptability of such management and 14483  
conservation practices; 14484

(2) Establish procedures for administration of rules for 14485  
agricultural pollution abatement and for enforcement of those 14486  
rules; 14487

(3) Specify the pollution abatement practices eligible for 14488  
state cost sharing and determine the conditions for eligibility, 14489  
the construction standards and specifications, the useful life, 14490  
the maintenance requirements, and the limits of cost sharing for 14491  
those practices. Eligible practices shall be limited to practices 14492  
that address agricultural operations and that require expenditures 14493  
that are likely to exceed the economic returns to the owner or 14494  
operator and that abate soil erosion or degradation of the waters 14495  
of the state by residual farm products, manure, or soil sediment, 14496  
including attached pollutants. 14497

(4) Establish procedures for administering grants to owners 14498  
or operators of agricultural land or animal feeding operations for 14499  
the implementation of operation and management plans; 14500

(5) Do both of the following with regard to composting	14501
conducted in conjunction with agricultural operations:	14502
(a) Establish methods, techniques, or practices for	14503
composting dead animals, or particular types of dead animals, that	14504
are to be used at such operations, as the director considers to be	14505
necessary or appropriate;	14506
(b) Establish requirements and procedures governing the	14507
review and approval or disapproval of composting plans by the	14508
supervisors of soil and water conservation districts under	14509
division <del>(R)</del> <u>(S)</u> of section 940.06 of the Revised Code.	14510
(6) Establish best management practices for inclusion in	14511
operation and management plans;	14512
(7) Establish the amount of civil penalties assessed by the	14513
director under division (A) of section 939.07 of the Revised Code	14514
for violation of rules adopted under division (E) of this section;	14515
(8) Not conflict with air or water quality standards adopted	14516
pursuant to section 3704.03 or 6111.041 of the Revised Code.	14517
Compliance with rules adopted under this section does not affect	14518
liability for noncompliance with air or water quality standards	14519
adopted pursuant to section 3704.03 or 6111.041 of the Revised	14520
Code. The application of a level of management and conservation	14521
practices recommended under this section to control windblown soil	14522
from farming operations creates a presumption of compliance with	14523
section 3704.03 of the Revised Code as that section applies to	14524
windblown soil.	14525
(F) Cost share with landowners on practices established	14526
pursuant to division (E)(3) of this section as moneys are	14527
appropriated and available for that purpose. Any practice for	14528
which cost share is provided shall be maintained for its useful	14529
life. Failure to maintain a cost share practice for its useful	14530
life shall subject the landowner to full repayment to the	14531

department. 14532

(G) Employ field assistants and other employees that are 14533  
necessary for the performance of the work prescribed by Chapter 14534  
940. of the Revised Code, for performance of work of the 14535  
department under this chapter, and as agreed to under working 14536  
agreements or contractual arrangements with soil and water 14537  
conservation districts, prescribe their duties, and fix their 14538  
compensation in accordance with schedules that are provided by law 14539  
for the compensation of state employees. All such employees of the 14540  
department, unless specifically exempted by law, shall be employed 14541  
subject to the classified civil service laws in force at the time 14542  
of employment. 14543

(H) In connection with new or relocated projects involving 14544  
highways, underground cables, pipelines, railroads, and other 14545  
improvements affecting soil and water resources, including surface 14546  
and subsurface drainage: 14547

(1) Provide engineering service that is mutually agreeable to 14548  
the Ohio soil and water conservation commission and the director 14549  
to aid in the design and installation of soil and water 14550  
conservation practices as a necessary component of such projects; 14551

(2) Maintain close liaison between the owners of lands on 14552  
which the projects are executed, soil and water conservation 14553  
districts, and authorities responsible for such projects; 14554

(3) Review plans for such projects to ensure their compliance 14555  
with standards developed under division (E) of this section in 14556  
cooperation with the department of transportation or with any 14557  
other interested agency that is engaged in soil or water 14558  
conservation projects in the state in order to minimize adverse 14559  
impacts on soil and water resources adjacent to or otherwise 14560  
affected by these projects; 14561

(4) Recommend measures to retard erosion and protect soil and 14562

water resources through the installation of water impoundment or 14563  
other soil and water conservation practices; 14564

(5) Cooperate with other agencies and subdivisions of the 14565  
state to protect the agricultural status of rural lands adjacent 14566  
to such projects and control adverse impacts on soil and water 14567  
resources. 14568

(I) Collect, analyze, inventory, and interpret all available 14569  
information pertaining to the origin, distribution, extent, use, 14570  
and conservation of the soil resources of the state; 14571

(J) Prepare and maintain up-to-date reports, maps, and other 14572  
materials pertaining to the soil resources of the state and their 14573  
use and make that information available to governmental agencies, 14574  
public officials, conservation entities, and the public; 14575

(K) Provide soil and water conservation districts with 14576  
technical assistance including on-site soil investigations and 14577  
soil interpretation reports on the suitability or limitations of 14578  
soil to support a particular use or to plan soil conservation 14579  
measures. The assistance shall be on terms that are mutually 14580  
agreeable to the districts and the department of agriculture. 14581

(L) Assist local government officials in utilizing land use 14582  
planning and zoning, current agricultural use value assessment, 14583  
development reviews, and land management activities; 14584

(M) When necessary for the purposes of this chapter or 14585  
Chapter 940. of the Revised Code, develop or approve operation and 14586  
management plans. The director may designate an employee of the 14587  
department to develop or approve operation and management plans in 14588  
lieu of the director. 14589

This section does not restrict the manure of domestic or farm 14590  
animals defecated on land outside an animal feeding operation or 14591  
runoff from that land into the waters of the state. 14592

**Sec. 939.04.** (A) A person who owns or operates an 14593  
agricultural operation, or owns the animals raised by the owner or 14594  
operator of an agricultural operation, and who wishes to conduct 14595  
composting of dead animals resulting from the agricultural 14596  
operation shall do both of the following: 14597

(1) Participate in an educational course concerning 14598  
composting conducted by OSU extension and obtain a certificate of 14599  
completion for the course; 14600

(2) Use the appropriate method, technique, or practice of 14601  
composting established in rules adopted under division (E)(5) of 14602  
section 939.02 of the Revised Code. 14603

(B) A person who fails to comply with division (A) of this 14604  
section shall prepare and operate under a composting plan required 14605  
by the director of agriculture under division (A)(2) of section 14606  
939.02 of the Revised Code. If the person's proposed composting 14607  
plan is disapproved by the supervisors of the appropriate soil and 14608  
water conservation district under division ~~(R)~~(S)(3) of section 14609  
940.06 of the Revised Code, the person may appeal the plan 14610  
disapproval to the director, who shall afford the person a 14611  
hearing. Following the hearing, the director shall uphold the plan 14612  
disapproval or reverse it. If the director reverses the 14613  
disapproval, the plan shall be deemed approved. 14614

**Sec. 940.01.** As used in this chapter: 14615

(A) "Soil and water conservation district" means a district 14616  
organized in accordance with this chapter. 14617

(B) "Supervisor" means one of the members of the governing 14618  
body of a district. 14619

(C) "Landowner," "owner," or "owner of land" means an owner 14620  
of record as shown by the records in the office of the county 14621  
recorder. With respect to an improvement or a proposed 14622

improvement, "landowner," "owner," or "owner of land" also 14623  
includes any public corporation and the director of any 14624  
department, office, or institution of the state that is affected 14625  
by the improvement or that would be affected by the proposed 14626  
improvement, but that does not own any right, title, estate, or 14627  
interest in or to any real property. 14628

(D) "Land occupier" or "occupier of land" means any person, 14629  
firm, or corporation that controls the use of land whether as 14630  
landowner, lessee, renter, or tenant. 14631

(E) "Due notice" means notice published at least twice, 14632  
stating time and place, with an interval of at least thirteen days 14633  
between the two publication dates, in a newspaper of general 14634  
circulation within a soil and water conservation district. 14635

(F) "Agricultural pollution" means failure to use management 14636  
or conservation practices in farming or silvicultural operations 14637  
to abate wind or water erosion of the soil or to abate the 14638  
degradation of the waters of the state by residual farm products, 14639  
manure, or soil sediment, including substances attached thereto. 14640

(G) "Urban sediment and storm water runoff pollution" means 14641  
failure to use management or conservation practices to abate wind 14642  
or water erosion of the soil or to abate the degradation of the 14643  
waters of the state by soil sediment or storm water runoff in 14644  
conjunction with land grading, excavating, filling, or other ~~soil~~ 14645  
~~disturbing~~ activities that disturb the soil and increase storm 14646  
water runoff on land used or being developed for nonfarm 14647  
commercial, industrial, residential, or other nonfarm purposes, 14648  
except lands being used in a strip mine operation as defined in 14649  
section 1513.01 of the Revised Code and except lands being used in 14650  
a surface mining operation as defined in section 1514.01 of the 14651  
Revised Code. 14652

(H) "Uniform assessment" means an assessment that is both of 14653



the following: 14654

(1) Based upon a complete appraisal of each parcel of land, 14655  
together with all improvements thereon, within a project area and 14656  
of the benefits or damages brought about as a result of the 14657  
project that is determined by criteria applied equally to all 14658  
parcels within the project area; 14659

(2) Levied upon the parcels at a uniform rate on the basis of 14660  
the appraisal. 14661

(I) "Varied assessment" means any assessment that does not 14662  
meet the criteria established in division (H) of this section. 14663

(J) "Project area" means an area determined and certified by 14664  
the supervisors of a soil and water conservation district under 14665  
section 940.25 of the Revised Code. 14666

(K) "Benefit" or "benefits" means advantages to land and 14667  
owners, to public corporations, and to the state resulting from 14668  
drainage, conservation, control, and management of water and from 14669  
environmental, wildlife, and recreational improvements. "Benefit" 14670  
or "benefits" includes, but is not limited to, any of the 14671  
following factors: 14672

(1) Elimination or reduction of damage from flooding; 14673

(2) Removal of water conditions that jeopardize public 14674  
health, safety, or welfare; 14675

(3) Increased value of land resulting from an improvement; 14676

(4) Use of water for irrigation, storage, regulation of 14677  
stream flow, soil conservation, water supply, or any other 14678  
incidental purpose; 14679

(5) Providing an outlet for the accelerated runoff from 14680  
artificial drainage if a stream, watercourse, channel, or ditch 14681  
that is under improvement is called upon to discharge functions 14682  
for which it was not designed. Uplands that have been removed from 14683

their natural state by deforestation, cultivation, artificial 14684  
drainage, urban development, or other human methods shall be 14685  
considered to be benefited by an improvement that is required to 14686  
dispose of the accelerated flow of water from the uplands. 14687

(L) "Improvement" or "conservation works of improvement" 14688  
means an improvement that is made under the authority established 14689  
in division (C) of section 940.06 of the Revised Code. 14690

(M) "Land" has the same meaning as in section 6131.01 of the 14691  
Revised Code. 14692

(N) "Manure," "operation and management plan," and "residual 14693  
farm products" have the same meanings as in section 939.01 of the 14694  
Revised Code. 14695

(O) "Voluntary nutrient management plan" has the same meaning 14696  
as in section 905.31 of the Revised Code. 14697

**Sec. 940.02.** There is hereby established in the department of 14698  
agriculture the Ohio soil and water conservation commission. The 14699  
commission shall consist of seven members of equal status and 14700  
authority, six of whom shall be appointed by the governor with the 14701  
advice and consent of the senate, and one of whom shall be 14702  
designated by resolution of the board of directors of the Ohio 14703  
federation of soil and water conservation districts. The directors 14704  
of agriculture, environmental protection, and natural resources, 14705  
the vice-president for agricultural administration of the Ohio 14706  
state university, and an officer of the Ohio federation of soil 14707  
and water conservation districts, or their designees, may serve as 14708  
ex officio members of the commission, but without the power to 14709  
vote. A vacancy in the office of an appointed member shall be 14710  
filled by the governor, with the advice and consent of the senate. 14711  
Any member appointed to fill a vacancy occurring prior to the 14712  
expiration of the term for which the member's predecessor was 14713  
appointed shall hold office for the remainder of that term. Of the 14714

appointed members, four shall be persons who have a knowledge of 14715  
or interest in agricultural production and the natural resources 14716  
of the state. One member shall represent rural interests and one 14717  
member shall represent urban interests. Not more than three of the 14718  
appointed members shall be members of the same political party. 14719

Terms of office of the member designated by the board of 14720  
directors of the federation and the members appointed by the 14721  
governor shall be for four years, commencing on the first day of 14722  
July and ending on the thirtieth day of June. 14723

Each appointed member shall hold office from the date of 14724  
appointment until the end of the term for which the member was 14725  
appointed. Any appointed member shall continue in office 14726  
subsequent to the expiration date of the member's term until the 14727  
member's successor takes office, or until a period of sixty days 14728  
has elapsed, whichever occurs first. 14729

The commission shall organize by selecting from its members a 14730  
chairperson and a vice-chairperson. The commission shall hold at 14731  
least one regular meeting in each quarter of each calendar year 14732  
and shall keep a record of its proceedings, which shall be open to 14733  
the public for inspection. Special meetings may be called by the 14734  
chairperson and shall be called by the chairperson upon receipt of 14735  
a written request signed by two or more members of the commission. 14736  
Written notice of the time and place of each meeting shall be sent 14737  
to each member of the commission. A majority of the commission 14738  
shall constitute a quorum. 14739

The commission may adopt rules as necessary to carry out the 14740  
purposes of this chapter, subject to Chapter 119. of the Revised 14741  
Code. 14742

The governor may remove any appointed member of the 14743  
commission at any time for inefficiency, neglect of duty, or 14744  
malfeasance in office, after giving to the member a copy of the 14745

charges against the member and an opportunity to be heard publicly 14746  
in person or by counsel in the member's defense. Any such act of 14747  
removal by the governor is final. A statement of the findings of 14748  
the governor, the reason for the governor's action, and the 14749  
answer, if any, of the member shall be filed by the governor with 14750  
the secretary of state and shall be open to public inspection. 14751

All members of the commission shall be reimbursed for the 14752  
necessary expenses incurred by them in the performance of their 14753  
duties as members. 14754

Upon recommendation by the commission, the director of 14755  
agriculture shall designate an executive secretary and provide 14756  
staff necessary to carry out the powers and duties of the 14757  
commission. 14758

The commission shall do all of the following: 14759

(A) Determine distribution of funds under section 940.15 of 14760  
the Revised Code, recommend to the director and other agencies the 14761  
levels of appropriations to special funds established to assist 14762  
soil and water conservation districts, and recommend the amount of 14763  
federal funds to be requested and policies for the use of such 14764  
funds in support of soil and water conservation district programs; 14765

(B) Assist in keeping the supervisors of soil and water 14766  
conservation districts informed of their powers and duties, 14767  
program opportunities, and the activities and experience of all 14768  
other districts, and facilitate the interchange of advice, 14769  
experience, and cooperation between the districts; 14770

(C) Seek the cooperation and assistance of the federal 14771  
government or any of its agencies, and of agencies of this state, 14772  
in the work of the districts; 14773

(D) Adopt appropriate rules governing the conduct of 14774  
elections provided for in this chapter, subject to Chapter 119. of 14775  
the Revised Code, provided that only owners and occupiers of lands 14776

situated within the boundaries of the districts or proposed 14777  
districts to which the elections apply shall be eligible to vote 14778  
in the elections; 14779

(E) Recommend to the director priorities for planning and 14780  
construction of small watershed projects, and make recommendations 14781  
to the director concerning coordination of programs as proposed 14782  
and implemented in agreements with soil and water conservation 14783  
districts; 14784

(F) Recommend to the ~~director~~ directors of agriculture, 14785  
environmental protection, and natural resources, the governor, and 14786  
the general assembly programs and legislation with respect to the 14787  
operations of soil and water conservation districts that will 14788  
encourage proper soil, water, and other natural resource 14789  
management for farm, rural, suburban, and urban land and promote 14790  
the economic and social development of the state; 14791

(G) Recommend to the director of agriculture a procedure for 14792  
coordination of a program of agricultural pollution abatement. 14793  
Implementation of such a program shall be based on water quality 14794  
standards adopted pursuant to section 6111.041 of the Revised 14795  
Code. The director of environmental protection may coordinate with 14796  
the division of soil and water conservation in the department of 14797  
agriculture and soil and water conservation districts for the 14798  
abatement of agricultural pollution. 14799

**Sec. 940.06.** The supervisors of a soil and water conservation 14800  
district have the following powers in addition to their other 14801  
powers: 14802

(A) To conduct surveys, investigations, and research relating 14803  
to the character of soil erosion, floodwater and sediment damages, 14804  
and the preventive and control measures and works of improvement 14805  
for flood prevention and the conservation, development, 14806  
utilization, and disposal of water needed within the district, and 14807

to publish the results of those surveys, investigations, or 14808  
research, provided that no district shall initiate any research 14809  
program except in cooperation or after consultation with the Ohio 14810  
agricultural research and development center; 14811

(B) To develop plans for the conservation of soil resources, 14812  
for the control and prevention of soil erosion, and for works of 14813  
improvement for flood prevention and the conservation, 14814  
development, utilization, and disposal of water within the 14815  
district, and to publish those plans and information; 14816

(C) To implement, construct, repair, maintain, and operate 14817  
preventive and control measures and other works of improvement for 14818  
natural resource conservation and development and flood 14819  
prevention, and the conservation, development, utilization, and 14820  
disposal of water within the district on lands owned or controlled 14821  
by this state or any of its agencies and on any other lands within 14822  
the district, which works may include any facilities authorized 14823  
under state or federal programs, and to acquire, by purchase or 14824  
gift, to hold, encumber, or dispose of, and to lease real and 14825  
personal property or interests in such property for those 14826  
purposes; 14827

(D) To cooperate or enter into agreements with any occupier 14828  
of lands within the district in the carrying on of natural 14829  
resource conservation operations and works of improvement for 14830  
flood prevention and the conservation, development, utilization, 14831  
and management of natural resources within the district, subject 14832  
to such conditions as the supervisors consider necessary; 14833

(E) To accept donations, gifts, grants, and contributions in 14834  
money, service, materials, or otherwise, and to use or expend them 14835  
according to their terms; 14836

(F) To adopt, amend, and rescind rules to carry into effect 14837  
the purposes and powers of the district; 14838

(G) To sue and plead in the name of the district, and be sued 14839  
and impleaded in the name of the district, with respect to its 14840  
contracts and, as indicated in section 940.07 of the Revised Code, 14841  
certain torts of its officers, employees, or agents acting within 14842  
the scope of their employment or official responsibilities, or 14843  
with respect to the enforcement of its obligations and covenants 14844  
made under this chapter; 14845

(H) To make and enter into all contracts, leases, and 14846  
agreements and execute all instruments necessary or incidental to 14847  
the performance of the duties and the execution of the powers of 14848  
the district under this chapter, provided that all of the 14849  
following apply: 14850

(1) Except as provided in section 307.86 of the Revised Code 14851  
regarding expenditures by boards of county commissioners, when the 14852  
cost under any such contract, lease, or agreement, other than 14853  
compensation for personal services or rental of office space, 14854  
involves an expenditure of more than the amount established in 14855  
that section regarding expenditures by boards of county 14856  
commissioners, the supervisors shall make a written contract with 14857  
the lowest and best bidder after advertisement, for not less than 14858  
two nor more than four consecutive weeks preceding the day of the 14859  
opening of bids, in a newspaper of general circulation within the 14860  
district or as provided in section 7.16 of the Revised Code and in 14861  
such other publications as the supervisors determine. The notice 14862  
shall state the general character of the work and materials to be 14863  
furnished, the place where plans and specifications may be 14864  
examined, and the time and place of receiving bids. 14865

(2) Each bid for a contract shall contain the full name of 14866  
every person interested in it. 14867

(3) Each bid for a contract for the construction, demolition, 14868  
alteration, repair, or reconstruction of an improvement shall meet 14869  
the requirements of section 153.54 of the Revised Code. 14870

(4) Each bid for a contract, other than a contract for the construction, demolition, alteration, repair, or reconstruction of an improvement, at the discretion of the supervisors, may be accompanied by a bond or certified check on a solvent bank in an amount not to exceed five per cent of the bid, conditioned that, if the bid is accepted, a contract shall be entered into.

(5) The supervisors may reject any and all bids.

(I) To charge, alter, and collect rentals and other charges for the use or services of any works of the district;

(J) To enter, either in person or by designated representatives, upon lands, private or public, in the necessary discharge of their duties;

(K) To enter into agreements or contracts with the department of agriculture for the determination, implementation, inspection, and funding of agricultural pollution abatement measures whereby landowners, operators, managers, and developers may meet adopted state standards for a quality environment, except that failure of a district board of supervisors to negotiate an agreement or contract with the department authorizes the department to implement the required program;

(L) To conduct demonstrations and provide information to the public regarding practices and methods for natural resource conservation, development, and utilization;

(M) To enter into contracts or agreements with, and seek technical guidance and program support from, the director of environmental protection in furtherance of actions to abate urban sediment and storm water runoff pollution;

(N) To enter into contracts or agreements with the director of natural resources for partnership on state programs to assist with local needs relating to the management of wildlife, forestry, waterways, and other natural resources programs;



<u>(O)</u> To develop operation and management plans as necessary;	14902
<del>(O)</del> <u>(P)</u> To determine whether operation and management plans developed under division (A) of section 939.03 of the Revised Code comply with the standards established under division (E)(1) of section 939.02 of the Revised Code and to approve or disapprove the plans, based on such compliance. If an operation and management plan is disapproved, the board shall provide a written explanation to the person who submitted the plan. The person may appeal the plan disapproval to the director of agriculture or the director's designee, who shall afford the person a hearing. Following the hearing, the director or the director's designee shall uphold the plan disapproval or reverse it. If the director or the director's designee reverses the plan disapproval, the plan shall be deemed approved under this division. In the event that any person operating or owning agricultural land or an animal feeding operation in accordance with an approved operation and management plan who, in good faith, is following that plan, causes agricultural pollution, the plan shall be revised in a fashion necessary to mitigate the agricultural pollution, as determined and approved by the board of supervisors of the soil and water conservation district.	14903 14904 14905 14906 14907 14908 14909 14910 14911 14912 14913 14914 14915 14916 14917 14918 14919 14920 14921 14922
<del>(P)</del> <u>(O)</u> To develop timber harvest plans;	14923
<del>(O)</del> <u>(R)</u> To determine whether timber harvest plans developed under division (A) of section 1503.52 of the Revised Code comply with the standards established under division (A)(1) of section 1503.51 of the Revised Code and to approve or disapprove the plans based on such compliance. If a timber harvest plan is disapproved, the board shall provide a written explanation to the person who submitted the plan. The person may appeal the plan disapproval to the chief of the division of forestry or the chief's designee, who shall afford the person a hearing. Following the hearing, the chief or the chief's designee shall uphold the plan disapproval or	14924 14925 14926 14927 14928 14929 14930 14931 14932 14933

reverse it. If the chief or the chief's designee reverses the plan 14934  
disapproval, the plan shall be deemed approved under this 14935  
division. 14936

~~(R)~~(S) With regard to composting conducted in conjunction 14937  
with agricultural operations, to do all of the following: 14938

(1) Upon request or upon their own initiative, inspect 14939  
composting at any such operation to determine whether the 14940  
composting is being conducted in accordance with section 939.04 of 14941  
the Revised Code; 14942

(2) If the board determines that composting is not being so 14943  
conducted, request the director to take corrective actions under 14944  
section 939.07 of the Revised Code that require the person who is 14945  
conducting the composting to prepare a composting plan in 14946  
accordance with rules adopted under division (E)(5)(a) of section 14947  
939.02 of the Revised Code and to operate in accordance with that 14948  
plan or to operate in accordance with a previously prepared plan, 14949  
as applicable; 14950

(3) In accordance with rules adopted under division (E)(5)(b) 14951  
of section 939.02 of the Revised Code, review and approve or 14952  
disapprove any such composting plan. If a plan is disapproved, the 14953  
board shall provide a written explanation to the person who 14954  
submitted the plan. 14955

As used in division ~~(R)~~(S) of this section, "composting" has 14956  
the same meaning as in section 939.01 of the Revised Code. 14957

~~(S)~~(T) With regard to conservation activities that are 14958  
conducted in conjunction with agricultural operations, to assist 14959  
the county auditor, upon request, in determining whether a 14960  
conservation activity is a conservation practice for purposes of 14961  
Chapter 929. or sections 5713.30 to 5713.37 and 5715.01 of the 14962  
Revised Code. 14963

As used in this division, "conservation practice" has the 14964

same meaning as in section 5713.30 of the Revised Code. 14965

~~(T)~~(U) To develop and approve or disapprove voluntary 14966  
nutrient management plans in accordance with section 905.323 of 14967  
the Revised Code; 14968

~~(U)~~(V) To do all acts necessary or proper to carry out the 14969  
powers granted in this chapter. 14970

The director of agriculture shall make recommendations to 14971  
reduce the adverse environmental effects of each project that a 14972  
soil and water conservation district plans to undertake under 14973  
division (A), (B), (C), or (D) of this section and that will be 14974  
funded in whole or in part by moneys authorized under section 14975  
940.17 of the Revised Code and shall disapprove any such project 14976  
that the director finds will adversely affect the environment 14977  
without equal or greater benefit to the public. The director's 14978  
disapproval or recommendations, upon the request of the district 14979  
filed in accordance with rules adopted by the Ohio soil and water 14980  
conservation commission, shall be reviewed by the commission, 14981  
which may confirm the director's decision, modify it, or add 14982  
recommendations to or approve a project the director has 14983  
disapproved. 14984

Any instrument by which real property is acquired pursuant to 14985  
this section shall identify the agency of the state that has the 14986  
use and benefit of the real property as specified in section 14987  
5301.012 of the Revised Code. 14988

**Sec. 956.01.** As used in this chapter: 14989

"Accredited veterinarian" means a veterinarian accredited by 14990  
the United States department of agriculture. 14991

"Adult dog" means a dog that is twelve months of age or 14992  
older. 14993

"Animal rescue for dogs" means an individual or organization 14994

recognized by the director of agriculture that keeps, houses, and 14995  
maintains dogs and that is dedicated to the welfare, health, 14996  
safety, and protection of dogs, provided that the individual or 14997  
organization does not operate for profit, does not sell dogs for a 14998  
profit, does not breed dogs, does not sell dogs to a dog broker or 14999  
pet store, and does not purchase more than nine dogs in any given 15000  
calendar year unless the dogs are purchased from a dog warden 15001  
appointed under Chapter 955. of the Revised Code, a humane 15002  
society, or another animal rescue for dogs. "Animal rescue for 15003  
dogs" includes an individual or organization that offers spayed or 15004  
neutered dogs for adoption and charges reasonable adoption fees to 15005  
cover the costs of the individual or organization, including, but 15006  
not limited to, costs related to spaying or neutering dogs. 15007

"Animal shelter for dogs" means a facility that keeps, 15008  
houses, and maintains dogs such as a dog pound operated by a 15009  
municipal corporation, or by a county under Chapter 955. of the 15010  
Revised Code, or that is operated by a humane society, animal 15011  
welfare society, society for the prevention of cruelty to animals, 15012  
or other nonprofit organization that is devoted to the welfare, 15013  
protection, and humane treatment of dogs and other animals. 15014

"Boarding kennel" means an establishment operating for profit 15015  
that keeps, houses, and maintains dogs solely for the purpose of 15016  
providing shelter, care, and feeding of the dogs in return for a 15017  
fee or other consideration. 15018

"Breeding dog" means an unspayed adult female dog that is 15019  
primarily used for producing offspring. 15020

"Dog broker" means a person who buys, sells, or offers to 15021  
sell dogs at wholesale for resale to another or who sells or gives 15022  
one or more dogs to a pet store annually. "Dog broker" does not 15023  
include an animal rescue for dogs, an animal shelter for dogs, a 15024  
humane society, a medical kennel for dogs, a research kennel for 15025  
dogs, a pet store, or a veterinarian. 15026

"Enrichment" means any modification in the environment of a confined dog that seeks to enhance the dog's physical and psychological well-being by providing stimuli that meets the dog's breed-specific needs.

"Exercise" means activity that allows a dog to extend to full stride, play, and engage in other types of mentally stimulating and social behaviors.

"High volume breeder" means an establishment that keeps, houses, and maintains six or more breeding dogs and does at least one of the following:

(1) In return for a fee or other consideration, sells five or more adult dogs or puppies in any calendar year to dog brokers or pet stores;

(2) In return for a fee or other consideration, sells forty or more puppies in any calendar year to the public; or

(3) Keeps, houses, and maintains, at any given time in a calendar year, more than forty puppies that are under four months of age, that have been bred on the premises of the establishment, and that have been primarily kept, housed, and maintained from birth on the premises of the establishment.

"Humane society" means an organization that is organized under section 1717.05 of the Revised Code.

"Environmental division of the Franklin county municipal court" means the environmental division of the Franklin county municipal court created in section 1901.011 of the Revised Code.

"Medical kennel for dogs" means a facility that is maintained by a veterinarian and operated primarily for the treatment of sick or injured dogs.

"Pet store" means an individual retail store to which both of the following apply: the store sells forty or more puppies or

adult dogs in any calendar year to the public; and with regard to 15057  
the sale of a dog from the store, the sales person, the buyer of a 15058  
dog, and the dog for sale are physically present during the sales 15059  
transaction so that the buyer may personally observe the dog and 15060  
help ensure its health prior to taking custody. "Pet store" does 15061  
not include an animal rescue for dogs, an animal shelter for dogs, 15062  
a humane society, a medical kennel for dogs, ~~or~~ a research kennel 15063  
for dogs, or a high volume breeder or any other dog breeder that 15064  
maintains and sells dogs from the same premises where the dogs are 15065  
bred and reared. 15066

"Puppy" means a dog that is under twelve months of age. 15067

"Research kennel for dogs" means a facility housing dogs that 15068  
is maintained exclusively for research purposes. 15069

"Thermoneutral zone" means the range of ambient temperature 15070  
in which a dog is able to maintain normal body temperature without 15071  
a change in metabolic rate. 15072

"Veterinarian" means either a veterinarian licensed in this 15073  
state under Chapter 4741. of the Revised Code or a veterinarian 15074  
licensed out of this state by an applicable state entity. 15075

**Sec. 956.031.** In addition to complying with rules adopted 15076  
under section 956.03 of the Revised Code, a high volume breeder 15077  
shall do all of the following with regard to a dog that is kept, 15078  
housed, and maintained by the breeder: 15079

(A) Unless otherwise directed by a veterinarian, provide the 15080  
dog, twice each day, with food that is all of the following: 15081

(1) Sufficient to maintain normal body condition and weight; 15082

(2) Unspoiled and uncontaminated; 15083

(3) Provided in accordance with a nutritional plan 15084  
recommended by a veterinarian; 15085

(4) Served in receptacles that are clean and sanitary.	15086
A high volume breeder may temporarily withhold food when directed by a veterinarian to do so.	15087 15088
(B) Each day provide access to a continuous supply of potable water in clean and sanitary receptacles that is of sufficient quality and quantity to ensure maintenance of normal body condition and growth unless otherwise directed by a veterinarian.	15089 15090 15091 15092
(C) Keep or confine the dog in a primary enclosure that complies with all of the following:	15093 15094
(1) The interior of the enclosure is at least six inches higher than the head of the tallest dog housed in the enclosure when the dog is in a normal standing position.	15095 15096 15097
(2) It allows each dog housed in the enclosure to turn in a complete circle, lie down, and fully extend its limbs.	15098 15099
(3) It is not stacked on top of another primary enclosure.	15100
(4) It is cleaned at least once per day to remove excreta, dirt, grime, and other waste.	15101 15102
(D) On and after December 31, 2021, keep or confine the dog in a primary enclosure that has a minimum floor space in square inches equal to the following: (the length of the dog housed in the enclosure in inches, as measured from the tip of the nose to the base of the tail, + nine inches) <sup>2</sup> multiplied by two. For each additional dog that is kept or confined in a primary enclosure, the enclosure shall have additional floor space in square inches equal to the following: (length of each additional dog housed in the enclosure in inches, as measured from the tip of the nose to the base of the tail, + nine inches) <sup>2</sup> .	15103 15104 15105 15106 15107 15108 15109 15110 15111 15112
<u>As used in this division, "dog" means a puppy that is twelve weeks of age or older or an adult dog.</u>	15113 15114
(E) On and after December 31, 2021, ensure that the minimum	15115

floor space provided in accordance with division (D) of this 15116  
section is solid or consists of slats. If the floor space consists 15117  
of slats, the high volume breeder shall ensure that all of the 15118  
following apply: 15119

(1) The spaces between the slats are not more than one-half 15120  
inch in width. 15121

(2) The slats are not less than three and one-half inches in 15122  
width. 15123

(3) All of the slats run in the same direction. 15124

(4) The floor is level. 15125

(F) On and after December 31, 2021, ensure that all flooring 15126  
complies with the following: 15127

(1) It consists of materials that can be cleaned and 15128  
sanitized; are safe for the breed, size, and age of the dog; are 15129  
free from protruding sharp edges; and are designed so that the paw 15130  
of the dog is unable to extend through or become caught in the 15131  
flooring. 15132

(2) If the flooring surface consists of a material that is 15133  
not solid, it has a solid resting area that can accommodate the 15134  
full length of the dog while lying down. 15135

(3) It does not sag, bend, or bounce. 15136

(4) It does not consist of ~~wire made of metal, including~~ 15137  
metal wire that, unless the metal wire is coated with another 15138  
material and the outer diameter of the coated metal measures six 15139  
gauge or thicker. 15140

(G) If the high volume breeder is using an indoor primary 15141  
enclosure to house the dog, ensure that the enclosure is located 15142  
in a facility that permits regulation of temperature, ventilation, 15143  
and lighting, including diurnal lighting. The high volume breeder 15144  
shall ensure that the lighting is sufficient, either through 15145



natural or artificial means, to observe the physical condition of 15146  
the dog and to permit inspection and cleaning of the dog and the 15147  
primary enclosure. 15148

(H) Use an outdoor primary enclosure to house the dog only if 15149  
a veterinarian approves such use; 15150

(I) If the high volume breeder is using an outdoor primary 15151  
enclosure to house the dog as provided in division (H) of this 15152  
section and if climatic or ambient temperatures pose a threat to 15153  
the health and welfare of the dog, take effective measures to 15154  
eliminate the threat. If the high volume breeder has to take such 15155  
measures, the high volume breeder shall consider the dog's age, 15156  
breed, overall health, and acclimation to the environment. The 15157  
high volume breeder shall not use an outdoor primary enclosure to 15158  
house the dog if the dog is unable to tolerate the prevalent 15159  
temperatures within the dog's thermoneutral zone. 15160

(J) House the dog with other dogs, except for reasons of 15161  
health, biosecurity, breeding, and behavioral issues. 15162

(K) If the dog is a puppy that is four months or younger, 15163  
house the dog with an adult dog only if the adult dog is the 15164  
puppy's dam or foster dam; 15165

(L) If the dog is a female, breed the dog only if the dog has 15166  
maintained a normal body condition and has been declared healthy 15167  
by a veterinarian following a physical examination; 15168

(M) If the dog is a female, ensure that the dog does not 15169  
produce more than eight litters in its lifetime; 15170

(N) Provide a clean, dry whelping area for each dam and her 15171  
nursing puppies. The high volume breeder shall ensure that the 15172  
area fully accommodates all puppies, allows the dam to lie fully 15173  
recumbent and stand, and permits the dam to temporarily move away 15174  
from her puppies as she chooses. The high volume breeder shall 15175  
ensure that no other animals inhabit the whelping area other than 15176

the dam and her puppies. 15177

(O) Provide the dog ~~with~~ an opportunity for daily exercise of 15178  
at least thirty minutes. However, this requirement does not apply 15179  
to an expectant female dog beginning fifty-two days after the 15180  
first breeding date until the dog gives birth, postpartum female 15181  
dog, or any other dog as directed by a veterinarian. 15182

(P) Provide the dog an opportunity to safely access the 15183  
outdoors during daylight hours<sup>+</sup>. However, this requirement does 15184  
not apply to an expectant female dog beginning fifty-two days 15185  
after the first breeding date and until the dog gives birth, a 15186  
female dog that is nursing, or a puppy that is younger than twelve 15187  
weeks of age. 15188

(Q) Provide the dog with daily environmental enrichment in 15189  
the dog's primary enclosure; 15190

(R) Provide human interaction with the dog for at least 15191  
fifteen minutes each day in addition to interaction that occurs 15192  
during feeding and cleaning time. The interaction, at a minimum, 15193  
shall include verbal and tactile stimulation in a positive and 15194  
beneficial manner. 15195

(S) Provide the dog appropriate medical care by a 15196  
veterinarian, including prompt treatment for any significant 15197  
disease, illness, or injury; 15198

(T) If the dog is an adult dog, provide the dog with an 15199  
annual physical examination by a veterinarian; 15200

(U) Comply with a vaccination and parasite control program 15201  
that is provided by a veterinarian and that is consistent with 15202  
recommendations of the American veterinarian medical association 15203  
or the American animal hospital association; 15204

(V) If a surgical or euthanasia procedure is required, use a 15205  
veterinarian to perform the procedure. 15206

**Sec. 956.051.** (A) No dog broker shall negligently sell, 15207  
deliver, barter, auction, broker, give away, or transfer a live 15208  
dog to a pet store in this state unless the dog was obtained from 15209  
one of the following sources: 15210

- (1) An animal rescue for dogs; 15211
- (2) An animal shelter for dogs; 15212
- (3) A humane society; 15213
- (4) A qualified breeder as defined in section 956.19 of the 15214  
Revised Code. 15215

(B) No dog broker shall negligently sell, deliver, barter, 15216  
auction, broker, give away, or transfer to a pet store in this 15217  
state any of the following: 15218

- (1) A dog that is less than eight weeks old; 15219
- (2) A dog without a health certificate signed by an 15220  
accredited veterinarian; 15221
- (3) A dog that does not have a permanent implanted 15222  
identification microchip that is approved for use by the director 15223  
of agriculture under rules adopted under section 956.03 of the 15224  
Revised Code; 15225
- (4) A dog to a person who is younger than eighteen years of 15226  
age as verified by valid photo identification; 15227
- (5) A dog acquired from a qualified breeder as defined in 15228  
section 956.19 of the Revised Code unless the dog broker provides 15229  
to the person acquiring the dog, at a time prior to the 15230  
transaction for the acquisition of the dog, a written 15231  
certification that includes all of the following information: 15232

- (a) The name of the breeder that bred the dog; 15233
- (b) The address, if available, of the breeder that bred the 15234  
dog; 15235

(c) The United States department of agriculture license	15236
number of the breeder that bred the dog, if applicable, and a copy	15237
of the most current United States department of agriculture	15238
inspection report for the breeder;	15239
(d) The dog's birth date, if known;	15240
(e) The date that the pet store took possession of the dog;	15241
(f) The breed, gender, color, and any identifying marks of	15242
the dog;	15243
(g) A document signed by an accredited veterinarian that	15244
describes any known disease, illness, or congenital or hereditary	15245
condition that adversely affects the health of the dog at the time	15246
of examination;	15247
(h) A document signed by the dog broker certifying that all	15248
information required to be provided to the person acquiring the	15249
dog under this section is accurate. A dog broker shall keep a copy	15250
of the certification for a period of at least two years from the	15251
date of the acquisition. The dog broker shall make the copy of the	15252
certification available for inspection or duplication by the	15253
department of agriculture.	15254
(C) No dog broker shall recklessly alter or provide false	15255
information on a certification provided in accordance with	15256
division (B)(5) of this section.	15257
<del>(D) This section does not apply to any dog that is being</del>	15258
<del>sold, delivered, bartered, auctioned, given away, brokered, or</del>	15259
<del>transferred from the premises where the dog was bred and reared.</del>	15260
<b>Sec. 956.20.</b> (A) No owner, manager, or employee of a pet	15261
store shall negligently display, offer for sale, deliver, barter,	15262
auction, broker, give away, transfer, or sell any live dog from a	15263
pet store to a person unless the dog was obtained from one of the	15264
following sources:	15265

(1) An animal rescue for dogs;	15266
(2) An animal shelter for dogs;	15267
(3) A humane society;	15268
(4) A dog broker, provided that, if the dog broker originally obtained the dog from a breeder, the breeder is a qualified breeder;	15269 15270 15271
(5) A qualified breeder.	15272
(B) No owner, manager, or employee of a pet store shall negligently sell, deliver, barter, auction, broker, give away, or transfer any of the following:	15273 15274 15275
(1) A dog that is less than eight weeks old;	15276
(2) A dog without a health certificate signed by an accredited veterinarian;	15277 15278
(3) A dog that does not have a permanent implanted identification microchip that is approved for use by the director of agriculture under rules adopted under section 956.03 of the Revised Code;	15279 15280 15281 15282
(4) A dog to a person who is younger than eighteen years of age as verified by valid photo identification;	15283 15284
(5) A dog acquired from a qualified breeder or a dog broker unless the owner, manager, or employee provides to the person acquiring the dog, at a time prior to the transaction for the acquisition of the dog, a written certification that includes all of the following information:	15285 15286 15287 15288 15289
(a) The name of the breeder that bred the dog;	15290
(b) The address, if available, of the breeder that bred the dog;	15291 15292
(c) The United States department of agriculture license number of the breeder that bred the dog, if applicable, and a copy	15293 15294

of the most current United States department of agriculture	15295
inspection report for the breeder;	15296
(d) The dog's birth date, if known;	15297
(e) The date that the pet store took possession of the dog;	15298
(f) The breed, gender, color, and any identifying marks of	15299
the dog;	15300
(g) A document signed by an accredited veterinarian that	15301
describes any known disease, illness, or congenital or hereditary	15302
condition that adversely affects the health of the dog at the time	15303
of examination;	15304
(h) A document signed by the owner, manager, or employee of	15305
the pet store certifying that all information required to be	15306
provided to the person acquiring the dog under division (B)(5) of	15307
this section is accurate. A pet store shall keep a copy of the	15308
certification for a period of at least two years from the date of	15309
the acquisition. The owner, manager, or an employee of the pet	15310
store shall make the copy of the certification available for	15311
inspection or duplication by the department of agriculture.	15312
(6) A dog acquired from a qualified breeder or a dog broker	15313
unless all of the following information regarding the dog is	15314
available to the general public at the pet store:	15315
(a) The name of the breeder that bred the dog;	15316
(b) The address, if available, of the breeder that bred the	15317
dog;	15318
(c) The United States department of agriculture license	15319
number of the breeder that bred the dog, if applicable;	15320
(d) The dog's birth date, if known;	15321
(e) The breed of the dog.	15322
(C) No owner, manager, or employee of a pet store shall	15323

recklessly alter or provide false information on a certification 15324  
provided in accordance with division (B)(5) of this section. 15325

~~(D) This section does not apply to any dog that is being 15326  
sold, delivered, bartered, auctioned, given away, brokered, or 15327  
transferred from the premises where the dog was bred and reared. 15328~~

**Sec. 991.02.** (A) There is hereby created the Ohio expositions 15329  
commission, which shall consist of the following ~~fourteen~~ fifteen 15330  
members: nine members appointed by the governor with the advice 15331  
and consent of the senate; the director of development, the 15332  
director of natural resources, and the director of agriculture, or 15333  
their designated representatives, who shall be ex officio members 15334  
with voting rights of the commission; the dean of the college of 15335  
food, agricultural, and environmental sciences of the Ohio state 15336  
university as a nonvoting, ex officio member of the commission; 15337  
and the chairperson of the standing committee in the house of 15338  
representatives to which matters dealing with agriculture are 15339  
generally referred and the chairperson of the standing committee 15340  
in the senate to which matters dealing with agriculture are 15341  
generally referred, who shall be nonvoting members. If the senate 15342  
is not in session, recess appointments shall be made by the 15343  
governor. 15344

(B) Of the nine members of the commission appointed by the 15345  
governor, not more than five shall be from one political party, at 15346  
least three members shall receive the major portion of their 15347  
income from farming, and at least one member shall, at the time of 15348  
appointment, be a member of the board of directors of an 15349  
agricultural society that was organized in compliance with section 15350  
1711.01 or 1711.02 of the Revised Code. Terms of office shall be 15351  
for six years, commencing on the second day of December and ending 15352  
on the first day of December. Each member shall hold office from 15353  
the date of appointment until the end of the term for which the 15354

member was appointed. Any member appointed to fill a vacancy 15355  
occurring prior to the expiration of the term for which the 15356  
member's predecessor was appointed shall hold office for the 15357  
remainder of that term. Any member shall continue in office 15358  
subsequent to the expiration date of the member's term until the 15359  
member's successor takes office, or until a period of sixty days 15360  
has elapsed, whichever occurs first. 15361

The term of each nonvoting, legislative member of the 15362  
commission shall be for two years or until the end of the member's 15363  
legislative term, whichever occurs first. 15364

(C) The commission shall annually, during the month of 15365  
December, select from among its members a chairperson, a 15366  
vice-chairperson, who in the absence of the chairperson shall 15367  
carry out the chairperson's duties, and a secretary, who may be a 15368  
member or employee of the commission, to record the minutes of its 15369  
meetings and to carry out such other duties as may be assigned by 15370  
the commission, its chairperson, or its vice-chairperson. 15371

(D) The director of agriculture, the director of natural 15372  
resources, and the director of development, or their designated 15373  
representatives, the dean of the college of food, agricultural, 15374  
and environmental sciences of the Ohio state university, and the 15375  
two legislators appointed to the commission, as members of the 15376  
commission shall serve without compensation. 15377

(E) Each of the members of the commission appointed by the 15378  
governor shall be paid the rate established pursuant to division 15379  
(J) of section 124.15 of the Revised Code. All members of the 15380  
commission are entitled to their actual and necessary expenses 15381  
incurred in the performance of their duties as such members, 15382  
payable from the appropriations for the commission. 15383

(F) The commission shall hold at least one regular meeting in 15384  
each quarter of each calendar year, and shall keep a record of its 15385



proceedings, which shall be open to the public for inspection. 15386  
Special meetings may be called by the chairperson and shall be 15387  
called by the chairperson upon receipt of a written request 15388  
therefor signed by two or more members of the commission. Written 15389  
notice of the time and place of each meeting shall be sent to each 15390  
member of the commission. Six of the voting members of the 15391  
commission shall constitute a quorum. 15392

(G) The commission shall employ and prescribe the powers and 15393  
duties of a general manager who shall serve in the unclassified 15394  
civil service at a salary fixed pursuant to section 124.14 of the 15395  
Revised Code. The general manager may employ such assistant 15396  
managers as the general manager and the commission may approve. At 15397  
no time shall such assistant managers exceed four in number, one 15398  
of whom shall be appointed in the classified civil service. The 15399  
general manager may, subject to the approval of the commission, 15400  
employ a fiscal officer and such other officers, employees, and 15401  
consultants with such powers and duties as are necessary to carry 15402  
out this chapter. With the approval of the commission and in order 15403  
to implement this chapter, the general manager may employ and fix 15404  
the compensation of seasonal employees; these employees shall be 15405  
in the unclassified civil service, and the overtime pay 15406  
requirements of section 124.18 of the Revised Code do not apply to 15407  
them. The general manager shall be considered the appointing 15408  
authority of the commission for purposes of Chapter 124. of the 15409  
Revised Code. 15410

(H) The governor may remove any appointed voting member of 15411  
the commission at any time for inefficiency, neglect of duty, or 15412  
malfeasance in office. 15413

Sec. 1181.23. (A) The superintendent of financial 15414  
institutions may require persons licensed or registered by the 15415  
division of financial institutions to participate in a multistate 15416

licensing system. 15417

(B)(1) If the superintendent requires use of a multistate 15418  
licensing system, the superintendent may establish, by rule, 15419  
regulation, or order, requirements as necessary to enable 15420  
information required by existing statutes providing for licensing 15421  
or registration to be submitted to the superintendent through the 15422  
multistate licensing system. 15423

(2) The superintendent shall not adopt a requirement in 15424  
conflict with a provision of the Revised Code, but may add to 15425  
existing requirements with regard to all of the following: 15426

(a) The manner of obtaining required criminal history 15427  
records, civil or administrative records, or credit history 15428  
records; 15429

(b) The payment of fees required for the use of the 15430  
multistate licensing system; 15431

(c) The setting or resetting as necessary of renewal or 15432  
reporting dates; 15433

(d) The amending of or surrendering of a license or 15434  
registration. 15435

(C) Any person engaged in activity that requires licensure or 15436  
registration pursuant to this section shall utilize the multistate 15437  
licensing system for the application for, renewal of, amendment 15438  
to, or surrender of a license or registration, as well as for any 15439  
other activity as the superintendent may require. Such a person 15440  
shall pay all applicable charges to utilize the multistate 15441  
licensing system. 15442

(D) The superintendent is authorized to establish 15443  
relationships or contacts with the multistate licensing system or 15444  
other entities designated by the multistate licensing system to 15445  
collect and maintain records and process transaction fees or other 15446

fees related to licensees and registrants. 15447

(E) Any confidentiality or privilege arising under federal or 15448  
state law with respect to any information or material provided to 15449  
the multistate licensing system shall continue to apply to the 15450  
information or material after the information or material is 15451  
provided to the multistate licensing system. The information and 15452  
material so provided may be released to any state or federal 15453  
regulatory official with applicable oversight authority without 15454  
the loss of confidentiality or privilege protections provided by 15455  
federal law or the law of any state. 15456

(F) The superintendent may use the documents, materials, or 15457  
other information made available to the superintendent through the 15458  
multistate licensing system in furtherance of any action brought 15459  
by the superintendent. 15460

**Sec. 1321.73.** (A) No person shall engage in the business of 15461  
entering into or otherwise acquiring premium finance agreements in 15462  
the state without first having obtained a license as a premium 15463  
finance company from the division of financial institutions. 15464

(B) The annual license fee shall be determined by the 15465  
superintendent of financial institutions pursuant to section 15466  
1321.20 of the Revised Code. Licenses may be renewed from year to 15467  
year as of the first day of July of each year, or annually on a 15468  
different date established by the superintendent pursuant to 15469  
section 1181.23 of the Revised Code, upon payment of the fee. 15470

(C) The person to whom the license or the renewal thereof is 15471  
issued shall file sworn answers, subject to the penalties of 15472  
perjury, to such interrogatories as the division requires. The 15473  
division may, at any time, require the applicant to fully disclose 15474  
the identity of all stockholders, partners, officers, and 15475  
employees, and it may, at its discretion, refuse to issue or renew 15476  
a license in the name of any firm, partnership, or corporation if 15477

it is not satisfied that any officer, employee, stockholder, or partner thereof, who may materially influence the applicant's conduct, meets the standards provided by sections 1321.71 to 1321.83 of the Revised Code.

(D) Each applicant shall execute and file with the division proof that the applicant has a net worth of at least fifty thousand dollars, as determined in accordance with generally accepted accounting principles. The proof is subject to the approval of the division.

**Sec. 1346.04.** As used in this section and sections 1346.05 to 1346.10 of the Revised Code:

(A) "Brand family" means all styles of cigarettes sold under the same trademark and differentiated from one another by means of additional modifiers or descriptors, including, but not limited to, "menthol," "lights," "kings," and "100s." "Brand family" includes cigarettes sold under any brand name (whether that name is used alone or in conjunction with any other word), trademark, logo, symbol, motto, selling message, recognizable pattern of colors, or other indicia of product identification identical or similar to, or identifiable with, a previous brand of cigarettes.

(B) "Cigarette," "Master Settlement Agreement," "qualified escrow fund," "tobacco product manufacturer," and "units sold" have the same meanings as in section 1346.01 of the Revised Code.

(C) "Nonparticipating manufacturer" means any tobacco product manufacturer that is not a participating manufacturer.

(D) "Participating manufacturer" means a participating manufacturer as that term is defined in section II(jj) of the Master Settlement Agreement and all amendments to that agreement.

(E) "Stamping agent" means a person who is authorized to affix tax stamps to packages or other containers of cigarettes

under section 5743.03 of the Revised Code or a person who is 15508  
required to pay the excise tax imposed on cigarettes and other 15509  
tobacco products under sections 5743.03 and 5743.51 of the Revised 15510  
Code, except for a vapor distributor licensed to engage solely in 15511  
the distribution of vapor products under section 5743.61 of the 15512  
Revised Code. 15513

**Sec. 1347.08.** (A) Every state or local agency that maintains 15514  
a personal information system, upon the request and the proper 15515  
identification of any person who is the subject of personal 15516  
information in the system, shall: 15517

(1) Inform the person of the existence of any personal 15518  
information in the system of which the person is the subject; 15519

(2) Except as provided in divisions (C) and (E)(2) of this 15520  
section, permit the person, the person's legal guardian, or an 15521  
attorney who presents a signed written authorization made by the 15522  
person, to inspect all personal information in the system of which 15523  
the person is the subject; 15524

(3) Inform the person about the types of uses made of the 15525  
personal information, including the identity of any users usually 15526  
granted access to the system. 15527

(B) Any person who wishes to exercise a right provided by 15528  
this section may be accompanied by another individual of the 15529  
person's choice. 15530

(C)(1) A state or local agency, upon request, shall disclose 15531  
medical, psychiatric, or psychological information to a person who 15532  
is the subject of the information or to the person's legal 15533  
guardian, unless a physician, psychiatrist, or psychologist 15534  
determines for the agency that the disclosure of the information 15535  
is likely to have an adverse effect on the person, in which case 15536  
the information shall be released to a physician, psychiatrist, or 15537

psychologist who is designated by the person or by the person's 15538  
legal guardian. 15539

(2) Upon the signed written request of either a licensed 15540  
attorney at law or a licensed physician designated by the inmate, 15541  
together with the signed written request of an inmate of a 15542  
correctional institution under the administration of the 15543  
department of rehabilitation and correction, the department shall 15544  
disclose medical information to the designated attorney or 15545  
physician as provided in division (C) of section 5120.21 of the 15546  
Revised Code. 15547

(D) If an individual who is authorized to inspect personal 15548  
information that is maintained in a personal information system 15549  
requests the state or local agency that maintains the system to 15550  
provide a copy of any personal information that the individual is 15551  
authorized to inspect, the agency shall provide a copy of the 15552  
personal information to the individual. Each state and local 15553  
agency may establish reasonable fees for the service of copying, 15554  
upon request, personal information that is maintained by the 15555  
agency. 15556

(E)(1) This section regulates access to personal information 15557  
that is maintained in a personal information system by persons who 15558  
are the subject of the information, but does not limit the 15559  
authority of any person, including a person who is the subject of 15560  
personal information maintained in a personal information system, 15561  
to inspect or have copied, pursuant to section 149.43 of the 15562  
Revised Code, a public record as defined in that section. 15563

(2) This section does not provide a person who is the subject 15564  
of personal information maintained in a personal information 15565  
system, the person's legal guardian, or an attorney authorized by 15566  
the person, with a right to inspect or have copied, or require an 15567  
agency that maintains a personal information system to permit the 15568  
inspection of or to copy, a confidential law enforcement 15569

investigatory record or trial preparation record, as defined in	15570
divisions (A)(2) and (4) of section 149.43 of the Revised Code.	15571
(F) This section does not apply to any of the following:	15572
(1) The contents of an adoption file maintained by the	15573
department of health under sections 3705.12 to 3705.124 of the	15574
Revised Code;	15575
(2) Information contained in the putative father registry	15576
established by section 3107.062 of the Revised Code, regardless of	15577
whether the information is held by the department of job and	15578
family services or, pursuant to section 3111.69 of the Revised	15579
Code, the office of child support in the department or a child	15580
support enforcement agency;	15581
(3) Papers, records, and books that pertain to an adoption	15582
and that are subject to inspection in accordance with section	15583
3107.17 of the Revised Code;	15584
(4) Records specified in division (A) of section 3107.52 of	15585
the Revised Code;	15586
(5) Records that identify an individual described in division	15587
(A)(1) of section 3721.031 of the Revised Code, or that would tend	15588
to identify such an individual;	15589
(6) Files and records that have been expunged under division	15590
(D)(1) or (2) of section 3721.23 of the Revised Code;	15591
(7) Records that identify an individual described in division	15592
(A)(1) of section 3721.25 of the Revised Code, or that would tend	15593
to identify such an individual;	15594
(8) Records that identify an individual described in division	15595
(A)(1) of section 5165.88 of the Revised Code, or that would tend	15596
to identify such an individual;	15597
(9) Test materials, examinations, or evaluation tools used in	15598
an examination for licensure as a nursing home administrator that	15599

the board of executives of long-term services and supports 15600  
administers under section ~~4751.04~~ 4751.15 of the Revised Code or 15601  
contracts under that section with a private or government entity 15602  
to administer; 15603

(10) Information contained in a database established and 15604  
maintained pursuant to section 5101.13 of the Revised Code; 15605

(11) Information contained in a database established and 15606  
maintained pursuant to section 5101.631 of the Revised Code. 15607

**Sec. 1349.05.** (A) As used in this section: 15608

(1) "Agency" and "license" have the same meanings as in 15609  
section 119.01 of the Revised Code. 15610

(2) "Crime" and "victim" have the same meanings as in section 15611  
2930.01 of the Revised Code. 15612

(3) "Health care practitioner" means any of the following: 15613

(a) An individual licensed under Chapter 4731. of the Revised 15614  
Code to practice medicine and surgery; 15615

(b) An individual licensed under Chapter 4723. of the Revised 15616  
Code to practice as an advanced practice registered nurse; 15617

(c) An individual licensed under Chapter 4730. of the Revised 15618  
Code to practice as a physician assistant; 15619

(d) An individual licensed under Chapter 4732. of the Revised 15620  
Code to practice as a psychologist; 15621

(e) An individual licensed under Chapter 4734. of the Revised 15622  
Code to practice as a chiropractor. 15623

(B) No health care practitioner, with the intent to obtain 15624  
professional employment for the health care practitioner, shall 15625  
directly contact in person, by telephone, or by electronic means 15626  
any party to a motor vehicle accident, any victim of a crime, or 15627  
any witness to a motor vehicle accident or crime until thirty days 15628



after the date of the motor vehicle accident or crime. Any 15629  
communication to obtain professional employment shall be sent via 15630  
the United States postal service. 15631

(C) No person who has been paid or given, or was offered to 15632  
be paid or given, money or anything of value to solicit employment 15633  
on behalf of another shall directly contact in person, by 15634  
telephone, or by electronic means any party to a motor vehicle 15635  
accident, any victim of a crime, or any witness to a motor vehicle 15636  
accident or crime until thirty days after the date of the motor 15637  
vehicle accident or crime. Any communication to solicit employment 15638  
on behalf of another shall be sent via the United States postal 15639  
service. 15640

(D) If the attorney general believes that a health care 15641  
practitioner or a person described in division (C) of this section 15642  
has violated division (B) or (C) of this section, the attorney 15643  
general shall issue a notice and conduct a hearing in accordance 15644  
with Chapter 119. of the Revised Code. If, after the hearing, the 15645  
attorney general determines that a violation of division (B) or 15646  
(C) of this section occurred, the attorney general shall impose a 15647  
fine of five thousand dollars for each violation to each health 15648  
care practitioner or person described in division (C) of this 15649  
section who sought to financially benefit from the solicitation. 15650  
If the attorney general determines that a health care practitioner 15651  
or person described in division (C) of this section has 15652  
subsequently violated division (B) or (C) of this section, the 15653  
attorney general shall impose a fine of twenty-five thousand 15654  
dollars for each violation. 15655

(E) After determining that a health care practitioner or 15656  
person described in division (C) of this section has violated 15657  
division (B) or (C) of this section on three separate occasions, 15658  
and if that health care practitioner or person described in 15659  
division (C) of this section holds a license issued by an agency, 15660

the attorney general shall notify that agency in writing of the 15661  
three violations. On receipt of that notice, the agency shall 15662  
suspend the health care practitioner's or the person's license 15663  
without a prior hearing and shall afford the health care 15664  
practitioner or the person a hearing on request in accordance with 15665  
section 119.06 of the Revised Code. 15666

**Sec. 1349.43.** (A) As used in this section, "loan officer," 15667  
"mortgage broker," and "nonbank mortgage lender" have the same 15668  
meanings as in section 1345.01 of the Revised Code. 15669

(B) The department of commerce shall establish and maintain 15670  
an electronic database accessible through the internet that 15671  
contains information on all of the following: 15672

(1) The enforcement actions taken by the superintendent of 15673  
financial institutions for each violation of or failure to comply 15674  
with any provision of Chapter 1322. of the Revised Code, upon 15675  
final disposition of the action; 15676

(2) The enforcement actions taken by the attorney general 15677  
under Chapter 1345. of the Revised Code against loan officers, 15678  
mortgage brokers, and nonbank mortgage lenders, upon final 15679  
disposition of each action; 15680

(3) All judgments by courts of this state, concerning which 15681  
appellate remedies have been exhausted or lost by the expiration 15682  
of the time for appeal, finding either of the following: 15683

(a) A violation of any provision of Chapter 1322. of the 15684  
Revised Code; 15685

(b) That specific acts or practices by a loan officer, 15686  
mortgage broker, or nonbank mortgage lender violate section 15687  
1345.02, 1345.03, or 1345.031 of the Revised Code. 15688

(C) The attorney general shall notify the department of all 15689  
enforcement actions and judgments described in divisions (B)(2) 15690

and (3)(b) of this section. 15691

(D) The department may adopt rules in accordance with Chapter 15692  
119. of the Revised Code that are necessary to implement this 15693  
section. 15694

(E) The electronic database maintained by the department in 15695  
accordance with this section shall not include information that, 15696  
pursuant to section 1322.36 of the Revised Code, is confidential. 15697

(F) The department may use the multistate licensing system 15698  
authorized in section 1181.23 of the Revised Code to fulfill its 15699  
obligations under this section. 15700

**Sec. 1505.09.** (A) There is hereby created in the state 15701  
treasury the geological mapping fund, to be administered by the 15702  
chief of the division of geological survey. Except as provided in 15703  
~~division (B)~~ divisions (C) and (D) of this section, the fund shall 15704  
be used for both of the following purposes of performing: 15705

(1) Performing the necessary field, laboratory, and 15706  
administrative tasks to map and make public reports on the 15707  
geology, geologic hazards, and energy and mineral resources of the 15708  
state; 15709

(2) The administration of the oil and gas leasing commission 15710  
created in section 1509.71 of the Revised Code. The source 15711

(B) The sources of money for the fund shall include, ~~but not~~ 15712  
~~be limited to,~~ the all of the following: 15713

(1) The mineral severance tax as specified in section 5749.02 15714  
of the Revised Code ~~transfers;~~ 15715

(2) Transfers made to the fund in accordance with section 15716  
6111.046 of the Revised Code, ~~and the;~~ 15717

(3) Contributions that a person pays to the bureau of motor 15718  
vehicles to obtain "Ohio geology" license plates under section 15719

4503.515 of the Revised Code; 15720

(4) The fees collected under rules adopted under section 15721  
1505.05 of the Revised Code. ~~The~~ 15722

The chief may seek federal or other money in addition to the 15723  
mineral severance tax and fees to carry out the purposes of this 15724  
section. If the chief receives federal money for the purposes of 15725  
this section, the chief shall deposit that money into the state 15726  
treasury to the credit of a fund created by the controlling board 15727  
to carry out those purposes. ~~Other~~ 15728

Other money received by the chief for the purposes of this 15729  
section in addition to the mineral severance tax, fees, and 15730  
federal money shall be credited to the geological mapping fund. 15731

~~(B)~~(C) Any money transferred to the geological mapping fund 15732  
in accordance with section 6111.046 of the Revised Code shall be 15733  
used by the chiefs of the divisions of mineral resources 15734  
management, oil and gas resources management, geological survey, 15735  
and water resources in the department of natural resources for the 15736  
purpose of executing their duties under sections 6111.043 to 15737  
6111.047 of the Revised Code. 15738

(D) The director of natural resources shall use contributions 15739  
from "Ohio geology" license plates deposited into the fund for 15740  
both of the following purposes in order of preference: 15741

(1) To award grants to geology departments at state colleges 15742  
and universities for graduate level research conducted at 15743  
locations of geological interest in the state; 15744

(2) To provide materials such as rock and mineral kits to 15745  
state elementary and secondary schools to assist students in the 15746  
study of geology. 15747

The director shall award grants at least annually, but at the 15748  
director's discretion, may award grants more frequently. 15749

Sec. 1509.28. (A) The chief of the division of oil and gas 15750  
resources management, upon the chief's own motion or upon 15751  
application by the owners of sixty-five per cent of the land area 15752  
overlying the pool, shall hold a hearing to consider the need for 15753  
the operation as a unit of an entire pool or part thereof. In 15754  
calculating the sixty-five per cent, an owner's entire interest in 15755  
each tract in the proposed unit area, including any divided, 15756  
undivided, partial, fee, or other interest in the tract, shall be 15757  
included to the fullest extent of that interest. An application by 15758  
owners shall be accompanied by a nonrefundable fee of ten thousand 15759  
dollars and by such information as the chief may request. 15760

The chief shall make an order providing for the unit 15761  
operation of a pool or part thereof if the chief finds that such 15762  
operation is reasonably necessary to increase substantially the 15763  
ultimate recovery of oil and gas, and the value of the estimated 15764  
additional recovery of oil or gas exceeds the estimated additional 15765  
cost incident to conducting the operation. The order shall be upon 15766  
terms and conditions that are just and reasonable and shall 15767  
prescribe a plan for unit operations that shall include: 15768

(1) A description of the unitized area, termed the unit area; 15769

(2) A statement of the nature of the operations contemplated; 15770

(3) An allocation to the separately owned tracts in the unit 15771  
area of all the oil and gas that is produced from the unit area 15772  
and is saved, being the production that is not used in the conduct 15773  
of operations on the unit area or not unavoidably lost. The 15774  
allocation shall be in accord with the agreement, if any, of the 15775  
interested parties. If there is no such agreement, the chief shall 15776  
determine the value, from the evidence introduced at the hearing, 15777  
of each separately owned tract in the unit area, exclusive of 15778  
physical equipment, for development of oil and gas by unit 15779  
operations, and the production allocated to each tract shall be 15780

the proportion that the value of each tract so determined bears to 15781  
the value of all tracts in the unit area. 15782

(4) A provision for the credits and charges to be made in the 15783  
adjustment among the owners in the unit area for their respective 15784  
investments in wells, tanks, pumps, machinery, materials, and 15785  
equipment contributed to the unit operations; 15786

(5) A provision providing how the expenses of unit 15787  
operations, including capital investment, shall be determined and 15788  
charged to the separately owned tracts and how the expenses shall 15789  
be paid; 15790

(6) A provision, if necessary, for carrying or otherwise 15791  
financing any person who is unable to meet the person's financial 15792  
obligations in connection with the unit, allowing a reasonable 15793  
interest charge for such service; 15794

(7) A provision for the supervision and conduct of the unit 15795  
operations, in respect to which each person shall have a vote with 15796  
a value corresponding to the percentage of the expenses of unit 15797  
operations chargeable against the interest of that person; 15798

(8) The time when the unit operations shall commence, and the 15799  
manner in which, and the circumstances under which, the unit 15800  
operations shall terminate; 15801

(9) Such additional provisions as are found to be appropriate 15802  
for carrying on the unit operations, and for the protection or 15803  
adjustment of correlative rights. 15804

(B) No order of the chief providing for unit operations shall 15805  
become effective unless and until the plan for unit operations 15806  
prescribed by the chief has been approved in writing by those 15807  
owners who, under the chief's order, will be required to pay at 15808  
least sixty-five per cent of the costs of the unit operation, and 15809  
also by the royalty or, with respect to unleased acreage, fee 15810  
owners of sixty-five per cent of the acreage to be included in the 15811

unit. If the plan for unit operations has not been so approved by 15812  
owners and royalty owners at the time the order providing for unit 15813  
operations is made, the chief shall upon application and notice 15814  
hold such supplemental hearings as may be required to determine if 15815  
and when the plan for unit operations has been so approved. If the 15816  
owners and royalty owners, or either, owning the required 15817  
percentage of interest in the unit area do not approve the plan 15818  
for unit operations within a period of six months from the date on 15819  
which the order providing for unit operations is made, the order 15820  
shall cease to be of force and shall be revoked by the chief. 15821

An order providing for unit operations may be amended by an 15822  
order made by the chief, in the same manner and subject to the 15823  
same conditions as an original order providing for unit 15824  
operations, provided that: 15825

(1) If such an amendment affects only the rights and 15826  
interests of the owners, the approval of the amendment by the 15827  
royalty owners shall not be required. 15828

(2) No such order of amendment shall change the percentage 15829  
for allocation of oil and gas as established for any separately 15830  
owned tract by the original order, except with the consent of all 15831  
persons owning interest in the tract. 15832

The chief, by an order, may provide for the unit operation of 15833  
a pool or a part thereof that embraces a unit area established by 15834  
a previous order of the chief. Such an order, in providing for the 15835  
allocation of unit production, shall first treat the unit area 15836  
previously established as a single tract, and the portion of the 15837  
unit production so allocated thereto shall then be allocated among 15838  
the separately owned tracts included in the previously established 15839  
unit area in the same proportions as those specified in the 15840  
previous order. 15841

Oil and gas allocated to a separately owned tract shall be 15842

deemed, for all purposes, to have been actually produced from the 15843  
tract, and all operations, including, but not limited to, the 15844  
commencement, drilling, operation of, or production from a well 15845  
upon any portion of the unit area shall be deemed for all purposes 15846  
the conduct of such operations and production from any lease or 15847  
contract for lands any portion of which is included in the unit 15848  
area. The operations conducted pursuant to the order of the chief 15849  
shall constitute a fulfillment of all the express or implied 15850  
obligations of each lease or contract covering lands in the unit 15851  
area to the extent that compliance with such obligations cannot be 15852  
had because of the order of the chief. 15853

Oil and gas allocated to any tract, and the proceeds from the 15854  
sale thereof, shall be the property and income of the several 15855  
persons to whom, or to whose credit, the same are allocated or 15856  
payable under the order providing for unit operations. 15857

No order of the chief or other contract relating to the sale 15858  
or purchase of production from a separately owned tract shall be 15859  
terminated by the order providing for unit operations, but shall 15860  
remain in force and apply to oil and gas allocated to the tract 15861  
until terminated in accordance with the provisions thereof. 15862

Notwithstanding divisions (A) to (H) of section 1509.73 of 15863  
the Revised Code and rules adopted under it, the chief shall issue 15864  
an order for the unit operation of a pool or a part of a pool that 15865  
encompasses a unit area for which all or a portion of the mineral 15866  
rights are owned by the department of transportation. 15867

Except to the extent that the parties affected so agree, no 15868  
order providing for unit operations shall be construed to result 15869  
in a transfer of all or any part of the title of any person to the 15870  
oil and gas rights in any tract in the unit area. All property, 15871  
whether real or personal, that may be acquired for the account of 15872  
the owners within the unit area shall be the property of such 15873  
owners in the proportion that the expenses of unit operations are 15874



charged. 15875

Sec. 1509.31. (A)(1) No person shall operate a well in this 15876  
state unless the person first registers with and obtains an 15877  
identification number from the chief of the division of oil and 15878  
gas resources management. 15879

(2) Whenever the entire interest of an oil and gas lease is 15880  
assigned or otherwise transferred, the assignor or transferor 15881  
shall notify the holders of the royalty interests, and, if a well 15882  
or wells exist on the lease, the division of oil and gas resources 15883  
management, of the name and address of the assignee or transferee 15884  
by certified mail, return receipt requested, not later than thirty 15885  
days after the date of the assignment or transfer. When notice of 15886  
any such assignment or transfer is required to be provided to the 15887  
division, it shall be provided on a form prescribed and provided 15888  
by the division and verified by both the assignor or transferor 15889  
and by the assignee or transferee ~~and shall be accompanied by a~~ 15890  
~~nonrefundable fee of one hundred dollars for each well.~~ The notice 15891  
form applicable to assignments or transfers of a well to the owner 15892  
of the surface estate of the tract on which the well is located 15893  
shall contain a statement informing the landowner that the well 15894  
may require periodic servicing to maintain its productivity; that, 15895  
upon assignment or transfer of the well to the landowner, the 15896  
landowner becomes responsible for compliance with the requirements 15897  
of this chapter and rules adopted under it, including, without 15898  
limitation, the proper disposal of brine obtained from the well, 15899  
the plugging of the well when it becomes incapable of producing 15900  
oil or gas, and the restoration of the well site; and that, upon 15901  
assignment or transfer of the well to the landowner, the landowner 15902  
becomes responsible for the costs of compliance with the 15903  
requirements of this chapter and rules adopted under it and the 15904  
costs for operating and servicing the well. 15905

(3) Notwithstanding division (A)(2) of this section, the assignee or transferee shall notify the division of oil and gas resources management of the assignment or transfer if both of the following apply: 15906  
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(a) The assignor or transferor failed to notify the division of the assignment or transfer as required by division (A)(2) of this section; 15910  
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(b) The assignor or transferor is deceased, dissolved, cannot be located, or is otherwise incapable of complying with the notification requirement. 15913  
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The assignee or transferee shall notify the division of the assignment or transfer on a form prescribed and provided by the division. At a minimum, the form shall require the assignee or transferee to attest that the assignee or transferee is the owner. The division shall not charge a fee for such assignment or transfer when notice is provided in accordance with division (A)(3) of this section. 15916  
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(B) When the entire interest of a well is proposed to be assigned or otherwise transferred to the landowner for use as an exempt domestic well, the owner who has been issued a permit under this chapter for the well shall submit to the chief of the division of oil and gas resources management an application for the assignment or transfer that contains all documents that the chief requires ~~and a nonrefundable fee of one hundred dollars~~. The application for such an assignment or transfer shall be prescribed and provided by the chief. The chief may approve the application if the application is accompanied by a release of all of the oil and gas leases that are included in the applicable formation of the drilling unit, the release is in a form such that the well ownership merges with the fee simple interest of the surface tract, and the release is in a form that may be recorded. However, if the owner of the well does not release the oil and gas leases 15923  
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associated with the well that is proposed to be assigned or 15938  
otherwise transferred or if the fee simple tract that results from 15939  
the merger of the well ownership with the fee simple interest of 15940  
the surface tract is less than five acres, the proposed exempt 15941  
domestic well owner shall post a five thousand dollar bond with 15942  
the division prior to the assignment or transfer of the well to 15943  
ensure that the well will be properly plugged. The chief, for good 15944  
cause, may modify the requirements of this section governing the 15945  
assignment or transfer of the interests of a well to the 15946  
landowner. Upon the assignment or transfer of the well, the owner 15947  
of an exempt domestic well is not subject to the severance tax 15948  
levied under section 5749.02 of the Revised Code, but is subject 15949  
to all applicable fees established in this chapter. 15950

(C) The owner holding a permit under section 1509.05 of the 15951  
Revised Code is responsible for all obligations and liabilities 15952  
imposed by this chapter and any rules, orders, and terms and 15953  
conditions of a permit adopted or issued under it, and no 15954  
assignment or transfer by the owner relieves the owner of the 15955  
obligations and liabilities until and unless the assignee or 15956  
transferee files with the division the information described in 15957  
divisions (A)(1), (2), (3), (4), (5), (10), (11), and (12) of 15958  
section 1509.06 of the Revised Code; obtains liability insurance 15959  
coverage required by section 1509.07 of the Revised Code, except 15960  
when none is required by that section; and executes and files a 15961  
surety bond, negotiable certificates of deposit or irrevocable 15962  
letters of credit, or cash, as described in that section. Instead 15963  
of a bond, but only upon acceptance by the chief, the assignee or 15964  
transferee may file proof of financial responsibility, described 15965  
in section 1509.07 of the Revised Code. Section 1509.071 of the 15966  
Revised Code applies to the surety bond, cash, and negotiable 15967  
certificates of deposit and irrevocable letters of credit 15968  
described in this section. Unless the chief approves a 15969  
modification, each assignee or transferee shall operate in 15970

accordance with the plans and information filed by the permit holder pursuant to section 1509.06 of the Revised Code. 15971  
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(D) If a mortgaged property that is being foreclosed is subject to an oil or gas lease, pipeline agreement, or other instrument related to the production or sale of oil or natural gas and the lease, agreement, or other instrument was recorded subsequent to the mortgage, and if the lease, agreement, or other instrument is not in default, the oil or gas lease, pipeline agreement, or other instrument, as applicable, has priority over all other liens, claims, or encumbrances on the property so that the oil or gas lease, pipeline agreement, or other instrument is not terminated or extinguished upon the foreclosure sale of the mortgaged property. If the owner of the mortgaged property was entitled to oil and gas royalties before the foreclosure sale, the oil or gas royalties shall be paid to the purchaser of the foreclosed property. 15973  
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**Sec. 1509.36.** Any person adversely affected by an order by the chief of the division of oil and gas resources management may appeal to the oil and gas commission for an order vacating or modifying the order. 15987  
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The person so appealing to the commission shall be known as appellant and the chief shall be known as appellee. Appellant and appellee shall be deemed to be parties to the appeal. 15991  
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The appeal shall be in writing and shall set forth the order complained of and the grounds upon which the appeal is based. The appeal shall be filed with the commission within thirty days after the date upon which the ~~appellant~~ person to whom the order was issued received ~~notice by certified mail~~ the order and, for all other persons adversely affected by the order, within thirty days after the date of the order complained of. Notice of the filing of the appeal shall be filed with the chief within three days after 15994  
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the appeal is filed with the commission. 16002

Upon the filing of the appeal the commission promptly shall 16003  
fix the time and place at which the hearing on the appeal will be 16004  
held, and shall give the appellant and the chief at least ten 16005  
days' written notice thereof by mail. The commission may postpone 16006  
or continue any hearing upon its own motion or upon application of 16007  
the appellant or of the chief. 16008

The filing of an appeal provided for in this section does not 16009  
automatically suspend or stay execution of the order appealed 16010  
from, but upon application by the appellant the commission may 16011  
suspend or stay the execution pending determination of the appeal 16012  
upon such terms as the commission considers proper. 16013

Either party to the appeal or any interested person who, 16014  
pursuant to commission rules has been granted permission to 16015  
appear, may submit such evidence as the commission considers 16016  
admissible. 16017

For the purpose of conducting a hearing on an appeal, the 16018  
commission may require the attendance of witnesses and the 16019  
production of books, records, and papers, and it may, and at the 16020  
request of any party it shall, issue subpoenas for witnesses or 16021  
subpoenas duces tecum to compel the production of any books, 16022  
records, or papers, directed to the sheriffs of the counties where 16023  
the witnesses are found. The subpoenas shall be served and 16024  
returned in the same manner as subpoenas in criminal cases are 16025  
served and returned. The fees of sheriffs shall be the same as 16026  
those allowed by the court of common pleas in criminal cases. 16027  
Witnesses shall be paid the fees and mileage provided for under 16028  
section 119.094 of the Revised Code. Such fees and mileage 16029  
expenses incurred at the request of appellant shall be paid in 16030  
advance by the appellant, and the remainder of those expenses 16031  
shall be paid out of funds appropriated for the expenses of the 16032  
division of oil and gas resources management. 16033

In case of disobedience or neglect of any subpoena served on 16034  
any person, or the refusal of any witness to testify to any matter 16035  
regarding which the witness may be lawfully interrogated, the 16036  
court of common pleas of the county in which the disobedience, 16037  
neglect, or refusal occurs, or any judge thereof, on application 16038  
of the commission or any member thereof, shall compel obedience by 16039  
attachment proceedings for contempt as in the case of disobedience 16040  
of the requirements of a subpoena issued from that court or a 16041  
refusal to testify therein. Witnesses at such hearings shall 16042  
testify under oath, and any member of the commission may 16043  
administer oaths or affirmations to persons who so testify. 16044

At the request of any party to the appeal, a record of the 16045  
testimony and other evidence submitted shall be taken by an 16046  
official court reporter at the expense of the party making the 16047  
request for the record. The record shall include all of the 16048  
testimony and other evidence and the rulings on the admissibility 16049  
thereof presented at the hearing. The commission shall pass upon 16050  
the admissibility of evidence, but any party may at the time 16051  
object to the admission of any evidence and except to the rulings 16052  
of the commission thereon, and if the commission refuses to admit 16053  
evidence the party offering same may make a proffer thereof, and 16054  
such proffer shall be made a part of the record of the hearing. 16055

If upon completion of the hearing the commission finds that 16056  
the order appealed from was lawful and reasonable, it shall make a 16057  
written order affirming the order appealed from; if the commission 16058  
finds that the order was unreasonable or unlawful, it shall make a 16059  
written order vacating the order appealed from and making the 16060  
order that it finds the chief should have made. Every order made 16061  
by the commission shall contain a written finding by the 16062  
commission of the facts upon which the order is based. 16063

Notice of the making of the order shall be given forthwith to 16064  
each party to the appeal by mailing a certified copy thereof to 16065

each such party by certified mail. 16066

The order of the commission is final unless vacated by the 16067  
court of common pleas of Franklin county in an appeal as provided 16068  
for in section 1509.37 of the Revised Code. Sections 1509.01 to 16069  
1509.37 of the Revised Code, providing for appeals relating to 16070  
orders by the chief or by the commission, or relating to rules 16071  
adopted by the chief, do not constitute the exclusive procedure 16072  
that any person who believes the person's rights to be unlawfully 16073  
affected by those sections or any official action taken thereunder 16074  
must pursue in order to protect and preserve those rights, nor do 16075  
those sections constitute a procedure that that person must pursue 16076  
before that person may lawfully appeal to the courts to protect 16077  
and preserve those rights. 16078

**Sec. 1509.50.** (A) An oil and gas regulatory cost recovery 16079  
assessment is hereby imposed by this section on an owner. An owner 16080  
shall pay the assessment in the same manner as a severer who is 16081  
required to file a return under section 5749.06 of the Revised 16082  
Code. However, an owner may designate a severer who shall pay the 16083  
owner's assessment on behalf of the owner on the return that the 16084  
severer is required to file under that section. If a severer so 16085  
pays an owner's assessment, the severer may recoup from the owner 16086  
the amount of the assessment. Except for an exempt domestic well, 16087  
the assessment imposed shall be in addition to the taxes levied on 16088  
the severance of oil and gas under section 5749.02 of the Revised 16089  
Code. 16090

(B)~~(1)~~ Except for an exempt domestic well, the oil and gas 16091  
regulatory cost recovery assessment shall be calculated on a 16092  
quarterly basis ~~and shall be one of the following as follows:~~ 16093

~~(a) If the sum of ten cents per barrel of oil for all of the 16094  
wells of the owner, one half of one cent per one thousand cubic 16095  
feet of natural gas for all of the wells of the owner, and the 16096~~

~~amount of the severance tax levied on each severer for all of the wells of the owner under divisions (A)(5) and (6) of section 5749.02 of the Revised Code, as applicable, is greater than the sum of fifteen dollars for each well owned by the owner, the amount of the assessment is the sum of ten cents per barrel of oil for all of the wells of the owner and one half (1) One-half of one cent per one thousand cubic feet of natural gas for all of the wells of the owner.~~

~~(b) If the sum of ten;~~

~~(2) Ten cents per barrel of oil for all of the wells of the owner, one half of one cent per one thousand cubic feet of natural gas for all of the wells of the owner, and the amount of the severance tax levied on each severer for all of the wells of the owner under divisions (A)(5) and (6) of section 5749.02 of the Revised Code, as applicable, is less than the sum of fifteen dollars for each well owned by the owner, the amount of the assessment is the sum of fifteen dollars for each well owned by the owner less the amount of the tax levied on each severer for all of the wells of the owner under divisions (A)(5) and (6) of section 5749.02 of the Revised Code, as applicable.~~

~~(2) The oil and gas regulatory cost recovery assessment for a well that becomes an exempt domestic well on and after June 30, 2010, shall be sixty dollars to be paid to the division of oil and gas resources management on the first day of July of each year.~~

(C) All money collected pursuant to this section shall be credited to the severance tax receipts fund. After the director of budget and management transfers money from the severance tax receipts fund as required in division (H) of section 5749.06 of the Revised Code, money in the severance tax receipts fund from amounts collected pursuant to this section shall be credited to the oil and gas well fund created in section 1509.02 of the Revised Code.



(D) Except for purposes of revenue distribution as specified 16129  
in division (B) of section 5749.02 of the Revised Code, the oil 16130  
and gas regulatory cost recovery assessment imposed by this 16131  
section shall be treated the same and equivalent for all purposes 16132  
as the taxes levied on the severance of oil and gas under that 16133  
section. However, the assessment imposed by this section is not a 16134  
tax under Chapter 5749. of the Revised Code. 16135

**Sec. 1521.01.** As used in ~~sections 1521.01 to 1521.05 and~~ 16136  
~~1521.13 to 1521.18 of the Revised Code~~this chapter: 16137

(A) "~~Consumptive use,~~" "~~diversion,~~" "~~Lake Erie drainage~~ 16138  
~~basin,~~" "~~other great lakes states and provinces,~~" "~~water~~ 16139  
~~resources,~~" and "~~waters of the state~~" have the same meanings as in 16140  
~~section 1501.30 of the Revised Code~~means a use of water resources, 16141  
other than a diversion, that results in a loss of that water to 16142  
the basin from which it is withdrawn and includes, but is not 16143  
limited to, evaporation, evapotranspiration, and incorporation of 16144  
water into a product or agricultural crop. 16145

(B) "Diversion" means a withdrawal of water resources from 16146  
either the Lake Erie or Ohio river drainage basin and transfer to 16147  
another basin without return. "Diversion" does not include 16148  
evaporative loss within the basin of withdrawal. 16149

(C) "Other great lakes states and provinces" means states 16150  
other than this state that are parties to the great lakes basin 16151  
compact under Chapter 6161. of the Revised Code and the Canadian 16152  
provinces of Ontario and Quebec. 16153

(D) "Water resources" means any waters of the state that are 16154  
available or may be made available to agricultural, industrial, 16155  
commercial, and domestic users. 16156

(E) "Waters of the state" includes all streams, lakes, ponds, 16157  
marshes, watercourses, waterways, wells, springs, irrigation 16158

systems, drainage systems, and other bodies or accumulations of 16159  
water, surface and underground, natural or artificial, regardless 16160  
of the depth of the strata in which underground water is located, 16161  
that are situated wholly or partly within or bordering upon this 16162  
state or are within its jurisdiction. 16163

(F) "Well" means any excavation, regardless of design or 16164  
method of construction, created for any of the following purposes: 16165

(1) Removing ground water from or recharging water into an 16166  
aquifer, excluding subsurface drainage systems installed to 16167  
enhance agricultural crop production or urban or suburban 16168  
landscape management or to control seepage in dams, ~~dikes~~, and 16169  
levees; 16170

(2) Determining the quantity, quality, level, or movement of 16171  
ground water in or the stratigraphy of an aquifer, excluding 16172  
borings for instrumentation in dams, ~~dikes~~, levees, or highway 16173  
embankments; 16174

(3) Removing or exchanging heat from ground water, excluding 16175  
horizontal trenches that are installed for water source heat pump 16176  
systems. 16177

~~(C)~~ (G) "Aquifer" means a consolidated or unconsolidated 16178  
geologic formation or series of formations that are hydraulically 16179  
interconnected and that have the ability to receive, store, or 16180  
transmit water. 16181

~~(D)~~ (H) "Ground water" means all water occurring in an 16182  
aquifer. 16183

~~(E)~~ (I) "Ground water stress area" means a definable 16184  
geographic area in which ground water quantity is being affected 16185  
by human activity or natural forces to the extent that continuous 16186  
availability of supply is jeopardized by withdrawals. 16187

~~(F)~~ (J) "Person" has the same meaning as in section 1.59 of 16188

the Revised Code and also includes the United States, the state, 16189  
any political subdivision of the state, and any department, 16190  
division, board, commission, agency, or instrumentality of the 16191  
United States, the state, or a political subdivision of the state. 16192

~~(G)~~ (K) "State agency" or "agency of the state" has the same 16193  
meaning as "agency" in section 111.15 of the Revised Code. 16194

~~(H)~~ (L) "Cone of depression" means a depression or low point 16195  
in the water table or potentiometric surface of a body of ground 16196  
water that develops around a location from which ground water is 16197  
being withdrawn. 16198

(M) "Facility" has the same meaning as in section 1522.10 of 16199  
the Revised Code. 16200

(N) "Hydrologic study area" means the area within a four-mile 16201  
radius from the boundary of the withdrawal area. 16202

(O) "Well field" means a contiguous land area containing two 16203  
or more wells that provide water to a facility. 16204

(P) "Withdrawal area" means the proposed well or well field 16205  
location or locations. 16206

(Q) "Development" means any artificial change to improved or 16207  
unimproved real estate, including the construction of buildings 16208  
and other structures, any substantial improvement of a structure, 16209  
mining, dredging, filling, grading, paving, excavating, and 16210  
drilling operations, and storage of equipment or materials. 16211

~~(I)~~ (R) "Floodplain" means the area adjoining any river, 16212  
stream, watercourse, or lake that has been or may be covered by 16213  
flood water. 16214

~~(J)~~ (S) "Floodplain management" means the implementation of 16215  
an overall program of corrective and preventive measures for 16216  
reducing flood damage, including the collection and dissemination 16217  
of flood information, construction of flood control works, 16218

nonstructural flood damage reduction techniques, and adoption of 16219  
rules, ordinances, or resolutions governing development in 16220  
floodplains. 16221

~~(K)~~ (T) "One-hundred-year flood" means a flood having a one 16222  
per cent chance of being equaled or exceeded in any given year. 16223

~~(L)~~ (U) "One-hundred-year floodplain" means that portion of a 16224  
floodplain inundated by a one-hundred-year flood. 16225

~~(M)~~ (V) "Structure" means a walled and roofed building, 16226  
including, without limitation, gas or liquid storage tanks, ~~mobile~~ 16227  
~~homes~~, and manufactured homes. 16228

~~(N)~~ (W) "Substantial improvement" means any reconstruction, 16229  
rehabilitation, addition, or other improvement of a structure, the 16230  
cost of which equals or exceeds fifty per cent of the market value 16231  
of the structure before the start of construction of the 16232  
improvement. "Substantial improvement" includes repairs to 16233  
structures that have incurred substantial damage regardless of the 16234  
actual repair work performed. "Substantial improvement" does not 16235  
include either of the following: 16236

(1) Any project for the improvement of a structure to correct 16237  
existing violations of state or local health, sanitary, or safety 16238  
code specifications that have been identified by the state or 16239  
local code enforcement official having jurisdiction and that are 16240  
the minimum necessary to ensure safe living conditions; 16241

(2) Any alteration of an historic structure designated or 16242  
listed pursuant to federal or state law, provided that the 16243  
alteration will not preclude the structure's continued listing or 16244  
designation as an historic structure. 16245

~~(O)~~ (X) "Substantial damage" means damage of any origin that 16246  
is sustained by a structure if the cost of restoring the structure 16247  
to its condition prior to the damage would equal or exceed fifty 16248  
per cent of the market value of the structure before the damage 16249

occurred. 16250

~~(P)~~ (Y) "National flood insurance program" means the national 16251  
flood insurance program established in the "National Flood 16252  
Insurance Act of 1968," 82 Stat. 572, 42 U.S.C. 4001, as amended, 16253  
and regulations adopted under it. 16254

~~(Q)~~ (Z) "Conservancy district" means a conservancy district 16255  
established under Chapter 6101. of the Revised Code. 16256

**Sec. 1521.03.** The chief of the division of water resources 16257  
shall do all of the following: 16258

(A) Assist in an advisory capacity any properly constituted 16259  
watershed district, conservancy district, or soil and water 16260  
conservation district or any county, municipal corporation, or 16261  
other government agency of the state in the planning of works for 16262  
ground water recharge, flood mitigation, floodplain management, 16263  
flood control, flow capacity and stability of streams, rivers, and 16264  
watercourses, or the establishment of water conservation 16265  
practices, within the limits of the appropriations for those 16266  
purposes; 16267

(B) Have authority to conduct basic inventories of the water 16268  
and related natural resources in each drainage basin in the state; 16269  
to develop a plan on a watershed basis that will recognize the 16270  
variety of uses to which water may be put and the need for its 16271  
management for those uses; with the approval of the director of 16272  
natural resources and the controlling board, to transfer 16273  
appropriated or other funds, authorized for those inventories and 16274  
plan, to any division of the department of natural resources or 16275  
other state agencies for the purpose of developing pertinent data 16276  
relating to the plan of water management; and to accept and expend 16277  
moneys contributed by any person for implementing the development 16278  
of the plan; 16279

(C) Have authority to make detailed investigations of all 16280  
factors relating to floods, floodplain management, and flood 16281  
control in the state with particular attention to those factors 16282  
bearing upon the hydraulic and hydrologic characteristics of 16283  
rivers, streams, and watercourses, recognizing the variety of uses 16284  
to which water and watercourses may be put; 16285

(D) Cooperate with the United States or any agency thereof 16286  
and with any political subdivision of the state in planning and 16287  
constructing flood control works; 16288

(E) Hold meetings or public hearings, whichever is considered 16289  
appropriate by the chief, to assist in the resolution of conflicts 16290  
between ground water users. Such meetings or hearings shall be 16291  
called upon written request from boards of health of city or 16292  
general health districts created by or under the authority of 16293  
Chapter 3709. of the Revised Code or authorities having the duties 16294  
of a board of health as authorized by section 3709.05 of the 16295  
Revised Code, boards of county commissioners, boards of township 16296  
trustees, legislative authorities of municipal corporations, or 16297  
boards of directors of conservancy districts and may be called by 16298  
the chief upon the request of any other person or at the chief's 16299  
discretion. The chief shall collect and present at such meetings 16300  
or hearings the available technical information relevant to the 16301  
conflicts and to the ground water resource. The chief shall 16302  
prepare a report, and may make recommendations, based upon the 16303  
available technical data and the record of the meetings or 16304  
hearings, about the use of the ground water resource. In making 16305  
the report and any recommendations, the chief also may consider 16306  
the factors listed in division (B) of section 1521.17 of the 16307  
Revised Code. The technical information presented, the report 16308  
prepared, and any recommendations made under this division shall 16309  
be presumed to be prima-facie authentic and admissible as evidence 16310  
in any court pursuant to Evidence Rule 902. 16311

(F) Perform stream or ground water gauging and may contract 16312  
with the United States government or any other agency for the 16313  
gauging of any streams or ground water within the state; 16314

(G) Primarily with regard to water quantity, have authority 16315  
to collect, study, map, and interpret all available information, 16316  
statistics, and data pertaining to the availability, supply, use, 16317  
conservation, and replenishment of the ground and surface waters 16318  
in the state in coordination with other agencies of this state; 16319

(H) Primarily with regard to water quantity and availability, 16320  
be authorized to cooperate with and negotiate for the state with 16321  
any agency of the United States government, of this state, or of 16322  
any other state pertaining to the water resources of the state; 16323

(I) Provide engineering support for the coastal management 16324  
program established under Chapter 1506. of the Revised Code; 16325

(J) Define "Lake Erie drainage basin" and "Ohio river 16326  
drainage basin" for the purposes of this chapter and Chapter 1522. 16327  
of the Revised Code. 16328

**Sec. 1521.04.** (A) The chief of the division of water 16329  
~~resources, with the approval of the director of natural resources,~~ 16330  
may make loans and grants from the water management fund created 16331  
in section ~~1501.32~~ 1521.22 of the Revised Code to governmental 16332  
agencies for water management, water supply improvements, and 16333  
planning ~~and~~ . The chief may administer grants from the federal 16334  
government and from other public or private sources for carrying 16335  
out those functions and for the performance of any acts that may 16336  
be required by the United States or by any agency or department 16337  
thereof as a condition for the participation by any governmental 16338  
agency in any federal financial or technical assistance program. 16339  
Direct and indirect costs of administration may be paid from the 16340  
fund. 16341

(B) The chief may use the water management fund for ~~the~~ any 16342  
of the following purposes ~~of administering~~ : 16343

(1) Administering the water diversion and consumptive use 16344  
permit programs established ~~in sections 1501.30 to 1501.35 of the~~ 16345  
~~Revised Code~~ under this chapter and the withdrawal and consumptive 16346  
use permit program established under ~~sections 1522.10 to 1522.21~~ 16347  
Chapter 1522. of the Revised Code; ~~to~~ 16348

(2) To perform watershed and water resources studies for the 16349  
purposes of water management planning; ~~and to~~ 16350

(3) To acquire, construct, reconstruct, improve, equip, 16351  
maintain, operate, and dispose of water management improvements. 16352  
The 16353

(C) The chief may fix, alter, charge, and collect rates, 16354  
fees, rentals, and other charges to be paid into the fund by 16355  
governmental agencies and persons who are supplied with water by 16356  
facilities constructed or operated by the department of natural 16357  
resources in order to amortize and defray the cost of the 16358  
construction, maintenance, and operation of those facilities. 16359

**Sec. 1521.06.** (A) No dam may be constructed for the purpose 16360  
of storing, conserving, or retarding water, or for any other 16361  
purpose, nor shall any levee be constructed for the purpose of 16362  
diverting or retaining flood water, unless the person or 16363  
governmental agency desiring the construction has a construction 16364  
permit for the dam or levee issued by the chief of the division of 16365  
water resources. 16366

A construction permit is not required under this section for: 16367

(1) A dam that is or will be less than ten feet in height and 16368  
that has or will have a storage capacity of not more than fifty 16369  
acre-feet at the elevation of the top of the dam, as determined by 16370  
the chief. For the purposes of this section, the height of a dam 16371



shall be measured from the natural stream bed or lowest ground 16372  
elevation at the downstream or outside limit of the dam to the 16373  
elevation of the top of the dam. 16374

(2) A dam, regardless of height, that has or will have a 16375  
storage capacity of not more than fifteen acre-feet at the 16376  
elevation of the top of the dam, as determined by the chief; 16377

(3) A dam, regardless of storage capacity, that is or will be 16378  
six feet or less in height, as determined by the chief; 16379

(4) A dam or levee that belongs to a class exempted by the 16380  
chief; 16381

(5) The repair, maintenance, improvement, alteration, or 16382  
removal of a dam or levee that is subject to section 1521.062 of 16383  
the Revised Code, unless the construction constitutes an 16384  
enlargement or reconstruction of the structure as determined by 16385  
the chief; 16386

(6) A dam or impoundment constructed under Chapter 1513. of 16387  
the Revised Code. 16388

(B) Before a construction permit may be issued, three copies 16389  
of the plans and specifications, including a detailed cost 16390  
estimate, for the proposed construction, prepared by a registered 16391  
professional engineer, together with any filing fee specified by 16392  
rules adopted by the chief in accordance with division (I) of this 16393  
section and the bond or other security required by section 16394  
1521.061 of the Revised Code, shall be filed with the chief. The 16395  
detailed estimate of the cost shall include all costs associated 16396  
with the construction of the dam or levee, including supervision 16397  
and inspection of the construction by a registered professional 16398  
engineer. 16399

All fees collected pursuant to this section, and all fines 16400  
collected pursuant to section 1521.99 of the Revised Code, shall 16401  
be deposited in the state treasury to the credit of the dam safety 16402

fund, which is hereby created. Expenditures from the fund shall be 16403  
made by the chief for the purpose of administering this section 16404  
and sections 1521.061 and 1521.062 of the Revised Code. 16405

(C) The chief shall, within thirty days from the date of the 16406  
receipt of the application, fee, and bond or other security, issue 16407  
or deny a construction permit for the construction or may issue a 16408  
construction permit conditioned upon the making of such changes in 16409  
the plans and specifications for the construction as the chief 16410  
considers advisable if the chief determines that the construction 16411  
of the proposed dam or levee, in accordance with the plans and 16412  
specifications filed, would endanger life, health, or property. 16413

(D) The chief may deny a construction permit after finding 16414  
that a dam or levee built in accordance with the plans and 16415  
specifications would endanger life, health, or property, because 16416  
of improper or inadequate design, or for such other reasons as the 16417  
chief may determine. 16418

In the event the chief denies a permit for the construction 16419  
of the dam or levee, or issues a permit conditioned upon a making 16420  
of changes in the plans or specifications for the construction, 16421  
the chief shall state the reasons therefor and so notify, in 16422  
writing, the person or governmental agency making the application 16423  
for a permit. If the permit is denied, the chief shall return the 16424  
bond or other security to the person or governmental agency making 16425  
application for the permit. 16426

The decision of the chief conditioning or denying a 16427  
construction permit is subject to appeal as provided in Chapter 16428  
119. of the Revised Code. A dam or levee built substantially at 16429  
variance from the plans and specifications upon which a 16430  
construction permit was issued is in violation of this section. 16431  
The chief may at any time inspect any dam or levee, or site upon 16432  
which any dam or levee is to be constructed, in order to determine 16433  
whether it complies with this section. 16434

(E) A registered professional engineer shall inspect the 16435  
construction for which the permit was issued during all phases of 16436  
construction and shall furnish to the chief such regular reports 16437  
of the engineer's inspections as the chief may require. When the 16438  
chief finds that construction has been fully completed in 16439  
accordance with the terms of the permit and the plans and 16440  
specifications approved by the chief, the chief shall approve the 16441  
construction. When one year has elapsed after approval of the 16442  
completed construction, and the chief finds that within this 16443  
period no fact has become apparent to indicate that the 16444  
construction was not performed in accordance with the terms of the 16445  
permit and the plans and specifications approved by the chief, or 16446  
that the construction as performed would endanger life, health, or 16447  
property, the chief shall release the bond or other security. No 16448  
bond or other security shall be released until one year after 16449  
final approval by the chief, unless the dam or levee has been 16450  
modified so that it will not retain water and has been approved as 16451  
nonhazardous after determination by the chief that the dam or 16452  
levee as modified will not endanger life, health, or property. 16453

(F) When inspections required by this section are not being 16454  
performed, the chief shall notify the person or governmental 16455  
agency to which the permit has been issued that inspections are 16456  
not being performed by the registered professional engineer and 16457  
that the chief will inspect the remainder of the construction. 16458  
Thereafter, the chief shall inspect the construction and the cost 16459  
of inspection shall be charged against the owner. Failure of the 16460  
registered professional engineer to submit required inspection 16461  
reports shall be deemed notice that the engineer's inspections are 16462  
not being performed. 16463

(G) The chief may order construction to cease on any dam or 16464  
levee that is being built in violation of this section, and may 16465  
prohibit the retention of water behind any dam or levee that has 16466

been built in violation of this section. ~~The attorney general,~~ 16467  
~~upon written request of the chief, may bring an action for an~~ 16468  
~~injunction against any person who violates this section or to~~ 16469  
~~enforce an order or prohibition of the chief made pursuant to this~~ 16470  
~~section.~~ 16471

(H) The chief may adopt rules in accordance with Chapter 119. 16472  
of the Revised Code, for the design and construction of dams and 16473  
levees for which a construction permit is required by this section 16474  
or for which periodic inspection is required by section 1521.062 16475  
of the Revised Code, for deposit and forfeiture of bonds and other 16476  
securities required by section 1521.061 of the Revised Code, for 16477  
the periodic inspection, operation, repair, improvement, 16478  
alteration, or removal of all dams and levees, as specified in 16479  
section 1521.062 of the Revised Code, and for establishing classes 16480  
of dams or levees that are exempt from the requirements of this 16481  
section and section 1521.062 of the Revised Code as being of a 16482  
size, purpose, or situation that does not present a substantial 16483  
hazard to life, health, or property. The chief may, by rule, limit 16484  
the period during which a construction permit issued under this 16485  
section is valid. The rules may allow for the extension of the 16486  
period during which a permit is valid upon written request, 16487  
provided that the written request includes a revised construction 16488  
cost estimate, and may require the payment of an additional filing 16489  
fee for the requested extension. If a construction permit expires 16490  
without an extension before construction is completed, the person 16491  
or agency shall apply for a new permit, and shall not continue 16492  
construction until the new permit is issued. 16493

(I) The chief shall adopt rules in accordance with Chapter 16494  
119. of the Revised Code establishing a filing fee schedule for 16495  
purposes of division (B) of this section. 16496

**Sec. 1521.062.** (A) All dams and levees constructed in this 16497

state and not exempted by this section or by the chief of the 16498  
division of water resources under section 1521.06 of the Revised 16499  
Code shall be inspected periodically by the chief, except for 16500  
classes of dams that, in accordance with rules adopted under this 16501  
section, are required to be inspected by registered professional 16502  
engineers who have been approved for that purpose by the chief. 16503  
The inspection shall ensure that continued operation and use of 16504  
the dam or levee does not constitute a hazard to life, health, or 16505  
property. Periodic inspections shall not be required of the 16506  
following structures: 16507

(1) A dam that is less than ten feet in height and has a 16508  
storage capacity of not more than fifty acre-feet at the elevation 16509  
of the top of the dam, as determined by the chief. For the 16510  
purposes of this section, the height of a dam shall be measured 16511  
from the natural stream bed or lowest ground elevation at the 16512  
downstream or outside limit of the dam to the elevation of the top 16513  
of the dam. 16514

(2) A dam, regardless of height, that has a storage capacity 16515  
of not more than fifteen acre-feet at the elevation of the top of 16516  
the dam, as determined by the chief; 16517

(3) A dam, regardless of storage capacity, that is six feet 16518  
or less in height, as determined by the chief; 16519

(4) A dam or levee belonging to a class exempted by the 16520  
chief; 16521

(5) A dam or levee that has been exempted in accordance with 16522  
rules adopted under section 1521.064 of the Revised Code. 16523

(B) In accordance with rules adopted under this section, the 16524  
owner of a dam that is in a class of dams that is designated in 16525  
the rules for inspection by registered professional engineers 16526  
shall obtain the services of a registered professional engineer 16527  
who has been approved by the chief to conduct the periodic 16528

inspection of dams pursuant to schedules and other standards and 16529  
procedures established in the rules. The registered professional 16530  
engineer shall prepare a report of the inspection in accordance 16531  
with the rules and provide the inspection report to the dam owner 16532  
who shall submit it to the chief. A dam that is designated under 16533  
the rules for inspection by a registered professional engineer, 16534  
but that is not inspected within a five-year period may be 16535  
inspected by the chief at the owner's expense. 16536

(C) Intervals between periodic inspections shall be 16537  
determined by the chief, but shall not exceed five years. 16538

(D) In the case of a dam or levee that the chief inspects, 16539  
the chief shall furnish a report of the inspection to the owner of 16540  
the dam or levee. With regard to a dam or levee that has been 16541  
inspected, either by the chief or by a registered professional 16542  
engineer, and that is the subject of an inspection report prepared 16543  
or received by the chief, the chief shall inform the owner of any 16544  
required repairs, maintenance, investigations, and other remedial 16545  
and operational measures. The chief shall order the owner to 16546  
perform such repairs, maintenance, investigations, or other 16547  
remedial or operational measures as the chief considers necessary 16548  
to safeguard life, health, or property. The order shall permit the 16549  
owner a reasonable time in which to perform the needed repairs, 16550  
maintenance, investigations, or other remedial measures, and the 16551  
cost thereof shall be borne by the owner. All orders of the chief 16552  
are subject to appeal as provided in Chapter 119. of the Revised 16553  
Code. ~~The attorney general, upon written request of the chief, may 16554  
bring an action for an injunction against any person who violates 16555  
this section or to enforce an order of the chief made pursuant to 16556  
this section.~~ 16557

(E) The owner of a dam or levee shall monitor, maintain, and 16558  
operate the structure and its appurtenances safely in accordance 16559  
with state rules, terms and conditions of permits, orders, and 16560

other requirements issued pursuant to this section or section 16561  
1521.06 of the Revised Code. The owner shall fully and promptly 16562  
notify the division of water resources and other responsible 16563  
authorities of any condition that threatens the safety of the 16564  
structure and shall take all necessary actions to safeguard life, 16565  
health, and property. 16566

(F) Before commencing the repair, improvement, alteration, or 16567  
removal of a dam or levee, the owner shall file an application 16568  
including plans, specifications, and other required information 16569  
with the division and shall secure written approval of the 16570  
application by the chief. Emergency actions by the owner required 16571  
to safeguard life, health, or property are exempt from this 16572  
requirement. The chief may, by rule, define maintenance, repairs, 16573  
or other remedial measures of a routine nature that are exempt 16574  
from this requirement. 16575

(G) The chief may remove or correct, at the expense of the 16576  
owner, any unsafe structures found to be constructed or maintained 16577  
in violation of this section or section 1521.06 of the Revised 16578  
Code. In the case of an owner other than a governmental agency, 16579  
the cost of removal or correction of any unsafe structure, 16580  
together with a description of the property on which the unsafe 16581  
structure is located, shall be certified by the chief to the 16582  
county auditor and placed by the county auditor upon the tax 16583  
duplicate. This cost is a lien upon the lands from the date of 16584  
entry and shall be collected as other taxes and returned to the 16585  
division. In the case of an owner that is a governmental agency, 16586  
the cost of removal or correction of any unsafe structure shall be 16587  
recoverable from the owner by appropriate action in a court of 16588  
competent jurisdiction. 16589

(H) If the condition of any dam or levee is found, in the 16590  
judgment of the chief, to be so dangerous to the safety of life, 16591  
health, or property as not to permit time for the issuance and 16592

enforcement of an order relative to repair, maintenance, or 16593  
operation, the chief shall employ any of the following remedial 16594  
means necessary to protect life, health, and property: 16595

(1) Lower the water level of the lake or reservoir by 16596  
releasing water; 16597

(2) Completely drain the lake or reservoir; 16598

(3) Take such other measures or actions as the chief 16599  
considers necessary to safeguard life, health, and property. 16600

The chief shall continue in full charge and control of the 16601  
dam or levee until the structure is rendered safe. The cost of the 16602  
remedy shall be recoverable from the owner of the structure by 16603  
appropriate action in a court of competent jurisdiction. 16604

(I) The chief may accept and expend gifts, bequests, and 16605  
grants from the United States government or from any other public 16606  
or private source and may contract with the United States 16607  
government or any other agency or entity for the purpose of 16608  
carrying out the dam safety functions set forth in this section 16609  
and section 1521.06 of the Revised Code. 16610

(J) In accordance with Chapter 119. of the Revised Code, the 16611  
chief may adopt, and may amend or rescind, rules that do all of 16612  
the following: 16613

(1) Designate classes of dams for which dam owners must 16614  
obtain the services of a registered professional engineer to 16615  
periodically inspect the dams and to prepare reports of the 16616  
inspections for submittal to the chief; 16617

(2) Establish standards in accordance with which the chief 16618  
must approve or disapprove registered professional engineers to 16619  
inspect dams together with procedures governing the approval 16620  
process; 16621

(3) Establish schedules, standards, and procedures governing 16622



periodic inspections and standards and procedures governing the 16623  
preparation and submittal of inspection reports; 16624

(4) Establish provisions regarding the enforcement of this 16625  
section and rules adopted under it. 16626

(K) The owner of a dam or levee shall notify the chief in 16627  
writing of a change in ownership of the dam or levee prior to the 16628  
exchange of the property. 16629

**Sec. 1521.063.** (A) Except for the federal government, the 16630  
owner of a dam, that is classified as a class I, class II, or 16631  
class III dam under rules adopted under section 1521.06 of the 16632  
Revised Code and subject to section 1521.062 of the Revised Code 16633  
shall pay an annual fee in accordance with the annual fee schedule 16634  
established in rules adopted under division (B) of this section. 16635  
The fee shall be paid to the division of water resources on or 16636  
before the thirtieth day of June of each year. 16637

All fees collected under this section shall be deposited in 16638  
the dam safety fund created in section 1521.06 of the Revised 16639  
Code. Any owner who fails to pay any annual fee required by this 16640  
section within sixty days after the due date shall be assessed a 16641  
penalty of ten per cent of the annual fee plus interest at the 16642  
rate of one-half per cent per month from the due date until the 16643  
date of payment. 16644

There is hereby created the compliant dam discount program to 16645  
be administered by the chief of the division of water resources. 16646  
Under the program, the chief may reduce the amount of the annual 16647  
fee that an owner of a dam is required to pay in accordance with 16648  
rules adopted by the chief under division (B) of this section if 16649  
the owner is in compliance with section 1521.062 of the Revised 16650  
Code and has developed an emergency action plan pursuant to 16651  
standards established in rules adopted under this section. The 16652  
chief shall not discount an annual fee by more than twenty-five 16653

per cent of the total annual fee that is due. In addition, the 16654  
chief shall not discount the annual fee that is due from the owner 16655  
of a dam who has been assessed a penalty under this section. 16656

(B)(1) The chief shall, in accordance with Chapter 119. of 16657  
the Revised Code and subject to the prior approval of the director 16658  
of natural resources, adopt, and may amend or rescind, rules for 16659  
the collection of fees and the administration, implementation, and 16660  
enforcement of this section. 16661

(2) The chief shall, in accordance with Chapter 119. of the 16662  
Revised Code, adopt rules for the establishment of an annual fee 16663  
schedule for purposes of this section. 16664

(3) The annual fee schedule must be based on the height of 16665  
the dam, the linear foot length of the dam, and the per-acre foot 16666  
of volume of water impounded by the dam. For purposes of this 16667  
section, the height of a dam is the vertical height, to the 16668  
nearest foot, as determined by the division under section 1521.062 16669  
of the Revised Code. 16670

(C)~~(1)~~ No person, political subdivision, or state 16671  
governmental agency shall violate or fail to comply with this 16672  
section or any rule or order adopted or issued under it. 16673

~~(2) The attorney general, upon written request of the chief, 16674  
may commence an action against any such violator. Any action under 16675  
division (C)(2) of this section is a civil action. 16676~~

(D) As used in this section, "political subdivision" includes 16677  
townships, municipal corporations, counties, school districts, 16678  
municipal universities, park districts, sanitary districts, and 16679  
conservancy districts and subdivisions thereof. 16680

**Sec. 1521.16.** (A) Any person who owns a facility that has the 16681  
capacity to withdraw waters of the state in an amount greater than 16682  
one hundred thousand gallons per day from all sources and whose 16683

construction is completed before January 1, 1990, shall register 16684  
the facility by January 1, 1991, with the chief of the division of 16685  
water resources, and any person who owns a facility that has the 16686  
capacity to withdraw waters of the state in such an amount and 16687  
whose construction is completed on or after January 1, 1990, shall 16688  
register the facility with the chief within three months after the 16689  
facility is completed. The person shall register the facility 16690  
using a form prescribed by the chief that shall include, without 16691  
limitation, the name and address of the registrant and date of 16692  
registration; the locations and sources of the facility's water 16693  
supply; the facility's withdrawal capacity per day and the amount 16694  
withdrawn from each source; the uses made of the water, places of 16695  
use, and places of discharge; and such other information as the 16696  
chief may require by rule. 16697

The registration date of any facility whose construction was 16698  
completed prior to January 1, 1990, and that is registered under 16699  
this division prior to January 1, 1991, shall be January 1, 1990. 16700  
The registration date of any facility whose construction was 16701  
completed prior to January 1, 1990, and that is required to 16702  
register under this division prior to January 1, 1991, but that is 16703  
not registered prior to that date, and the registration date of 16704  
any facility whose construction was completed after January 1, 16705  
1990, and that is required to register under this division shall 16706  
be the date on which the registration is received by the chief. 16707

(B) In accordance with division (D) of this section, the 16708  
chief shall adopt rules establishing standards and criteria for 16709  
determining when an area of ground water is a ground water stress 16710  
area, the geographic limits of such an area, and a threshold 16711  
withdrawal capacity for the area below which registration under 16712  
this division shall not be required. At any time following the 16713  
adoption of those rules, the chief may by order designate an area 16714  
of ground water as a ground water stress area and shall establish 16715

in any such order a threshold withdrawal capacity for the area 16716  
below which registration under this division shall not be 16717  
required. 16718

Following the designation of a ground water stress area, the 16719  
chief immediately shall give notice by publication in a newspaper 16720  
of general circulation in the designated area that shall include a 16721  
map delineating the designated ground water stress area and a 16722  
statement of the threshold withdrawal capacity established for the 16723  
area below which registration under this division shall not be 16724  
required. The notice shall not appear in the legal notices section 16725  
of the newspaper. Any person who owns a facility in the designated 16726  
ground water stress area that is not registered under division (A) 16727  
of this section and that has the capacity to withdraw waters of 16728  
the state in an amount greater than the threshold withdrawal 16729  
capacity for the area from all sources shall register the facility 16730  
with the chief not later than thirty days after publication of the 16731  
notice. A person registering a facility under this division shall 16732  
do so using a form prescribed by the chief. The form shall include 16733  
the information specified in division (A) of this section. 16734

(C) Any person who owns a facility registered under division 16735  
(A) or (B) of this section shall file a report annually with the 16736  
chief listing the amount of water withdrawn per day by the 16737  
facility, the return flow per day, and any other information the 16738  
chief may require by rule. ~~Any person who, under Chapter 6109. of 16739  
the Revised Code, provides such information to the Ohio 16740  
environmental protection agency is exempt from reporting under 16741  
this division. The director of environmental protection shall 16742  
provide the chief any such reported information upon request. 16743~~

(D) The chief shall adopt, and may amend or rescind, rules in 16744  
accordance with Chapter 119. of the Revised Code to carry out this 16745  
section. 16746

(E)(1) No person knowingly shall fail to register a facility 16747

or file a report as required under this section. 16748

(2) No person shall file a false registration or report under 16749  
this section. Violation of division (E)(2) of this section is 16750  
falsification under section 2921.13 of the Revised Code. 16751

~~(F) At the request of the director of natural resources, the 16752  
attorney general may commence a civil action to compel compliance 16753  
with this section, in a court of common pleas, against any person 16754  
who has violated or is violating division (E)(1) of this section. 16755  
The court of common pleas in which a civil action is commenced 16756  
under this division has jurisdiction to and shall compel 16757  
compliance with this section upon a showing that the person 16758  
against whom the action is brought has violated or is violating 16759  
that division. 16760~~

~~Any action under this division is a civil action, governed by 16761  
the rules of civil procedure and other rules of practice and 16762  
procedure applicable to civil actions. 16763~~

**Sec. ~~1501.31~~1521.21.** (A) The ~~director of natural~~ chief of the 16764  
division of water resources shall adopt, and may amend or rescind, 16765  
rules in accordance with Chapter 119. of the Revised Code for the 16766  
implementation, administration, and enforcement of sections 16767  
~~1501.30 to 1501.35~~ 1521.21 to 1521.36 of the Revised Code. 16768

(B) Sections ~~1501.30 to 1501.35~~ 1521.21 to 1521.36 of the 16769  
Revised Code do not affect common law riparian rights. 16770

**Sec. ~~1501.32~~1521.22.** (A)(1) No person shall divert more than 16771  
one hundred thousand gallons per day of any waters of the state 16772  
out of the Ohio river watershed to another basin without having a 16773  
permit to do so issued by the ~~director of natural~~ chief of the 16774  
division of water resources. 16775

(2) An application for such a permit shall be filed with the 16776  
~~director~~ chief upon such forms as the ~~director~~ chief prescribes. 16777

The application shall state the quantity of water to be diverted, 16778  
the purpose of the diversion, the life of the project for which 16779  
the water is to be diverted, and such other information as the 16780  
~~director~~ chief may require by rule. Each application shall be 16781  
accompanied by a nonrefundable fee of one thousand dollars, which 16782  
shall be credited to the water management fund, which is hereby 16783  
created. 16784

(B) The ~~director~~ chief shall not approve a permit application 16785  
filed under this section if the ~~director~~ chief determines that any 16786  
of the following applies: 16787

(1) During the life of the project for which the water is to 16788  
be diverted, some or all of the water to be diverted will be 16789  
needed for use within the Ohio river watershed. 16790

(2) The proposed diversion would endanger the public health, 16791  
safety, or welfare. 16792

(3) The applicant has not demonstrated that the proposed 16793  
diversion is a reasonable and beneficial use and is necessary to 16794  
serve the applicant's present and future needs. 16795

(4) The applicant has not demonstrated that reasonable 16796  
efforts have been made to develop and conserve water resources in 16797  
the importing basin and that further development of those 16798  
resources would engender overriding, adverse economic, social, or 16799  
environmental impacts. 16800

(5) The proposed diversion is inconsistent with regional or 16801  
state water resources plans. 16802

(6) The proposed diversion, alone or in combination with 16803  
other diversions and water losses, will have a significant adverse 16804  
impact on in-stream uses or on economic or ecological aspects of 16805  
water levels. 16806

The ~~director~~ chief may hold public hearings upon any 16807

application for a permit. 16808

(C) The ~~director~~ chief shall determine the period for which 16809  
each permit approved under this section will be valid and specify 16810  
the expiration date, but in no case shall a permit be valid beyond 16811  
the life of the project as stated in the application. 16812

The ~~director~~ chief shall establish rules providing for the 16813  
transfer of permits. A permit may be transferred on the conditions 16814  
that the quantity of water diverted not be increased and that the 16815  
purpose of the diversion not be changed. 16816

(D)(1) Within a time established by rule, the ~~director~~ chief 16817  
shall do one of the following: 16818

(a) Notify the applicant that an application the applicant 16819  
filed under this section is approved or denied and, if denied, the 16820  
reason for denial; 16821

(b) Notify the applicant of any modification necessary to 16822  
qualify the application for approval. 16823

(2) Any person who receives notice of a denial or 16824  
modification under division (D)(1) of this section is entitled to 16825  
a hearing under Chapter 119. of the Revised Code if the person 16826  
sends a written request for a hearing to the ~~director~~ chief within 16827  
thirty days after the date on which the notice is mailed or 16828  
otherwise provided to the applicant. 16829

(3) The chief shall issue a permit to an applicant whose 16830  
application is approved under this section. 16831

(E) The ~~director~~ chief shall revoke a permit under this 16832  
section without a prior hearing if the ~~director~~ chief determines 16833  
that the quantity of water being diverted exceeds the quantity 16834  
stated in the permit application. 16835

The ~~director~~ chief may suspend a permit if the ~~director~~ chief 16836  
determines that the continued diversion of water will endanger the 16837

public health, safety, or welfare. Before suspending a permit, the ~~director~~ chief shall make a reasonable attempt to notify the permittee that the ~~director~~ chief intends to suspend the permit. If the attempt fails, notification shall be given as soon as practicable following the suspension. Within five days after the suspension, the ~~director~~ chief shall provide the permittee an opportunity to be heard and to present evidence that the continued diversion of water will not endanger the public health, safety, or welfare.

If the ~~director~~ chief determines before the expiration date of a suspended permit that the diversion of water can be resumed without danger to the public health, safety, or welfare, the ~~director~~ chief shall, upon request of the permittee, reinstate the permit.

(F) Any six or more residents of this state may petition the ~~director~~ chief for an investigation of a withdrawal of water resources that they allege is in violation of a permit issued under this section.

The petition shall identify the permittee and detail the reasons why the petitioners believe that grounds exist for the revocation or suspension of the permit under this section.

Upon receipt of the petition, the ~~director~~ chief shall send a copy to the permittee and, within sixty days, make a determination whether grounds exist for revocation or suspension of the permit under this section.

(G) Each permittee shall submit to the ~~director~~ chief an annual report containing such information as the ~~director~~ chief may require by rule.

**Sec. 1501.331521.23.** (A) Except as provided in divisions ~~(B)~~, ~~(C)~~, and (D) and (E) of this section, no person shall allow a



facility that the person owns or operates to withdraw waters of 16868  
the state in an amount that would result in a new or increased 16869  
consumptive use of more than an average of two million gallons of 16870  
water per day in any thirty-day period without first obtaining a 16871  
permit from the ~~director of natural~~ chief of the division of water 16872  
resources under section ~~1501.34~~ 1521.29 of the Revised Code. ~~Prior~~ 16873

(B) Prior to developing a new or increased withdrawal or 16874  
consumptive use capacity that would facilitate a withdrawal 16875  
requiring a permit under ~~this~~ section 1521.29 of the Revised Code, 16876  
an owner or operator of a facility shall submit an application for 16877  
a permit to the ~~director~~ chief on a form the ~~director~~ chief 16878  
prescribes. The ~~application~~ applicant shall declare and document 16879  
all of the following in the application: 16880

(1) The facility's current withdrawal capacity per day if the 16881  
withdrawal is to occur at a facility already in operation; 16882

(2) The total new or increased daily withdrawal capacity 16883  
proposed for the facility; 16884

(3) The locations and sources of water proposed to be 16885  
withdrawn; 16886

(4) The locations of proposed discharges or return flows; 16887

(5) The locations and nature of proposed consumptive uses; 16888

(6) The estimated average annual and monthly volumes and 16889  
rates of withdrawal; 16890

(7) The estimated average annual and monthly volumes and 16891  
rates of consumptive use; 16892

(8) The effects the withdrawal is anticipated to have with 16893  
respect to existing uses of water resources; 16894

(9) A description of other ways the applicant's need for 16895  
water may be satisfied if the application is denied or modified; 16896

(10) A description of the conservation practices the 16897

applicant intends to follow; 16898

(11) All information required under sections 1521.24 to 16899  
1521.27 of the Revised Code if the sources of water for the 16900  
proposed withdrawal are ground water; 16901

(12) Any other information the ~~director~~ chief may require by 16902  
rule. 16903

(C) Each application shall be accompanied by a nonrefundable 16904  
fee of one thousand dollars, which shall be credited to the water 16905  
management fund created under section ~~1501.32~~ 1521.22 of the 16906  
Revised Code. 16907

~~(B)~~ (D) A major utility facility that is subject to 16908  
regulation under Chapter 4906. of the Revised Code, a facility 16909  
that is subject to regulation under Chapter 1514. of the Revised 16910  
Code, or a facility that is required to obtain a permit under 16911  
sections 1522.10 to 1522.30 of the Revised Code need not obtain a 16912  
permit under section ~~1501.34~~ 1521.29 of the Revised Code. 16913

~~(C)(1)~~ (E) A public water system, as ~~that term is~~ defined in 16914  
section 6109.01 of the Revised Code, that withdraws waters of the 16915  
state in an amount that would result in a new or increased 16916  
consumptive use of more than two million gallons per day need not 16917  
obtain a permit under section ~~1501.34~~ 1521.29 of the Revised Code 16918  
if ~~any one~~ one of the following applies: 16919

~~(a)~~ (1) The public water system was in operation on June 29, 16920  
1988, and no substantial changes in the design capacity are 16921  
proposed for that system ~~except as specified in division (C)(1)(c)~~ 16922  
~~of this section.~~ 16923

~~(b)~~ (2) A public water system that is proposed to be 16924  
constructed or installed, or an existing system for which changes 16925  
are proposed, encompasses only water distribution facilities. 16926

~~(c)~~ A public water system, other than one that encompasses 16927

~~only water distribution facilities, is proposed to be constructed 16928  
or installed, or substantial changes in the design capacity of an 16929  
existing system, other than one that encompasses only water 16930  
distribution facilities, are proposed; the plans submitted for the 16931  
system to the director of environmental protection under section 16932  
6109.07 of the Revised Code declare and document the information 16933  
specified in division (A) of this section and rules adopted under 16934  
it as determined by the director of natural resources; and the 16935  
director of environmental protection has applied the criteria 16936  
specified in division (A) of section 1501.34 of the Revised Code 16937  
in reviewing and approving the plans as determined by the director 16938  
of natural resources. 16939~~

~~(2) Any public water system that withdraws waters of the 16940  
state in an amount that would result in a new or increased 16941  
consumptive use of more than two million gallons per day and that 16942  
does not meet the criteria specified in division (C)(1)(a), (b), 16943  
or (c) of this section shall obtain a permit under section 1501.34 16944  
of the Revised Code. A person who submits plans for such a system 16945  
under section 6109.07 of the Revised Code may request the director 16946  
of natural resources in writing to consider those plans as an 16947  
application under this section. No later than twenty days after 16948  
receiving the request, the director shall notify the person of one 16949  
of the following: 16950~~

~~(a) The plans declare and document the information specified 16951  
in division (A) of this section and rules adopted under it and are 16952  
accepted as an application under this section, and the person 16953  
shall submit to the director the application fee required under 16954  
division (A) of this section. 16955~~

~~(b) Additional specified information is necessary before the 16956  
director can accept the plans as an application. 16957~~

~~(c) The plans do not meet the requirements of division (A) of 16958  
this section and rules adopted under it and an application shall 16959~~

~~be submitted in accordance with this section.~~ 16960

~~(D) A facility that is required to obtain a permit under 16961  
sections 1522.10 to 1522.21 of the Revised Code need not obtain a 16962  
permit under section 1501.34 of the Revised Code. 16963~~

**Sec. ~~1501.35~~1521.231.** Whenever any person submits an 16964  
application under section ~~1501.33~~ 1521.23 of the Revised Code to 16965  
withdraw water from the Lake Erie drainage basin that would result 16966  
in a new or increased consumptive use totaling more than five 16967  
million gallons per day ~~or whenever a major utility facility 16968  
subject to regulation under Chapter 4906. of the Revised Code 16969  
proposes to make such a withdrawal, the director chief of natural 16970  
the division of water resources shall notify the governors and 16971  
premiers of the other great lakes states and provinces, the 16972  
appropriate water management agencies of those states and 16973  
provinces, and, when appropriate, the international joint 16974  
commission and shall solicit their comments and concerns regarding 16975  
the application. In the event of an objection to the proposed 16976  
consumptive use, the ~~director~~ chief shall consult with the 16977  
affected great lakes states and provinces to consider the issues 16978  
involved and seek mutually agreeable recommendations. Before 16979  
rendering a decision on the permit application, the ~~director~~ chief 16980  
shall consider the concerns, comments, and recommendations of the 16981  
other great lakes states and provinces and the international joint 16982  
commission. 16983~~

**Sec. 1521.24.** Along with an application for a permit 16984  
submitted under section 1521.23 of the Revised Code, an applicant 16985  
that proposes to withdraw ground water shall submit data in a form 16986  
prescribed by the chief of the division of water resources that 16987  
includes all of the following: 16988

(A) A hydrologic map consisting of a single map using the 16989

most recent USGS 7.5 minute topographic maps at a scale of 16990  
1:24,000 as a base or other approved format that shows all of the 16991  
information described in section 1521.25 of the Revised Code; 16992

(B) A hydrogeologic description in sufficient detail to 16993  
determine the cone of depression for the proposed withdrawal that 16994  
includes all of the information described in section 1521.26 of 16995  
the Revised Code; 16996

(C) A steady state ground water model that defines the 16997  
projected cone of depression for the proposed withdrawal that 16998  
complies with section 1521.27 of the Revised Code; 16999

(D) Alternative water supply information that includes an 17000  
analysis of the availability and suitability of alternative water 17001  
supply sources that will be utilized to fulfill the water supply 17002  
replacement provisions of section 1521.35 of the Revised Code. 17003

Sec. 1521.25. An applicant shall show all of the following on 17004  
the hydrologic map required under division (A) of section 1521.24 17005  
of the Revised Code: 17006

(A) The proposed withdrawal area; 17007

(B) The hydrologic study area; 17008

(C) A line delineating the location of the cross sections 17009  
required under division (E) of section 1521.26 of the Revised 17010  
Code; 17011

(D) The location of and assigned identification number for 17012  
the selected water supply wells identified in division (D) of 17013  
section 1521.26 of the Revised Code and all other water sources 17014  
used for domestic, agricultural, or industrial use within the 17015  
proposed withdrawal area and hydrologic study area; 17016

(E) The location of any well, well field, reservoir, river, 17017  
and water source not identified under division (D) of this section 17018  
on or within the hydrologic study area that is used for a public 17019

water supply and the location of any facility registered under 17020  
section 1521.16 of the Revised Code on or within the hydrologic 17021  
study area; 17022

(F) Any additional information that the chief of the division 17023  
of water resources may require based on site-specific conditions. 17024

**Sec. 1521.26.** An applicant shall include all of the following 17025  
with the hydrogeologic description required under division (B) of 17026  
section 1521.24 of the Revised Code: 17027

(A) A detailed description of the geology within the proposed 17028  
withdrawal and hydrologic study area down to the lowest level of 17029  
any aquifer from which water is proposed to be withdrawn. The 17030  
description must include the areal and structural geology of the 17031  
withdrawal and hydrologic study area, and any other parameter that 17032  
may affect the occurrence, availability, movement, or quantity of 17033  
potentially affected ground waters. The description must be based 17034  
on information available to the applicant from test borings, core 17035  
drillings, well logs, and geologic literature and practices. 17036

(B) Information related to the ground water hydrology for the 17037  
proposed withdrawal and hydrologic study area including, at a 17038  
minimum, all of the following: 17039

(1) The elevation and the lateral extent of each aquifer, 17040  
interbedded lithology, and overburden material; 17041

(2) The thickness of each aquifer and a detailed lithologic 17042  
description from surface to base of the deepest aquifer, noting 17043  
any changes in lithology over distance; 17044

(3) Known uses of and withdrawals from the water in each 17045  
aquifer; 17046

(4) The transmissivity of each aquifer; 17047

(5) The storativity of each aquifer; 17048

<u>(6) The hydraulic conductivity of each aquifer;</u>	17049
<u>(7) The specific yield of each unconfined aquifer;</u>	17050
<u>(8) The rate of discharge of any currently registered water</u> <u>withdrawals shown pursuant to division (E) of section 1521.25 of</u> <u>the Revised Code.</u>	17051 17052 17053
<u>(C) A listing of the published information and data, and</u> <u>copies of the unpublished records and data, used in preparation of</u> <u>the items in divisions (A) and (B) of this section, including core</u> <u>descriptions, cuttings descriptions, stratigraphic descriptions,</u> <u>and pump or slug test records;</u>	17054 17055 17056 17057 17058
<u>(D) A water supply inventory representing all aquifers</u> <u>submitted in a format prescribed by the chief of the division of</u> <u>water resources that, at a minimum, includes all of the following:</u>	17059 17060 17061
<u>(1) All of the existing water wells within the study area if</u> <u>there are fewer than one hundred wells. If there are more than one</u> <u>hundred wells within the study area, the inventory must include</u> <u>one hundred wells plus twenty-five per cent of those wells in</u> <u>excess of one hundred, but shall not exceed a total of three</u> <u>hundred wells.</u>	17062 17063 17064 17065 17066 17067
<u>(2) A listing of water sources in the proposed withdrawal and</u> <u>hydrologic study area as shown pursuant to divisions (D) and (E)</u> <u>of section 1521.25 of the Revised Code. Such water sources must</u> <u>include the most recently drilled wells, represent all aquifers</u> <u>and producing zones within the aquifers, and reflect a uniform</u> <u>geographical distribution of wells within the study area. The</u> <u>listing must include, to the extent available, all of the</u> <u>following for each well:</u>	17068 17069 17070 17071 17072 17073 17074 17075
<u>(a) The map identification number listed under division (D)</u> <u>of section 1521.25 of the Revised Code;</u>	17076 17077
<u>(b) The department of natural resources, division of water</u>	17078

<u>resources number assigned to the log form required to be filed</u>	17079
<u>under section 1521.05 of the Revised Code;</u>	17080
<u>(c) The township in which each well is located;</u>	17081
<u>(d) The year the well was drilled;</u>	17082
<u>(e) The latitude and longitude in NAD 83 of the well;</u>	17083
<u>(f) The surface elevation of the well in feet;</u>	17084
<u>(g) The total depth of the well in feet below the land</u>	17085
<u>surface;</u>	17086
<u>(h) The depth to bedrock in feet;</u>	17087
<u>(i) A description of unconsolidated material;</u>	17088
<u>(j) The static water level of the well in feet below the land</u>	17089
<u>surface;</u>	17090
<u>(k) The casing length in feet;</u>	17091
<u>(l) The lithology of the screen interval/open borehole;</u>	17092
<u>(m) The length of any well screen in feet;</u>	17093
<u>(n) The test rate in gallons per minute;</u>	17094
<u>(o) The duration of the test;</u>	17095
<u>(p) The drawdown in feet.</u>	17096
<u>(3) A listing of the location and type of any public water</u>	17097
<u>supply sources within the withdrawal and hydrologic study area;</u>	17098
<u>(4) A copy of the division of water resources well logs for</u>	17099
<u>the wells listed in division (D) of this section.</u>	17100
<u>Prior to submission of an application, an applicant may</u>	17101
<u>submit a request in writing to the chief to reduce the number or</u>	17102
<u>extent of the submittals required in division (D) of this section.</u>	17103
<u>The chief may grant the request only if the chief makes a written</u>	17104
<u>determination that this reduction will not diminish the level of</u>	17105
<u>accuracy in the ground water model. If the chief grants a</u>	17106



reduction, the written request and determination shall be 171107  
submitted with the permit application. If information required in 171108  
the water supply inventory is unobtainable, the applicant shall 171109  
submit a statement to that effect, giving the reasons therefor. 171110

(E) A minimum of two perpendicular hydrogeologic cross 171111  
sections of the same scale for the hydrologic study area based on 171112  
available information. Such cross sections must be of uniform 171113  
horizontal and uniform vertical scale, depict the information 171114  
required in divisions (B)(1) and (2) of this section, intersect 171115  
the center of the proposed withdrawal, and include the data points 171116  
used to construct the cross section. 171117

(F) Any other information the chief may require. 171118

For purposes of the hydrogeologic description and to 171119  
establish pre-pumping water level conditions, the chief may 171120  
require the applicant to monitor water levels from each aquifer 171121  
from which water is proposed to be withdrawn. The applicant shall 171122  
conduct such monitoring via the wells listed in division (D) of 171123  
this section or new monitoring wells drilled by the applicant. The 171124  
chief also may require pre-pumping tests. 171125

**Sec. 1521.27.** (A) An applicant shall ensure that both of the 171126  
following apply to the steady state ground water model required 171127  
under division (C) of section 1521.24 of the Revised Code: 171128

(1) It accurately reflects the ground water flow conditions 171129  
associated with the hydrologic study area and is consistent with 171130  
American society for testing and materials international 171131  
standards. 171132

(2) It is in the form of a three-dimensional ground water 171133  
flow model utilizing finite difference modeling software or other 171134  
modeling software acceptable to the chief of the division of water 171135  
resources. 171136

(B) The applicant shall submit the model results in a format prescribed by the chief. The applicant shall include detailed explanations of the hydrologic and geologic parameters used to construct the model, including all of the following: 17137  
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(1) The saturated thickness of each aquifer; 17141

(2) The elevation of the static water level or potentiometric surface of each aquifer; 17142  
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(3) Whether each aquifer is confined or unconfined; 17144

(4) The pumping water level elevation at steady state conditions. 17145  
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Sec. 1521.28. The chief of the division of water resources shall use the data submitted under sections 1521.24 to 1521.27 of the Revised Code to establish the geographic area defined by the ten-foot contour line of the projected cone of depression for any approved application for the withdrawal of ground water. However, the chief may designate a different contour line based upon water resource availability, seasonal variations, other water users in the hydrologic study area, or other ground water data available. 17147  
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Sec. ~~1501.34~~1521.29. (A) The ~~director of natural~~ chief of the division of water resources shall not approve an application submitted under section ~~1501.33~~ 1521.23 of the Revised Code if ~~he~~ the chief determines that any of the following criteria apply: 17155  
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(1) Public water rights in navigable waters will be adversely affected; 17159  
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(2) The facility's current consumptive use, if any, does not incorporate maximum feasible conservation practices as determined by the ~~director~~chief, considering available technology and the nature and economics of the various alternatives; 17161  
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(3) The proposed plans for the withdrawal, transportation, 17165

development, and consumptive use of water resources do not 17166  
incorporate maximum feasible conservation practices as determined 17167  
by the ~~director~~ chief, considering available technology and the 17168  
nature and economics of the various alternatives; 17169

(4) The proposed withdrawal and consumptive uses do not 17170  
reasonably promote the protection of the public health, safety, 17171  
and welfare; 17172

(5) The proposed withdrawal will have a significant 17173  
detrimental effect on the quantity or quality of water resources 17174  
and related land resources in this state, including a significant 17175  
lowering of the water level within or the overdrafting of an 17176  
aquifer; 17177

(6) The proposed withdrawal is inconsistent with regional or 17178  
state water resources plans; 17179

(7) Insufficient water is available for the withdrawal and 17180  
other existing legal uses of water resources are not adequately 17181  
protected; 17182

(8) A significant diminution will occur in the amount of 17183  
water available to existing wells or an interruption of existing 17184  
ground water usage will occur within the geographic area 17185  
established by the chief pursuant to section 1521.28 of the 17186  
Revised Code without a suitable replacement water supply source; 17187

(9) A withdrawal or consumptive use will cause irreparable 17188  
material damage to an aquifer such that the aquifer may no longer 17189  
yield the amount of water it did before the withdrawal or 17190  
consumptive use proposed in the application. 17191

(B) The ~~director~~ chief may hold public hearings upon any 17192  
application for a permit submitted under section ~~1501.33~~ 1521.23 17193  
of the Revised Code. The ~~director~~ chief shall determine the period 17194  
for which each permit approved under this section will be valid 17195  
and specify the expiration date, but in no case shall a permit be 17196

valid beyond the life of the project as stated in the application. 17197  
~~The director shall establish rules providing for the transfer of~~ 17198  
~~permits. A permit may be transferred on the conditions that the~~ 17199  
~~quantity of water withdrawn not be increased and that the purposes~~ 17200  
~~of the withdrawal not be changed.~~ 17201

(C)(1) ~~Within a time established by rule~~ninety days of 17202  
receiving a complete application, the ~~director~~ chief shall do one 17203  
of the following: 17204

(a) Notify the applicant that ~~an~~ the applicant's application 17205  
~~he~~ submitted under section ~~1501.33~~ 1521.23 of the Revised Code is 17206  
approved or denied and, if denied, the reason for denial; 17207

(b) Notify the applicant of any modification necessary to 17208  
qualify the application for approval. 17209

(2) Any person who receives notice of a denial or 17210  
modification under this division is entitled to a hearing under 17211  
Chapter 119. of the Revised Code if the person sends a written 17212  
request for a hearing to the ~~director~~ chief within thirty days 17213  
after the date on which the notice is mailed or otherwise provided 17214  
to the applicant. 17215

(D) ~~The director shall revoke a permit under this section~~ 17216  
~~without a prior hearing if he determines that the quantity of~~ 17217  
~~water being consumed exceeds the quantity stated in the permit~~ 17218  
~~application~~ The chief shall issue a permit to an applicant whose 17219  
application is approved under this section. 17220

~~The director may suspend a permit if he determines that the~~ 17221  
~~continued consumption of water under the permit will endanger the~~ 17222  
~~public health, safety, or welfare. Before suspending a permit, the~~ 17223  
~~director shall make a reasonable attempt to notify the permittee~~ 17224  
~~that he intends to suspend the permit. If the attempt fails,~~ 17225  
~~notification shall be given as soon as practicable following the~~ 17226  
~~suspension. Within five days after the suspension, the director~~ 17227

~~shall provide the permittee an opportunity to be heard and to  
present evidence that the continued consumption of water will not  
endanger the public health, safety, or welfare.~~

~~If the director determines, before the expiration date of a  
suspended permit, that the consumption of water can be resumed  
without danger to the public health, safety, or welfare, he shall,  
upon request of the permittee, reinstate the permit.~~

~~(E) Any six or more residents of this state may petition the  
director for an investigation of a withdrawal of water resources  
that they allege is in violation of a permit issued under this  
section.~~

~~The petition shall identify the permittee and detail the  
reasons why the petitioners believe that grounds exist for the  
revocation or suspension of the permit under this section.~~

~~Upon receipt of the petition, the director shall send a copy  
to the permittee and, within sixty days, make a determination  
whether grounds exist for revocation or suspension of the permit  
under this section.~~

~~(F) Each permittee under this section shall submit to the  
director an annual report containing such information as the  
director may require by rule.~~

Sec. 1521.30. (A) With regard to a permit issued under  
section 1521.29 of the Revised Code, the permittee shall submit to  
the chief of the division of water resources an annual report  
containing any information as the chief shall require by rule.

(B) If the facility for which a permit has been issued under  
section 1521.29 of the Revised Code withdraws ground water, the  
chief may require the continued monitoring and reporting of water  
levels in each aquifer via existing wells or new monitoring wells  
drilled by the permittee.

(C) With regard to a permit issued under section 1521.29 of the Revised Code, the permittee, at least once every five years, shall certify to the chief that the facility for which the permit has been issued is in compliance with the permit. 17258  
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(D) The chief shall adopt rules for the transfer of permits issued under section 1521.29 of the Revised Code. The chief may allow a permit to be transferred on the condition that the quantity of water withdrawn not be increased and that the purposes of the withdrawal not be changed. 17262  
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**Sec. 1521.31.** (A) The chief of the division of water resources may require a permittee that has been issued a permit under section 1521.29 of the Revised Code to decrease its withdrawal and submit a revised ground water model under section 1521.27 of the Revised Code if either of the following applies: 17267  
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(1) The permittee's reported ground water monitoring data conflicts with the permittee's ground water model. 17272  
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(2) The results of the division of water resources' investigation of any written complaint under section 1521.36 of the Revised Code indicate that the permittee's withdrawal caused the diminution or interruption of a person's water supply. 17274  
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(B) If so required under division (A) of this section, the permittee shall submit the revised ground water modeling using additional data that reflects the permittee's impact on ground water. Based upon the revised ground water modeling and additional data, the chief may amend the permit to decrease the withdrawal or establish a revised projected cone of depression. 17278  
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(C) A permittee may request the chief to amend a permit issued under section 1521.29 of the Revised Code when another ground water user affects or has the potential to affect the projected cone of depression. The permittee shall submit with the 17284  
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request a revised ground water model using additional data that 17288  
reflects the other ground water user's impact on ground water. 17289  
Based on the revised ground water model and additional data, the 17290  
chief may establish a revised projected cone of depression and 17291  
amend the permit accordingly. 17292

Sec. 1521.32. (A) The chief may suspend a permit issued under 17293  
section 1521.29 of the Revised Code pursuant to an adjudication 17294  
conducted in accordance with Chapter 119. of the Revised Code if 17295  
the chief determines one of the following: 17296

(1) That the continued withdrawal or consumptive use of water 17297  
under the permit will endanger the public health, safety, or 17298  
welfare; 17299

(2) That the withdrawal or consumptive use of water will 17300  
result in a significant lowering of the water level within an 17301  
aquifer, the overdrafting of an aquifer, or the imminent threat of 17302  
irreparable material damage to an aquifer such that the aquifer 17303  
will no longer yield the amount of water it did before the 17304  
withdrawal or consumptive use. 17305

(B) Before suspending a permit, the chief shall make a 17306  
reasonable attempt to notify the permittee that the chief intends 17307  
to suspend the permit. If the attempt fails, notification shall be 17308  
given as soon as practicable following the suspension. 17309

(C) Within five days after the suspension, the chief shall 17310  
provide the permittee an opportunity for a hearing. At the hearing 17311  
the permittee may present evidence that the continued withdrawal 17312  
or consumptive use of water is warranted because the reasons for 17313  
suspension specified in division (A) of this section do not apply. 17314

(D) Prior to the expiration of a suspended permit, a 17315  
permittee may request the chief to amend the suspended permit. The 17316  
chief may amend the permit and allow the withdrawal or consumptive 17317

use of water under it to be resumed if the chief determines that, 17318  
under the amended permit, the reasons for suspension specified in 17319  
division (A) of this section will no longer apply. 17320

(E)(1) Any six or more residents of this state may petition 17321  
the chief for an investigation of a withdrawal of water resources 17322  
that they allege is in violation of a permit issued under section 17323  
1521.29 of the Revised Code. 17324

(2) In the petition, the petitioners shall identify the 17325  
permittee and detail the reasons why the petitioners believe that 17326  
grounds exist for the suspension of the permit under this section 17327  
or the revocation of the permit under section 1521.33 of the 17328  
Revised Code. 17329

(3) Upon receipt of the petition, the chief shall send a copy 17330  
to the permittee and, within sixty days, make a determination 17331  
whether grounds exist for suspension of the permit under this 17332  
section or revocation of the permit under section 1521.33 of the 17333  
Revised Code. 17334

**Sec. 1521.33.** The chief may revoke a permit issued under 17335  
section 1521.29 of the Revised Code pursuant to an adjudication 17336  
conducted in accordance with Chapter 119. of the Revised Code if 17337  
one of the following applies: 17338

(A) The continued withdrawal or consumptive use of water 17339  
under the permit will endanger the public health, safety, or 17340  
welfare. 17341

(B) The withdrawal or consumptive use of water will result in 17342  
a significant lowering of the water level within an aquifer, the 17343  
overdrafting of an aquifer, or the imminent threat of irreparable 17344  
material damage to an aquifer such that the aquifer will no longer 17345  
yield the amount of water it did before the withdrawal or 17346  
consumptive use. 17347



(C) The permittee has violated, is violating, or is threatening to violate any provision in sections 1521.23 to 1521.36 of the Revised Code, rules adopted under those sections, or a permit or order issued under those sections. 17348  
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**Sec. 1521.34.** (A) For purposes of this section, "public water system" has the same meaning as in section 6109.01 of the Revised Code. 17352  
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(B) The chief shall provide written notice to the director of environmental protection and the permittee at least ten business days prior to requiring a permittee that is a public water system to decrease its withdrawal, or prior to revoking, suspending, or amending the public water system's permit issued under section 1521.29 of the Revised Code. Nothing in this section affects a public water system's obligation to comply with Chapter 6109. of the Revised Code and the rules adopted under it. 17355  
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**Sec. 1521.35.** (A) An owner of real property that is located within the geographic area established under section 1521.28 of the Revised Code with respect to a permit issued under section 1521.29 of the Revised Code may submit a written complaint to the permittee or to the chief of the division of water resources informing the permittee or the chief that there is a diminution or interruption of the owner's water supply if both of the following apply: 17363  
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(1) The owner obtains all or part of the owner's water supply for domestic, agricultural, industrial, or other legitimate use from ground water. 17371  
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(2) There is a diminution or interruption of that water supply. 17374  
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The owner shall include in the complaint the owner's name, address, and telephone number. 17376  
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(B) If the chief receives a written complaint submitted in accordance with division (A) of this section, upon receipt the chief shall send a copy of the complaint to the permittee, and the permittee shall immediately respond by sending the chief a statement that explains how the permittee resolved or will resolve the complaint. 17378  
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If the permittee receives the written complaint in accordance with division (A) of this section, the permittee shall send a copy of the complaint, within fourteen days after receiving the complaint, to the chief and include a statement that explains how the permittee resolved or will resolve the complaint. Nothing in this section relieves a permittee from performing the duties specified in division (C) of this section. 17384  
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(C) Not later than seventy-two hours after the permittee receives the complaint and if the complaint is not resolved as verified by the chief, the permittee shall provide the owner with a supply of water that is comparable to the owner's water supply prior to the diminution or interruption of the owner's water supply. The chief shall approve the method of providing the water supply. The permittee shall maintain that water supply unless the chief determines that the permittee has rebutted the presumption established in division (D) of this section. 17391  
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(D) A rebuttable presumption exists that the withdrawal by the permittee caused the diminution or interruption of the owner's water supply. However, not later than fourteen days after receipt of the complaint, the permittee may submit to the chief information showing that the permittee is not the proximate cause of the diminution or interruption of the owner's water supply. The chief shall evaluate the information submitted by the permittee to determine if the presumption is rebutted. 17400  
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(E) If the permittee fails to rebut the presumption, the chief shall notify the permittee and the owner in writing that the 17408  
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permittee failed to rebut the presumption. 17410

(F) If the permittee rebuts the presumption, the chief shall 17411  
notify the permittee and the owner that the permittee rebutted the 17412  
presumption. Upon receipt of that notice, the permittee may cease 17413  
providing a supply of water to the owner under division (C) of 17414  
this section. 17415

(G) If, within fourteen days after receipt of the complaint, 17416  
the permittee fails to submit to the chief information showing 17417  
that the withdrawal is not the proximate cause of the diminution 17418  
or interruption of the owner's water supply, such failure shall be 17419  
considered a failure to rebut the presumption. 17420

**Sec. 1521.36.** (A) An owner of real property that is located 17421  
outside the geographic area established under section 1521.28 of 17422  
the Revised Code with respect to a permit issued under section 17423  
1521.29 of the Revised Code may submit a written complaint to the 17424  
permittee or to the chief of the division of water resources if 17425  
both of the following apply: 17426

(1) The owner obtains all or part of the owner's water supply 17427  
for domestic, agricultural, industrial, or other legitimate use 17428  
from ground water. 17429

(2) There is a diminution or interruption of that water 17430  
supply. 17431

The owner shall include in the complaint the owner's name, 17432  
address, and telephone number. 17433

(B) If the chief receives the written complaint submitted 17434  
under division (A) of this section, upon receipt the chief shall 17435  
send the permittee a copy of the complaint. If the permittee 17436  
receives the written complaint, upon receipt the permittee shall 17437  
send the chief a copy of the complaint. 17438

(C) The chief shall investigate the complaint. Upon 17439

completion of the investigation, the chief shall send the results 17440  
of the investigation to the permittee and to the owner that 17441  
submitted the complaint. 17442

(D) The owner that submitted the complaint may resolve the 17443  
diminution or interruption of the owner's water supply with the 17444  
permittee or may commence a civil action for that purpose. 17445

**Sec. 1521.40.** (A) No person shall violate any provision of 17446  
this chapter, any rule or order adopted or issued under it, or any 17447  
term or condition of a permit issued under it. 17448

(B) The attorney general, upon written request of the chief 17449  
of the division of water resources, shall bring an action for an 17450  
injunction or other appropriate legal or equitable action against 17451  
any person who has violated, is violating, or is threatening to 17452  
violate any provision of this chapter, any rule or order adopted 17453  
or issued under it, or any term or condition of a permit issued 17454  
under it. 17455

(C) A person who violates any provision of this chapter, any 17456  
rule or order adopted or issued under it, or any term or condition 17457  
of a permit issued under it is liable to the chief for any costs 17458  
incurred by the division of water resources in investigating, 17459  
mitigating, minimizing, removing, or abating the violation and 17460  
conditions caused by it. 17461

(D) Upon the request of the chief, the attorney general shall 17462  
bring a civil action against the responsible person to recover 17463  
those costs in the court of common pleas of Franklin county. 17464  
Moneys recovered under this division shall be deposited in the 17465  
state treasury to the credit of the water management fund created 17466  
in section 1521.22 of the Revised Code. 17467

**Sec. 1521.99.** (A) Whoever violates division (E)(1) of section 17468  
1521.05 or division (E)(1) of section 1521.16 of the Revised Code 17469

is guilty of a misdemeanor of the fourth degree. 17470

(B) Whoever violates section 1521.06 or 1521.062 of the 17471  
Revised Code shall be fined not less than one hundred dollars nor 17472  
more than one thousand dollars for each offense. Each day of 17473  
violation constitutes a separate offense. 17474

(C) Whoever violates section 1521.22 of the Revised Code or 17475  
the terms or conditions of a permit issued under that section 17476  
shall be fined not more than ten thousand dollars for each day of 17477  
violation. 17478

(D) Whoever violates section 1521.23 of the Revised Code or 17479  
the terms or conditions of a permit issued under section 1521.29 17480  
of the Revised Code is guilty of a misdemeanor of the fourth 17481  
degree. 17482

**Sec. 1522.10.** As used in sections 1522.10 to ~~1522.21~~ 1522.30 17483  
of the Revised Code: 17484

(A) "Baseline facility" means a facility identified in the 17485  
baseline report or a facility added to the baseline report under 17486  
section 1522.16 of the Revised Code. 17487

(B) "Baseline facility abandonment" means the voluntary and 17488  
affirmative termination of a baseline facility's withdrawal and 17489  
consumptive use capacity as listed in the baseline report. 17490  
"Baseline facility abandonment" does not include the nonuse or the 17491  
transfer of a baseline facility's withdrawal and consumptive use 17492  
capacity unless either of the following applies: 17493

(1) The nonuse continues for fifteen consecutive years for a 17494  
facility with a potential withdrawal from Lake Erie or a 17495  
recognized navigational channel and the nonuse is not extended in 17496  
accordance with division (B) of section 1522.16 of the Revised 17497  
Code. 17498

(2) For a facility to which division (B)(1) of this section 17499

does not apply, the nonuse continues for thirty-six consecutive 17500  
months and is not extended in accordance with division (B) of 17501  
section 1522.16 of the Revised Code. 17502

(C) "Baseline report" means a list of the withdrawal and 17503  
consumptive use capacities of facilities that was developed for 17504  
purposes of Section 4.12 of the great lakes-st. Lawrence river 17505  
basin water resources compact by the department of natural 17506  
resources and submitted to the great lakes-st. Lawrence river 17507  
basin water resources council on December 8, 2009. 17508

(D) "Capacity" means the ability of a facility's pumps, 17509  
pipes, and other appurtenances to withdraw water presented in 17510  
terms of withdrawal capacity, treatment capacity, distribution 17511  
capacity, or other capacity-limiting factors. 17512

(E) "Compact" means the great lakes-st. Lawrence river basin 17513  
water resources compact set forth in section 1522.01 of the 17514  
Revised Code. 17515

(F) "Consumptive use" has the same meaning as in section 17516  
1522.01 of the Revised Code. For purposes of determining a new or 17517  
increased capacity for consumptive use, "consumptive use" is the 17518  
use based on a coefficient of consumptive use generally accepted 17519  
in the scientific community that most accurately reflects the 17520  
process at a facility or the use based on facility specific data, 17521  
whichever is more accurate. 17522

(G) "Diversion" has the same meaning as in section 1522.01 of 17523  
the Revised Code. 17524

(H) "Facility" means any site, installation, or building at 17525  
which water withdrawal and consumptive use activities take place 17526  
or are proposed to take place, that is located at a property or on 17527  
contiguous properties, ~~and that is under the direction of either a~~ 17528  
~~private or public entity.~~ "Facility" includes any site, 17529  
installation, building, or service area of a public water system 17530

at or within which water withdrawal and consumptive use activities 17531  
take place. 17532

(I) "Facility abandonment" means the voluntary and 17533  
affirmative termination of a facility's withdrawal and consumptive 17534  
use capacity as listed in a withdrawal and consumptive use permit 17535  
issued under section 1522.12 of the Revised Code. "Facility 17536  
abandonment" does not include the nonuse or the transfer of a 17537  
facility's withdrawal and consumptive use capacity unless either 17538  
of the following applies: 17539

(1) The nonuse continues for fifteen consecutive years for a 17540  
facility with a potential withdrawal from Lake Erie or a 17541  
recognized navigational channel and the nonuse is not extended in 17542  
accordance with division (B) of section 1522.16 of the Revised 17543  
Code. 17544

(2) For a facility to which division (I)(1) of this section 17545  
does not apply, the nonuse continues for thirty-six consecutive 17546  
months and is not extended in accordance with division (B) of 17547  
section 1522.16 of the Revised Code. 17548

(J) "High quality water" means a river or stream segment that 17549  
has been designated by the environmental protection agency under 17550  
Chapter 3745-1 of the Administrative Code as an exceptional warm 17551  
water habitat, cold water habitat, outstanding state water, or 17552  
superior high-quality water. 17553

(K) "Increased capacity" does not include any capacity that 17554  
results from alterations or changes made at a facility that 17555  
replace existing capacity without increasing the capacity of the 17556  
facility. 17557

(L) "Public water system" has the same meaning as in section 17558  
6109.01 of the Revised Code. 17559

(M) "Recognized navigation channel" means that portion of a 17560  
river or stream extending from bank to bank that is a direct 17561

tributary of Lake Erie and that, as of ~~the effective date of this~~ 17562  
~~section~~ September 4, 2012, is a state or federally maintained 17563  
navigation channel. 17564

(N) "River or stream" means a body of water running or 17565  
flowing, either continually or intermittently, on the earth's 17566  
surface or a channel in which such flow occurs. 17567

(O) "Water" means ground or surface water contained within 17568  
the basin of the Lake Erie source watershed. 17569

(P) "Aquifer," "cone of depression," "ground water," 17570  
"hydrologic study area," "well," "well field," and "withdrawal 17571  
area" have the same meanings as in section 1521.01 of the Revised 17572  
Code. 17573

**Sec. 1522.101.** For purposes of sections 1522.10 to ~~1522.21~~ 17574  
1522.30 of the Revised Code, a reference to source watershed or 17575  
the Lake Erie source watershed means the Lake Erie watershed 17576  
considered as a whole. 17577

**Sec. 1522.11.** (A) No person shall install or operate a 17578  
facility or equipment that results in a new or increased diversion 17579  
of any water out of the Lake Erie watershed to another watershed 17580  
without first obtaining a permit to do so issued by the chief of 17581  
the division of water resources. An application for such a permit 17582  
shall be submitted to the chief on a form that the chief 17583  
prescribes. An application shall be accompanied by a nonrefundable 17584  
fee of one thousand dollars, which shall be credited to the water 17585  
management fund created in section ~~1501.32~~ 1521.22 of the Revised 17586  
Code. 17587

(B) The chief shall approve a permit application submitted 17588  
under this section only if the chief determines that it meets the 17589  
criteria required to qualify as an exception to the prohibition 17590  
against diversions established in Section 4.9 of the compact. The 17591



chief shall issue or deny a permit through issuance of an order. 17592

**Sec. 1522.12.** (A) For purposes of the compact, ~~not later than~~ 17593  
~~one hundred eighty days after September 4, 2012, the chief of the~~ 17594  
~~division of water resources shall establish a program for the~~ 17595  
~~issuance of permits for the withdrawal and consumptive use of~~ 17596  
~~water from the Lake Erie watershed. Upon establishment of the~~ 17597  
~~program,~~ the owner or operator of a facility within the Lake Erie 17598  
watershed that is not otherwise exempt under section 1522.14 of 17599  
the Revised Code shall obtain a withdrawal and consumptive use 17600  
permit from the chief of the division of water resources if the 17601  
facility meets any of the following threshold criteria: 17602

(1) The facility has a new or increased capacity for 17603  
withdrawals or consumptive uses from Lake Erie or a recognized 17604  
navigation channel of at least two and one-half million gallons 17605  
per day. 17606

(2) Except as provided in division (A)(3) of this section, 17607  
the facility has a new or increased capacity for withdrawals or 17608  
consumptive uses from any river or stream or from ground water in 17609  
the Lake Erie watershed of at least one million gallons per day. 17610

(3)(a) Except as provided in division (A)(3)(b) of this 17611  
section, the facility has a new or increased capacity for 17612  
withdrawals or consumptive uses from any river or stream in the 17613  
Lake Erie watershed that is a high quality water of at least one 17614  
hundred thousand gallons per day. Division (A)(3) of this section 17615  
does not apply to withdrawals and consumptive uses from 17616  
outstanding state waters that are designated as such by the 17617  
environmental protection agency due to their exceptional 17618  
recreational values. 17619

(b) If a river or stream or segment thereof is designated as 17620  
a high quality water as of September 4, 2012, the threshold 17621  
established in division (A)(3)(a) of this section applies to the 17622

river or stream or segment thereof and the entire watershed 17623  
upstream of that river, stream, or segment. If a river or stream 17624  
or segment thereof is designated as a high quality water after 17625  
September 4, 2012, the threshold established in division (A)(3)(a) 17626  
of this section applies to the river or stream or segment thereof 17627  
and the entire watershed upstream of that river, stream, or 17628  
segment, provided that the director of environmental protection 17629  
and the director of natural resources, or their designees, jointly 17630  
determine that the proposed withdrawal or consumptive use would 17631  
cause the high quality water to lose its designation as a high 17632  
quality water. If the directors determine that the proposed 17633  
withdrawal or consumptive use would not cause the high quality 17634  
water to lose that designation, the threshold established in 17635  
division (A)(2) of this section applies to the withdrawal or 17636  
consumptive use at a point beginning one thousand feet upstream of 17637  
the upstream end of the designated high quality water segment or 17638  
at a point beginning two times the length of the river, stream, or 17639  
segment that has been designated as a high quality water, 17640  
whichever is greater. 17641

~~Upon establishment of the withdrawal and consumptive use 17642  
permit program under this division, the owner or operator of a 17643  
facility that is not otherwise exempt under section 1522.14 of the 17644  
Revised Code and that is subject to a threshold specified in 17645  
division (A)(1) or (2) of this section, after submitting an 17646  
application for a permit under this section and a determination by 17647  
the chief that the application is complete, may commence 17648  
installation of the facility or equipment that will result in a 17649  
new or increased withdrawal or consumptive use of water in the 17650  
Lake Erie watershed prior to issuance of the withdrawal and 17651  
consumptive use permit. 17652~~

~~Upon establishment of the withdrawal and consumptive use 17653  
permit program under this division, the (B) An owner or operator 17654~~

of a facility that is not otherwise exempt under section 1522.14 17655  
of the Revised Code and that is subject to a threshold specified 17656  
in division (A)~~(3)~~ of this section shall not install or operate 17657  
the facility or equipment that will result in a new or increased 17658  
withdrawal or consumptive use of water in the Lake Erie watershed 17659  
without first obtaining a withdrawal and consumptive use permit. 17660

~~(B)~~ (C) Permits issued under this section shall be issued 17661  
only for the amount of withdrawal or consumptive use capacity of a 17662  
facility that meets or exceeds threshold amounts established in 17663  
division (A) of this section. A permit shall not be required for 17664  
the portion of the withdrawal and consumptive use capacity of the 17665  
facility below that threshold amount. 17666

~~(C)~~ (D) An applicant for a permit shall submit an application 17667  
to the chief on a form that the chief prescribes. The applicant 17668  
shall include with the application all of the following: 17669

(1) The name, address, and telephone number of the applicant 17670  
and of a contact person for the applicant; 17671

(2) The names, addresses, and other necessary contact 17672  
information of any other owners and operators of the facility; 17673

(3) A description of all of the following: 17674

(a) The facility's current withdrawal capacity per day if the 17675  
withdrawal is to occur at a facility already in operation; 17676

(b) The total new or increased daily withdrawal capacity 17677  
proposed for the facility; 17678

(c) The locations and sources of water proposed to be 17679  
withdrawn; 17680

(d) The locations of proposed discharges or return flows; 17681

(e) The locations and nature of proposed consumptive uses and 17682  
the applicable consumptive use coefficient for the facility; 17683

(f) The estimated average annual and monthly volumes and 17684

rates of withdrawal; 17685

(g) The estimated average annual and monthly volumes and 17686  
rates of consumptive use; 17687

(h) The environmentally sound and economically feasible water 17688  
conservation measures to be undertaken by the applicant; 17689

(i) Other ways the applicant's need for water may be 17690  
satisfied if the application is denied or modified; 17691

~~(j)~~ (4) All information required in sections 1522.121 to 17692  
1522.124 of the Revised Code if the source of water for the 17693  
proposed withdrawal is ground water; 17694

(5) Any other information the chief may require to adequately 17695  
consider the application; 17696

~~(4)~~(6) A nonrefundable application fee of one thousand 17697  
dollars, the proceeds of which shall be credited to the water 17698  
management fund created in section ~~1501.32~~1521.22 of the Revised 17699  
Code. 17700

~~(D)~~ (E) Provided that a facility meets all applicable permit 17701  
conditions, a permit for the facility is valid until the facility 17702  
is the subject of facility abandonment. Once every five years, the 17703  
owner or operator of a facility shall certify to the chief that 17704  
the facility is in compliance with the permit that has been issued 17705  
for the facility. 17706

~~(E)~~ (F) No person that is required to do so shall fail to 17707  
apply for and receive a withdrawal and consumptive use permit. 17708

~~(F)~~ (G) A permit issued under this section shall include 17709  
terms and conditions restricting the withdrawal and consumptive 17710  
use by a facility to amounts not exceeding the capacity of the 17711  
facility. 17712

~~(G)~~ (H) The chief shall issue or deny a permit not later than 17713  
ninety days after receipt of a complete application. If 17714

applicable, the chief shall comply with the requirements regarding 17715  
prior notice established in Section 4.6 of the compact. The chief 17716  
shall issue or deny a permit through issuance of an order. The 17717  
chief shall issue a permit if all applicable criteria for 17718  
receiving the permit are met as provided in sections 1522.10 to 17719  
~~1522.21~~ 1522.30 of the Revised Code and neither of the following 17720  
applies: 17721

(1) A withdrawal or consumptive use will result in a 17722  
significant lowering of the water level within an aquifer, the 17723  
overdrafting of an aquifer, a significant diminution in the amount 17724  
of water available in existing wells, or the interruption of 17725  
existing ground water supplies within the geographic area 17726  
established by the chief pursuant to section 1522.125 of the 17727  
Revised Code without a suitable replacement water supply source. 17728

(2) A withdrawal or consumptive use would cause irreparable 17729  
material damage to an aquifer such that the aquifer could no 17730  
longer yield the amount of water it did before the withdrawal or 17731  
consumptive use proposed in the application. 17732

(I) If the facility for which a permit has been issued under 17733  
this section withdraws ground water, the chief may require the 17734  
continued monitoring and reporting of water levels in each aquifer 17735  
via existing wells or new monitoring wells drilled by the 17736  
permittee. 17737

**Sec. 1522.121.** Along with an application for a permit 17738  
submitted under section 1522.12 of the Revised Code, an applicant 17739  
that proposes to withdraw ground water shall submit data in a form 17740  
prescribed by the chief of the division of water resources that 17741  
includes all of the following: 17742

(A) A hydrologic map consisting of a single map using the 17743  
most recent USGS 7.5 minute topographic maps at a scale of 17744  
1:24,000 as a base or other approved format that shows all of the 17745

<u>information described in section 1521.122 of the Revised Code;</u>	17746
<u>(B) A hydrogeologic description in sufficient detail to determine the cone of depression for the proposed withdrawal that includes all of the information described in section 1522.123 of the Revised Code;</u>	17747 17748 17749 17750
<u>(C) A steady state ground water model that defines the projected cone of depression for the proposed withdrawal that complies with section 1522.124 of the Revised Code;</u>	17751 17752 17753
<u>(D) Alternative water supply information that includes an analysis of the availability and suitability of alternative water supply sources that will be utilized to fulfill the water supply replacement provisions of section 1522.24 of the Revised Code.</u>	17754 17755 17756 17757
<u><b>Sec. 1522.122.</b> An applicant shall show all of the following on the hydrologic map required under division (A) of section 1522.121 of the Revised Code:</u>	17758 17759 17760
<u>(A) The proposed withdrawal area;</u>	17761
<u>(B) The hydrologic study area;</u>	17762
<u>(C) A line delineating the location of the cross sections required under division (E) of section 1522.123 of the Revised Code;</u>	17763 17764 17765
<u>(D) The location of and assigned identification number for the selected water supply wells identified in division (D) of section 1522.123 of the Revised Code and all other water sources used for domestic, agricultural, or industrial use within the proposed withdrawal area and hydrologic study area;</u>	17766 17767 17768 17769 17770
<u>(E) The location of any well, well field, reservoir, river, and water source not identified under division (D) of this section on or within the hydrologic study area that is used for a public water supply and any facility registered under section 1521.16 of the Revised Code on or within the hydrologic study area;</u>	17771 17772 17773 17774 17775

(F) Any additional information that the chief of the division 17776  
of water resources may require based on site-specific conditions. 17777

Sec. 1522.123. An applicant shall include all of the 17778  
following with the hydrogeologic description required under 17779  
division (B) of section 1522.121 of the Revised Code: 17780

(A) A detailed description of the geology within the proposed 17781  
withdrawal and hydrologic study area down to the lowest level of 17782  
any aquifer from which water is proposed to be withdrawn. The 17783  
description must include the areal and structural geology of the 17784  
withdrawal and hydrologic study area, and any other parameter that 17785  
may affect the occurrence, availability, movement, or quantity of 17786  
potentially affected ground waters. The description must be based 17787  
on information available to the applicant from test borings, core 17788  
drillings, well logs, and geologic literature and practices. 17789

(B) Information related to the ground water hydrology for the 17790  
proposed withdrawal and hydrologic study area including, at a 17791  
minimum, all of the following: 17792

(1) The elevation and the lateral extent of each aquifer, 17793  
interbedded lithology, and overburden material; 17794

(2) The thickness of each aquifer and a detailed lithologic 17795  
description from surface to base of the deepest aquifer, noting 17796  
any changes in lithology over distance; 17797

(3) Known uses of and withdrawals from the water in each 17798  
aquifer; 17799

(4) The transmissivity of each aquifer; 17800

(5) The storativity of each aquifer; 17801

(6) The hydraulic conductivity of each aquifer; 17802

(7) The specific yield of each unconfined aquifer; 17803

(8) The rate of discharge of any currently registered water 17804

withdrawals shown pursuant to division (E) of section 1522.122 of 17805  
the Revised Code; 17806

(C) A listing of the published information and data, and 17807  
copies of the unpublished records and data, used in preparation of 17808  
the items in divisions (A) and (B) of this section including core 17809  
descriptions, cuttings descriptions, stratigraphic descriptions, 17810  
and pump or slug test records; 17811

(D) A water supply inventory representing all aquifers 17812  
submitted in a format prescribed by the chief of the division of 17813  
water resources that, at a minimum, includes all of the following: 17814

(1) All of the existing water wells within the study area if 17815  
there are fewer than one hundred wells. If there are more than one 17816  
hundred wells within the study area, the inventory must include 17817  
one hundred wells plus twenty-five per cent of those wells in 17818  
excess of one hundred, but shall not exceed a total of three 17819  
hundred wells. 17820

(2) A listing of water sources in the proposed withdrawal and 17821  
hydrologic study area as shown pursuant to divisions (D) and (E) 17822  
of section 1522.122 of the Revised Code. Such water sources must 17823  
include the most recently drilled wells, represent all aquifers 17824  
and producing zones within the aquifers, and reflect a uniform 17825  
geographical distribution of wells within the study area. The 17826  
listing must include, to the extent available, all of the 17827  
following for each well: 17828

(a) The map identification number listed under division (D) 17829  
of section 1522.122 of the Revised Code; 17830

(b) The department of natural resources, division of water 17831  
resources number assigned to the log form required to be filed 17832  
under section 1521.05 of the Revised Code; 17833

(c) The township in which each well is located; 17834



<u>(d) The year the well was drilled;</u>	17835
<u>(e) The latitude and longitude in NAD 83 of the well;</u>	17836
<u>(f) The surface elevation of the well in feet;</u>	17837
<u>(g) The total depth of the well in feet below the land surface;</u>	17838 17839
<u>(h) The depth to bedrock in feet;</u>	17840
<u>(i) A description of unconsolidated material;</u>	17841
<u>(j) The static water level of the well in feet below the land surface;</u>	17842 17843
<u>(k) The casing length in feet;</u>	17844
<u>(l) The lithology of the screen interval/open borehole;</u>	17845
<u>(m) The length of any well screen in feet;</u>	17846
<u>(n) The test rate in gallons per minute;</u>	17847
<u>(o) The duration of the test;</u>	17848
<u>(p) The drawdown in feet.</u>	17849
<u>(3) A listing of the location and type of any public water supply sources within the withdrawal and hydrologic study area;</u>	17850 17851
<u>(4) A copy of the division of water resources well logs for the wells listed in division (D) of this section.</u>	17852 17853
<u>Prior to submission of an application, an applicant may submit a request in writing to the chief to reduce the number or extent of the submittals required in division (D) of this section.</u>	17854 17855 17856
<u>The chief may grant the request only if the chief makes a written determination that this reduction will not diminish the level of accuracy in the ground water model. If the chief grants a reduction, the written request and determination shall be submitted with the permit application. If information required in the water supply inventory of division (D) of this section is</u>	17857 17858 17859 17860 17861 17862

unobtainable, a statement to that effect shall be submitted, 17863  
giving the reasons therefor. 17864

(E) A minimum of two perpendicular hydrogeologic cross 17865  
sections of the same scale for the hydrologic study area based on 17866  
available information. Such cross sections must be of uniform 17867  
horizontal and uniform vertical scale, depict the information 17868  
required in divisions (B)(1) and (2) of this section, intersect 17869  
the center of the proposed withdrawal, and include the data points 17870  
used to construct the cross section. 17871

(F) Any other information the chief may require. 17872

For purposes of the hydrogeologic description and to 17873  
establish pre-pumping water level conditions, the chief may 17874  
require the applicant to monitor water levels from each aquifer 17875  
from which water is proposed to be withdrawn. The applicant shall 17876  
conduct such monitoring via the wells listed in division (D) of 17877  
this section or new monitoring wells drilled by the applicant. The 17878  
chief also may require pre-pumping tests. 17879

**Sec. 1522.124.** (A) An applicant shall ensure that both of the 17880  
following apply to the steady state ground water model required 17881  
under division (C) of section 1522.121 of the Revised Code: 17882

(1) It accurately reflects the ground water flow conditions 17884  
associated with the hydrologic study area and is consistent with 17885  
American society for testing and materials international 17886  
standards. 17887

(2) It is in the form of a three-dimensional ground water 17888  
flow model utilizing finite difference modeling software or other 17889  
modeling software acceptable to the chief of the division of water 17890  
resources. 17891

(B) The applicant shall submit the model results in a format 17892

prescribed by the chief. The applicant shall include detailed 17893  
explanations of the hydrologic and geologic parameters used to 17894  
construct the model, including all of the following: 17895

(1) The saturated thickness of each aquifer; 17896

(2) The elevation of the static water level or potentiometric 17897  
surface of each aquifer; 17898

(3) Whether each aquifer is confined or unconfined; 17899

(4) The pumping water level elevation at steady state 17900  
conditions. 17901

**Sec. 1522.125.** The chief of the division of water resources 17902  
shall use the data submitted under sections 1522.121 to 1522.124 17903  
of the Revised Code to establish the geographic area defined by 17904  
the ten-foot contour line of the projected cone of depression for 17905  
any approved application for the withdrawal of ground water. 17906  
However, the chief may designate a different contour line based 17907  
upon water resource availability, seasonal variations, other water 17908  
users in the hydrologic study area, or other ground water data 17909  
available. 17910

**Sec. 1522.13.** (A) The chief of the division of water 17911  
resources shall not issue a withdrawal and consumptive use permit 17912  
for a facility if the chief determines that the facility ~~meets~~ 17913  
does not meet all of the criteria established in Section 4.11 of 17914  
the compact. 17915

(B) In applying the provision of the decision-making standard 17916  
established in Section 4.11.2 of the compact, the chief shall 17917  
require that a withdrawal or consumptive use will be implemented 17918  
so as to ensure that the withdrawal or consumptive use will result 17919  
in no significant individual or cumulative adverse impacts on the 17920  
quantity or quality of the waters and water dependent natural 17921  
resources of the great lakes basin considered as a whole or of the 17922

Lake Erie source watershed considered as a whole. As part of the 17923  
evaluation of a permit application under Section 4.11.2 of the 17924  
compact, the chief shall do all of the following: 17925

(1) Rely on the best generally accepted scientific methods 17926  
appropriate for this state derived from professionally accepted 17927  
resources and practices; 17928

(2) Consider the long-term mean annual inflow and outflow of 17929  
the Lake Erie source watershed; 17930

(3) Consider the withdrawal and the portion of the withdrawal 17931  
that is not returned to the Lake Erie source watershed. 17932

(C) Impacts of a withdrawal or consumptive use on the 17933  
quantity or quality of waters and water dependent natural 17934  
resources of more localized areas that affect less than the great 17935  
lakes basin considered as a whole or the Lake Erie source 17936  
watershed considered as a whole shall be considered as a part of 17937  
the evaluation of whether a proposed withdrawal or consumptive use 17938  
is reasonable as provided in Section 4.11.5 of the compact. 17939

(D) The chief shall not submit an application for a 17940  
withdrawal and consumptive use permit for regional review under 17941  
Section 4.5.2(c)(ii) of the compact to the regional body as 17942  
defined in Section 1.2 of the compact unless regional review is 17943  
agreed to by the applicant. 17944

(E) Nothing in sections 1522.10 to ~~1522.21~~ 1522.30 of the 17945  
Revised Code shall be construed to affect, limit, diminish, or 17946  
impair any rights validly established and existing under the laws 17947  
of this state as of December 8, 2008, including, but not limited 17948  
to, sections 1506.10 and 1521.17 of the Revised Code, or to limit 17949  
a person's right to the reasonable use of ground water, water in a 17950  
lake, or any other watercourse in contravention of Section 19b of 17951  
Article I, Ohio Constitution. 17952

Sec. 1522.14. The following are exempt from the requirement 17953  
to obtain a withdrawal and consumptive use permit: 17954

(A) A facility or proposed facility that has a withdrawal and 17955  
consumptive use capacity or proposed capacity below the threshold 17956  
amounts established in divisions (A)(1) to (3) of section 1522.12 17957  
of the Revised Code; 17958

(B) A facility that has a new or increased withdrawal 17959  
capacity above an applicable threshold amount established in 17960  
section 1522.12 of the Revised Code if either of the following 17961  
apply: 17962

(1) Except as provided in division (B)(2) of this section, 17963  
the new or increased maximum daily withdrawal of the facility is 17964  
less than the applicable threshold amount when averaged over any 17965  
ninety-day period. 17966

(2) The new or increased maximum daily withdrawal of the 17967  
facility is less than the applicable threshold amount when 17968  
averaged over any forty-five-day period with regard to a facility 17969  
with withdrawals from a river or stream that is a high quality 17970  
water when the withdrawals are made at a point where the area of 17971  
the watershed of the river or stream is less than one hundred 17972  
square miles but greater than fifty square miles. 17973

Division (B) of this section does not apply to withdrawals of 17974  
a facility from a river or stream that is a high quality water 17975  
when the withdrawals are made at a point where the area of the 17976  
watershed of the river or stream is fifty square miles or less. 17977

(C) A baseline facility that has not increased its withdrawal 17978  
and consumptive use capacity beyond the capacity listed in the 17979  
baseline report and beyond the threshold amounts established in 17980  
section 1522.12 of the Revised Code; 17981

(D) An electric generating facility that increases its 17982

consumptive use due to a requirement imposed by a federal 17983  
regulation that is unrelated to an increase in production at the 17984  
facility; 17985

(E) A facility making a withdrawal and consumptive use from 17986  
an impoundment of water collected primarily from diffused surface 17987  
water sources, including a farm pond, golf course pond, nursery 17988  
pond, stormwater retention pond, or other private pond; or a 17989  
facility making a withdrawal and consumptive use from any stream 17990  
or river to augment the water supply of an impoundment of water if 17991  
the impoundment is used, at least in part, for firefighting 17992  
purposes. The exemption established by this division does not 17993  
apply to a facility making a withdrawal and consumptive use for 17994  
industrial purposes or for public water supply purposes. 17995

(F) A facility that must temporarily establish a new or 17996  
increased withdrawal and consumptive use capacity as a result of 17997  
an emergency for the duration of that emergency that, without the 17998  
new or increased withdrawal and consumptive use capacity, will 17999  
result in imminent harm to human health or property; 18000

(G) A facility that is establishing a new or is increasing 18001  
its withdrawal and consumptive use capacity in compliance with an 18002  
experimental use permit issued under section 1522.131 of the 18003  
Revised Code; 18004

(H) A facility that must temporarily establish a new or 18005  
increased withdrawal and consumptive use capacity in order to 18006  
respond to a humanitarian crisis for the duration of that crisis 18007  
if the new or increased capacity is necessary to assist in the 18008  
management of that crisis; 18009

(I) A facility that is exempt from the requirement to obtain 18010  
a permit under division ~~(B)~~ (D) or ~~(C)~~ (E) of section ~~1501.33~~ 18011  
1521.23 of the Revised Code; 18012

(J) A facility that is subject to regulation under Chapter 18013

1514. of the Revised Code;	18014
(K) A facility that purchases all of its water from a public water system;	18015 18016
(L) A facility that is withdrawing or consumptively using water from an off-stream impoundment that has been substantially filled with a stream withdrawal by a baseline facility or with a stream withdrawal that is subject to a withdrawal and consumptive use permit;	18017 18018 18019 18020 18021
(M) A facility that is increasing its withdrawal or consumptive use capacity directly related to supplying a major electric generating facility that is subject to regulation under Chapter 4906. of the Revised Code.	18022 18023 18024 18025
<b>Sec. 1522.15.</b> (A)(1) Transfer of a withdrawal and consumptive use permit upon the sale or transfer of a facility may occur so long as the location of the facility, the source of water, and the withdrawal and consumptive use capacities do not change. Transfer of the baseline withdrawal and consumptive use capacity of a baseline facility upon the sale or transfer of the baseline facility may occur so long as the location of the facility, the source of water, and the withdrawal and consumptive use capacities do not change. Transferred capacity of a baseline facility does not require a withdrawal and consumptive use permit.	18026 18027 18028 18029 18030 18031 18032 18033 18034 18035
Notice of a transfer shall be provided to the chief of the division of water resources in a manner prescribed by the chief.	18036 18037
(2) If the owner of a facility for which a withdrawal and consumptive use permit has been issued sells or transfers a portion of the facility, transfer of the applicable portion of the withdrawal and consumptive use capacity authorized by the withdrawal and consumptive use permit may occur so long as the location of the facility, the source of water, and the total	18038 18039 18040 18041 18042 18043

withdrawal and consumptive use capacities do not change. The 18044  
permittee shall provide notice of such a transfer to the chief in 18045  
a manner prescribed by the chief. Upon receipt of the notice and 18046  
if a permit is required for the transferred portion based on the 18047  
threshold amounts established in divisions (A)(1) to (3) of 18048  
section 1522.12 of the Revised Code, the chief shall issue a new 18049  
permit for the transferred portion of the facility to the 18050  
transferee and a modified permit for the remaining portion of the 18051  
facility to the original permittee upon a showing that the 18052  
transferee will meet the conditions of the original permit and all 18053  
applicable requirements of this chapter and rules adopted under 18054  
it. Any new permit shall reflect the portion of the withdrawal and 18055  
consumptive use capacity that has been transferred. 18056

(3) If the owner of a baseline facility sells or transfers a 18057  
portion of the baseline facility, transfer of the applicable 18058  
portion of the withdrawal and consumptive use capacity listed in 18059  
the baseline report for that facility may occur so long as the 18060  
location of the facility, the source of water, and the total 18061  
withdrawal and consumptive use capacities do not change. The owner 18062  
shall provide notice of such a transfer to the chief in a manner 18063  
prescribed by the chief. The chief shall not require the owner of 18064  
the baseline facility or the transferee to obtain a withdrawal and 18065  
consumptive use permit, but shall update the baseline report to 18066  
reflect the transfer. 18067

(4) The chief may deny a transfer under this section by 18068  
issuing an order denying the transfer and sending written notice 18069  
to the permittee and the transferee not later than thirty days 18070  
after notice of the intended transfer. The chief shall deny the 18071  
transfer if the chief determines that the transfer will result in 18072  
noncompliance with this chapter, rules adopted under it, or the 18073  
terms and conditions of a withdrawal and consumptive use permit. 18074

(5) The chief shall remove a facility from the baseline 18075



report when the facility is subject to baseline facility 18076  
abandonment. However, a baseline facility shall not be removed 18077  
from the baseline report due to the transfer of the facility's 18078  
baseline capacity. 18079

(B) No person shall sell or transfer a withdrawal and 18080  
consumptive use permit for purposes of evading the requirements 18081  
established in sections 1522.10 to ~~1522.21~~ 1522.30 of the Revised 18082  
Code. 18083

Sec. 1522.19. (A) The chief of the division of water 18084  
resources may require a permittee that has been issued a permit 18085  
under section 1522.12 of the Revised Code to decrease its 18086  
withdrawal and submit a revised ground water model under section 18087  
1522.124 of the Revised Code if either of the following applies: 18088

(1) The reported ground water monitoring data conflicts with 18089  
the permittee's ground water model. 18090

(2) The results of the division of water resources' 18091  
investigation of any written complaint under section 1522.25 of 18092  
the Revised Code indicate that the permittee's withdrawal caused 18093  
the diminution or interruption of a person's water supply. 18094

(B) If so required under division (A) of this section, the 18095  
permittee shall submit the revised ground water modeling using 18096  
additional data that reflects the permittee's impact on ground 18097  
water. Based upon the revised ground water modeling and additional 18098  
data, the chief may amend the permit to decrease the withdrawal or 18099  
establish a revised projected cone of depression and amend the 18100  
permit accordingly. 18101

(C) A permittee may request the chief to amend a permit 18102  
issued under section 1522.12 of the Revised Code when another 18103  
ground water user affects or has the potential to affect the 18104  
projected cone of depression. The permittee shall submit with the 18105

request a revised ground water model using additional data that 18106  
reflects the other ground water user's impact on ground water. 18107  
Based upon the revised ground water model and additional data, the 18108  
chief may establish a revised projected cone of depression and 18109  
amend the permit accordingly. 18110

**Sec. 1522.20.** (A)~~(1)~~ The chief of the division of water 18111  
resources may issue an order of compliance to a person ~~that~~ if the 18112  
chief determines one of the following: 18113

(1) That the person has violated, is violating, or is 18114  
threatening to violate any provisions of this chapter, rules 18115  
adopted under it, or ~~permits a permit~~ or ~~orders order~~ issued under 18116  
it; 18117

(2) That the continued withdrawal or consumptive use of water 18118  
under a permit issued to the person under section 1522.12 of the 18119  
Revised Code will endanger the public health, safety, or welfare; 18120

(3) That the withdrawal or consumptive use of water under a 18121  
permit issued to the person under section 1522.12 of the Revised 18122  
Code will result in a significant lowering of the water level 18123  
within an aquifer, the overdrafting of an aquifer, or the imminent 18124  
threat of irreparable material damage to an aquifer such that the 18125  
aquifer will no longer yield the amount of water it did before the 18126  
withdrawal or consumptive use. The 18127

(B) An order shall be of compliance issued under division (A) 18128  
of this section is effective upon issuance and . The chief shall 18129  
identify ~~the~~ all of the following in the order: 18130

(1) The facility ~~where the violation has occurred, is~~ 18131  
~~occurring, or is threatened to occur, the specific violation, and~~ 18132  
~~to which the order applies;~~ 18133

(2) The findings of fact and specific circumstances that led 18134  
to the issuance of the order; 18135

(3) The actions that the owner or operator of the facility 18136  
must take to comply with the order. ~~The order~~ 18137

The chief shall ~~establish~~ fix and specify in the order a 18138  
reasonable date by which the owner or operator must comply with 18139  
the order. 18140

~~(2) An order issued under division (A)(1) of this section~~ 18141  
~~shall be (C)(1) If a person that is issued an order of compliance~~ 18142  
~~under division (A) of this section does not comply with the order~~ 18143  
~~by the date specified in the order, the chief may issue a proposed~~ 18144  
~~order to suspend or revoke the permit issued to the person and may~~ 18145  
~~subsequently issue a final order to suspend or revoke the permit~~ 18146  
~~in accordance with section 1522.21 of the Revised Code.~~ 18147

(2) If the chief issues a proposed order to suspend or revoke 18148  
a permit, the chief, in the proposed order, shall identify all of 18149  
the following: 18150

(a) The facility to which the order applies; 18151

(b) The findings of fact and specific circumstances that led 18152  
to the issuance of the order; 18153

(c) The actions that the permittee must take to comply with 18154  
the order. 18155

The chief shall ~~fix and specify in the proposed order~~ a 18156  
reasonable date or time by which the permittee must comply. The 18157  
chief shall state in the proposed order that the chief may issue a 18158  
final order suspending or revoking the permit if the permittee 18159  
fails to comply with the proposed order by that date or time. 18160

(D) If the chief, after making a determination under division 18161  
(A)(2) or (3) of this section, issues an order under division (A) 18162  
of this section, a proposed order under division (C) of this 18163  
section, or a final order to suspend a permit under section 18164  
1522.21 of the Revised Code, the permittee may request the chief 18165

to amend the permit or suspended permit prior to its expiration. 18166  
The chief may amend the permit and allow the withdrawal or 18167  
consumptive use of water under it to be resumed if the chief 18168  
determines that, under the amended permit, the reasons for the 18169  
order or suspension specified in division (A)(2) or (3) of this 18170  
section, as applicable, will no longer apply. 18171

(E) The chief shall issue an order or proposed order under 18172  
this section, or a final order under section 1522.21 of the 18173  
Revised Code in writing and shall contain a finding of the facts 18174  
on which the order is based. ~~Notice~~ The chief shall provide notice 18175  
of the order ~~shall be given~~ by certified mail to the applicable 18176  
owner or operator of a facility. ~~Notice~~ The chief also shall ~~be~~ 18177  
~~provided~~ provide notice to a person who initiated a complaint that 18178  
resulted in the order ~~and shall be posted~~ . The chief shall post 18179  
the notice on the web site of the department of natural resources 18180  
in a manner prescribed by the chief. 18181

~~(B)(1) The chief, by order, may propose to suspend or revoke~~ 18182  
~~a permit issued under this chapter if the chief determines that~~ 18183  
~~any term or condition of the permit is being violated. The chief's~~ 18184  
~~order shall identify the facility where the violation allegedly~~ 18185  
~~occurred, describe the nature of the violation, and prescribe what~~ 18186  
~~action the permittee may take to bring the facility into~~ 18187  
~~compliance with the permit. The chief shall fix and specify in the~~ 18188  
~~order a reasonable date or time by which the permittee must~~ 18189  
~~comply. The order shall state that the chief may suspend or revoke~~ 18190  
~~the permit if the permittee fails to comply with the order by that~~ 18191  
~~date or time. If on that date or time the chief finds that the~~ 18192  
~~permittee has not complied with the order, the chief may issue a~~ 18193  
~~new order suspending or revoking the permit.~~ 18194

~~(2)~~ (F) The chief or the chief's designee may enter on 18195  
private or public lands and take action to mitigate, minimize, 18196  
remove, or abate the conditions ~~caused by a violation that is the~~ 18197

~~subject of an order issued under division (B)(1) of that are the~~ 18198  
~~subject of an order or proposed order issued under this section.~~ 18199

~~(C) The attorney general, upon written request of the chief,~~ 18200  
~~shall bring an action for an injunction or other appropriate legal~~ 18201  
~~or equitable action against any person who has violated, is~~ 18202  
~~violating, or is threatening to violate any provision of this~~ 18203  
~~chapter, any rule or order adopted or issued under it, or any term~~ 18204  
~~or condition of a permit issued under it. The attorney general~~ 18205  
~~shall bring the action in the court of common pleas of Franklin~~ 18206  
~~county or the county where the applicable facility is located. In~~ 18207  
~~an action for injunction, any factual findings of the chief~~ 18208  
~~presented at a hearing conducted under division (A) of section~~ 18209  
~~1522.21 of the Revised Code is prima facie evidence of the facts~~ 18210  
~~regarding the order that is the subject of the hearing.~~ 18211

~~(D) A person who violates any provision of this chapter, any~~ 18212  
~~rule or order adopted or issued under it, or any term or condition~~ 18213  
~~of a permit issued under it is liable to the chief for any costs~~ 18214  
~~incurred by the division of water resources in investigating,~~ 18215  
~~mitigating, minimizing, removing, or abating the violation and~~ 18216  
~~conditions caused by it. Upon the request of the chief, the~~ 18217  
~~attorney general shall bring a civil action against the~~ 18218  
~~responsible person to recover those costs in the court of common~~ 18219  
~~pleas of Franklin county. Moneys recovered under this division~~ 18220  
~~shall be deposited in the state treasury to the credit of the~~ 18221  
~~water management fund created in section 1501.32 of the Revised~~ 18222  
~~Code.~~ 18223

**Sec. 1522.21.** (A) As used in this section, "person who is or 18224  
will be aggrieved or adversely affected" means a person with a 18225  
direct economic or property interest that is or will be adversely 18226  
affected by an order or rule issued or adopted by the chief of the 18227  
division of water resources under this chapter. 18228

(B)~~(1)~~ ~~Before issuance of~~ The chief shall issue a proposed 18229  
order indicating the chief's intent to issue a final order prior 18230  
to issuing a final order denying that does one of the following: 18231

(1) Denies the issuance of a permit under ~~section 1522.11,~~ 18232  
~~1522.12, or 1522.131 of the Revised Code, denying this chapter;~~ 18233

(2) Denies a transfer of a permit under section 1522.15 of 18234  
the Revised Code, ~~denying ;~~ 18235

(3) Denies a petition to the chief under section 1522.16 of 18236  
the Revised Code, ~~or denying ;~~ 18237

(4) Denies a request for confidentiality under section 18238  
1522.17 of the Revised Code, ~~or before the issuance of a final~~ 18239  
~~order under section 1522.20 of the Revised Code, the chief shall~~ 18240  
~~issue a proposed order indicating the chief's intent to issue a~~ 18241  
~~final order;~~ 18242

(5) Suspends or revokes a permit issued under this chapter. 18243  
~~If~~ 18244

(C)(1) If the chief receives a written objection from a 18245  
person who is or will be aggrieved or adversely affected by the 18246  
issuance of the final order, the chief shall conduct an 18247  
adjudication hearing with respect to the proposed order in 18248  
accordance with Chapter 119. of the Revised Code. A person who is 18249  
or will be aggrieved or adversely affected by the issuance of the 18250  
final order and who submitted a written objection under this 18251  
division may be a party to the adjudication. 18252

(2) Any person who is issued a proposed order or a final 18253  
order by the chief shall be a party in any administrative or legal 18254  
proceeding in which the proposed order or final order is at issue. 18255  
This division is in addition to any other rights that a person may 18256  
have as a person aggrieved or adversely affected. If the chief 18257  
proposes to suspend or revoke a permit after making a 18258  
determination under division (A)(2) or (3) of section 1522.20 of 18259

the Revised Code, the permittee, at the hearing, may present 18260  
evidence that the continued withdrawal or consumptive use of water 18261  
is warranted because the reasons for suspension or revocation 18262  
specified in division (A)(2) or (3) of that section, as 18263  
applicable, do not apply. 18264

~~(C)~~(D)(1) After the issuance of a final order, a person who 18265  
is or will be aggrieved or adversely affected by the issuance of 18266  
the order may appeal the order to the court of common pleas of 18267  
Franklin county or the court of common pleas of the county in 18268  
which the facility that is the subject of the order is located. 18269  
Subject to the exceptions specified in section 2506.03 of the 18270  
Revised Code, the court is confined to the record as certified to 18271  
it by the chief if an adjudication hearing was conducted by the 18272  
chief under division ~~(B)~~ (C) of this section. However, the court 18273  
also may grant a request for the admission of additional evidence 18274  
when satisfied that the additional evidence is newly discovered 18275  
and could not with reasonable diligence have been ascertained 18276  
prior to the hearing before the chief. If no adjudication hearing 18277  
was conducted under division ~~(B)~~ (C) of this section, the court 18278  
shall conduct a hearing de novo. 18279

(2) The filing of an appeal under division ~~(C)~~(D)(1) of this 18280  
section does not automatically suspend the order that is the 18281  
subject of the appeal. Upon application by the appellant, the 18282  
court may suspend or stay the order, pending an immediate hearing 18283  
on the appeal. 18284

(3) If the court finds that the order was lawful and 18285  
reasonable, it shall issue a written order affirming the order. If 18286  
the court finds that the order was unreasonable or unlawful, it 18287  
shall issue a written order vacating or modifying the order. The 18288  
judgment of the court is final unless reversed, vacated, or 18289  
modified on appeal. 18290

(4) ~~Attorney's~~ A court shall not award attorney's fees shall 18291

~~not be awarded~~ to any party to an administrative or legal 18292  
proceeding under this section. 18293

(E) Any person who is issued a proposed order or a final 18294  
order by the chief shall be a party in any administrative or legal 18295  
proceeding in which the proposed order or final order is at issue. 18296  
This division is in addition to any other rights that a person may 18297  
have as a person aggrieved or adversely affected. 18298

Sec. 1522.23. The chief of the division of water resources 18299  
shall provide written notice to the director of environmental 18300  
protection and the permittee at least ten business days prior to 18301  
requiring a permittee that is a public water system to decrease 18302  
its withdrawal, or prior to revoking, suspending, or amending the 18303  
public water system's permit under this chapter. Nothing in this 18304  
section affects a public water system's obligation to comply with 18305  
Chapter 6109. of the Revised Code and the rules adopted under it. 18306

Sec. 1522.24. (A) An owner of real property that is located 18307  
within the geographic area established under section 1522.125 of 18308  
the Revised Code with respect to a permit issued under section 18309  
1522.12 of the Revised Code may submit a written complaint to the 18310  
permittee or to the chief of the division of water resources 18311  
informing the permittee or the chief that there is a diminution or 18312  
interruption of the owner's water supply if both of the following 18313  
apply: 18314

(1) The owner obtains all or part of the owner's water supply 18315  
for domestic, agricultural, industrial, or other legitimate use 18316  
from ground water. 18317

(2) There is a diminution or interruption of that water 18318  
supply. 18319

The owner shall include in the complaint the owner's name, 18320  
address, and telephone number. 18321



(B) If the chief receives a written complaint submitted in accordance with division (A) of this section, upon receipt the chief shall send a copy of the complaint to the permittee, and the permittee shall immediately respond by sending the chief a statement that explains how the permittee resolved or will resolve the complaint. 18322  
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If the permittee receives the written complaint in accordance with division (A) of this section, the permittee shall send a copy of the complaint, within fourteen days after receiving the complaint, to the chief and include a statement that explains how the permittee resolved or will resolve the complaint. Nothing in this section relieves a permittee from performing the duties specified in division (C) of this section. 18328  
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(C) Not later than seventy-two hours after the permittee receives the complaint and if the complaint is not resolved as verified by the chief, the permittee shall provide the owner with a supply of water that is comparable to the owner's water supply prior to the diminution or interruption of the owner's water supply. The chief shall approve the method of providing the water supply. The permittee shall maintain that water supply unless the chief determines that the permittee has rebutted the presumption established in division (D) of this section. 18335  
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(D) A rebuttable presumption exists that the withdrawal by the permittee caused the diminution or interruption of the owner's water supply. However, not later than fourteen days after receipt of the complaint, the permittee may submit to the chief information showing that the permittee is not the proximate cause of the diminution or interruption of the owner's water supply. The chief shall evaluate the information submitted by the permittee to determine if the presumption is rebutted. 18344  
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(E) If the permittee fails to rebut the presumption, the chief shall notify the permittee and the owner in writing that the 18352  
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permittee failed to rebut the presumption. 18354

(F) If the permittee rebuts the presumption, the chief shall 18355  
notify the permittee and the owner that the permittee rebutted the 18356  
presumption. Upon receipt of that notice, the permittee may cease 18357  
providing a supply of water to the owner under division (C) of 18358  
this section. 18359

(G) If, within fourteen days after receipt of the complaint, 18360  
the permittee fails to submit to the chief information showing 18361  
that the withdrawal is not the proximate cause of the diminution 18362  
or interruption of the owner's water supply, such failure shall be 18363  
considered a failure to rebut the presumption. 18364

**Sec. 1522.25.** (A) An owner of real property that is located 18365  
outside the geographic area established under section 1522.125 of 18366  
the Revised Code with respect to a permit issued under section 18367  
1522.12 of the Revised Code may submit a written complaint to the 18368  
permittee or to the chief of the division of water resources if 18369  
both of the following apply: 18370

(1) The owner obtains all or part of the owner's water supply 18371  
for domestic, agricultural, industrial, or other legitimate use 18372  
from ground water. 18373

(2) There is a diminution or interruption of that water 18374  
supply. 18375

The owner shall include in the complaint the owner's name, 18376  
address, and telephone number. 18377

(B) If the chief receives the written complaint submitted 18378  
under division (A) of this section, upon receipt the chief shall 18379  
send the permittee a copy of the complaint. If the permittee 18380  
receives the written complaint, upon receipt the permittee shall 18381  
send the chief a copy of the complaint. 18382

(C) The chief shall investigate the complaint. Upon 18383

completion of the investigation, the chief shall send the results 18384  
of the investigation to the permittee and to the owner that 18385  
submitted the complaint. 18386

(D) The owner that submitted the complaint may resolve the 18387  
diminution or interruption of the owner's water supply with the 18388  
permittee or may commence a civil action for that purpose. 18389

**Sec. ~~1522.19~~1522.30.** (A) No person shall violate any 18390  
provision of this chapter, any rule or order adopted or issued 18391  
under it, or any term or condition of a permit issued under it. 18392

(B)(1) The attorney general, upon written request of the 18393  
chief of the division of water resources, shall bring an action 18394  
for an injunction or other appropriate legal or equitable action 18395  
against any person who has violated, is violating, or is 18396  
threatening to violate any provision of this chapter, any rule or 18397  
order adopted or issued under it, or any term or condition of a 18398  
permit issued under it. 18399

(2) The attorney general shall bring the action in the court 18400  
of common pleas of Franklin county or the county where the 18401  
applicable facility is located. In an action for injunction, any 18402  
factual findings of the chief presented at a hearing conducted 18403  
under section 1522.21 of the Revised Code is prima facie evidence 18404  
of the facts regarding the order that is the subject of the 18405  
hearing. 18406

(C) A person who violates any provision of this chapter, any 18407  
rule or order adopted or issued under it, or any term or condition 18408  
of a permit issued under it is liable to the chief for any costs 18409  
incurred by the division of water resources in investigating, 18410  
mitigating, minimizing, removing, or abating the violation and 18411  
conditions caused by it. 18412

(D) Upon the request of the chief, the attorney general shall 18413

bring a civil action against the responsible person to recover 18414  
those costs in the court of common pleas of Franklin county. 18415  
Moneys recovered under this division shall be deposited in the 18416  
state treasury to the credit of the water management fund created 18417  
in section 1521.22 of the Revised Code. 18418

**Sec. 1533.10.** (A) Except as provided in this section or 18419  
division (A)(2) of section 1533.12 or section 1533.73 or 1533.731 18420  
of the Revised Code, no person shall hunt any wild bird or wild 18421  
quadruped without a hunting license. Each day that any person 18422  
hunts within the state without procuring such a license 18423  
constitutes a separate offense. 18424

(B)(1) Except as otherwise provided in this section, division 18425  
(A) of section 1533.12 of the Revised Code, or in rules adopted 18426  
under division (B) of that section, each applicant for a hunting 18427  
license shall pay an annual fee for each annual license in 18428  
accordance with the following schedule: 18429

Hunting license - resident	\$18.00	18430
Hunting license - nonresident, <del>and that is</del> not a 18431 resident of a reciprocal state, ages 18 and older	\$174.00	
Hunting license - nonresident, <del>but that</del> is a 18432 resident of a reciprocal state, ages 18 and older	\$18.00	
Apprentice hunting license - resident	\$18.00	18433
Apprentice hunting license - nonresident, <del>and that</del> 18434 <u>is</u> not a resident of a reciprocal state	\$174.00	
Apprentice hunting license - nonresident, <del>but that</del> 18435 is a resident of a reciprocal state	\$18.00	
Youth hunting license - resident and nonresident	\$9.00	18436
Apprentice youth hunting license - resident	\$9.00	18437
Senior hunting license - resident	\$9.00	18438
Apprentice senior hunting license - resident	\$9.00	18439

(2) Apprentice resident hunting licenses, apprentice youth 18440

hunting licenses, apprentice senior hunting licenses, and 18441  
apprentice nonresident hunting licenses are subject to the 18442  
requirements established under section 1533.102 of the Revised 18443  
Code and rules adopted under it. 18444

(3) As used in division (B)(1) of this section: 18445

(a) "Youth" means an applicant who is under the age of 18446  
eighteen years at the time of application for a ~~permit~~ license. 18447

(b) "Senior" means an applicant who is sixty-six years of age 18448  
or older at the time of application for a ~~permit~~ license. 18449

(c) "Reciprocal state" means a state that is a party to an 18450  
agreement under section 1533.91 of the Revised Code. 18451

(C) A resident of this state who owns lands in the state and 18452  
the owner's children of any age and grandchildren under eighteen 18453  
years of age may hunt on the lands without a hunting license. A 18454  
resident of any other state who owns real property in this state, 18455  
and the spouse and children living with the property owner, may 18456  
hunt on that property without a license, provided that the state 18457  
of residence of the real property owner allows residents of this 18458  
state owning real property in that state, and the spouse and 18459  
children living with the property owner, to hunt without a 18460  
license. If the owner of land in this state is a limited liability 18461  
company or a limited liability partnership that consists of three 18462  
or fewer individual members or partners, as applicable, an 18463  
individual member or partner who is a resident of this state and 18464  
the member's or partner's children of any age and grandchildren 18465  
under eighteen years of age may hunt on the land owned by the 18466  
limited liability company or limited liability partnership without 18467  
a hunting license. In addition, if the owner of land in this state 18468  
is a trust that has a total of three or fewer trustees and 18469  
beneficiaries, an individual who is a trustee or beneficiary and 18470  
who is a resident of this state and the individual's children of 18471

any age and grandchildren under eighteen years of age may hunt on 18472  
the land owned by the trust without a hunting license. The tenant 18473  
and children of the tenant, residing on lands in the state, may 18474  
hunt on them without a hunting license. 18475

(D) The chief of the division of wildlife may issue a small 18476  
game hunting license expiring three days from the effective date 18477  
of the license to a nonresident of the state, the fee for which 18478  
~~shall be~~ is thirty-nine dollars. No person shall take or possess 18479  
deer, wild turkeys, fur-bearing animals, ducks, geese, brant, or 18480  
any nongame animal while possessing only a small game hunting 18481  
license. ~~A~~ 18482

A small game hunting license or an apprentice nonresident 18483  
hunting license does not authorize the taking or possessing of 18484  
ducks, geese, or brant without having obtained, in addition to the 18485  
small game hunting license or the apprentice nonresident hunting 18486  
license, a wetlands habitat stamp as provided in section 1533.112 18487  
of the Revised Code. A small game hunting license or an apprentice 18488  
nonresident hunting license does not authorize the taking or 18489  
possessing of deer, wild turkeys, or fur-bearing animals. A 18490  
nonresident of the state who wishes to take or possess deer, wild 18491  
turkeys, or fur-bearing animals in this state shall procure, 18492  
respectively, a deer or wild turkey permit as provided in section 18493  
1533.11 of the Revised Code or a fur taker permit as provided in 18494  
section 1533.111 of the Revised Code in addition to a nonresident 18495  
hunting license, an apprentice nonresident hunting license, a 18496  
special youth hunting license, or an apprentice youth hunting 18497  
license, as applicable, as provided in this section. 18498

(E) No person shall procure or attempt to procure a hunting 18499  
license by fraud, deceit, misrepresentation, or any false 18500  
statement. 18501

(F)(1) This section does not authorize the taking and 18502  
possessing of deer or wild turkeys without first having obtained, 18503

in addition to the hunting license required by this section, a 18504  
deer or wild turkey permit as provided in section 1533.11 of the 18505  
Revised Code or the taking and possessing of ducks, geese, or 18506  
brant without first having obtained, in addition to the hunting 18507  
license required by this section, a wetlands habitat stamp as 18508  
provided in section 1533.112 of the Revised Code. 18509

(2) This section does not authorize the hunting or trapping 18510  
of fur-bearing animals without first having obtained, in addition 18511  
to a hunting license required by this section, a fur taker permit 18512  
as provided in section 1533.111 of the Revised Code. 18513

(G)(1) No hunting license shall be issued unless it is 18514  
accompanied by a written explanation of the law in section 1533.17 18515  
of the Revised Code and the penalty for its violation, including a 18516  
description of terms of imprisonment and fines that may be 18517  
imposed. 18518

(2) No hunting license, other than an apprentice hunting 18519  
license, shall be issued unless the applicant presents to the 18520  
agent authorized to issue the license a previously held hunting 18521  
license or evidence of having held such a license in content and 18522  
manner approved by the chief, a certificate of completion issued 18523  
upon completion of a hunter education and conservation course 18524  
approved by the chief, or evidence of equivalent training in 18525  
content and manner approved by the chief. A previously held 18526  
apprentice hunting license does not satisfy the requirement 18527  
concerning the presentation of a previously held hunting license 18528  
or evidence of it. 18529

(3) No person shall issue a hunting license, except an 18530  
apprentice hunting license, to any person who fails to present the 18531  
evidence required by this section. No person shall purchase or 18532  
obtain a hunting license, other than an apprentice hunting 18533  
license, without presenting to the issuing agent the evidence 18534  
required by this section. Issuance of a hunting license in 18535

violation of the requirements of this section is an offense by 18536  
both the purchaser of the illegally obtained hunting license and 18537  
the clerk or agent who issued the hunting license. Any hunting 18538  
license issued in violation of this section is void. 18539

(H) The chief, with approval of the wildlife council, shall 18540  
adopt rules prescribing a hunter education and conservation course 18541  
for first-time hunting license buyers, other than buyers of 18542  
apprentice hunting licenses, and for volunteer instructors. The 18543  
course shall consist of subjects including, but not limited to, 18544  
hunter safety and health, use of hunting implements, hunting 18545  
tradition and ethics, the hunter and conservation, the law in 18546  
section 1533.17 of the Revised Code along with the penalty for its 18547  
violation, including a description of terms of imprisonment and 18548  
fines that may be imposed, and other law relating to hunting. 18549  
Authorized personnel of the division or volunteer instructors 18550  
approved by the chief shall conduct such courses with such 18551  
frequency and at such locations throughout the state as to 18552  
reasonably meet the needs of license applicants. The chief shall 18553  
issue a certificate of completion to each person who successfully 18554  
completes the course and passes an examination prescribed by the 18555  
chief. 18556

**Sec. 1533.11.** (A)(1) Except as provided in this section or 18557  
section 1533.731 of the Revised Code, no person shall hunt deer on 18558  
lands of another without first obtaining an annual deer permit. 18559  
Except as provided in this section, no person shall hunt wild 18560  
turkeys on lands of another without first obtaining an annual wild 18561  
turkey permit. A deer or wild turkey permit is valid during the 18562  
hunting license year in which the permit is purchased. Except as 18563  
provided in rules adopted under division (B) of that section, each 18564  
applicant for a deer or wild turkey permit shall pay an annual fee 18565  
for each permit in accordance with the following schedule: 18566



Deer permit - resident	<del>\$23.00</del>	18567
	<u>\$30.00</u>	
Deer permit - nonresident, <del>all ages</del>	\$74.00	18568
Youth deer permit - resident <u>and nonresident</u>	<del>\$11.50</del>	18569
	<u>\$15.00</u>	
Senior deer permit - resident	\$11.50	18570
Wild turkey permit - resident	<del>\$23.00</del>	18571
	<u>\$30.00</u>	
Wild turkey permit - nonresident, <del>all ages</del>	<del>\$28.00</del>	18572
	<u>\$37.00</u>	
Youth wild turkey permit - resident <u>and</u>	<del>\$11.50</del>	18573
<u>nonresident</u>	<u>\$15.00</u>	
Senior wild turkey permit - resident	\$11.50	18574
(2) As used in division (A)(1) of this section:		18575
(a) "Resident" means an individual who has resided in this		18576
state for not less than six months preceding the date of making		18577
application for a permit.		18578
(b) "Nonresident" means any individual who does not qualify		18579
as a resident.		18580
(c) "Youth" means an applicant who is under the age of		18581
eighteen years at the time of application for a permit.		18582
(d) "Senior" means an applicant who is sixty-six years of age		18583
or older at the time of application for a permit.		18584
(3) The money received shall be paid into the state treasury		18585
to the credit of the wildlife fund, created in section 1531.17 of		18586
the Revised Code, exclusively for the use of the division of		18587
wildlife in the acquisition and development of land for deer or		18588
wild turkey management, for investigating deer or wild turkey		18589
problems, and for the stocking, management, and protection of deer		18590
or wild turkey.		18591
(4) Every person, while hunting deer or wild turkey on lands		18592

of another, shall carry the person's deer or wild turkey permit 18593  
and exhibit it to any enforcement officer so requesting. Failure 18594  
to so carry and exhibit such a permit constitutes an offense under 18595  
this section. 18596

(5) The chief of the division of wildlife shall adopt any 18597  
additional rules the chief considers necessary to carry out this 18598  
section and section 1533.10 of the Revised Code. 18599

(6) An owner who is a resident of this state or an owner who 18600  
is exempt from obtaining a hunting license under section 1533.10 18601  
of the Revised Code and the children of the owner of lands in this 18602  
state may hunt deer or wild turkey thereon without a deer or wild 18603  
turkey permit. If the owner of land in this state is a limited 18604  
liability company or a limited liability partnership that consists 18605  
of three or fewer individual members or partners, as applicable, 18606  
an individual member or partner who is a resident of this state 18607  
and the member's or partner's children of any age may hunt deer or 18608  
wild turkey on the land owned by the limited liability company or 18609  
limited liability partnership without a deer or wild turkey 18610  
permit. In addition, if the owner of land in this state is a trust 18611  
that has a total of three or fewer trustees and beneficiaries, an 18612  
individual who is a trustee or beneficiary and who is a resident 18613  
of this state and the individual's children of any age may hunt 18614  
deer or wild turkey on the land owned by the trust without a deer 18615  
or wild turkey permit. The tenant and children of the tenant may 18616  
hunt deer or wild turkey on lands where they reside without a deer 18617  
or wild turkey permit. 18618

(B) A deer or wild turkey permit is not transferable. No 18619  
person shall carry a deer or wild turkey permit issued in the name 18620  
of another person. 18621

(C) The wildlife refunds fund is hereby created in the state 18622  
treasury. The fund shall consist of money received from 18623  
application fees for deer permits that are not issued. Money in 18624

the fund shall be used to make refunds of such application fees. 18625

(D) If the division establishes a system for the electronic 18626  
submission of information regarding deer or wild turkey that are 18627  
taken, the division shall allow the owner and the children of the 18628  
owner of lands in this state to use the owner's name or address 18629  
for purposes of submitting that information electronically via 18630  
that system. 18631

**Sec. 1533.111.** (A) Except as provided in this section or 18632  
division (A)(2) of section 1533.12 of the Revised Code, no person 18633  
shall hunt or trap fur-bearing animals on land of another without 18634  
first obtaining some type of an annual fur taker permit. ~~Each~~ 18635  
~~applicant for a fur taker permit or an apprentice fur taker permit~~ 18636  
~~shall pay an annual fee of fourteen dollars for the permit, except~~ 18637  
~~as otherwise provided in this section or unless the rules adopted~~ 18638  
~~under division (B) of section 1533.12 of the Revised Code provide~~ 18639  
~~for issuance of a fur taker permit to the applicant free of~~ 18640  
~~charge. Except as provided in rules adopted under division (B)(2)~~ 18641  
~~of that section, each applicant who is a resident of this state~~ 18642  
~~and who at the time of application is sixty six years of age or~~ 18643  
~~older shall procure a special senior fur taker permit or an~~ 18644  
~~apprentice senior fur taker permit, the fee for which shall be~~ 18645  
~~one half of the regular permit fee. Each applicant under the age~~ 18646  
~~of eighteen years shall procure a special youth fur taker permit~~ 18647  
~~or an apprentice youth fur taker permit, the fee for which shall~~ 18648  
~~be one half of the regular fur taker permit fee. Each~~ 18649

(B)(1) Except as otherwise provided in rules adopted under 18650  
division (B) of section 1533.12 of the Revised Code, each 18651  
applicant for a fur taker permit or an apprentice fur taker permit 18652  
shall pay an annual fee for each annual permit in accordance with 18653  
the following schedule: 18654

Fur taker permit \$14.00 18655

<u>Apprentice fur taker permit</u>	<u>\$14.00</u>	18656
<u>Senior fur taker permit - resident only</u>	<u>\$7.00</u>	18657
<u>Apprentice senior fur taker permit - resident only</u>	<u>\$7.00</u>	18658
<u>Special youth fur taker permit</u>	<u>\$7.00</u>	18659
<u>Apprentice youth fur taker permit</u>	<u>\$7.00</u>	18660
<u>(2) As used in division (B)(1) of this section:</u>		18661
<u>(a) "Youth" means an applicant who is under the age of</u>		18662
<u>eighteen years at the time of application for a permit.</u>		18663
<u>(b) "Senior" means an applicant who is sixty-six years of age</u>		18664
<u>or older at the time of application for a permit.</u>		18665
<u>(C) Each</u> type of fur taker permit is valid during the hunting		18666
license year in which the permit is purchased. The money received		18667
shall be paid into the state treasury to the credit of the fund		18668
established in section 1533.15 of the Revised Code. Apprentice fur		18669
taker permits and apprentice youth fur taker permits are subject		18670
to the requirements established under section 1533.102 of the		18671
Revised Code and rules adopted pursuant to it.		18672
<u>(D)(1) No person shall issue a fur taker permit <del>shall be</del></u>		18673
<u>issued to an applicant</u> unless it is accompanied by a written		18674
explanation of the law in section 1533.17 of the Revised Code and		18675
the penalty for its violation, including a description of terms of		18676
imprisonment and fines that may be imposed.		18677
<u>(2) No person shall issue a fur taker permit, other than an</u>		18678
apprentice fur taker permit or an apprentice youth fur taker		18679
permit, <del>shall be issued to an applicant</del> unless the applicant		18680
presents to the agent authorized to issue a fur taker permit a		18681
previously held hunting license or trapping or fur taker permit or		18682
evidence of having held such a license or permit in content and		18683
manner approved by the chief of the division of wildlife, a		18684
certificate of completion issued upon completion of a trapper		18685

education course approved by the chief, or evidence of equivalent 18686  
training in content and manner approved by the chief. A previously 18687  
held apprentice hunting license, apprentice fur taker permit, or 18688  
apprentice youth fur taker permit does not satisfy the requirement 18689  
concerning the presentation of a previously held hunting license 18690  
or fur taker permit or evidence of such a license or permit. 18691

(3) No person shall issue a fur taker permit, other than an 18692  
apprentice fur taker permit or an apprentice youth fur taker 18693  
permit, to any person who fails to present the evidence required 18694  
by this section. No person shall purchase or obtain a fur taker 18695  
permit, other than an apprentice fur taker permit or an apprentice 18696  
youth fur taker permit, without presenting to the issuing agent 18697  
the evidence required by this section. Issuance of a fur taker 18698  
permit in violation of the requirements of this section is an 18699  
offense by both the purchaser of the illegally obtained permit and 18700  
the clerk or agent who issued the permit. Any fur taker permit 18701  
issued in violation of this section is void. 18702

(E) The chief, with approval of the wildlife council, shall 18703  
adopt rules prescribing a trapper education course for first-time 18704  
fur taker permit buyers, other than buyers of apprentice fur taker 18705  
permits or apprentice youth fur taker permits, and for volunteer 18706  
instructors. The course shall consist of subjects that include, 18707  
but are not limited to, trapping techniques, animal habits and 18708  
identification, trapping tradition and ethics, the trapper and 18709  
conservation, the law in section 1533.17 of the Revised Code along 18710  
with the penalty for its violation, including a description of 18711  
terms of imprisonment and fines that may be imposed, and other law 18712  
relating to trapping. Authorized personnel of the division of 18713  
wildlife or volunteer instructors approved by the chief shall 18714  
conduct the courses with such frequency and at such locations 18715  
throughout the state as to reasonably meet the needs of permit 18716  
applicants. The chief shall issue a certificate of completion to 18717

each person who successfully completes the course and passes an examination prescribed by the chief.

(F) Every person, while hunting or trapping fur-bearing animals on lands of another, shall carry the person's fur taker permit with the person's signature written on the permit. Failure to carry such a signed permit constitutes an offense under this section. The chief shall adopt any additional rules the chief considers necessary to carry out this section.

(G) An owner who is a resident of this state or an owner who is exempt from obtaining a hunting license under section 1533.10 of the Revised Code and the children of the owner of lands in this state may hunt or trap fur-bearing animals thereon without a fur taker permit. If the owner of land in this state is a limited liability company or a limited liability partnership that consists of three or fewer individual members or partners, as applicable, an individual member or partner who is a resident of this state and the member's or partner's children of any age may hunt or trap fur-bearing animals on the land owned by the limited liability company or limited liability partnership without a fur taker permit. In addition, if the owner of land in this state is a trust that has a total of three or fewer trustees and beneficiaries, an individual who is a trustee or beneficiary and who is a resident of this state and the individual's children of any age may hunt or trap fur-bearing animals on the land owned by the trust without a fur taker permit. The tenant and children of the tenant may hunt or trap fur-bearing animals on lands where they reside without a fur taker permit.

(H) A fur taker permit is not transferable. No person shall carry a fur taker permit issued in the name of another person.

(I) A fur taker permit entitles a nonresident to take from this state fur-bearing animals taken and possessed by the nonresident as provided by law or division rule.

Sec. 1533.112. Except as provided in this section or unless 18750  
otherwise provided by division rule, no person shall hunt ducks, 18751  
geese, or brant on the lands of another without first obtaining an 18752  
annual wetlands habitat stamp. The annual fee for the wetlands 18753  
habitat stamp ~~shall be~~ is fourteen dollars for each stamp unless 18754  
~~the otherwise provided in~~ rules adopted under division (B) of 18755  
section 1533.12 ~~provide for issuance of a wetlands habitat stamp~~ 18756  
~~to the applicant free of charge~~ of the Revised Code. 18757

Moneys received from the stamp fee shall be paid into the 18758  
state treasury to the credit of the wetlands habitat fund, which 18759  
is hereby established. Moneys shall be paid from the fund on the 18760  
order of the director of natural resources for the following 18761  
purposes: 18762

(A) Sixty per cent for projects that the division approves 18763  
for the acquisition, development, management, or preservation of 18764  
waterfowl areas within the state; 18765

(B) Forty per cent for contribution by the division to an 18766  
appropriate nonprofit organization for the acquisition, 18767  
development, management, or preservation of lands and waters 18768  
within the United States or Canada that provide or will provide 18769  
habitat for waterfowl with migration routes that cross this state. 18770

No moneys derived from the issuance of wetlands habitat 18771  
stamps shall be spent for purposes other than those specified by 18772  
this section. All investment earnings of the fund shall be 18773  
credited to the fund. 18774

Wetlands habitat stamps shall be furnished by and in a form 18775  
prescribed by the chief of the division of wildlife and issued by 18776  
clerks and other agents authorized to issue licenses and permits 18777  
under section 1533.13 of the Revised Code. The record of stamps 18778  
kept by the clerks and other agents shall be uniform throughout 18779  
the state, in such form or manner as the director prescribes, and 18780

open at all reasonable hours to the inspection of any person. 18781  
Unless otherwise provided by rule, each stamp shall remain in 18782  
force until midnight of the thirty-first day of August next 18783  
ensuing. Wetlands habitat stamps may be issued in any manner to 18784  
any person on any date, whether or not that date is within the 18785  
period in which they are effective. 18786

Every person to whom this section applies, while hunting 18787  
ducks, geese, or brant, shall carry an unexpired wetlands habitat 18788  
stamp that is validated by the person's signature written on the 18789  
stamp in ink and shall exhibit the stamp to any enforcement 18790  
officer so requesting. No person shall fail to carry and exhibit 18791  
the person's stamp. 18792

A wetlands habitat stamp is not transferable. 18793

The chief shall establish a procedure to obtain subject 18794  
matter to be printed on the wetlands habitat stamp and shall use, 18795  
dispose of, or distribute the subject matter as the chief 18796  
considers necessary. The chief also shall adopt rules necessary to 18797  
administer this section. 18798

This section does not apply to persons under sixteen years of 18799  
age nor to persons exempted from procuring a hunting license under 18800  
section 1533.10 or division (A)(2) of section 1533.12 of the 18801  
Revised Code. 18802

**Sec. 1533.32.** (A) Except as provided in this section or 18803  
division (A)(2) or (C) of section 1533.12 of the Revised Code or 18804  
as exempted at the discretion of the chief of the division of 18805  
wildlife, no person, including nonresidents, shall take or catch 18806  
any fish by angling in any of the waters in the state or engage in 18807  
fishing in those waters without a license. No person shall take or 18808  
catch frogs or turtles without a valid fishing license, except as 18809  
provided in this section. Persons fishing in privately owned 18810  
ponds, lakes, or reservoirs to or from which fish are not 18811



accustomed to migrate are exempt from the license requirements set 18812  
forth in this section. Persons fishing in privately owned ponds, 18813  
lakes, or reservoirs that are open to public fishing through an 18814  
agreement or lease with the division of wildlife shall comply with 18815  
the license requirements set forth in this section. 18816

~~(B)(1) The fee for an annual license shall be forty nine 18817  
dollars for a resident of a state that is not a party to an 18818  
agreement under section 1533.91 of the Revised Code. The fee for 18819  
an annual license shall be eighteen dollars for a resident of a 18820  
state that is a party to such an agreement. The fee for an annual 18821  
license for residents of this state shall be eighteen dollars 18822  
unless the rules adopted under division (B) of section 1533.12 of 18823  
the Revised Code provide for issuance of a resident fishing 18824  
license to the applicant free of charge. Except as provided in 18825  
rules adopted under division (B)(2) of that section, each 18826  
applicant who is a resident of this state and who at the time of 18827  
application is sixty six years of age or older shall procure a 18828  
special senior fishing license, the fee for which shall be 18829  
one half of the annual resident fishing license fee. 18830~~

(2) Except as otherwise provided in rules adopted under 18831  
division (B) of section 1533.12 of the Revised Code, each 18832  
applicant for a fishing license shall pay a fee for each license 18833  
in accordance with the following schedule: 18834

<u>Annual fishing license - resident</u>	<u>\$24.00</u>	18835
<u>Annual fishing license - nonresident that is not 18836 a resident of a reciprocal state</u>	<u>\$49.00</u>	
<u>Annual fishing license - nonresident that is a 18837 resident of a reciprocal state</u>	<u>\$24.00</u>	
<u>Annual senior fishing license - resident</u>	<u>\$9.00</u>	18838
<u>Three-day tourist fishing license - nonresident 18839 that is not a resident of a reciprocal state</u>	<u>\$24.00</u>	

<u>One-day fishing license</u>	<u>\$13.00</u>	18840
<u>(2) As used in division (B)(1) of this section:</u>		18841
<u>(a) "Reciprocal state" means a state that is a party to an agreement under section 1533.91 of the Revised Code.</u>		18842 18843
<u>(b) "Senior" means an applicant who is sixty-six years of age or older at the time of application for a license.</u>		18844 18845
<u>(3) Any person under the age of sixteen years may take or catch frogs and turtles and take or catch fish by angling without a license.</u>		18846 18847 18848
<u>(C)(1) The chief of the division of wildlife may issue a tourist's license expiring three days from the effective date of the license to a resident of a state that is not a party to an agreement under section 1533.91 of the Revised Code. <del>The fee for a tourist's license shall be eighteen dollars.</del></u>		18849 18850 18851 18852 18853
<u>(2) The chief shall adopt rules under section 1531.10 of the Revised Code providing for the issuance of a one-day fishing license to a resident of this state or of any other state. <del>The fee for such a license shall be fifty five per cent of the amount established under this section for a tourist's license, rounded up to the nearest whole dollar.</del> A one-day fishing license shall allow the holder to take or catch fish by angling in the waters in the state, engage in fishing in those waters, or take or catch frogs or turtles in those waters for one day without obtaining an annual license or a tourist's license under this section. At the request of a holder of a one-day fishing license who wishes to obtain an annual license, a clerk or agent authorized to issue licenses under section 1533.13 of the Revised Code, not later than the last day on which the one-day license would be valid if it were an annual license, shall credit the amount of the fee paid for the one-day license toward the fee charged for the annual license if so authorized by the chief. The clerk or agent shall issue the</u>		18854 18855 18856 18857 18858 18859 18860 18861 18862 18863 18864 18865 18866 18867 18868 18869 18870

annual license upon presentation of the one-day license and 18871  
payment of a fee in an amount equal to the difference between the 18872  
fee for the annual license and the fee for the one-day license. 18873

(3) Unless otherwise provided by division rule, each annual 18874  
license shall begin on the date of issuance and expire a year from 18875  
the date of issuance. 18876

(4) Unless otherwise provided by division rule, each 18877  
multi-year license issued in accordance with section 1533.321 of 18878  
the Revised Code shall begin on the date of issuance and expire 18879  
three years, five years, or ten years from the date of issuance, 18880  
as applicable. 18881

(5) No person shall alter a fishing license or possess a 18882  
fishing license that has been altered. 18883

(6) No person shall procure or attempt to procure a fishing 18884  
license by fraud, deceit, misrepresentation, or any false 18885  
statement. 18886

(7) A resident of this state who owns land over, through, 18887  
upon, or along which any water flows or stands, except where the 18888  
land is in or borders on state parks or state-owned lakes, 18889  
together with the members of the immediate families of such 18890  
owners, may take frogs and turtles and may take or catch fish of 18891  
the kind permitted to be taken or caught therefrom without 18892  
procuring a license provided for in this section. This exemption 18893  
extends to tenants actually residing upon such lands and to the 18894  
members of the immediate families of the tenants. A resident of 18895  
any other state who owns land in this state over, through, upon, 18896  
or along which any water flows or stands, except where the land is 18897  
in or borders on state parks or state-owned lakes, and the spouse 18898  
and children living with the owner, may take frogs and turtles and 18899  
may take or catch fish of the kind permitted to be taken or caught 18900  
from that water without obtaining a license under this section, 18901

provided that the state of residence of the owner allows residents 18902  
of this state owning real property in that state, and the spouse 18903  
and children living with such a property owner, to take frogs and 18904  
turtles and take or catch fish without a license. If the owner of 18905  
such land in this state is a limited liability company or a 18906  
limited liability partnership that consists of three or fewer 18907  
individual members or partners, as applicable, an individual 18908  
member or partner who is a resident of this state and the member's 18909  
or partner's children of any age may take frogs and turtles and 18910  
may take or catch fish of the kind permitted to be taken or caught 18911  
therefrom without procuring a license provided for in this 18912  
section. In addition, if the owner of such land in this state is a 18913  
trust that has a total of three or fewer trustees and 18914  
beneficiaries, an individual who is a trustee or beneficiary and 18915  
who is a resident of this state and the individual's children of 18916  
any age may take frogs and turtles and may take or catch fish of 18917  
the kind permitted to be taken or caught therefrom without 18918  
procuring a license provided for in this section. Residents of 18919  
state or county institutions, charitable institutions, and 18920  
military homes in this state may take frogs and turtles without 18921  
procuring the required license, provided that a member of the 18922  
institution or home has an identification card, which shall be 18923  
carried on that person when fishing. 18924

(8) Every fisher required to be licensed, while fishing or 18925  
taking or attempting to take frogs or turtles, shall carry the 18926  
license and exhibit it to any person. Failure to so carry and 18927  
exhibit the license constitutes an offense under this section. 18928

**Sec. 1533.321.** (A) The chief of the division of wildlife may 18929  
issue any of the following: 18930

(1) Multi-year hunting or fishing licenses for three-, five-, 18931  
or ten-year terms to a resident of this state; 18932

(2) Lifetime hunting or fishing licenses to a resident of this state; 18933  
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(3) A package consisting of any combination of license, stamp, or permit that the chief is authorized to issue under this chapter. 18935  
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(B) The chief may adopt rules in accordance with section 1531.10 of the Revised Code governing multi-year hunting and fishing licenses, lifetime hunting and fishing licenses, and combination packages, including rules establishing fees for the combination packages. The chief shall ensure that the price for a combination package is not discounted by more than five per cent of the total fees for the licenses, permits, or stamps that a person would otherwise pay for those licenses, permits, or stamps if the person purchased them individually. 18938  
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(C)(1) The multi-year and lifetime license fund is hereby created in the state treasury. The fund shall consist of money received from application fees for multi-year and lifetime hunting and fishing licenses. 18947  
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(2) Each fiscal year, a prorated amount of the money from each multi-year and lifetime license fee shall be transferred from the multi-year and lifetime license fund to the fund into which the applicable single year license fee would otherwise be deposited. The prorated amount shall equal the total amount of the fee charged for the license divided by the number of years the license is valid. The chief shall adopt rules in accordance with section 1531.10 of the Revised Code for the administration of this division, including establishing a system that prorates lifetime license fees for deposit each year into the wildlife fund created in section 1531.17 of the Revised Code. 18951  
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(3) Each fiscal year, all previous year's investment earnings from the multi-year and lifetime license fund shall be transferred 18962  
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into the wildlife fund created in section 1531.17 of the Revised Code. 18964  
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(D)(1) Each applicant for a multi-year or lifetime fishing license who is a resident of this state shall pay a fee for each license in accordance with the following schedule: 18966  
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Senior 3-year fishing license	\$27.50	18969
Senior 5-year fishing license	\$45.75	18970
Senior lifetime fishing license	\$81.00	18971
3-year fishing license	\$52.00	18972
5-year fishing license	\$86.75	18973
10-year fishing license	\$173.50	18974
Lifetime fishing license	\$450.00	18975
Youth lifetime fishing license	\$414.00	18976

(2) As used in division (D)(1) of this section: 18977

(a) "Youth" means an applicant who is under the age of sixteen years at the time of application for a ~~permit~~ license. 18978  
18979

(b) "Senior" means an applicant who is sixty-six years of age or older at the time of application for a ~~permit~~ license. 18980  
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(E)(1) Each applicant for a multi-year or lifetime hunting license who is a resident of this state shall pay a fee for each license in accordance with the following schedule: 18982  
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Senior 3-year hunting license	\$27.50	18985
Senior 5-year hunting license	\$45.75	18986
Senior lifetime hunting license	\$81.00	18987
Youth 3-year hunting license	\$27.50	18988
Youth 5-year hunting license	\$45.75	18989
Youth 10-year hunting license	\$91.50	18990
Youth lifetime hunting license	\$414.00	18991
3-year hunting license	\$52.00	18992
5-year hunting license	\$86.75	18993
10-year hunting license	\$173.50	18994

Lifetime hunting license	\$450.00	18995
(2) As used in division (E)(1) of this section:		18996
(a) "Youth" means an applicant who is under the age of eighteen years at the time of application for a <del>permit</del> <u>license</u> .		18997 18998
(b) "Senior" means an applicant who is sixty-six years of age or older at the time of application for a <del>permit</del> <u>license</u> .		18999 19000
(F) If a person who is issued a multi-year hunting or fishing license or lifetime hunting or fishing license in accordance with division (A) of this section subsequently becomes a nonresident after issuance of the license, the person's license remains valid in this state during its term, regardless of residency status.		19001 19002 19003 19004 19005
<del>Sec. 1561.011. Except as provided in section 1561.24 of the Revised Code, nothing</del> <u>Nothing</u> in this chapter applies to activities that are permitted and regulated under Chapter 1514. of the Revised Code.		19006 19007 19008 19009
<del>Sec. 1711.52. (A)</del> The advisory council on amusement ride safety shall <u>do both of the following</u> :		19010 19011
<del>(A)(1)</del> Study any subject pertaining to amusement ride safety, including administrative, engineering, and technical subjects, and make findings and recommendations to the director of agriculture <u>in accordance with division (B) of this section;</u>		19012 19013 19014 19015
<del>(B)(2)</del> Prior to the adoption of any rules or amendments to those rules under division (B) of section 1711.53 and division (B) of section 1711.551 of the Revised Code, study the proposed rules to be adopted by the director regarding amusement ride safety, advise the director, and make findings and recommendations to the director <u>in accordance with division (B) of this section.</u>		19016 19017 19018 19019 19020 19021
<del>(C) Not later than December 31, 2006, prepare and submit a report to the governor, the speaker and the minority leader of the</del>		19022 19023

~~house of representatives, the president and the minority leader of  
the senate, and the director concerning the advisory council's  
recommendations for alternative funding sources for the amusement  
ride safety program established under this chapter.~~ (B) Prior to  
submitting any findings or recommendations, the advisory council  
shall vote on whether to submit such findings or recommendations  
to the director. The advisory council shall submit only those  
findings and recommendations that receive a majority vote of the  
advisory council.

(C) The director shall make available to the advisory council  
any information, reports, and studies requested by the advisory  
council.

**Sec. 1711.53.** (A)(1) No person shall operate an amusement  
ride within the state without a permit issued by the director of  
agriculture under division (A)(2) of this section. The owner of an  
amusement ride, whether the ride is a temporary amusement ride or  
a permanent amusement ride, who desires to operate the amusement  
ride within the state shall, prior to the operation of the  
amusement ride and annually thereafter, submit to the department  
of agriculture an application for a permit, together with the  
appropriate permit and inspection fee, on a form to be furnished  
by the department. Prior to issuing any permit the department  
shall, within thirty days after the date on which it receives the  
application, inspect each amusement ride described in the  
application. The owner of an amusement ride shall have the  
amusement ride ready for inspection not later than two hours after  
the time that is requested by the person for the inspection.

(2) For each amusement ride found to comply with the rules  
adopted by the director under division (B) of this section and  
division (B) of section 1711.551 of the Revised Code, the director  
shall issue an annual permit, provided that evidence of liability



insurance coverage for the amusement ride as required by section 19055  
1711.54 of the Revised Code is on file with the department. 19056

(3) The director shall issue with each permit a decal 19057  
indicating that the amusement ride has been issued the permit. The 19058  
owner of the amusement ride shall affix the decal on the ride at a 19059  
location where the decal is easily visible to the patrons of the 19060  
ride. A copy of the permit shall be kept on file at the same 19061  
address as the location of the amusement ride identified on the 19062  
permit, and shall be made available for inspection, upon 19063  
reasonable demand, by any person. An owner may operate an 19064  
amusement ride prior to obtaining a permit, provided that the 19065  
operation is for the purpose of testing the amusement ride or 19066  
training amusement ride operators and other employees of the owner 19067  
and the amusement ride is not open to the public. 19068

(B) The director, in accordance with Chapter 119. of the 19069  
Revised Code, shall adopt rules providing for a schedule of fines, 19070  
with no fine exceeding five thousand dollars, for violations of 19071  
sections 1711.50 to 1711.57 of the Revised Code or any rules 19072  
adopted under this division and for the classification of 19073  
amusement rides and rules for the safe operation and inspection of 19074  
all amusement rides as are necessary for amusement ride safety and 19075  
for the protection of the general public. Rules adopted by the 19076  
director for the safe operation and inspection of amusement rides 19077  
shall be reasonable and based upon generally accepted engineering 19078  
standards and practices. In adopting rules under this section, the 19079  
director may adopt by reference, in whole or in part, the national 19080  
fire code or the national electrical code (NEC) prepared by the 19081  
national fire protection association, the standards of the 19082  
American society for testing and materials (ASTM) or the American 19083  
national standards institute (ANSI), or any other principles, 19084  
tests, or standards of nationally recognized technical or 19085  
scientific authorities. Insofar as is practicable and consistent 19086

with sections 1711.50 to 1711.57 of the Revised Code, rules 19087  
adopted under this division shall be consistent with the rules of 19088  
other states. The department shall cause sections 1711.50 to 19089  
1711.57 of the Revised Code and the rules adopted in accordance 19090  
with this division and division (B) of section 1711.551 of the 19091  
Revised Code to be published in pamphlet form and a copy to be 19092  
furnished without charge to each owner of an amusement ride who 19093  
holds a current permit or is an applicant therefor. 19094

(C) With respect to an application for a permit for an 19095  
amusement ride, an owner may apply to the director for a waiver or 19096  
modification of any rule adopted under division (B) of this 19097  
section if there are practical difficulties or unnecessary 19098  
hardships for the amusement ride to comply with the rules. Any 19099  
application shall set forth the reasons for the request. The 19100  
director, with the approval of the advisory council on amusement 19101  
ride safety, may waive or modify the application of a rule to any 19102  
amusement ride if the public safety is secure. Any authorization 19103  
by the director under this division shall be in writing and shall 19104  
set forth the conditions under which the waiver or modification is 19105  
authorized, and the department shall retain separate records of 19106  
all proceedings under this division. 19107

(D)(1) The director shall employ and provide for training of 19108  
a chief inspector and additional inspectors and employees as may 19109  
be necessary to administer and enforce sections 1711.50 to 1711.57 19110  
of the Revised Code. The director may appoint or contract with 19111  
other persons to perform inspections of amusement rides, provided 19112  
that the persons meet the qualifications for inspectors 19113  
established by rules adopted under division (B) of this section 19114  
and are not owners, or employees of owners, of any amusement ride 19115  
subject to inspection under sections 1711.50 to 1711.57 of the 19116  
Revised Code. No person shall inspect an amusement ride who, 19117  
within six months prior to the date of inspection, was an employee 19118

of the owner of the ride. 19119

(2) Before the director contracts with other persons to 19120  
inspect amusement rides, the director shall seek the advice of the 19121  
advisory council on amusement ride safety on whether to contract 19122  
with those persons. The advice shall not be binding upon the 19123  
director. After having received the advice of the council, the 19124  
director may proceed to contract with inspectors in accordance 19125  
with the procedures specified in division (E)(2) of section 19126  
1711.11 of the Revised Code. 19127

(3) With the advice and consent of the advisory council on 19128  
amusement ride safety, the director may employ a special 19129  
consultant to conduct an independent investigation of an amusement 19130  
ride accident. This consultant need not be in the civil service of 19131  
the state, but shall have qualifications to conduct the 19132  
investigation acceptable to the council. 19133

(E)(1) Except as otherwise provided in division (E)(1) of 19134  
this section, the department shall charge the following amusement 19135  
ride fees: 19136

Permit	\$	<del>150</del>	19137
		<u>225</u>	

Annual inspection and reinspection per ride: 19138

Kiddie rides	\$	100	19139
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Roller coaster	\$	1,200	19140
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Aerial lifts or bungee jumping facilities	\$	450	19141
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Go karts, per kart	\$	5	19142
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Other rides	\$	160	19144
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Midseason operational inspection per ride	\$	25	19145
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Expedited inspection per ride	\$	100	19146
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Failure to cancel scheduled inspection per ride	\$	100	19147
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Failure to have amusement ride ready for inspection			19148
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per ride	\$	100	19149
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The go kart inspection fee is in addition to the inspection fee for the go kart track. 19150  
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The director shall adopt rules in accordance with Chapter 119. of the Revised Code establishing an annual fee that is less than one hundred five dollars for an inspection and reinspection of an inflatable ride. In adopting the rules, the director shall ensure that the fee reasonably reflects the costs of inspection and reinspection of an inflatable ride. If the director issues a permit for an inflatable ride for a time period of less than one year, the director shall charge a prorated fee for the permit equal to one-twelfth of the annual permit fee multiplied by the number of full months for which the permit is issued. 19152  
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The fees for an expedited inspection, failure to cancel a scheduled inspection, and failure to have an amusement ride ready for inspection do not apply to go karts. 19162  
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As used in division (E)(1) of this section, "expedited inspection" means an inspection of an amusement ride by the department not later than ten days after the owner of the amusement ride files an application for a permit under this section. 19165  
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(2) All fees and fines collected by the department under sections 1711.50 to 1711.57 of the Revised Code shall be deposited in the state treasury to the credit of the amusement ride inspection fund, which is hereby created, and shall be used only for the purpose of administering and enforcing sections 1711.11 and 1711.50 to 1711.57 of the Revised Code. 19170  
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(3) The owner of an amusement ride shall be required to pay a reinspection fee only if the reinspection was conducted at the owner's request under division (F) of this section, if the reinspection is required by division (F) of this section because of an accident, or if the reinspection is required by division (F) 19176  
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of section 1711.55 of the Revised Code. If a reinspection is 19181  
conducted at the request of the chief officer of a fair, festival, 19182  
or event where the ride is operating, the reinspection fee shall 19183  
be charged to the fair, festival, or event. 19184

(4) The rules adopted under division (B) of this section 19185  
shall define "roller coaster," "aerial lifts," "go karts," and 19186  
"other rides" for purposes of determining the fees under division 19187  
(E) of this section. The rules shall define "other rides" to 19188  
include go kart tracks. 19189

(F) A reinspection of an amusement ride shall take place if 19190  
an accident occurs, if the owner of the ride or the chief officer 19191  
of the fair, festival, or event where the ride is operating 19192  
requests a reinspection, or if the reinspection is required by 19193  
division (F) of section 1711.55 of the Revised Code. 19194

(G) As a supplement to its annual inspection of a temporary 19195  
amusement ride, the department may inspect the ride during each 19196  
scheduled event, as listed in the schedule of events provided to 19197  
the department by the owner pursuant to division (C) of section 19198  
1711.55 of the Revised Code, at which the ride is operated in this 19199  
state. These supplemental inspections are in addition to any other 19200  
inspection or reinspection of the ride as may be required under 19201  
sections 1711.50 to 1711.57 of the Revised Code, and the owner of 19202  
the temporary amusement ride is not required to pay an inspection 19203  
or reinspection fee for this supplemental inspection. Nothing in 19204  
this division shall be construed to prohibit the owner of a 19205  
temporary amusement ride having a valid permit to operate in this 19206  
state from operating the ride at a scheduled event before the 19207  
department conducts a supplemental inspection. 19208

(H) The department may annually conduct a midseason 19209  
operational inspection of every amusement ride upon which it 19210  
conducts an annual inspection pursuant to division (A) of this 19211  
section. The midseason operational inspection is in addition to 19212

any other inspection or reinspection of the amusement ride as may 19213  
be required pursuant to sections 1711.50 to 1711.57 of the Revised 19214  
Code. The owner of an amusement ride shall submit to the 19215  
department, at the time determined by the department, the 19216  
midseason operational inspection fee specified in division (E) of 19217  
this section. The director, in accordance with Chapter 119. of the 19218  
Revised Code, shall adopt rules specifying the time period during 19219  
which the department will conduct midseason operational 19220  
inspections. 19221

Sec. 1711.532. Not later than November 1, 2019, and annually 19222  
thereafter, the director of agriculture shall submit a detailed 19223  
financial report to the speaker of the house of representatives 19224  
and to the president of the senate that includes all of the 19225  
following information: 19226

(A) The revenue from fees collected under section 1711.53 of 19227  
the Revised Code and any other revenue collected for the amusement 19228  
ride safety program during the twelve months immediately preceding 19229  
the report's submission; 19230

(B) Expenses relating to the operation of the department of 19231  
agriculture's amusement ride safety program established under 19232  
sections 1711.50 to 1711.57 of the Revised Code during the twelve 19233  
months immediately preceding the report's submission; 19234

(C) Any proposed changes to the fee schedule established 19235  
under section 1711.53 of the Revised Code that the director 19236  
determines are necessary for purposes of issuing amusement ride 19237  
permits and conducting amusement ride inspections and 19238  
reinspections; 19239

(D) The amount expended from any appropriations made for the 19240  
department of agriculture's amusement ride safety program during 19241  
the twelve months immediately preceding the report's submission; 19242

(E) Any additional revenue that the director determines is 19243  
necessary to meet the expenses of the amusement ride safety 19244  
program during the twelve months immediately following the 19245  
submission of the report; 19246

(F) Any other information that the director determines is 19247  
necessary to include in the report. 19248

**Sec. 1724.05.** Each community improvement corporation shall 19249  
prepare an annual financial report that conforms to rules 19250  
prescribed by the auditor of state pursuant to section 117.20 of 19251  
the Revised Code, that is prepared according to generally accepted 19252  
accounting principles, and that is certified by the board of 19253  
directors of the corporation or its treasurer or other chief 19254  
fiscal officer to the best knowledge and belief of those persons 19255  
certifying the report. The financial report shall be filed with 19256  
the auditor of state within one hundred twenty days following the 19257  
last day of the corporation's fiscal year, unless the auditor of 19258  
state extends that deadline. The auditor of state may establish 19259  
terms and conditions for granting any extension of that deadline. 19260  
The financial report shall be published on the corporation's web 19261  
site, or if the corporation does not have a web site, on the web 19262  
site of the county in which the corporation is located. 19263

Each community improvement corporation shall submit to audits 19264  
by the auditor of state, the scope and frequency of which shall be 19265  
in accordance with section 117.11 of the Revised Code as if the 19266  
corporation were a public office subject to that section. However, 19267  
a community improvement corporation may request in accordance with 19268  
section ~~115.56~~ 117.115 of the Revised Code, as if the corporation 19269  
were a public office subject to that section, the performance of 19270  
any of those audits by an independent certified public accountant 19271  
or firm of certified public accountants. 19272

The auditor of state is authorized to receive and file the 19273

annual financial reports required by this section and the reports 19274  
of all audits performed in accordance with this section. The 19275  
auditor of state shall analyze those annual financial reports and 19276  
the reports of those audits to determine whether the activities of 19277  
a community improvement corporation involved are in accordance 19278  
with this chapter. 19279

**Sec. 1726.11.** Each development corporation incorporated under 19280  
this chapter shall prepare an annual financial report that 19281  
conforms to rules prescribed by the auditor of state pursuant to 19282  
section 117.20 of the Revised Code, that is prepared according to 19283  
generally accepted accounting principles, and that is certified by 19284  
the board of trustees of the corporation or its treasurer or other 19285  
chief fiscal officer. The financial report shall be filed with the 19286  
auditor of state within one hundred twenty days following the last 19287  
day of the corporation's fiscal year, unless the auditor of state 19288  
extends that deadline. The auditor of state may establish terms 19289  
and conditions for granting any extension of that deadline. 19290

Each development corporation shall submit to audits by the 19291  
auditor of state, the scope and frequency of which shall be in 19292  
accordance with section 117.11 of the Revised Code as if the 19293  
corporation were a public office subject to that section. However, 19294  
a development corporation may request in accordance with section 19295  
~~115.56~~ 117.115 of the Revised Code, as if the corporation were a 19296  
public office subject to that section, the performance of any of 19297  
those audits by an independent certified public accountant. 19298

The auditor of state is authorized to receive and file the 19299  
annual financial reports required by this section and the reports 19300  
of all audits performed in accordance with this section. The 19301  
auditor of state shall analyze those annual financial reports and 19302  
the reports of those audits to determine whether the activities of 19303  
the development corporation involved are in accordance with this 19304



chapter. 19305

**Sec. 1739.05.** (A) A multiple employer welfare arrangement 19306  
that is created pursuant to sections 1739.01 to 1739.22 of the 19307  
Revised Code and that operates a group self-insurance program may 19308  
be established only if any of the following applies: 19309

(1) The arrangement has and maintains a minimum enrollment of 19310  
three hundred employees of two or more employers. 19311

(2) The arrangement has and maintains a minimum enrollment of 19312  
three hundred self-employed individuals. 19313

(3) The arrangement has and maintains a minimum enrollment of 19314  
three hundred employees or self-employed individuals in any 19315  
combination of divisions (A)(1) and (2) of this section. 19316

(B) A multiple employer welfare arrangement that is created 19317  
pursuant to sections 1739.01 to 1739.22 of the Revised Code and 19318  
that operates a group self-insurance program shall comply with all 19319  
laws applicable to self-funded programs in this state, including 19320  
sections 3901.04, 3901.041, 3901.19 to 3901.26, 3901.38, 3901.381 19321  
to 3901.3814, 3901.40, 3901.45, 3901.46, 3901.491, 3902.01 to 19322  
3902.14, 3923.041, 3923.24, 3923.282, 3923.30, 3923.301, 3923.38, 19323  
3923.581, 3923.602, 3923.63, 3923.80, 3923.84, 3923.85, 3923.851, 19324  
3923.86, 3923.87, 3923.89, 3923.90, 3924.031, 3924.032, and 19325  
3924.27 of the Revised Code. 19326

(C) A multiple employer welfare arrangement created pursuant 19327  
to sections 1739.01 to 1739.22 of the Revised Code shall solicit 19328  
enrollments only through agents or solicitors licensed pursuant to 19329  
Chapter 3905. of the Revised Code to sell or solicit sickness and 19330  
accident insurance. 19331

(D) A multiple employer welfare arrangement created pursuant 19332  
to sections 1739.01 to 1739.22 of the Revised Code shall provide 19333  
benefits only to individuals who are members, employees of 19334

members, or the dependents of members or employees, or are 19335  
eligible for continuation of coverage under section 1751.53 or 19336  
3923.38 of the Revised Code or under Title X of the "Consolidated 19337  
Omnibus Budget Reconciliation Act of 1985," 100 Stat. 227, 29 19338  
U.S.C.A. 1161, as amended. 19339

(E) A multiple employer welfare arrangement created pursuant 19340  
to sections 1739.01 to 1739.22 of the Revised Code is subject to, 19341  
and shall comply with, sections 3903.81 to 3903.93 of the Revised 19342  
Code in the same manner as other life or health insurers, as 19343  
defined in section 3903.81 of the Revised Code. 19344

**Sec. 1751.77.** As used in sections 1751.77 to 1751.87 of the 19345  
Revised Code, unless otherwise specifically provided or as 19346  
otherwise required pursuant to applicable federal law or 19347  
regulations: 19348

(A) "Adverse determination" means a determination by a health 19349  
insuring corporation or its designee utilization review 19350  
organization that an admission, availability of care, continued 19351  
stay, or other health care service has been reviewed and, based 19352  
upon the information provided, the health care service does not 19353  
meet the requirements for benefit payment under the health 19354  
insuring corporation's policy, contract, or agreement, and 19355  
coverage is therefore denied, reduced, or terminated. 19356

(B) "Ambulatory review" means utilization review of health 19357  
care services performed or provided in an outpatient setting. 19358

(C) "Authorized person" means a parent, guardian, or other 19359  
person authorized to act on behalf of an enrollee with respect to 19360  
health care decisions. 19361

(D) "Case management" means a coordinated set of activities 19362  
conducted for individual patient management of serious, 19363  
complicated, protracted, or other specified health conditions. 19364

(E) "Certification" means a determination by a health insuring corporation or its designee utilization review organization that an admission, availability of care, continued stay, or other health care service has been reviewed and, based upon the information provided, the health care service satisfies the requirements for benefit payment under the health insuring corporation's policy, contract, or agreement.

(F) "Clinical peer" means a physician when an evaluation is to be made of the clinical appropriateness of health care services provided by a physician. If an evaluation is to be made of the clinical appropriateness of health care services provided by a provider who is not a physician, "clinical peer" means either a physician or a provider holding the same license as the provider who provided the health care services.

(G) "Clinical review criteria" means the written screening procedures, decision abstracts, clinical protocols, and practice guidelines used by a health insuring corporation to determine the necessity and appropriateness of health care services.

(H) "Concurrent review" means utilization review conducted during a patient's hospital stay or course of treatment.

(I) "Discharge planning" means the formal process for determining, prior to a patient's discharge from a health care facility, the coordination and management of the care that the patient is to receive following discharge from a health care facility.

(J) "Participating provider" means a provider or health care facility that, under a contract with a health insuring corporation or with its contractor or subcontractor, has agreed to provide health care services to enrollees with an expectation of receiving payment, other than coinsurance, copayments, or deductibles, directly or indirectly from the health insuring corporation.

(K) "Physician" means a provider who holds a <del>certificate</del>	19396
<u>license</u> issued under Chapter 4731. of the Revised Code authorizing	19397
the practice of medicine and surgery or osteopathic medicine and	19398
surgery or a comparable license <del>or certificate</del> from another state.	19399
(L) "Prospective review" means utilization review that is	19400
conducted prior to an admission or a course of treatment.	19401
(M) "Retrospective review" means utilization review of	19402
medical necessity that is conducted after health care services	19403
have been provided to a patient. "Retrospective review" does not	19404
include the review of a claim that is limited to an evaluation of	19405
reimbursement levels, veracity of documentation, accuracy of	19406
coding, or adjudication of payment.	19407
(N) "Second opinion" means an opportunity or requirement to	19408
obtain a clinical evaluation by a provider other than the provider	19409
originally making a recommendation for proposed health care	19410
services to assess the clinical necessity and appropriateness of	19411
the proposed health care services.	19412
(O) "Utilization review" means a process used to monitor the	19413
use of, or evaluate the clinical necessity, appropriateness,	19414
efficacy, or efficiency of, health care services, procedures, or	19415
settings. Areas of review may include ambulatory review,	19416
prospective review, second opinion, certification, concurrent	19417
review, case management, discharge planning, or retrospective	19418
review.	19419
(P) "Utilization review organization" means an entity that	19420
conducts utilization review, other than a health insuring	19421
corporation performing a review of its own health care plans.	19422
<u>Sec. 1751.92. Each health insuring corporation shall comply</u>	19423
<u>with the requirements of section 3959.20 of the Revised Code as</u>	19424
<u>they pertain to health plan issuers.</u>	19425

As used in this section, "health plan issuer" has the same 19426  
meaning as in section 3922.01 of the Revised Code. 19427

**Sec. 1901.123.** (A)(1) Subject to reimbursement under division 19428  
(B) of this section, the treasurer of the county in which a 19429  
county-operated municipal court or other municipal court is 19430  
located shall pay the per diem compensation to which an acting 19431  
judge appointed pursuant to division (A)(2)(a), (B)(1), or (C)(1) 19432  
of section 1901.121 of the Revised Code is entitled pursuant to 19433  
division (A)(1) of section 1901.122 of the Revised Code. 19434

(2) Subject to reimbursement under division ~~(B)~~(C) of this 19435  
section, the ~~treasurer of the county in which a county-operated~~ 19436  
~~municipal court or other municipal court is located~~ supreme court 19437  
shall pay the per diem compensation to which an assigned judge 19438  
assigned pursuant to division (A)(1), (A)(2)(b), (B)(2), (C)(2), 19439  
or (D) of section 1901.121 of the Revised Code is entitled 19440  
pursuant to division (B) of section 1901.122 of the Revised Code. 19441

(B) The treasurer of a county that, pursuant to division 19442  
(A)(1) of this section, is required to pay any compensation to 19443  
which an acting judge ~~or assigned judge~~ is entitled under division 19444  
(A)(5) or (6) of section 141.04 of the Revised Code, shall submit 19445  
to the administrative director of the supreme court quarterly 19446  
requests for reimbursements of the per diem amounts so paid. The 19447  
requests shall include verifications of the payment of those 19448  
amounts and an affidavit from the acting judge ~~or assigned judge~~ 19449  
stating the days and hours worked. The administrative director 19450  
shall cause reimbursements of those amounts to be issued to the 19451  
county if the administrative director verifies that those amounts 19452  
were, in fact, so paid. 19453

(C) The supreme court, pursuant to division (A)(2) of this 19454  
section, is required to pay any compensation to which an assigned 19455  
judge is entitled under division (A)(5) or (6) of section 141.04 19456

of the Revised Code. Annually, on the first day of August, the 19457  
administrative director of the supreme court shall issue a billing 19458  
to the county treasurer of any county to which such a judge was 19459  
assigned to a municipal court for reimbursement of the county or 19460  
local portion of the compensation previously paid by the state for 19461  
the twelve-month period preceding the last day of June. The county 19462  
or local portion of the compensation shall be that part of each 19463  
per diem paid by the state which is proportional to the county or 19464  
local shares of the total compensation of a resident judge of such 19465  
court. The county treasurer shall forward the payment within 19466  
thirty days. After forwarding the payment, the county treasurer 19467  
shall seek reimbursement from the applicable local municipalities 19468  
as appropriate. 19469

**Sec. 1901.26.** (A) Subject to division (E) of this section, 19470  
costs in a municipal court shall be fixed and taxed as follows: 19471

(1)(a) The municipal court shall require an advance deposit 19472  
for the filing of any new civil action or proceeding when required 19473  
by division (C) of this section, subject to its waiver pursuant to 19474  
that division, and in all other cases, by rule, shall establish a 19475  
schedule of fees and costs to be taxed in any civil or criminal 19476  
action or proceeding. 19477

(b)(i) The legislative authority of a municipal corporation 19478  
may by ordinance establish a schedule of fees to be taxed as costs 19479  
in any civil, criminal, or traffic action or proceeding in a 19480  
municipal court for the performance by officers or other employees 19481  
of the municipal corporation's police department or marshal's 19482  
office of any of the services specified in sections 311.17 and 19483  
509.15 of the Revised Code. No fee in the schedule shall be higher 19484  
than the fee specified in section 311.17 of the Revised Code for 19485  
the performance of the same service by the sheriff. If a fee 19486  
established in the schedule conflicts with a fee for the same 19487

service established in another section of the Revised Code or a 19488  
rule of court, the fee established in the other section of the 19489  
Revised Code or the rule of court shall apply. 19490

(ii) When an officer or employee of a municipal police 19491  
department or marshal's office performs in a civil, criminal, or 19492  
traffic action or proceeding in a municipal court a service 19493  
specified in section 311.17 or 509.15 of the Revised Code for 19494  
which a taxable fee has been established under this or any other 19495  
section of the Revised Code, the applicable legal fees and any 19496  
other extraordinary expenses, including overtime, provided for the 19497  
service shall be taxed as costs in the case. The clerk of the 19498  
court shall pay those legal fees and other expenses, when 19499  
collected, into the general fund of the municipal corporation that 19500  
employs the officer or employee. 19501

(iii) If a bailiff of a municipal court performs in a civil, 19502  
criminal, or traffic action or proceeding in that court a service 19503  
specified in section 311.17 or 509.15 of the Revised Code for 19504  
which a taxable fee has been established under this section or any 19505  
other section of the Revised Code, the fee for the service is the 19506  
same and is taxable to the same extent as if the service had been 19507  
performed by an officer or employee of the police department or 19508  
marshal's office of the municipal corporation in which the court 19509  
is located. The clerk of that court shall pay the fee, when 19510  
collected, into the general fund of the entity or entities that 19511  
fund the bailiff's salary, in the same prorated amount as the 19512  
salary is funded. 19513

(iv) Division (A)(1)(b) of this section does not authorize or 19514  
require any officer or employee of a police department or 19515  
marshal's office of a municipal corporation or any bailiff of a 19516  
municipal court to perform any service not otherwise authorized by 19517  
law. 19518

(2) The municipal court, by rule, may require an advance 19519

deposit for the filing of any civil action or proceeding and 19520  
publication fees as provided in section 2701.09 of the Revised 19521  
Code. The court shall waive the requirement for advance deposit 19522  
for a party that the court determines qualifies as an indigent 19523  
litigant as set forth in section 2323.311 of the Revised Code. 19524

(3) When a jury trial is demanded in any civil action or 19525  
proceeding, the party making the demand may be required to make an 19526  
advance deposit as fixed by rule of court, unless the court 19527  
determines that the party qualifies as an indigent litigant as set 19528  
forth in section 2323.311 of the Revised Code. If a jury is 19529  
called, the fees of a jury shall be taxed as costs. 19530

(4) In any civil or criminal action or proceeding, each 19531  
witness shall receive twelve dollars for each full day's 19532  
attendance and six dollars for each half day's attendance. Each 19533  
witness in a municipal court that is not a county-operated 19534  
municipal court also shall receive fifty and one-half cents for 19535  
each mile necessarily traveled to and from the witness's place of 19536  
residence to the action or proceeding. 19537

(5) A reasonable charge for driving, towing, carting, 19538  
storing, keeping, and preserving motor vehicles and other personal 19539  
property recovered or seized in any proceeding may be taxed as 19540  
part of the costs in a trial of the cause, in an amount that shall 19541  
be fixed by rule of court. 19542

(6) Chattel property seized under any writ or process issued 19543  
by the court shall be preserved pending final disposition for the 19544  
benefit of all persons interested and may be placed in storage 19545  
when necessary or proper for that preservation. The custodian of 19546  
any chattel property so stored shall not be required to part with 19547  
the possession of the property until a reasonable charge, to be 19548  
fixed by the court, is paid. 19549

(7) The municipal court, as it determines, may refund all 19550



deposits and advance payments of fees and costs, including those 19551  
for jurors and summoning jurors, when they have been paid by the 19552  
losing party. 19553

(8) Charges for the publication of legal notices required by 19554  
statute or order of court may be taxed as part of the costs, as 19555  
provided by section 7.13 of the Revised Code. 19556

(B)(1)(a) The municipal court may determine that, for the 19557  
efficient operation of the court, additional funds are necessary 19558  
to acquire and pay for special projects of the court including, 19559  
but not limited to, the acquisition of additional facilities or 19560  
the rehabilitation of existing facilities, the acquisition of 19561  
equipment, the hiring and training of staff, community service 19562  
programs, mediation or dispute resolution services, the employment 19563  
of magistrates, the training and education of judges, acting 19564  
judges, and magistrates, and other related services. Upon that 19565  
determination, the court by rule may charge a fee, in addition to 19566  
all other court costs, on the filing of each criminal cause, civil 19567  
action or proceeding, or judgment by confession. 19568

(b) If the municipal court offers a special program or 19569  
service in cases of a specific type, the municipal court by rule 19570  
may assess an additional charge in a case of that type, over and 19571  
above court costs, to cover the special program or service. The 19572  
municipal court shall adjust the special assessment periodically, 19573  
but not retroactively, so that the amount assessed in those cases 19574  
does not exceed the actual cost of providing the service or 19575  
program. 19576

(c) Any fee or charge assessed under division (B)(1)(a) or 19577  
(b) of this section on the filing of a civil action or proceeding 19578  
shall be waived if the court determines that the person on whom 19579  
the fee or charge is assessed qualifies as an indigent litigant as 19580  
set forth in section 2323.311 of the Revised Code. 19581

(d) All moneys collected under division (B) of this section shall be paid to the county treasurer if the court is a county-operated municipal court or to the city treasurer if the court is not a county-operated municipal court for deposit into either a general special projects fund or a fund established for a specific special project. Moneys from a fund of that nature shall be disbursed upon an order of the court in an amount no greater than the actual cost to the court of a project. If a specific fund is terminated because of the discontinuance of a program or service established under division (B) of this section, the municipal court may order that moneys remaining in the fund be transferred to an account established under this division for a similar purpose.

(2) As used in division (B) of this section:

(a) "Criminal cause" means a charge alleging the violation of a statute or ordinance, or subsection of a statute or ordinance, that requires a separate finding of fact or a separate plea before disposition and of which the defendant may be found guilty, whether filed as part of a multiple charge on a single summons, citation, or complaint or as a separate charge on a single summons, citation, or complaint. "Criminal cause" does not include separate violations of the same statute or ordinance, or subsection of the same statute or ordinance, unless each charge is filed on a separate summons, citation, or complaint.

(b) "Civil action or proceeding" means any civil litigation that must be determined by judgment entry.

(C) The municipal court shall collect in all its divisions except the small claims division the sum of twenty-six dollars as additional filing fees in each new civil action or proceeding for the charitable public purpose of providing financial assistance to legal aid societies that operate within the state and to support the office of the state public defender. The municipal court shall

collect in its small claims division the sum of eleven dollars as 19614  
additional filing fees in each new civil action or proceeding for 19615  
the charitable public purpose of providing financial assistance to 19616  
legal aid societies that operate within the state and to support 19617  
the office of the state public defender. This division does not 19618  
apply to any execution on a judgment, proceeding in aid of 19619  
execution, or other post-judgment proceeding arising out of a 19620  
civil action. The filing fees required to be collected under this 19621  
division shall be in addition to any other court costs imposed in 19622  
the action or proceeding and shall be collected at the time of the 19623  
filing of the action or proceeding. The court shall not waive the 19624  
payment of the additional filing fees in a new civil action or 19625  
proceeding unless the court waives the advanced payment of all 19626  
filing fees in the action or proceeding for the party that the 19627  
court determines is qualified as an indigent litigant as set forth 19628  
in section 2323.311 of the Revised Code. All such moneys collected 19629  
during a month except for an amount equal to up to one per cent of 19630  
those moneys retained to cover administrative costs shall be 19631  
transmitted on or before the twentieth day of the following month 19632  
by the clerk of the court to the treasurer of state in a manner 19633  
prescribed by the treasurer of state or by the Ohio ~~legal~~ 19634  
~~assistance~~ access to justice foundation. The treasurer of state 19635  
shall deposit four per cent of the funds collected under this 19636  
division to the credit of the civil case filing fee fund 19637  
established under section 120.07 of the Revised Code and 19638  
ninety-six per cent of the funds collected under this division to 19639  
the credit of the legal aid fund established under section 120.52 19640  
of the Revised Code. 19641

The court may retain up to one per cent of the moneys it 19642  
collects under this division to cover administrative costs, 19643  
including the hiring of any additional personnel necessary to 19644  
implement this division. If the court fails to transmit to the 19645  
treasurer of state the moneys the court collects under this 19646

division in a manner prescribed by the treasurer of state or by 19647  
the Ohio ~~legal assistance~~ access to justice foundation, the court 19648  
shall forfeit the moneys the court retains under this division to 19649  
cover administrative costs, including the hiring of any additional 19650  
personnel necessary to implement this division, and shall transmit 19651  
to the treasurer of state all moneys collected under this 19652  
division, including the forfeited amount retained for 19653  
administrative costs, for deposit in the legal aid fund. 19654

(D) In the Cleveland municipal court, reasonable charges for 19655  
investigating titles of real estate to be sold or disposed of 19656  
under any writ or process of the court may be taxed as part of the 19657  
costs. 19658

(E) Under the circumstances described in sections 2969.21 to 19659  
2969.27 of the Revised Code, the clerk of the municipal court 19660  
shall charge the fees and perform the other duties specified in 19661  
those sections. 19662

(F) As used in this section: 19663

(1) "Full day's attendance" means a day on which a witness is 19664  
required or requested to be present at an action or proceeding 19665  
before and after twelve noon, regardless of whether the witness 19666  
actually testifies. 19667

(2) "Half day's attendance" means a day on which a witness is 19668  
required or requested to be present at an action or proceeding 19669  
either before or after twelve noon, but not both, regardless of 19670  
whether the witness actually testifies. 19671

**Sec. 1907.143.** (A)(1) Subject to reimbursement under division 19672  
(B) of this section, the treasurer of the county in which a county 19673  
court is located shall pay the per diem compensation to which an 19674  
acting judge appointed pursuant to division (A)(2)(b), (B)(1), or 19675  
(C)(1) of section 1907.141 of the Revised Code is entitled 19676

pursuant to division (A) of section 1907.142 of the Revised Code. 19677

19678

(2) Subject to reimbursement under division ~~(B)~~(C) of this 19679

section, the ~~treasurer of the county in which a county court is~~ 19680

~~located~~ supreme court shall pay the per diem compensation to which 19681

an assigned judge assigned pursuant to division (A)(1), (A)(2)(b), 19682

(B)(2), or (C)(2) of section 1907.141 of the Revised Code is 19683

entitled pursuant to division (B) of section 1907.142 of the 19684

Revised Code. 19685

(B) The treasurer of a county that, pursuant to division 19686

(A)(1) of this section, is required to pay any compensation to 19687

which an acting judge ~~or assigned judge~~ is entitled under division 19688

(A)(5) or (6) of section 141.04 of the Revised Code, shall submit 19689

to the administrative director of the supreme court quarterly 19690

requests for reimbursements of the per diem amounts so paid. The 19691

requests shall include verifications of the payment of those 19692

amounts and an affidavit from the acting judge ~~or assigned judge~~ 19693

stating the days and hours worked. The administrative director 19694

shall cause reimbursements of those amounts to be issued to the 19695

county if the administrative director verifies that those amounts 19696

were, in fact, so paid. 19697

(C) The supreme court, pursuant to division (A)(2) of this 19698

section, is required to pay any compensation to which an assigned 19699

judge is entitled under division (A)(5) or (6) of section 141.04 19700

of the Revised Code. Annually, on the first day of August, the 19701

administrative director of the supreme court shall issue a billing 19702

to the county treasurer of any county to which such a judge was 19703

assigned to a county court for reimbursement of the county portion 19704

of the compensation previously paid by the state for the 19705

twelve-month period preceding the last day of June. The county 19706

portion of the compensation shall be that part of each per diem 19707

paid by the state which is proportional to the county shares of 19708  
the total compensation of a resident judge of such court. The 19709  
county treasurer shall forward the payment within thirty days. 19710  
After forwarding the payment, the county treasurer shall seek 19711  
reimbursement from the applicable local municipalities as 19712  
appropriate. 19713

**Sec. 1907.24.** (A) Subject to division (C) of this section, a 19714  
county court shall fix and tax fees and costs as follows: 19715

(1) The county court shall require an advance deposit for the 19716  
filing of any new civil action or proceeding when required by 19717  
division (C) of this section, subject to its waiver pursuant to 19718  
that division, and, in all other cases, shall establish a schedule 19719  
of fees and costs to be taxed in any civil or criminal action or 19720  
proceeding. 19721

(2) The county court by rule may require an advance deposit 19722  
for the filing of a civil action or proceeding and publication 19723  
fees as provided in section 2701.09 of the Revised Code. The court 19724  
shall waive an advance deposit requirement for a party that the 19725  
court determines qualifies as an indigent litigant as set forth in 19726  
section 2323.311 of the Revised Code. 19727

(3) When a party demands a jury trial in a civil action or 19728  
proceeding, the county court may require the party to make an 19729  
advance deposit as fixed by rule of court, unless the court 19730  
determines that the party qualifies as an indigent litigant as set 19731  
forth in section 2323.311 of the Revised Code. If a jury is 19732  
called, the county court shall tax the fees of a jury as costs. 19733

(4) In a civil or criminal action or proceeding, the county 19734  
court shall fix the fees of witnesses in accordance with sections 19735  
2335.06 and 2335.08 of the Revised Code. 19736

(5) A county court may tax as part of the costs in a trial of 19737

the cause, in an amount fixed by rule of court, a reasonable 19738  
charge for driving, towing, carting, storing, keeping, and 19739  
preserving motor vehicles and other personal property recovered or 19740  
seized in a proceeding. 19741

(6) The court shall preserve chattel property seized under a 19742  
writ or process issued by the court pending final disposition for 19743  
the benefit of all interested persons. The court may place the 19744  
chattel property in storage when necessary or proper for its 19745  
preservation. The custodian of chattel property so stored shall 19746  
not be required to part with the possession of the property until 19747  
a reasonable charge, to be fixed by the court, is paid. 19748

(7) The county court, as it determines, may refund all 19749  
deposits and advance payments of fees and costs, including those 19750  
for jurors and summoning jurors, when they have been paid by the 19751  
losing party. 19752

(8) The court may tax as part of costs charges for the 19753  
publication of legal notices required by statute or order of 19754  
court, as provided by section 7.13 of the Revised Code. 19755

(B)(1)(a) The county court may determine that, for the 19756  
efficient operation of the court, additional funds are necessary 19757  
to acquire and pay for special projects of the court including, 19758  
but not limited to, the acquisition of additional facilities or 19759  
the rehabilitation of existing facilities, the acquisition of 19760  
equipment, the hiring and training of staff, community service 19761  
programs, mediation or dispute resolution services, the employment 19762  
of magistrates, the training and education of judges, acting 19763  
judges, and magistrates, and other related services. Upon that 19764  
determination, the court by rule may charge a fee, in addition to 19765  
all other court costs, on the filing of each criminal cause, civil 19766  
action or proceeding, or judgment by confession. 19767

(b) If the county court offers a special program or service 19768

in cases of a specific type, the county court by rule may assess 19769  
an additional charge in a case of that type, over and above court 19770  
costs, to cover the special program or service. The county court 19771  
shall adjust the special assessment periodically, but not 19772  
retroactively, so that the amount assessed in those cases does not 19773  
exceed the actual cost of providing the service or program. 19774

(c) Any fee or charge assessed under division (B)(1)(a) or 19775  
(b) of this section on the filing of a civil action or proceeding 19776  
shall be waived if the court determines that the person on whom 19777  
the fee or charge is assessed qualifies as an indigent litigant as 19778  
set forth in section 2323.311 of the Revised Code. 19779

(d) All moneys collected under division (B) of this section 19780  
shall be paid to the county treasurer for deposit into either a 19781  
general special projects fund or a fund established for a specific 19782  
special project. Moneys from a fund of that nature shall be 19783  
disbursed upon an order of the court in an amount no greater than 19784  
the actual cost to the court of a project. If a specific fund is 19785  
terminated because of the discontinuance of a program or service 19786  
established under division (B) of this section, the county court 19787  
may order that moneys remaining in the fund be transferred to an 19788  
account established under this division for a similar purpose. 19789

(2) As used in division (B) of this section: 19790

(a) "Criminal cause" means a charge alleging the violation of 19791  
a statute or ordinance, or subsection of a statute or ordinance, 19792  
that requires a separate finding of fact or a separate plea before 19793  
disposition and of which the defendant may be found guilty, 19794  
whether filed as part of a multiple charge on a single summons, 19795  
citation, or complaint or as a separate charge on a single 19796  
summons, citation, or complaint. "Criminal cause" does not include 19797  
separate violations of the same statute or ordinance, or 19798  
subsection of the same statute or ordinance, unless each charge is 19799  
filed on a separate summons, citation, or complaint. 19800



(b) "Civil action or proceeding" means any civil litigation 19801  
that must be determined by judgment entry. 19802

(C) Subject to division (E) of this section, the county court 19803  
shall collect in all its divisions except the small claims 19804  
division the sum of twenty-six dollars as additional filing fees 19805  
in each new civil action or proceeding for the charitable public 19806  
purpose of providing financial assistance to legal aid societies 19807  
that operate within the state and to support the office of the 19808  
state public defender. Subject to division (E) of this section, 19809  
the county court shall collect in its small claims division the 19810  
sum of eleven dollars as additional filing fees in each new civil 19811  
action or proceeding for the charitable public purpose of 19812  
providing financial assistance to legal aid societies that operate 19813  
within the state and to support the office of the state public 19814  
defender. This division does not apply to any execution on a 19815  
judgment, proceeding in aid of execution, or other post-judgment 19816  
proceeding arising out of a civil action. The filing fees required 19817  
to be collected under this division shall be in addition to any 19818  
other court costs imposed in the action or proceeding and shall be 19819  
collected at the time of the filing of the action or proceeding. 19820  
The court shall not waive the payment of the additional filing 19821  
fees in a new civil action or proceeding unless the court waives 19822  
the advanced payment of all filing fees in the action or 19823  
proceeding for the party that the court determines is qualified as 19824  
an indigent litigant as set forth in section 2323.311 of the 19825  
Revised Code. All such moneys collected during a month except for 19826  
an amount equal to up to one per cent of those moneys retained to 19827  
cover administrative costs shall be transmitted on or before the 19828  
twentieth day of the following month by the clerk of the court to 19829  
the treasurer of state in a manner prescribed by the treasurer of 19830  
state or by the Ohio ~~legal assistance~~ access to justice 19831  
foundation. The treasurer of state shall deposit four per cent of 19832  
the funds collected under this division to the credit of the civil 19833

case filing fee fund established under section 120.07 of the Revised Code and ninety-six per cent of the funds collected under this division to the credit of the legal aid fund established under section 120.52 of the Revised Code.

The court may retain up to one per cent of the moneys it collects under this division to cover administrative costs, including the hiring of any additional personnel necessary to implement this division. If the court fails to transmit to the treasurer of state the moneys the court collects under this division in a manner prescribed by the treasurer of state or by the Ohio ~~legal assistance~~ access to justice foundation, the court shall forfeit the moneys the court retains under this division to cover administrative costs, including the hiring of any additional personnel necessary to implement this division, and shall transmit to the treasurer of state all moneys collected under this division, including the forfeited amount retained for administrative costs, for deposit in the legal aid fund.

(D) The county court shall establish by rule a schedule of fees for miscellaneous services performed by the county court or any of its judges in accordance with law. If judges of the court of common pleas perform similar services, the fees prescribed in the schedule shall not exceed the fees for those services prescribed by the court of common pleas.

(E) Under the circumstances described in sections 2969.21 to 2969.27 of the Revised Code, the clerk of the county court shall charge the fees and perform the other duties specified in those sections.

**Sec. 2151.23.** (A) The juvenile court has exclusive original jurisdiction under the Revised Code as follows:

(1) Concerning any child who on or about the date specified in the complaint, indictment, or information is alleged to have

violated section 2151.87 of the Revised Code or an order issued 19865  
under that section or to be a juvenile traffic offender or a 19866  
delinquent, unruly, abused, neglected, or dependent child and, 19867  
based on and in relation to the allegation pertaining to the 19868  
child, concerning the parent, guardian, or other person having 19869  
care of a child who is alleged to be an unruly child for being an 19870  
habitual truant or who is alleged to be a delinquent child for 19871  
violating a court order regarding the child's prior adjudication 19872  
as an unruly child for being an habitual truant; 19873

(2) Subject to divisions (G), (I), (K), and (V) of section 19874  
2301.03 of the Revised Code, to determine the custody of any child 19875  
not a ward of another court of this state; 19876

(3) To hear and determine any application for a writ of 19877  
habeas corpus involving the custody of a child; 19878

(4) To exercise the powers and jurisdiction given the probate 19879  
division of the court of common pleas in Chapter 5122. of the 19880  
Revised Code, if the court has probable cause to believe that a 19881  
child otherwise within the jurisdiction of the court is a mentally 19882  
ill person subject to court order, as defined in section 5122.01 19883  
of the Revised Code; 19884

(5) To hear and determine all criminal cases charging adults 19885  
with the violation of any section of this chapter; 19886

(6) To hear and determine all criminal cases in which an 19887  
adult is charged with a violation of division (C) of section 19888  
2919.21, division (B)(1) of section 2919.22, section 2919.222, 19889  
division (B) of section 2919.23, or section 2919.24 of the Revised 19890  
Code, provided the charge is not included in an indictment that 19891  
also charges the alleged adult offender with the commission of a 19892  
felony arising out of the same actions that are the basis of the 19893  
alleged violation of division (C) of section 2919.21, division 19894  
(B)(1) of section 2919.22, section 2919.222, division (B) of 19895

section 2919.23, or section 2919.24 of the Revised Code;	19896
(7) Under the interstate compact on juveniles in section 2151.56 of the Revised Code;	19897 19898
(8) Concerning any child who is to be taken into custody pursuant to section 2151.31 of the Revised Code, upon being notified of the intent to take the child into custody and the reasons for taking the child into custody;	19899 19900 19901 19902
(9) To hear and determine requests for the extension of temporary custody agreements, and requests for court approval of permanent custody agreements, that are filed pursuant to section 5103.15 of the Revised Code;	19903 19904 19905 19906
(10) To hear and determine applications for consent to marry pursuant to section 3101.04 of the Revised Code;	19907 19908
(11) Subject to divisions (G), <u>(I)</u> , (K), and (V) of section 2301.03 of the Revised Code, to hear and determine a request for an order for the support of any child if the request is not ancillary to an action for divorce, dissolution of marriage, annulment, or legal separation, a criminal or civil action involving an allegation of domestic violence, or an action for support brought under Chapter 3115. of the Revised Code;	19909 19910 19911 19912 19913 19914 19915
(12) Concerning an action commenced under section 121.38 of the Revised Code;	19916 19917
(13) To hear and determine violations of section 3321.38 of the Revised Code;	19918 19919
(14) To exercise jurisdiction and authority over the parent, guardian, or other person having care of a child alleged to be a delinquent child, unruly child, or juvenile traffic offender, based on and in relation to the allegation pertaining to the child;	19920 19921 19922 19923 19924
(15) To conduct the hearings, and to make the determinations,	19925

adjudications, and orders authorized or required under sections 19926  
2152.82 to 2152.86 and Chapter 2950. of the Revised Code regarding 19927  
a child who has been adjudicated a delinquent child and to refer 19928  
the duties conferred upon the juvenile court judge under sections 19929  
2152.82 to 2152.86 and Chapter 2950. of the Revised Code to 19930  
magistrates appointed by the juvenile court judge in accordance 19931  
with Juvenile Rule 40; 19932

(16) To hear and determine a petition for a protection order 19933  
against a child under section 2151.34 or 3113.31 of the Revised 19934  
Code and to enforce a protection order issued or a consent 19935  
agreement approved under either section against a child until a 19936  
date certain but not later than the date the child attains 19937  
nineteen years of age; 19938

(17) Concerning emancipated young adults under sections 19939  
2151.45 to 2151.455 of the Revised Code. 19940

(B) Except as provided in divisions (G) and (I) of section 19941  
2301.03 of the Revised Code, the juvenile court has original 19942  
jurisdiction under the Revised Code: 19943

(1) To hear and determine all cases of misdemeanors charging 19944  
adults with any act or omission with respect to any child, which 19945  
act or omission is a violation of any state law or any municipal 19946  
ordinance; 19947

(2) To determine the paternity of any child alleged to have 19948  
been born out of wedlock pursuant to sections 3111.01 to 3111.18 19949  
of the Revised Code; 19950

(3) Under the uniform interstate family support act in 19951  
Chapter 3115. of the Revised Code; 19952

(4) To hear and determine an application for an order for the 19953  
support of any child, if the child is not a ward of another court 19954  
of this state; 19955

(5) To hear and determine an action commenced under section 3111.28 of the Revised Code;	19956 19957
(6) To hear and determine a motion filed under section 3119.961 of the Revised Code;	19958 19959
(7) To receive filings under section 3109.74 of the Revised Code, and to hear and determine actions arising under sections 3109.51 to 3109.80 of the Revised Code.	19960 19961 19962
(8) To enforce an order for the return of a child made under the Hague Convention on the Civil Aspects of International Child Abduction pursuant to section 3127.32 of the Revised Code;	19963 19964 19965
(9) To grant any relief normally available under the laws of this state to enforce a child custody determination made by a court of another state and registered in accordance with section 3127.35 of the Revised Code.	19966 19967 19968 19969
(C) The juvenile court, except as to juvenile courts that are a separate division of the court of common pleas or a separate and independent juvenile court, has jurisdiction to hear, determine, and make a record of any action for divorce or legal separation that involves the custody or care of children and that is filed in the court of common pleas and certified by the court of common pleas with all the papers filed in the action to the juvenile court for trial, provided that no certification of that nature shall be made to any juvenile court unless the consent of the juvenile judge first is obtained. After a certification of that nature is made and consent is obtained, the juvenile court shall proceed as if the action originally had been begun in that court, except as to awards for spousal support or support due and unpaid at the time of certification, over which the juvenile court has no jurisdiction.	19970 19971 19972 19973 19974 19975 19976 19977 19978 19979 19980 19981 19982 19983 19984
(D) The juvenile court, except as provided in <del>divisions (C)</del> <u>and division (I)</u> of section 2301.03 of the Revised Code, has	19985 19986

jurisdiction to hear and determine all matters as to custody and support of children duly certified by the court of common pleas to the juvenile court after a divorce decree has been granted, including jurisdiction to modify the judgment and decree of the court of common pleas as the same relate to the custody and support of children.

(E) The juvenile court, except as provided in ~~divisions (G) and division~~ (I) of section 2301.03 of the Revised Code, has jurisdiction to hear and determine the case of any child certified to the court by any court of competent jurisdiction if the child comes within the jurisdiction of the juvenile court as defined by this section.

(F)(1) The juvenile court shall exercise its jurisdiction in child custody matters in accordance with sections 3109.04 and 3127.01 to 3127.53 of the Revised Code and, as applicable, sections 5103.20 to 5103.22 or 5103.23 to 5103.237 of the Revised Code.

(2) The juvenile court shall exercise its jurisdiction in child support matters in accordance with section 3109.05 of the Revised Code.

(G) Any juvenile court that makes or modifies an order for child support shall comply with Chapters 3119., 3121., 3123., and 3125. of the Revised Code. If any person required to pay child support under an order made by a juvenile court on or after April 15, 1985, or modified on or after December 1, 1986, is found in contempt of court for failure to make support payments under the order, the court that makes the finding, in addition to any other penalty or remedy imposed, shall assess all court costs arising out of the contempt proceeding against the person and require the person to pay any reasonable attorney's fees of any adverse party, as determined by the court, that arose in relation to the act of contempt.

(H) If a child who is charged with an act that would be an offense if committed by an adult was fourteen years of age or older and under eighteen years of age at the time of the alleged act and if the case is transferred for criminal prosecution pursuant to section 2152.12 of the Revised Code, except as provided in section 2152.121 of the Revised Code, the juvenile court does not have jurisdiction to hear or determine the case subsequent to the transfer. The court to which the case is transferred for criminal prosecution pursuant to that section has jurisdiction subsequent to the transfer to hear and determine the case in the same manner as if the case originally had been commenced in that court, subject to section 2152.121 of the Revised Code, including, but not limited to, jurisdiction to accept a plea of guilty or another plea authorized by Criminal Rule 11 or another section of the Revised Code and jurisdiction to accept a verdict and to enter a judgment of conviction pursuant to the Rules of Criminal Procedure against the child for the commission of the offense that was the basis of the transfer of the case for criminal prosecution, whether the conviction is for the same degree or a lesser degree of the offense charged, for the commission of a lesser-included offense, or for the commission of another offense that is different from the offense charged.

(I) If a person under eighteen years of age allegedly commits an act that would be a felony if committed by an adult and if the person is not taken into custody or apprehended for that act until after the person attains twenty-one years of age, the juvenile court does not have jurisdiction to hear or determine any portion of the case charging the person with committing that act. In those circumstances, divisions (A) and (B) of section 2152.12 of the Revised Code do not apply regarding the act, and the case charging the person with committing the act shall be a criminal prosecution commenced and heard in the appropriate court having jurisdiction of the offense as if the person had been eighteen years of age or



older when the person committed the act. All proceedings 20052  
pertaining to the act shall be within the jurisdiction of the 20053  
court having jurisdiction of the offense, and that court has all 20054  
the authority and duties in the case that it has in other criminal 20055  
cases in that court. 20056

(J) In exercising its exclusive original jurisdiction under 20057  
division (A)(16) of this section with respect to any proceedings 20058  
brought under section 2151.34 or 3113.31 of the Revised Code in 20059  
which the respondent is a child, the juvenile court retains all 20060  
dispositionary powers consistent with existing rules of juvenile 20061  
procedure and may also exercise its discretion to adjudicate 20062  
proceedings as provided in sections 2151.34 and 3113.31 of the 20063  
Revised Code, including the issuance of protection orders or the 20064  
approval of consent agreements under those sections. 20065

**Sec. 2151.233.** The (A) Except as provided in division (B) of 20066  
this section, the juvenile court shall not exercise jurisdiction 20067  
under division (A)(2), (A)(11), or (B)(4) of section 2151.23 of 20068  
the Revised Code or section 2151.231 of the Revised Code and the 20069  
domestic relations court shall have jurisdiction to determine 20070  
custody or support regarding a child if any of the following 20071  
apply: 20072

~~(A)(1)~~ The child's parents are married to each other. 20073

~~(B)(2)~~ The child's parents ~~are not married~~ were married to 20074  
each other but no longer are married to each other and there is an 20075  
existing order for custody or support regarding the child or ~~the~~ 20076  
~~child's sibling~~ another child of the same parents over which the 20077  
juvenile court does not have jurisdiction. 20078

~~(C)(3)~~ The determination is ancillary to the parents' pending 20079  
or prior action for divorce, dissolution of marriage, annulment, 20080  
or legal separation. 20081

(B) Division (A) of this section does not apply to any case or proceeding brought under Chapter 3115. of the Revised Code, or to any case or proceeding initiated or originating outside of this state. 20082  
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(C) This section shall apply to all cases and proceedings initiated on or after March 22, 2019. 20086  
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(D) As used in this section and sections 2151.234 to 2151.236 of the Revised Code, "domestic relations court" means the division of a court of common pleas that has domestic relations jurisdiction. 20088  
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**Sec. 2151.234.** Section 2151.233 of the Revised Code shall not affect the authority of the juvenile court to issue a custody or support order under division (A)(1) of section 2151.23 of the Revised Code or when granting custody of the child to a relative or placing a child under a kinship care agreement. 20092  
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**Sec. 2151.235.** (A) A Upon its own motion, the motion of a court with domestic relations jurisdiction, or the motion of any interested party, a juvenile court may transfer jurisdiction over an action or an order it has issued for child support or custody as follows: 20097  
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(1) To the appropriate common pleas court with domestic relations jurisdiction, if the parents of the child subject to the action or order are married to each other and are not parties to a proceeding described in division ~~(A)(3)~~(C) of this section; 20102  
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(2) To the appropriate common pleas court with domestic relations jurisdiction, if the parents of ~~the~~ that child ~~are not married~~ were married to each other but no longer are married to each other and there is an existing order for custody or support regarding the child or ~~the child's sibling~~ another child of the same parents over which the juvenile court does not have 20106  
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jurisdiction; 20112

~~(3) To the common pleas court exercising jurisdiction over a pending divorce, dissolution of marriage, legal separation, or annulment proceeding to which the parents of the child subject to the action or order are parties;~~ 20113  
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~~(4) To the common pleas court exercising jurisdiction over a protection order issued under section 3113.31 of the Revised Code if ~~the~~ that child or both parents of ~~the~~ that child are subject to both a child support order and the protection order.~~ 20117  
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~~(B) Jurisdiction of the action or order described in division (A) of this section shall be transferred and the receiving court shall have exclusive jurisdiction over the action or order if the following requirements are met:~~ 20121  
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~~(1) The common pleas court with domestic relations jurisdiction, juvenile court, or an interested party makes a motion to transfer jurisdiction;~~ 20125  
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~~(2) The court receiving jurisdiction consents to the transfer;~~ 20128  
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~~(3) The juvenile court certifies all or Any transfer made pursuant to division (A) of this section shall require the consent of the appropriate court of common pleas with domestic relations jurisdiction.~~ 20130  
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~~(C) Upon its own motion, the motion of a court with domestic relations jurisdiction, or the motion of any interested party, a juvenile court shall transfer, and the domestic relations court shall accept, jurisdiction over an action or an order it has issued for child support or custody to the appropriate common pleas court exercising jurisdiction over a pending divorce, dissolution of marriage, legal separation, or annulment proceeding to which the parents of the child subject to the action or order are parties.~~ 20134  
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<u>(D) In all cases transferred under division (A) or (C) of</u>	20143
<u>this section, all of the following apply:</u>	20144
<u>(1) The juvenile court shall do all of the following:</u>	20145
<u>(a) Issue an order granting the request to transfer;</u>	20146
<u>(b) Certify the relevant part of the record in the action or</u>	20147
<u>related to the order to the court receiving jurisdiction, unless</u>	20148
<u>the authorizing statute for the domestic and juvenile courts has</u>	20149
<u>combined them into a domestic relations division of the same court</u>	20150
<u>or designated them as a family court and the transfer would be</u>	20151
<u>within the court of the same county.</u>	20152
<u>(c) Notify and serve the county child support enforcement</u>	20153
<u>agency administering the case of all transfers in writing.</u>	20154
<u>(2) The domestic relations court receiving jurisdiction shall</u>	20155
<u>do both of the following:</u>	20156
<u>(a) Issue an order accepting or denying the transfer;</u>	20157
<u>(b) Notify and serve the county child support enforcement</u>	20158
<u>agency that is receiving the case or that would have received the</u>	20159
<u>case, in writing, of the order accepting or denying the transfer.</u>	20160
<u>(3) When a child support enforcement agency is notified of a</u>	20161
<u>transfer under division (D)(1) or (2) of this section, the agency</u>	20162
<u>shall take any appropriate action regarding the matter.</u>	20163
<u>(E) When the juvenile court action or order being transferred</u>	20164
<u>is due to a pending divorce, dissolution, legal separation, or</u>	20165
<u>annulment proceeding in a common pleas court with domestic</u>	20166
<u>relations jurisdiction:</u>	20167
<u>(1) The juvenile court and domestic relations court shall</u>	20168
<u>retain concurrent jurisdiction during the pendency of the action</u>	20169
<u>or order.</u>	20170
<u>(2) The transfer shall be completed and included in final</u>	20171
<u>orders that are issued regarding child support or custody in the</u>	20172

domestic relations action. 20173

(3) If the domestic relations action is dismissed without 20174  
final orders being issued regarding child support or custody, the 20175  
transfer is not completed and the juvenile court action or order 20176  
remains within the jurisdiction of the juvenile court. The 20177  
domestic relations court shall notify the juvenile court, the 20178  
child support enforcement agency in the county of the juvenile 20179  
court, and the parties of the dismissed action. 20180

~~(C)(F)~~ This section applies to all orders in effect prior to 20181  
March 22, 2019, and all actions or proceedings ~~pending or~~ 20182  
initiated, on or after ~~the effective date of H.B. 595 of the 132nd~~ 20183  
~~general assembly~~ March 22, 2019. 20184

**Sec. 2151.236.** If a child is subject to a support order 20185  
issued by a common pleas court with domestic relations 20186  
jurisdiction and if a juvenile court adjudicates the child to be 20187  
delinquent, unruly, abused, neglected, or dependent and grants 20188  
custody of the child to an individual or entity other than as set 20189  
forth in the order issued by the common pleas court with domestic 20190  
relations jurisdiction, the juvenile court shall notify the common 20191  
pleas court with domestic relations jurisdiction and the child 20192  
support enforcement agency serving the county of that court. The 20193  
child support enforcement agency shall review the child support 20194  
order ~~pursuant to sections 3119.60 and 3119.63 to 3119.76 of the~~ 20195  
~~Revised Code~~ and take appropriate action. Any objection to an 20196  
administrative order issued as an appropriate action taken under 20197  
this section shall be filed in the domestic relations court. 20198

**Sec. 2151.353.** (A) If a child is adjudicated an abused, 20199  
neglected, or dependent child, the court may make any of the 20200  
following orders of disposition: 20201

(1) Place the child in protective supervision; 20202

(2) Commit the child to the temporary custody of any of the	20203
following:	20204
(a) A public children services agency;	20205
(b) A private child placing agency;	20206
(c) Either parent;	20207
(d) A relative residing within or outside the state;	20208
(e) A probation officer for placement in a certified foster	20209
home;	20210
(f) Any other person approved by the court.	20211
(3) Award legal custody of the child to either parent or to	20212
any other person who, prior to the dispositional hearing, files a	20213
motion requesting legal custody of the child or is identified as a	20214
proposed legal custodian in a complaint or motion filed prior to	20215
the dispositional hearing by any party to the proceedings. A	20216
person identified in a complaint or motion filed by a party to the	20217
proceedings as a proposed legal custodian shall be awarded legal	20218
custody of the child only if the person identified signs a	20219
statement of understanding for legal custody that contains at	20220
least the following provisions:	20221
(a) That it is the intent of the person to become the legal	20222
custodian of the child and the person is able to assume legal	20223
responsibility for the care and supervision of the child;	20224
(b) That the person understands that legal custody of the	20225
child in question is intended to be permanent in nature and that	20226
the person will be responsible as the custodian for the child	20227
until the child reaches the age of majority. Responsibility as	20228
custodian for the child shall continue beyond the age of majority	20229
if, at the time the child reaches the age of majority, the child	20230
is pursuing a diploma granted by the board of education or other	20231
governing authority, successful completion of the curriculum of	20232

any high school, successful completion of an individualized 20233  
education program developed for the student by any high school, or 20234  
an age and schooling certificate. Responsibility beyond the age of 20235  
majority shall terminate when the child ceases to continuously 20236  
pursue such an education, completes such an education, or is 20237  
excused from such an education under standards adopted by the 20238  
state board of education, whichever occurs first. 20239

(c) That the parents of the child have residual parental 20240  
rights, privileges, and responsibilities, including, but not 20241  
limited to, the privilege of reasonable visitation, consent to 20242  
adoption, the privilege to determine the child's religious 20243  
affiliation, and the responsibility for support; 20244

(d) That the person understands that the person must be 20245  
present in court for the dispositional hearing in order to affirm 20246  
the person's intention to become legal custodian, to affirm that 20247  
the person understands the effect of the custodianship before the 20248  
court, and to answer any questions that the court or any parties 20249  
to the case may have. 20250

(4) Commit the child to the permanent custody of a public 20251  
children services agency or private child placing agency, if the 20252  
court determines in accordance with division (E) of section 20253  
2151.414 of the Revised Code that the child cannot be placed with 20254  
one of the child's parents within a reasonable time or should not 20255  
be placed with either parent and determines in accordance with 20256  
division (D)(1) of section 2151.414 of the Revised Code that the 20257  
permanent commitment is in the best interest of the child. If the 20258  
court grants permanent custody under this division, the court, 20259  
upon the request of any party, shall file a written opinion 20260  
setting forth its findings of fact and conclusions of law in 20261  
relation to the proceeding. 20262

(5) Place the child in a planned permanent living arrangement 20263  
with a public children services agency or private child placing 20264

agency, if a public children services agency or private child 20265  
placing agency requests the court to place the child in a planned 20266  
permanent living arrangement and if the court finds, by clear and 20267  
convincing evidence, that a planned permanent living arrangement 20268  
is in the best interest of the child, that the child is sixteen 20269  
years of age or older, and that one of the following exists: 20270

(a) The child, because of physical, mental, or psychological 20271  
problems or needs, is unable to function in a family-like setting 20272  
and must remain in residential or institutional care now and for 20273  
the foreseeable future beyond the date of the dispositional 20274  
hearing held pursuant to section 2151.35 of the Revised Code. 20275

(b) The parents of the child have significant physical, 20276  
mental, or psychological problems and are unable to care for the 20277  
child because of those problems, adoption is not in the best 20278  
interest of the child, as determined in accordance with division 20279  
(D)(1) of section 2151.414 of the Revised Code, and the child 20280  
retains a significant and positive relationship with a parent or 20281  
relative. 20282

(c) The child has been counseled on the permanent placement 20283  
options available to the child, and is unwilling to accept or 20284  
unable to adapt to a permanent placement. 20285

(6) Order the removal from the child's home until further 20286  
order of the court of the person who committed abuse as described 20287  
in section 2151.031 of the Revised Code against the child, who 20288  
caused or allowed the child to suffer neglect as described in 20289  
section 2151.03 of the Revised Code, or who is the parent, 20290  
guardian, or custodian of a child who is adjudicated a dependent 20291  
child and order any person not to have contact with the child or 20292  
the child's siblings. 20293

(B)(1) When making a determination on whether to place a 20294  
child in a planned permanent living arrangement pursuant to 20295



division (A)(5)(b) or (c) of this section, the court shall 20296  
consider all relevant information that has been presented to the 20297  
court, including information gathered from the child, the child's 20298  
guardian ad litem, and the public children services agency or 20299  
private child placing agency. 20300

(2) A child who is placed in a planned permanent living 20301  
arrangement pursuant to division (A)(5)(b) or (c) of this section 20302  
shall be placed in an independent living setting or in a family 20303  
setting in which the caregiver has been provided by the agency 20304  
that has custody of the child with a notice that addresses the 20305  
following: 20306

(a) The caregiver understands that the planned permanent 20307  
living arrangement is intended to be permanent in nature and that 20308  
the caregiver will provide a stable placement for the child 20309  
through the child's emancipation or until the court releases the 20310  
child from the custody of the agency, whichever occurs first. 20311

(b) The caregiver is expected to actively participate in the 20312  
youth's independent living case plan, attend agency team meetings 20313  
and court hearings as appropriate, complete training, as provided 20314  
in division (B) of section 5103.035 of the Revised Code, related 20315  
to providing the child independent living services, and assist in 20316  
the child's transition into adulthood. 20317

(3) The department of job and family services shall develop a 20318  
model notice to be provided by an agency that has custody of a 20319  
child to a caregiver under division (B)(2) of this section. The 20320  
agency may modify the model notice to apply to the needs of the 20321  
agency. 20322

(C) No order for permanent custody or temporary custody of a 20323  
child or the placement of a child in a planned permanent living 20324  
arrangement shall be made pursuant to this section unless the 20325  
complaint alleging the abuse, neglect, or dependency contains a 20326

prayer requesting permanent custody, temporary custody, or the placement of the child in a planned permanent living arrangement as desired, the summons served on the parents of the child contains as is appropriate a full explanation that the granting of an order for permanent custody permanently divests them of their parental rights, a full explanation that an adjudication that the child is an abused, neglected, or dependent child may result in an order of temporary custody that will cause the removal of the child from their legal custody until the court terminates the order of temporary custody or permanently divests the parents of their parental rights, or a full explanation that the granting of an order for a planned permanent living arrangement will result in the removal of the child from their legal custody if any of the conditions listed in divisions (A)(5)(a) to (c) of this section are found to exist, and the summons served on the parents contains a full explanation of their right to be represented by counsel and to have counsel appointed pursuant to Chapter 120. of the Revised Code if they are indigent.

If after making disposition as authorized by division (A)(2) of this section, a motion is filed that requests permanent custody of the child, the court may grant permanent custody of the child to the movant in accordance with section 2151.414 of the Revised Code.

(D) If the court issues an order for protective supervision pursuant to division (A)(1) of this section, the court may place any reasonable restrictions upon the child, the child's parents, guardian, or custodian, or any other person, including, but not limited to, any of the following:

(1) Order a party, within forty-eight hours after the issuance of the order, to vacate the child's home indefinitely or for a specified period of time;

(2) Order a party, a parent of the child, or a physical

custodian of the child to prevent any particular person from 20359  
having contact with the child; 20360

(3) Issue an order restraining or otherwise controlling the 20361  
conduct of any person which conduct would not be in the best 20362  
interest of the child. 20363

(E) As part of its dispositional order, the court shall 20364  
journalize a case plan for the child. The journalized case plan 20365  
shall not be changed except as provided in section 2151.412 of the 20366  
Revised Code. 20367

(F)(1) The court shall retain jurisdiction over any child for 20368  
whom the court issues an order of disposition pursuant to division 20369  
(A) of this section or pursuant to section 2151.414 or 2151.415 of 20370  
the Revised Code until the child attains the age of eighteen years 20371  
if the child is not mentally retarded, developmentally disabled, 20372  
or physically impaired, the child attains the age of twenty-one 20373  
years if the child is mentally retarded, developmentally disabled, 20374  
or physically impaired, or the child is adopted and a final decree 20375  
of adoption is issued, except that the court may retain 20376  
jurisdiction over the child and continue any order of disposition 20377  
under division (A) of this section or under section 2151.414 or 20378  
2151.415 of the Revised Code for a specified period of time to 20379  
enable the child to graduate from high school or vocational 20380  
school. ~~The court shall retain jurisdiction over a person who 20381  
meets the requirements described in division (A)(1) of section 20382  
5101.1411 of the Revised Code and who is subject to a voluntary 20383  
participation agreement that is in effect.~~ The court shall make an 20384  
entry continuing its jurisdiction under this division in the 20385  
journal. 20386

(2) Any public children services agency, any private child 20387  
placing agency, the department of job and family services, or any 20388  
party, other than any parent whose parental rights with respect to 20389  
the child have been terminated pursuant to an order issued under 20390

division (A)(4) of this section, by filing a motion with the 20391  
court, may at any time request the court to modify or terminate 20392  
any order of disposition issued pursuant to division (A) of this 20393  
section or section 2151.414 or 2151.415 of the Revised Code. The 20394  
court shall hold a hearing upon the motion as if the hearing were 20395  
the original dispositional hearing and shall give all parties to 20396  
the action and the guardian ad litem notice of the hearing 20397  
pursuant to the Juvenile Rules. If applicable, the court shall 20398  
comply with section 2151.42 of the Revised Code. 20399

(G) Any temporary custody order issued pursuant to division 20400  
(A) of this section shall terminate one year after the earlier of 20401  
the date on which the complaint in the case was filed or the child 20402  
was first placed into shelter care, except that, upon the filing 20403  
of a motion pursuant to section 2151.415 of the Revised Code, the 20404  
temporary custody order shall continue and not terminate until the 20405  
court issues a dispositional order under that section. In 20406  
resolving the motion, the court shall not order an existing 20407  
temporary custody order to continue beyond two years after the 20408  
date on which the complaint was filed or the child was first 20409  
placed into shelter care, whichever date is earlier, regardless of 20410  
whether any extensions have been previously ordered pursuant to 20411  
division (D) of section 2151.415 of the Revised Code. 20412

(H)(1) No later than one year after the earlier of the date 20413  
the complaint in the case was filed or the child was first placed 20414  
in shelter care, a party may ask the court to extend an order for 20415  
protective supervision for six months or to terminate the order. A 20416  
party requesting extension or termination of the order shall file 20417  
a written request for the extension or termination with the court 20418  
and give notice of the proposed extension or termination in 20419  
writing before the end of the day after the day of filing it to 20420  
all parties and the child's guardian ad litem. If a public 20421  
children services agency or private child placing agency requests 20422

termination of the order, the agency shall file a written status 20423  
report setting out the facts supporting termination of the order 20424  
at the time it files the request with the court. If no party 20425  
requests extension or termination of the order, the court shall 20426  
notify the parties that the court will extend the order for six 20427  
months or terminate it and that it may do so without a hearing 20428  
unless one of the parties requests a hearing. All parties and the 20429  
guardian ad litem shall have seven days from the date a notice is 20430  
sent pursuant to this division to object to and request a hearing 20431  
on the proposed extension or termination. 20432

(a) If it receives a timely request for a hearing, the court 20433  
shall schedule a hearing to be held no later than thirty days 20434  
after the request is received by the court. The court shall give 20435  
notice of the date, time, and location of the hearing to all 20436  
parties and the guardian ad litem. At the hearing, the court shall 20437  
determine whether extension or termination of the order is in the 20438  
child's best interest. If termination is in the child's best 20439  
interest, the court shall terminate the order. If extension is in 20440  
the child's best interest, the court shall extend the order for 20441  
six months. 20442

(b) If it does not receive a timely request for a hearing, 20443  
the court may extend the order for six months or terminate it 20444  
without a hearing and shall journalize the order of extension or 20445  
termination not later than fourteen days after receiving the 20446  
request for extension or termination or after the date the court 20447  
notifies the parties that it will extend or terminate the order. 20448  
If the court does not extend or terminate the order, it shall 20449  
schedule a hearing to be held no later than thirty days after the 20450  
expiration of the applicable fourteen-day time period and give 20451  
notice of the date, time, and location of the hearing to all 20452  
parties and the child's guardian ad litem. At the hearing, the 20453  
court shall determine whether extension or termination of the 20454

order is in the child's best interest. If termination is in the 20455  
child's best interest, the court shall terminate the order. If 20456  
extension is in the child's best interest, the court shall issue 20457  
an order extending the order for protective supervision six 20458  
months. 20459

(2) If the court grants an extension of the order for 20460  
protective supervision pursuant to division (H)(1) of this 20461  
section, a party may, prior to termination of the extension, file 20462  
with the court a request for an additional extension of six months 20463  
or for termination of the order. The court and the parties shall 20464  
comply with division (H)(1) of this section with respect to 20465  
extending or terminating the order. 20466

(3) If a court grants an extension pursuant to division 20467  
(H)(2) of this section, the court shall terminate the order for 20468  
protective supervision at the end of the extension. 20469

(I) The court shall not issue a dispositional order pursuant 20470  
to division (A) of this section that removes a child from the 20471  
child's home unless the court complies with section 2151.419 of 20472  
the Revised Code and includes in the dispositional order the 20473  
findings of fact required by that section. 20474

(J) If a motion or application for an order described in 20475  
division (A)(6) of this section is made, the court shall not issue 20476  
the order unless, prior to the issuance of the order, it provides 20477  
to the person all of the following: 20478

(1) Notice and a copy of the motion or application; 20479

(2) The grounds for the motion or application; 20480

(3) An opportunity to present evidence and witnesses at a 20481  
hearing regarding the motion or application; 20482

(4) An opportunity to be represented by counsel at the 20483  
hearing. 20484

(K) The jurisdiction of the court shall terminate one year 20485  
after the date of the award or, if the court takes any further 20486  
action in the matter subsequent to the award, the date of the 20487  
latest further action subsequent to the award, if the court awards 20488  
legal custody of a child to either of the following: 20489

(1) A legal custodian who, at the time of the award of legal 20490  
custody, resides in a county of this state other than the county 20491  
in which the court is located; 20492

(2) A legal custodian who resides in the county in which the 20493  
court is located at the time of the award of legal custody, but 20494  
moves to a different county of this state prior to one year after 20495  
the date of the award or, if the court takes any further action in 20496  
the matter subsequent to the award, one year after the date of the 20497  
latest further action subsequent to the award. 20498

The court in the county in which the legal custodian resides 20499  
then shall have jurisdiction in the matter. 20500

**Sec. 2151.3516.** A parent may voluntarily deliver his or her 20501  
child who is not older than thirty days, without intent to return 20502  
for the child, to a either of the following: 20503

(A) A person specified in section 2151.3517 of the Revised 20504  
Code ~~or a;~~ 20505

(B) A newborn safety incubator ~~provided by an entity~~ 20506  
~~described in that section~~ that meets the requirements of section 20507  
2151.3532 of the Revised Code. 20508

**Sec. 2151.3532.** ~~Not later than one hundred eighty days after~~ 20509  
~~the effective date of this section, the~~ (A) To take possession of 20510  
a child delivered in accordance with sections 2151.3516 and 20511  
2151.3517 of the Revised Code, a law enforcement agency, hospital, 20512  
or emergency medical service organization may install a newborn 20513  
safety incubator at a facility or location under the agency's, 20514

hospital's, or organization's control if all of the following are 20515  
the case: 20516

(1) A parent may deliver his or her child to the incubator in 20517  
an anonymous manner and without having to enter the facility or 20518  
location at which the incubator has been installed. 20519

(2) The facility or location posts signs on or near the 20520  
incubator explaining its use and operation. 20521

(3) The incubator locks after a child is placed inside so 20522  
that a person outside the facility or location is unable to access 20523  
the child. 20524

(4) The incubator provides a controlled environment for the 20525  
care and protection of the child placed inside. 20526

(5) The incubator notifies a centralized location in the 20527  
facility or location at which it has been installed within thirty 20528  
seconds of a child being placed inside the incubator. 20529

(6) The incubator triggers a 9-1-1 call if the facility or 20530  
location does not respond within a reasonable amount of time after 20531  
a child has been placed inside the incubator. 20532

(7) Only a peace officer, hospital employee, or emergency 20533  
medical service worker supervises the incubator and takes 20534  
possession of a child placed inside. 20535

(B) A law enforcement agency, hospital, or emergency medical 20536  
service organization that installs a newborn safety incubator is 20537  
not required to have one or more peace officers, hospital 20538  
employees, or emergency medical service workers present at all 20539  
times at the facility or location at which the incubator has been 20540  
installed if both of the following are the case: 20541

(1) An officer, employee, or worker can arrive at the 20542  
facility or location within seven minutes of a child being placed 20543  
inside the incubator. 20544



(2) The agency, hospital, or organization submits to the 20545  
department of health a written statement confirming that an 20546  
officer, employee, or worker can arrive at the facility or 20547  
location within the seven-minute period. 20548

The department is prohibited from requiring the agency, 20549  
hospital, or organization to submit anything other than the 20550  
written statement described in division (B)(2) of this section as 20551  
proof that an officer, employee, or worker can arrive at the 20552  
facility or location within seven minutes of a child being placed 20553  
inside the incubator. 20554

(C) The director of the department of health shall adopt 20555  
rules in accordance with Chapter 119. of the Revised Code 20556  
governing establishing standards and procedures for the use and 20557  
operation of newborn safety incubators provided by entities 20558  
described in section 2151.3517 of the Revised Code. The rules 20559  
shall provide for address all of the following: 20560

(A)(1) Sanitation standards; 20561

(B)(2) Procedures to provide for providing emergency care for 20562  
to a child delivered to an incubator; 20563

(C)(3) Manufacturing and manufacturer standards; 20564

(D) Design and function requirements that include the 20565  
following: 20566

(1) Take (4) Procedures for installing an incubator, taking 20567  
into account installation at a law enforcement agency, a hospital, 20568  
or an emergency medical service organization; 20569

(2) Allow a child to be placed anonymously from outside the 20570  
facility; 20571

(3) Lock the incubator after a child is placed in it so that 20572  
a person outside the facility is unable to access the child; 20573

(4) Provide a controlled environment for the care and 20574

<del>protection of the child;</del>	20575
<del>(5) Provide notification to a centralized location in the facility within thirty seconds of a child being placed in the incubator;</del>	20576
	20577
	20578
<del>(6) Trigger a 9 1 1 call if a facility does not respond within a reasonable amount of time after a child is placed in the facility's incubator.</del>	20579
	20580
	20581
<del>(E) Operating policies, supervision, and maintenance requirements for an incubator, including requirements that only a peace officer, emergency medical service worker, or hospital employee supervise the incubator and take custody of a child placed in it</del>	20582
<del>(5) Policies for operating, supervising, and maintaining an incubator;</del>	20583
	20584
	20585
	20586
	20587
<del>(F)(6) Qualifications for persons to install incubators;</del>	20588
<del>(G)(7) Procedures and forms for the registration of qualified incubator installers;</del>	20589
	20590
<del>(H)(8) Costs for registering and regulating incubators and fees to cover those costs;</del>	20591
	20592
<del>(I) Creating and posting signs to be placed near or on incubators to provide information about using them;</del>	20593
	20594
<del>(J)(9) Enforcement of and remedies for violations for failure to comply with the requirements governing incubators;</del>	20595
	20596
<del>(K)(10) Any other <u>requirement standards and procedures</u> the <del>department</del> <u>director</u> considers necessary to ensure the safety and welfare of a child placed in an incubator.</del>	20597
	20598
	20599
<b>Sec. 2151.421.</b> (A)(1)(a) No person described in division	20600
(A)(1)(b) of this section who is acting in an official or	20601
professional capacity and knows, or has reasonable cause to	20602
suspect based on facts that would cause a reasonable person in a	20603

similar position to suspect, that a child under eighteen years of 20604  
age, or a person under twenty-one years of age with a 20605  
developmental disability or physical impairment, has suffered or 20606  
faces a threat of suffering any physical or mental wound, injury, 20607  
disability, or condition of a nature that reasonably indicates 20608  
abuse or neglect of the child shall fail to immediately report 20609  
that knowledge or reasonable cause to suspect to the entity or 20610  
persons specified in this division. Except as otherwise provided 20611  
in this division or section 5120.173 of the Revised Code, the 20612  
person making the report shall make it to the public children 20613  
services agency or a peace officer in the county in which the 20614  
child resides or in which the abuse or neglect is occurring or has 20615  
occurred. If the person making the report is a peace officer, the 20616  
officer shall make it to the public children services agency in 20617  
the county in which the child resides or in which the abuse or 20618  
neglect is occurring or has occurred. In the circumstances 20619  
described in section 5120.173 of the Revised Code, the person 20620  
making the report shall make it to the entity specified in that 20621  
section. 20622

(b) Division (A)(1)(a) of this section applies to any person 20623  
who is an attorney; health care professional; practitioner of a 20624  
limited branch of medicine as specified in section 4731.15 of the 20625  
Revised Code; licensed school psychologist; independent marriage 20626  
and family therapist or marriage and family therapist; coroner; 20627  
administrator or employee of a child day-care center; 20628  
administrator or employee of a residential camp, child day camp, 20629  
or private, nonprofit therapeutic wilderness camp; administrator 20630  
or employee of a certified child care agency or other public or 20631  
private children services agency; school teacher; school employee; 20632  
school authority; peace officer; agent of a county humane society; 20633  
person, other than a cleric, rendering spiritual treatment through 20634  
prayer in accordance with the tenets of a well-recognized 20635

religion; employee of a county department of job and family 20636  
services who is a professional and who works with children and 20637  
families; superintendent or regional administrator employed by the 20638  
department of youth services; superintendent, board member, or 20639  
employee of a county board of developmental disabilities; 20640  
investigative agent contracted with by a county board of 20641  
developmental disabilities; employee of the department of 20642  
developmental disabilities; employee of a facility or home that 20643  
provides respite care in accordance with section 5123.171 of the 20644  
Revised Code; employee of an entity that provides homemaker 20645  
services; employee of a qualified organization as defined in 20646  
section 2151.90 of the Revised Code; a host family as defined in 20647  
section 2151.90 of the Revised Code; foster caregiver; a person 20648  
performing the duties of an assessor pursuant to Chapter 3107. or 20649  
5103. of the Revised Code; third party employed by a public 20650  
children services agency to assist in providing child or family 20651  
related services; court appointed special advocate; or guardian ad 20652  
litem. 20653

(c) If two or more health care professionals, after providing 20654  
health care services to a child, determine or suspect that the 20655  
child has been or is being abused or neglected, the health care 20656  
professionals may designate one of the health care professionals 20657  
to report the abuse or neglect. A single report made under this 20658  
division shall meet the reporting requirements of division (A)(1) 20659  
of this section. 20660

(2) Except as provided in division (A)(3) of this section, an 20661  
attorney or a physician is not required to make a report pursuant 20662  
to division (A)(1) of this section concerning any communication 20663  
the attorney or physician receives from a client or patient in an 20664  
attorney-client or physician-patient relationship, if, in 20665  
accordance with division (A) or (B) of section 2317.02 of the 20666  
Revised Code, the attorney or physician could not testify with 20667

respect to that communication in a civil or criminal proceeding. 20668

(3) The client or patient in an attorney-client or 20669  
physician-patient relationship described in division (A)(2) of 20670  
this section is deemed to have waived any testimonial privilege 20671  
under division (A) or (B) of section 2317.02 of the Revised Code 20672  
with respect to any communication the attorney or physician 20673  
receives from the client or patient in that attorney-client or 20674  
physician-patient relationship, and the attorney or physician 20675  
shall make a report pursuant to division (A)(1) of this section 20676  
with respect to that communication, if all of the following apply: 20677

(a) The client or patient, at the time of the communication, 20678  
is a child under eighteen years of age or is a person under 20679  
twenty-one years of age with a developmental disability or 20680  
physical impairment. 20681

(b) The attorney or physician knows, or has reasonable cause 20682  
to suspect based on facts that would cause a reasonable person in 20683  
similar position to suspect that the client or patient has 20684  
suffered or faces a threat of suffering any physical or mental 20685  
wound, injury, disability, or condition of a nature that 20686  
reasonably indicates abuse or neglect of the client or patient. 20687

(c) The abuse or neglect does not arise out of the client's 20688  
or patient's attempt to have an abortion without the notification 20689  
of her parents, guardian, or custodian in accordance with section 20690  
2151.85 of the Revised Code. 20691

(4)(a) No cleric and no person, other than a volunteer, 20692  
designated by any church, religious society, or faith acting as a 20693  
leader, official, or delegate on behalf of the church, religious 20694  
society, or faith who is acting in an official or professional 20695  
capacity, who knows, or has reasonable cause to believe based on 20696  
facts that would cause a reasonable person in a similar position 20697  
to believe, that a child under eighteen years of age, or a person 20698

under twenty-one years of age with a developmental disability or 20699  
physical impairment, has suffered or faces a threat of suffering 20700  
any physical or mental wound, injury, disability, or condition of 20701  
a nature that reasonably indicates abuse or neglect of the child, 20702  
and who knows, or has reasonable cause to believe based on facts 20703  
that would cause a reasonable person in a similar position to 20704  
believe, that another cleric or another person, other than a 20705  
volunteer, designated by a church, religious society, or faith 20706  
acting as a leader, official, or delegate on behalf of the church, 20707  
religious society, or faith caused, or poses the threat of 20708  
causing, the wound, injury, disability, or condition that 20709  
reasonably indicates abuse or neglect shall fail to immediately 20710  
report that knowledge or reasonable cause to believe to the entity 20711  
or persons specified in this division. Except as provided in 20712  
section 5120.173 of the Revised Code, the person making the report 20713  
shall make it to the public children services agency or a peace 20714  
officer in the county in which the child resides or in which the 20715  
abuse or neglect is occurring or has occurred. In the 20716  
circumstances described in section 5120.173 of the Revised Code, 20717  
the person making the report shall make it to the entity specified 20718  
in that section. 20719

(b) Except as provided in division (A)(4)(c) of this section, 20720  
a cleric is not required to make a report pursuant to division 20721  
(A)(4)(a) of this section concerning any communication the cleric 20722  
receives from a penitent in a cleric-penitent relationship, if, in 20723  
accordance with division (C) of section 2317.02 of the Revised 20724  
Code, the cleric could not testify with respect to that 20725  
communication in a civil or criminal proceeding. 20726

(c) The penitent in a cleric-penitent relationship described 20727  
in division (A)(4)(b) of this section is deemed to have waived any 20728  
testimonial privilege under division (C) of section 2317.02 of the 20729  
Revised Code with respect to any communication the cleric receives 20730

from the penitent in that cleric-penitent relationship, and the 20731  
cleric shall make a report pursuant to division (A)(4)(a) of this 20732  
section with respect to that communication, if all of the 20733  
following apply: 20734

(i) The penitent, at the time of the communication, is a 20735  
child under eighteen years of age or is a person under twenty-one 20736  
years of age with a developmental disability or physical 20737  
impairment. 20738

(ii) The cleric knows, or has reasonable cause to believe 20739  
based on facts that would cause a reasonable person in a similar 20740  
position to believe, as a result of the communication or any 20741  
observations made during that communication, the penitent has 20742  
suffered or faces a threat of suffering any physical or mental 20743  
wound, injury, disability, or condition of a nature that 20744  
reasonably indicates abuse or neglect of the penitent. 20745

(iii) The abuse or neglect does not arise out of the 20746  
penitent's attempt to have an abortion performed upon a child 20747  
under eighteen years of age or upon a person under twenty-one 20748  
years of age with a developmental disability or physical 20749  
impairment without the notification of her parents, guardian, or 20750  
custodian in accordance with section 2151.85 of the Revised Code. 20751

(d) Divisions (A)(4)(a) and (c) of this section do not apply 20752  
in a cleric-penitent relationship when the disclosure of any 20753  
communication the cleric receives from the penitent is in 20754  
violation of the sacred trust. 20755

(e) As used in divisions (A)(1) and (4) of this section, 20756  
"cleric" and "sacred trust" have the same meanings as in section 20757  
2317.02 of the Revised Code. 20758

(B) Anyone who knows, or has reasonable cause to suspect 20759  
based on facts that would cause a reasonable person in similar 20760  
circumstances to suspect, that a child under eighteen years of 20761

age, or a person under twenty-one years of age with a 20762  
developmental disability or physical impairment, has suffered or 20763  
faces a threat of suffering any physical or mental wound, injury, 20764  
disability, or other condition of a nature that reasonably 20765  
indicates abuse or neglect of the child may report or cause 20766  
reports to be made of that knowledge or reasonable cause to 20767  
suspect to the entity or persons specified in this division. 20768  
Except as provided in section 5120.173 of the Revised Code, a 20769  
person making a report or causing a report to be made under this 20770  
division shall make it or cause it to be made to the public 20771  
children services agency or to a peace officer. In the 20772  
circumstances described in section 5120.173 of the Revised Code, a 20773  
person making a report or causing a report to be made under this 20774  
division shall make it or cause it to be made to the entity 20775  
specified in that section. 20776

(C) Any report made pursuant to division (A) or (B) of this 20777  
section shall be made forthwith either by telephone or in person 20778  
and shall be followed by a written report, if requested by the 20779  
receiving agency or officer. The written report shall contain: 20780

(1) The names and addresses of the child and the child's 20781  
parents or the person or persons having custody of the child, if 20782  
known; 20783

(2) The child's age and the nature and extent of the child's 20784  
injuries, abuse, or neglect that is known or reasonably suspected 20785  
or believed, as applicable, to have occurred or of the threat of 20786  
injury, abuse, or neglect that is known or reasonably suspected or 20787  
believed, as applicable, to exist, including any evidence of 20788  
previous injuries, abuse, or neglect; 20789

(3) Any other information, including, but not limited to, 20790  
results and reports of any medical examinations, tests, or 20791  
procedures performed under division (D) of this section, that 20792  
might be helpful in establishing the cause of the injury, abuse, 20793



or neglect that is known or reasonably suspected or believed, as 20794  
applicable, to have occurred or of the threat of injury, abuse, or 20795  
neglect that is known or reasonably suspected or believed, as 20796  
applicable, to exist. 20797

(D)(1) Any person, who is required by division (A) of this 20798  
section to report child abuse or child neglect that is known or 20799  
reasonably suspected or believed to have occurred, may take or 20800  
cause to be taken color photographs of areas of trauma visible on 20801  
a child and, if medically necessary for the purpose of diagnosing 20802  
or treating injuries that are suspected to have occurred as a 20803  
result of child abuse or child neglect, perform or cause to be 20804  
performed radiological examinations and any other medical 20805  
examinations of, and tests or procedures on, the child. 20806

(2) The results and any available reports of examinations, 20807  
tests, or procedures made under division (D)(1) of this section 20808  
shall be included in a report made pursuant to division (A) of 20809  
this section. Any additional reports of examinations, tests, or 20810  
procedures that become available shall be provided to the public 20811  
children services agency, upon request. 20812

(3) If a health care professional provides health care 20813  
services in a hospital, children's advocacy center, or emergency 20814  
medical facility to a child about whom a report has been made 20815  
under division (A) of this section, the health care professional 20816  
may take any steps that are reasonably necessary for the release 20817  
or discharge of the child to an appropriate environment. Before 20818  
the child's release or discharge, the health care professional may 20819  
obtain information, or consider information obtained, from other 20820  
entities or individuals that have knowledge about the child. 20821  
Nothing in division (D)(3) of this section shall be construed to 20822  
alter the responsibilities of any person under sections 2151.27 20823  
and 2151.31 of the Revised Code. 20824

(4) A health care professional may conduct medical 20825

examinations, tests, or procedures on the siblings of a child 20826  
about whom a report has been made under division (A) of this 20827  
section and on other children who reside in the same home as the 20828  
child, if the professional determines that the examinations, 20829  
tests, or procedures are medically necessary to diagnose or treat 20830  
the siblings or other children in order to determine whether 20831  
reports under division (A) of this section are warranted with 20832  
respect to such siblings or other children. The results of the 20833  
examinations, tests, or procedures on the siblings and other 20834  
children may be included in a report made pursuant to division (A) 20835  
of this section. 20836

(5) Medical examinations, tests, or procedures conducted 20837  
under divisions (D)(1) and (4) of this section and decisions 20838  
regarding the release or discharge of a child under division 20839  
(D)(3) of this section do not constitute a law enforcement 20840  
investigation or activity. 20841

(E)(1) When a peace officer receives a report made pursuant 20842  
to division (A) or (B) of this section, upon receipt of the 20843  
report, the peace officer who receives the report shall refer the 20844  
report to the appropriate public children services agency, unless 20845  
an arrest is made at the time of the report that results in the 20846  
appropriate public children services agency being contacted 20847  
concerning the possible abuse or neglect of a child or the 20848  
possible threat of abuse or neglect of a child. 20849

(2) When a public children services agency receives a report 20850  
pursuant to this division or division (A) or (B) of this section, 20851  
upon receipt of the report, the public children services agency 20852  
shall do both of the following: 20853

(a) Comply with section 2151.422 of the Revised Code; 20854

(b) If the county served by the agency is also served by a 20855  
children's advocacy center and the report alleges sexual abuse of 20856

a child or another type of abuse of a child that is specified in 20857  
the memorandum of understanding that creates the center as being 20858  
within the center's jurisdiction, comply regarding the report with 20859  
the protocol and procedures for referrals and investigations, with 20860  
the coordinating activities, and with the authority or 20861  
responsibility for performing or providing functions, activities, 20862  
and services stipulated in the interagency agreement entered into 20863  
under section 2151.428 of the Revised Code relative to that 20864  
center. 20865

(F) No peace officer shall remove a child about whom a report 20866  
is made pursuant to this section from the child's parents, 20867  
stepparents, or guardian or any other persons having custody of 20868  
the child without consultation with the public children services 20869  
agency, unless, in the judgment of the officer, and, if the report 20870  
was made by physician, the physician, immediate removal is 20871  
considered essential to protect the child from further abuse or 20872  
neglect. The agency that must be consulted shall be the agency 20873  
conducting the investigation of the report as determined pursuant 20874  
to section 2151.422 of the Revised Code. 20875

(G)(1) Except as provided in section 2151.422 of the Revised 20876  
Code or in an interagency agreement entered into under section 20877  
2151.428 of the Revised Code that applies to the particular 20878  
report, the public children services agency shall investigate, 20879  
within twenty-four hours, each report of child abuse or child 20880  
neglect that is known or reasonably suspected or believed to have 20881  
occurred and of a threat of child abuse or child neglect that is 20882  
known or reasonably suspected or believed to exist that is 20883  
referred to it under this section to determine the circumstances 20884  
surrounding the injuries, abuse, or neglect or the threat of 20885  
injury, abuse, or neglect, the cause of the injuries, abuse, 20886  
neglect, or threat, and the person or persons responsible. The 20887  
investigation shall be made in cooperation with the law 20888

enforcement agency and in accordance with the memorandum of 20889  
understanding prepared under division (K) of this section. A 20890  
representative of the public children services agency shall, at 20891  
the time of initial contact with the person subject to the 20892  
investigation, inform the person of the specific complaints or 20893  
allegations made against the person. The information shall be 20894  
given in a manner that is consistent with division (I)(1) of this 20895  
section and protects the rights of the person making the report 20896  
under this section. 20897

A failure to make the investigation in accordance with the 20898  
memorandum is not grounds for, and shall not result in, the 20899  
dismissal of any charges or complaint arising from the report or 20900  
the suppression of any evidence obtained as a result of the report 20901  
and does not give, and shall not be construed as giving, any 20902  
rights or any grounds for appeal or post-conviction relief to any 20903  
person. The public children services agency shall report each case 20904  
to the uniform statewide automated child welfare information 20905  
system that the department of job and family services shall 20906  
maintain in accordance with section 5101.13 of the Revised Code. 20907  
The public children services agency shall submit a report of its 20908  
investigation, in writing, to the law enforcement agency. 20909

(2) The public children services agency shall make any 20910  
recommendations to the county prosecuting attorney or city 20911  
director of law that it considers necessary to protect any 20912  
children that are brought to its attention. 20913

(H)(1)(a) Except as provided in divisions (H)(1)(b) and 20914  
(I)(3) of this section, any person, health care professional, 20915  
hospital, institution, school, health department, or agency shall 20916  
be immune from any civil or criminal liability for injury, death, 20917  
or loss to person or property that otherwise might be incurred or 20918  
imposed as a result of any of the following: 20919

(i) Participating in the making of reports pursuant to 20920

division (A) of this section or in the making of reports in good faith, pursuant to division (B) of this section; 20921  
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(ii) Participating in medical examinations, tests, or procedures under division (D) of this section; 20923  
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(iii) Providing information used in a report made pursuant to division (A) of this section or providing information in good faith used in a report made pursuant to division (B) of this section; 20925  
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(iv) Participating in a judicial proceeding resulting from a report made pursuant to division (A) of this section or participating in good faith in a proceeding resulting from a report made pursuant to division (B) of this section. 20929  
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(b) Immunity under division (H)(1)(a)(ii) of this section shall not apply when a health care provider has deviated from the standard of care applicable to the provider's profession. 20933  
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(c) Notwithstanding section 4731.22 of the Revised Code, the physician-patient privilege shall not be a ground for excluding evidence regarding a child's injuries, abuse, or neglect, or the cause of the injuries, abuse, or neglect in any judicial proceeding resulting from a report submitted pursuant to this section. 20936  
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(2) In any civil or criminal action or proceeding in which it is alleged and proved that participation in the making of a report under this section was not in good faith or participation in a judicial proceeding resulting from a report made under this section was not in good faith, the court shall award the prevailing party reasonable attorney's fees and costs and, if a civil action or proceeding is voluntarily dismissed, may award reasonable attorney's fees and costs to the party against whom the civil action or proceeding is brought. 20942  
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(I)(1) Except as provided in divisions (I)(4) and (O) of this 20951

section, a report made under this section is confidential. The 20952  
information provided in a report made pursuant to this section and 20953  
the name of the person who made the report shall not be released 20954  
for use, and shall not be used, as evidence in any civil action or 20955  
proceeding brought against the person who made the report. Nothing 20956  
in this division shall preclude the use of reports of other 20957  
incidents of known or suspected abuse or neglect in a civil action 20958  
or proceeding brought pursuant to division (N) of this section 20959  
against a person who is alleged to have violated division (A)(1) 20960  
of this section, provided that any information in a report that 20961  
would identify the child who is the subject of the report or the 20962  
maker of the report, if the maker of the report is not the 20963  
defendant or an agent or employee of the defendant, has been 20964  
redacted. In a criminal proceeding, the report is admissible in 20965  
evidence in accordance with the Rules of Evidence and is subject 20966  
to discovery in accordance with the Rules of Criminal Procedure. 20967

(2)(a) Except as provided in division (I)(2)(b) of this 20968  
section, no person shall permit or encourage the unauthorized 20969  
dissemination of the contents of any report made under this 20970  
section. 20971

(b) A health care professional that obtains the same 20972  
information contained in a report made under this section from a 20973  
source other than the report may disseminate the information, if 20974  
its dissemination is otherwise permitted by law. 20975

(3) A person who knowingly makes or causes another person to 20976  
make a false report under division (B) of this section that 20977  
alleges that any person has committed an act or omission that 20978  
resulted in a child being an abused child or a neglected child is 20979  
guilty of a violation of section 2921.14 of the Revised Code. 20980

(4) If a report is made pursuant to division (A) or (B) of 20981  
this section and the child who is the subject of the report dies 20982  
for any reason at any time after the report is made, but before 20983

the child attains eighteen years of age, the public children 20984  
services agency or peace officer to which the report was made or 20985  
referred, on the request of the child fatality review board or the 20986  
director of health pursuant to guidelines established under 20987  
section 3701.70 of the Revised Code, shall submit a summary sheet 20988  
of information providing a summary of the report to the review 20989  
board of the county in which the deceased child resided at the 20990  
time of death or to the director. On the request of the review 20991  
board or director, the agency or peace officer may, at its 20992  
discretion, make the report available to the review board or 20993  
director. If the county served by the public children services 20994  
agency is also served by a children's advocacy center and the 20995  
report of alleged sexual abuse of a child or another type of abuse 20996  
of a child is specified in the memorandum of understanding that 20997  
creates the center as being within the center's jurisdiction, the 20998  
agency or center shall perform the duties and functions specified 20999  
in this division in accordance with the interagency agreement 21000  
entered into under section 2151.428 of the Revised Code relative 21001  
to that advocacy center. 21002

(5) A public children services agency shall advise a person 21003  
alleged to have inflicted abuse or neglect on a child who is the 21004  
subject of a report made pursuant to this section, including a 21005  
report alleging sexual abuse of a child or another type of abuse 21006  
of a child referred to a children's advocacy center pursuant to an 21007  
interagency agreement entered into under section 2151.428 of the 21008  
Revised Code, in writing of the disposition of the investigation. 21009  
The agency shall not provide to the person any information that 21010  
identifies the person who made the report, statements of 21011  
witnesses, or police or other investigative reports. 21012

(J) Any report that is required by this section, other than a 21013  
report that is made to the state highway patrol as described in 21014  
section 5120.173 of the Revised Code, shall result in protective 21015

services and emergency supportive services being made available by 21016  
the public children services agency on behalf of the children 21017  
about whom the report is made, in an effort to prevent further 21018  
neglect or abuse, to enhance their welfare, and, whenever 21019  
possible, to preserve the family unit intact. The agency required 21020  
to provide the services shall be the agency conducting the 21021  
investigation of the report pursuant to section 2151.422 of the 21022  
Revised Code. 21023

(K)(1) Each public children services agency shall prepare a 21024  
memorandum of understanding that is signed by all of the 21025  
following: 21026

(a) If there is only one juvenile judge in the county, the 21027  
juvenile judge of the county or the juvenile judge's 21028  
representative; 21029

(b) If there is more than one juvenile judge in the county, a 21030  
juvenile judge or the juvenile judges' representative selected by 21031  
the juvenile judges or, if they are unable to do so for any 21032  
reason, the juvenile judge who is senior in point of service or 21033  
the senior juvenile judge's representative; 21034

(c) The county peace officer; 21035

(d) All chief municipal peace officers within the county; 21036

(e) Other law enforcement officers handling child abuse and 21037  
neglect cases in the county; 21038

(f) The prosecuting attorney of the county; 21039

(g) If the public children services agency is not the county 21040  
department of job and family services, the county department of 21041  
job and family services; 21042

(h) The county humane society; 21043

(i) If the public children services agency participated in 21044  
the execution of a memorandum of understanding under section 21045



2151.426 of the Revised Code establishing a children's advocacy center, each participating member of the children's advocacy center established by the memorandum. 21046  
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(2) A memorandum of understanding shall set forth the normal operating procedure to be employed by all concerned officials in the execution of their respective responsibilities under this section and division (C) of section 2919.21, division (B)(1) of section 2919.22, division (B) of section 2919.23, and section 2919.24 of the Revised Code and shall have as two of its primary goals the elimination of all unnecessary interviews of children who are the subject of reports made pursuant to division (A) or (B) of this section and, when feasible, providing for only one interview of a child who is the subject of any report made pursuant to division (A) or (B) of this section. A failure to follow the procedure set forth in the memorandum by the concerned officials is not grounds for, and shall not result in, the dismissal of any charges or complaint arising from any reported case of abuse or neglect or the suppression of any evidence obtained as a result of any reported child abuse or child neglect and does not give, and shall not be construed as giving, any rights or any grounds for appeal or post-conviction relief to any person. 21049  
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(3) A memorandum of understanding shall include all of the following: 21068  
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(a) The roles and responsibilities for handling emergency and nonemergency cases of abuse and neglect; 21070  
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(b) Standards and procedures to be used in handling and coordinating investigations of reported cases of child abuse and reported cases of child neglect, methods to be used in interviewing the child who is the subject of the report and who allegedly was abused or neglected, and standards and procedures addressing the categories of persons who may interview the child 21072  
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who is the subject of the report and who allegedly was abused or 21078  
neglected. 21079

(4) If a public children services agency participated in the 21080  
execution of a memorandum of understanding under section 2151.426 21081  
of the Revised Code establishing a children's advocacy center, the 21082  
agency shall incorporate the contents of that memorandum in the 21083  
memorandum prepared pursuant to this section. 21084

(5) The clerk of the court of common pleas in the county may 21085  
sign the memorandum of understanding prepared under division 21086  
(K)(1) of this section. If the clerk signs the memorandum of 21087  
understanding, the clerk shall execute all relevant 21088  
responsibilities as required of officials specified in the 21089  
memorandum. 21090

(L)(1) Except as provided in division (L)(4) or (5) of this 21091  
section, a person who is required to make a report pursuant to 21092  
division (A) of this section may make a reasonable number of 21093  
requests of the public children services agency that receives or 21094  
is referred the report, or of the children's advocacy center that 21095  
is referred the report if the report is referred to a children's 21096  
advocacy center pursuant to an interagency agreement entered into 21097  
under section 2151.428 of the Revised Code, to be provided with 21098  
the following information: 21099

(a) Whether the agency or center has initiated an 21100  
investigation of the report; 21101

(b) Whether the agency or center is continuing to investigate 21102  
the report; 21103

(c) Whether the agency or center is otherwise involved with 21104  
the child who is the subject of the report; 21105

(d) The general status of the health and safety of the child 21106  
who is the subject of the report; 21107

(e) Whether the report has resulted in the filing of a 21108  
complaint in juvenile court or of criminal charges in another 21109  
court. 21110

(2) A person may request the information specified in 21111  
division (L)(1) of this section only if, at the time the report is 21112  
made, the person's name, address, and telephone number are 21113  
provided to the person who receives the report. 21114

When a peace officer or employee of a public children 21115  
services agency receives a report pursuant to division (A) or (B) 21116  
of this section the recipient of the report shall inform the 21117  
person of the right to request the information described in 21118  
division (L)(1) of this section. The recipient of the report shall 21119  
include in the initial child abuse or child neglect report that 21120  
the person making the report was so informed and, if provided at 21121  
the time of the making of the report, shall include the person's 21122  
name, address, and telephone number in the report. 21123

Each request is subject to verification of the identity of 21124  
the person making the report. If that person's identity is 21125  
verified, the agency shall provide the person with the information 21126  
described in division (L)(1) of this section a reasonable number 21127  
of times, except that the agency shall not disclose any 21128  
confidential information regarding the child who is the subject of 21129  
the report other than the information described in those 21130  
divisions. 21131

(3) A request made pursuant to division (L)(1) of this 21132  
section is not a substitute for any report required to be made 21133  
pursuant to division (A) of this section. 21134

(4) If an agency other than the agency that received or was 21135  
referred the report is conducting the investigation of the report 21136  
pursuant to section 2151.422 of the Revised Code, the agency 21137  
conducting the investigation shall comply with the requirements of 21138

division (L) of this section. 21139

(5) A health care professional who made a report under 21140  
division (A) of this section, or on whose behalf such a report was 21141  
made as provided in division (A)(1)(c) of this section, may 21142  
authorize a person to obtain the information described in division 21143  
(L)(1) of this section if the person requesting the information is 21144  
associated with or acting on behalf of the health care 21145  
professional who provided health care services to the child about 21146  
whom the report was made. 21147

(M) The director of job and family services shall adopt rules 21148  
in accordance with Chapter 119. of the Revised Code to implement 21149  
this section. The department of job and family services may enter 21150  
into a plan of cooperation with any other governmental entity to 21151  
aid in ensuring that children are protected from abuse and 21152  
neglect. The department shall make recommendations to the attorney 21153  
general that the department determines are necessary to protect 21154  
children from child abuse and child neglect. 21155

(N) Whoever violates division (A) of this section is liable 21156  
for compensatory and exemplary damages to the child who would have 21157  
been the subject of the report that was not made. A person who 21158  
brings a civil action or proceeding pursuant to this division 21159  
against a person who is alleged to have violated division (A)(1) 21160  
of this section may use in the action or proceeding reports of 21161  
other incidents of known or suspected abuse or neglect, provided 21162  
that any information in a report that would identify the child who 21163  
is the subject of the report or the maker of the report, if the 21164  
maker is not the defendant or an agent or employee of the 21165  
defendant, has been redacted. 21166

(O)(1) As used in this division: 21167

(a) "Out-of-home care" includes a nonchartered nonpublic 21168  
school if the alleged child abuse or child neglect, or alleged 21169

threat of child abuse or child neglect, described in a report 21170  
received by a public children services agency allegedly occurred 21171  
in or involved the nonchartered nonpublic school and the alleged 21172  
perpetrator named in the report holds a certificate, permit, or 21173  
license issued by the state board of education under section 21174  
3301.071 or Chapter 3319. of the Revised Code. 21175

(b) "Administrator, director, or other chief administrative 21176  
officer" means the superintendent of the school district if the 21177  
out-of-home care entity subject to a report made pursuant to this 21178  
section is a school operated by the district. 21179

(2) No later than the end of the day following the day on 21180  
which a public children services agency receives a report of 21181  
alleged child abuse or child neglect, or a report of an alleged 21182  
threat of child abuse or child neglect, that allegedly occurred in 21183  
or involved an out-of-home care entity, the agency shall provide 21184  
written notice of the allegations contained in and the person 21185  
named as the alleged perpetrator in the report to the 21186  
administrator, director, or other chief administrative officer of 21187  
the out-of-home care entity that is the subject of the report 21188  
unless the administrator, director, or other chief administrative 21189  
officer is named as an alleged perpetrator in the report. If the 21190  
administrator, director, or other chief administrative officer of 21191  
an out-of-home care entity is named as an alleged perpetrator in a 21192  
report of alleged child abuse or child neglect, or a report of an 21193  
alleged threat of child abuse or child neglect, that allegedly 21194  
occurred in or involved the out-of-home care entity, the agency 21195  
shall provide the written notice to the owner or governing board 21196  
of the out-of-home care entity that is the subject of the report. 21197  
The agency shall not provide witness statements or police or other 21198  
investigative reports. 21199

(3) No later than three days after the day on which a public 21200  
children services agency that conducted the investigation as 21201

determined pursuant to section 2151.422 of the Revised Code makes 21202  
a disposition of an investigation involving a report of alleged 21203  
child abuse or child neglect, or a report of an alleged threat of 21204  
child abuse or child neglect, that allegedly occurred in or 21205  
involved an out-of-home care entity, the agency shall send written 21206  
notice of the disposition of the investigation to the 21207  
administrator, director, or other chief administrative officer and 21208  
the owner or governing board of the out-of-home care entity. The 21209  
agency shall not provide witness statements or police or other 21210  
investigative reports. 21211

(P) As used in this section: 21212

(1) "Children's advocacy center" and "sexual abuse of a 21213  
child" have the same meanings as in section 2151.425 of the 21214  
Revised Code. 21215

(2) "Health care professional" means an individual who 21216  
provides health-related services including a physician, hospital 21217  
intern or resident, dentist, podiatrist, registered nurse, 21218  
licensed practical nurse, visiting nurse, licensed psychologist, 21219  
speech pathologist, audiologist, person engaged in social work or 21220  
the practice of professional counseling, and employee of a home 21221  
health agency. "Health care professional" does not include a 21222  
practitioner of a limited branch of medicine as specified in 21223  
section 4731.15 of the Revised Code, licensed school psychologist, 21224  
independent marriage and family therapist or marriage and family 21225  
therapist, or coroner. 21226

(3) "Investigation" means the public children services 21227  
agency's response to an accepted report of child abuse or neglect 21228  
through either an alternative response or a traditional response. 21229

(4) "Peace officer" means a sheriff, deputy sheriff, 21230  
constable, police officer of a township or joint police district, 21231  
marshal, deputy marshal, municipal police officer, or a state 21232

highway patrol trooper. 21233

**Sec. 2151.424.** (A) If a child has been placed in a certified 21234  
foster home or is in the custody of, or has been placed with, a 21235  
~~relative of the child, other than a parent of the child~~ kinship 21236  
caregiver as defined in section 5101.85 of the Revised Code, a 21237  
court, prior to conducting any hearing pursuant to division (F)(2) 21238  
or (3) of section 2151.412 or section 2151.28, 2151.33, 2151.35, 21239  
2151.414, 2151.415, 2151.416, or 2151.417 of the Revised Code with 21240  
respect to the child, shall notify the foster caregiver or 21241  
~~relative~~ kinship caregiver of the date, time, and place of the 21242  
hearing. At the hearing, the foster caregiver or ~~relative~~ kinship 21243  
caregiver shall have the right to ~~present evidence~~ be heard. 21244

(B) If a public children services agency or private child 21245  
placing agency has permanent custody of a child and a petition to 21246  
adopt the child has been filed under Chapter 3107. of the Revised 21247  
Code, the agency, prior to conducting a review under section 21248  
2151.416 of the Revised Code, or a court, prior to conducting a 21249  
hearing under division (F)(2) or (3) of section 2151.412 or 21250  
section 2151.416 or 2151.417 of the Revised Code, shall notify the 21251  
prospective adoptive parent of the date, time, and place of the 21252  
review or hearing. At the review or hearing, the prospective 21253  
adoptive parent shall have the right to ~~present evidence~~ be heard. 21254

(C) The notice and the opportunity to ~~present evidence~~ be 21255  
heard do not make the foster caregiver, ~~relative~~ kinship 21256  
caregiver, or prospective adoptive parent a party in the action or 21257  
proceeding pursuant to which the review or hearing is conducted. 21258

**Sec. 2151.45.** As used in sections 2151.45 to 2151.455 of the 21259  
Revised Code, "emancipated young adult" and "representative" have 21260  
the same meanings as in section 5101.141 of the Revised Code. 21261

**Sec. 2151.451.** The juvenile court of the county in which an 21262

emancipated young adult described under division (A)(1) of section 5101.1411 of the Revised Code resides shall have jurisdiction over the emancipated young adult for purposes of sections 2151.45 to 2151.455 of the Revised Code. A juvenile court, on its own motion or the motion of any party, may transfer a proceeding under those sections to a juvenile court with jurisdiction as provided in this section. 21263  
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**Sec. 2151.452.** A juvenile court shall do both of the following regarding an emancipated young adult described under division (A)(1) of section 5101.1411 of the Revised Code: 21270  
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(A) Not later than one hundred eighty days after the voluntary participation agreement becomes effective, make a determination as to whether the emancipated young adult's best interest is served by continuing the care and placement with the department of job and family services or its representative. An emancipated young adult shall not be eligible for continued care and placement if the court finds it is not in the emancipated young adult's best interest. 21273  
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(B) Not later than twelve months after the date that the voluntary participation agreement is signed, and annually thereafter, make a determination as to whether reasonable efforts have been made to prepare the emancipated young adult for independence. 21281  
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**Sec. 2151.453.** If any determination required under division (B) of section 2151.452 of the Revised Code is not timely made, the federal payments for foster care under division (A)(1) of section 5101.1411 of the Revised Code for the emancipated young adult shall be suspended. The payments shall resume upon a subsequent determination that reasonable efforts have been made to prepare the emancipated young adult for independence, but only if 21286  
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<u>both of the following apply:</u>	21293
<u>(A) The emancipated young adult complies with division (A)(1) of section 5101.1411 of the Revised Code.</u>	21294 21295
<u>(B) There has been a timely determination of best interest under division (A) of section 2151.452 of the Revised Code.</u>	21296 21297
<u><b>Sec. 2151.454.</b> For purposes of a determination under section 2151.452 of the Revised Code, the department of job and family services or its representative may file any documents and appear before the court in relation to such filings. Nothing in this section shall prohibit an emancipated young adult from obtaining legal representation pursuant to section 2151.455 of the Revised Code.</u>	21298 21299 21300 21301 21302 21303 21304
<u><b>Sec. 2151.455.</b> (A) An emancipated young adult is entitled to representation by legal counsel at all stages of proceedings conducted under section 2151.45 to 2151.455 of the Revised Code.</u>	21305 21306 21307
<u>(B) If, as an indigent person, the emancipated young adult is unable to employ counsel, the emancipated young adult is entitled to have counsel provided pursuant to Chapter 120. of the Revised Code.</u>	21308 21309 21310 21311
<u>(C) If an emancipated young adult appears without counsel, the court shall determine whether the emancipated young adult knows of the right to counsel, and to be provided with counsel, if indigent.</u>	21312 21313 21314 21315
<u>(D) The court may continue the case to enable an emancipated young adult to obtain counsel, to be represented by the county public defender or the joint county public defender, or to be appointed counsel upon request pursuant to Chapter 120. of the Revised Code.</u>	21316 21317 21318 21319 21320
<u>(E) Upon written request, prior to any hearing involving the</u>	21321

emancipated young adult, any report concerning an emancipated 21322  
young adult that is used in, or is pertinent to, a hearing, shall 21323  
for good cause shown be made available to any attorney 21324  
representing the emancipated young adult and to any attorney 21325  
representing any other party to the case. 21326

**Sec. 2151.86.** (A)(1) The appointing or hiring officer of any 21327  
entity that appoints or employs any person responsible for a 21328  
child's care in out-of-home care shall request the superintendent 21329  
of BCII to conduct a criminal records check with respect to any 21330  
person who is under final consideration for appointment or 21331  
employment as a person responsible for a child's care in 21332  
out-of-home care, ~~except that section 3319.39 of the Revised Code~~ 21333  
~~shall apply instead of this section if.~~ The request shall be made 21334  
at the time of initial application for appointment or employment 21335  
and every four years thereafter. If the out-of-home care entity is 21336  
a public school, educational service center, or chartered 21337  
nonpublic school, then section 3319.39 of the Revised Code shall 21338  
apply instead. If the out-of-home care entity is a child day-care 21339  
center, type A family day-care home, type B family day-care home, 21340  
certified in-home aide, or child day camp, then section 5104.013 21341  
of the Revised Code shall apply instead. 21342

(2) At the times specified in this division, the 21343  
administrative director of an agency, or attorney, who arranges an 21344  
adoption for a prospective adoptive parent shall request the 21345  
superintendent of BCII to conduct a criminal records check with 21346  
respect to that prospective adoptive parent and a criminal records 21347  
check with respect to all persons eighteen years of age or older 21348  
who reside with the prospective adoptive parent. The 21349  
administrative director or attorney shall request a criminal 21350  
records check pursuant to this division at the time of the initial 21351  
home study, every four years after the initial home study at the 21352  
time of an update, and at the time that an adoptive home study is 21353

completed as a new home study. 21354

(3) Before a recommending agency submits a recommendation to 21355  
the department of job and family services on whether the 21356  
department should issue a certificate to a foster home under 21357  
section 5103.03 of the Revised Code, and every four years 21358  
thereafter prior to a recertification under that section, the 21359  
administrative director of the agency shall request that the 21360  
superintendent of BCII conduct a criminal records check with 21361  
respect to the prospective foster caregiver and a criminal records 21362  
check with respect to all other persons eighteen years of age or 21363  
older who reside with the foster caregiver. 21364

~~(B)(1) If a person subject to a criminal records check under 21365  
division (A)(1) of this section does not present proof that the 21366  
person has been a resident of this state for the five year period 21367  
immediately prior to the date upon which the criminal records 21368  
check is requested or does not provide evidence that within that 21369  
five year period the superintendent of BCII has requested 21370  
information about the person from the federal bureau of 21371  
investigation in a criminal records check, the appointing or 21372  
hiring officer shall request that the superintendent of BCII 21373  
obtain information from the federal bureau of investigation as a 21374  
part of the criminal records check, including fingerprint based 21375  
checks of national crime information databases as described in 42 21376  
U.S.C. 671. If a person subject to a criminal records check under 21377  
division (A)(1) of this section presents proof that the person has 21378  
been a resident of this state for that five year period, the 21379  
appointing or hiring officer or attorney may request that the 21380  
superintendent of BCII include information from the federal bureau 21381  
of investigation in the criminal records check, including 21382  
fingerprint based checks of national crime information databases 21383  
as described in 42 U.S.C. 671 When the appointing or hiring 21384  
officer requests, at the time of initial application for 21385~~

appointment or employment, a criminal records check for a person 21386  
subject to division (A)(1) of this section, the officer shall 21387  
request that the superintendent of BCII obtain information from 21388  
the federal bureau of investigation as part of the criminal 21389  
records check, including fingerprint-based checks of national 21390  
crime information databases as described in 42 U.S.C. 671, for the 21391  
person subject to the criminal records check. In all other cases 21392  
in which the appointing or hiring officer requests a criminal 21393  
records check for a person pursuant to division (A)(1) of this 21394  
section, the officer may request that the superintendent of BCII 21395  
obtain information from the federal bureau of investigation as 21396  
part of the criminal records check, including fingerprint-based 21397  
checks of national crime information databases as described in 42 21398  
U.S.C. 671, for the person subject to the criminal records check. 21399

When the administrative director of an agency, or attorney, 21400  
who arranges an adoption for a prospective parent requests, at the 21401  
time of the initial home study, a criminal records check for a 21402  
person pursuant to division (A)(2) of this section, the 21403  
administrative director or attorney shall request that the 21404  
superintendent of BCII obtain information from the federal bureau 21405  
of investigation as part of the criminal records check, including 21406  
fingerprint-based checks of national crime information databases 21407  
as described in 42 U.S.C. 671, for the person subject to the 21408  
criminal records check. In all other cases in which the 21409  
administrative director of an agency, or attorney, who arranges an 21410  
adoption for a prospective parent requests a criminal records 21411  
check for a person pursuant to division (A)(2) of this section, 21412  
the administrative director or attorney may request that the 21413  
superintendent of BCII include information from the federal bureau 21414  
of investigation in the criminal records check, including 21415  
fingerprint-based checks of national crime information databases 21416  
as described in 42 U.S.C. 671. 21417

When the administrative director of a recommending agency 21418  
requests, before submitting a recommendation to the department of 21419  
job and family services on whether the department should issue a 21420  
certificate to a foster home under section 5103.03 of the Revised 21421  
Code, a criminal records check for a person pursuant to division 21422  
(A)(3) of this section, the administrative director shall request 21423  
that the superintendent of BCII obtain information from the 21424  
federal bureau of investigation as part of a criminal records 21425  
check, including fingerprint-based checks of national crime 21426  
information databases as described in 42 U.S.C. 671, for the 21427  
person subject to the criminal records check. In all other cases 21428  
in which the administrative director of a recommending agency 21429  
requests a criminal records check for a person pursuant to 21430  
division (A)(3) of this section, the administrative director may 21431  
request that the superintendent of BCII include information from 21432  
the federal bureau of investigation in the criminal records check, 21433  
including fingerprint-based checks of national crime information 21434  
databases as described in 42 U.S.C. 671. 21435

Prior to a hearing on a final decree of adoption or 21436  
interlocutory order of adoption by a probate court, the 21437  
administrative director of an agency, or an attorney, who arranges 21438  
an adoption for a prospective parent shall provide to the clerk of 21439  
the probate court either of the following: 21440

(a) Any information received pursuant to a request made under 21441  
this division from the superintendent of BCII or the federal 21442  
bureau of investigation as part of the criminal records check, 21443  
including fingerprint-based checks of national crime information 21444  
databases as described in 42 U.S.C. 671, for the person subject to 21445  
the criminal records check; 21446

(b) Written notification that the person subject to a 21447  
criminal records check pursuant to this division failed upon 21448  
request to provide the information necessary to complete the form 21449

or failed to provide impressions of the person's fingerprints as 21450  
required under division (B)(2) of this section. 21451

(2) An appointing or hiring officer, administrative director, 21452  
or attorney required by division (A) of this section to request a 21453  
criminal records check shall provide to each person subject to a 21454  
criminal records check a copy of the form prescribed pursuant to 21455  
division (C)(1) of section 109.572 of the Revised Code and a 21456  
standard impression sheet to obtain fingerprint impressions 21457  
prescribed pursuant to division (C)(2) of section 109.572 of the 21458  
Revised Code, obtain the completed form and impression sheet from 21459  
the person, and forward the completed form and impression sheet to 21460  
the superintendent of BCII at the time the criminal records check 21461  
is requested. 21462

Any person subject to a criminal records check who receives 21463  
pursuant to this division a copy of the form prescribed pursuant 21464  
to division (C)(1) of section 109.572 of the Revised Code and a 21465  
copy of an impression sheet prescribed pursuant to division (C)(2) 21466  
of that section and who is requested to complete the form and 21467  
provide a set of fingerprint impressions shall complete the form 21468  
or provide all the information necessary to complete the form and 21469  
shall provide the impression sheet with the impressions of the 21470  
person's fingerprints. If a person subject to a criminal records 21471  
check, upon request, fails to provide the information necessary to 21472  
complete the form or fails to provide impressions of the person's 21473  
fingerprints, the appointing or hiring officer shall not appoint 21474  
or employ the person as a person responsible for a child's care in 21475  
out-of-home care, a probate court may not issue a final decree of 21476  
adoption or an interlocutory order of adoption making the person 21477  
an adoptive parent, and the department of job and family services 21478  
shall not issue a certificate authorizing the prospective foster 21479  
caregiver to operate a foster home. 21480

(C)(1) No appointing or hiring officer shall appoint or 21481

employ a person as a person responsible for a child's care in 21482  
out-of-home care, the department of job and family services shall 21483  
not issue a certificate under section 5103.03 of the Revised Code 21484  
authorizing a prospective foster caregiver to operate a foster 21485  
home, and no probate court shall issue a final decree of adoption 21486  
or an interlocutory order of adoption making a person an adoptive 21487  
parent if the person or, in the case of a prospective foster 21488  
caregiver or prospective adoptive parent, any person eighteen 21489  
years of age or older who resides with the prospective foster 21490  
caregiver or prospective adoptive parent previously has been 21491  
convicted of or pleaded guilty to any of the violations described 21492  
in division (A)(4) of section 109.572 of the Revised Code, unless 21493  
the person meets rehabilitation standards established in rules 21494  
adopted under division (F) of this section. 21495

~~(2) The appointing or hiring officer may appoint or employ a 21496  
person as a person responsible for a child's care in out of home 21497  
care conditionally until the criminal records check required by 21498  
this section is completed and the officer receives the results of 21499  
the criminal records check. If the results of the criminal records 21500  
check indicate that, pursuant to division (C)(1) of this section, 21501  
the person subject to the criminal records check does not qualify 21502  
for appointment or employment, the officer shall release the 21503  
person from appointment or employment. 21504~~

~~(3) Prior to certification or recertification under section 21505  
5103.03 of the Revised Code, the prospective foster caregiver 21506  
subject to a criminal records check under division (A)(3) of this 21507  
section shall notify the recommending agency of the revocation of 21508  
any foster home license, certificate, or other similar 21509  
authorization in another state occurring within the five years 21510  
prior to the date of application to become a foster caregiver in 21511  
this state. The failure of a prospective foster caregiver to 21512  
notify the recommending agency of any revocation of that type in 21513~~

another state that occurred within that five-year period shall be 21514  
grounds for denial of the person's foster home application or the 21515  
revocation of the person's foster home certification, whichever is 21516  
applicable. If a person has had a revocation in another state 21517  
within the five years prior to the date of the application, the 21518  
department of job and family services shall not issue a foster 21519  
home certificate to the prospective foster caregiver. 21520

(D) The appointing or hiring officer, administrative 21521  
director, or attorney shall pay to the bureau of criminal 21522  
identification and investigation the fee prescribed pursuant to 21523  
division (C)(3) of section 109.572 of the Revised Code for each 21524  
criminal records check conducted in accordance with that section 21525  
upon a request pursuant to division (A) of this section. The 21526  
officer, director, or attorney may charge the person subject to 21527  
the criminal records check a fee for the costs the officer, 21528  
director, or attorney incurs in obtaining the criminal records 21529  
check. A fee charged under this division shall not exceed the 21530  
amount of fees the officer, director, or attorney pays for the 21531  
criminal records check. If a fee is charged under this division, 21532  
the officer, director, or attorney shall notify the person who is 21533  
the applicant at the time of the person's initial application for 21534  
appointment or employment, an adoption to be arranged, or a 21535  
certificate to operate a foster home of the amount of the fee and 21536  
that, unless the fee is paid, the person who is the applicant will 21537  
not be considered for appointment or employment or as an adoptive 21538  
parent or foster caregiver. 21539

(E) The report of any criminal records check conducted by the 21540  
bureau of criminal identification and investigation in accordance 21541  
with section 109.572 of the Revised Code and pursuant to a request 21542  
made under division (A) of this section is not a public record for 21543  
the purposes of section 149.43 of the Revised Code and shall not 21544  
be made available to any person other than the following: 21545



(1) The person who is the subject of the criminal records check or the person's representative;	21546 21547
(2) The appointing or hiring officer, administrative director, or attorney requesting the criminal records check or the officer's, director's, or attorney's representative;	21548 21549 21550
(3) The department of job and family services, a county department of job and family services, or a public children services agency;	21551 21552 21553
(4) Any court, hearing officer, or other necessary individual involved in a case dealing with the denial of employment, a final decree of adoption or interlocutory order of adoption, or a foster home certificate.	21554 21555 21556 21557
(F) The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The rules shall include rehabilitation standards a person who has been convicted of or pleaded guilty to an offense listed in division (A)(4) of section 109.572 of the Revised Code must meet for an appointing or hiring officer to appoint or employ the person as a person responsible for a child's care in out-of-home care, a probate court to issue a final decree of adoption or interlocutory order of adoption making the person an adoptive parent, or the department to issue a certificate authorizing the prospective foster caregiver to operate a foster home or not revoke a foster home certificate for a violation specified in section 5103.0328 of the Revised Code.	21558 21559 21560 21561 21562 21563 21564 21565 21566 21567 21568 21569 21570
(G) An appointing or hiring officer, administrative director, or attorney required by division (A) of this section to request a criminal records check shall inform each person who is the applicant, at the time of the person's initial application for appointment or employment, an adoption to be arranged, or a foster home certificate, that the person subject to the criminal records	21571 21572 21573 21574 21575 21576

check is required to provide a set of impressions of the person's 21577  
fingerprints and that a criminal records check is required to be 21578  
conducted and satisfactorily completed in accordance with section 21579  
109.572 of the Revised Code. 21580

(H) As used in this section: 21581

(1) "Children's hospital" means any of the following: 21582

(a) A hospital registered under section 3701.07 of the 21583  
Revised Code that provides general pediatric medical and surgical 21584  
care, and in which at least seventy-five per cent of annual 21585  
inpatient discharges for the preceding two calendar years were 21586  
individuals less than eighteen years of age; 21587

(b) A distinct portion of a hospital registered under section 21588  
3701.07 of the Revised Code that provides general pediatric 21589  
medical and surgical care, has a total of at least one hundred 21590  
fifty registered pediatric special care and pediatric acute care 21591  
beds, and in which at least seventy-five per cent of annual 21592  
inpatient discharges for the preceding two calendar years were 21593  
individuals less than eighteen years of age; 21594

(c) A distinct portion of a hospital, if the hospital is 21595  
registered under section 3701.07 of the Revised Code as a 21596  
children's hospital and the children's hospital meets all the 21597  
requirements of division (H)(1)(a) of this section. 21598

(2) "Criminal records check" has the same meaning as in 21599  
section 109.572 of the Revised Code. 21600

(3) "Person responsible for a child's care in out-of-home 21601  
care" has the same meaning as in section 2151.011 of the Revised 21602  
Code, except that it does not include a prospective employee of 21603  
the department of youth services or a person responsible for a 21604  
child's care in a hospital or medical clinic other than a 21605  
children's hospital. 21606

(4) "Person subject to a criminal records check" means the following:	21607 21608
(a) A person who is under final consideration for appointment or employment as a person responsible for a child's care in out-of-home care;	21609 21610 21611
(b) A prospective <u>or current</u> adoptive parent;	21612
(c) A prospective <u>or current</u> foster caregiver;	21613
(d) A person eighteen years old or older who resides with a prospective <u>or current</u> foster caregiver or a prospective <u>or current</u> adoptive parent.	21614 21615 21616
(5) "Recommending agency" means a public children services agency, private child placing agency, or private noncustodial agency to which the department of job and family services has delegated a duty to inspect and approve foster homes.	21617 21618 21619 21620
(6) "Superintendent of BCII" means the superintendent of the bureau of criminal identification and investigation.	21621 21622
<b>Sec. 2151.87.</b> (A) As used in this section:	21623
<del>(1) "Alternative nicotine product," "cigarette," and "tobacco</del> <u>"Tobacco product"</u> <del>have</del> <u>has</u> the same <del>meanings</del> <u>meaning</u> as in section 2927.02 of the Revised Code.	21624 21625 21626
<del>(2) "Youth smoking education program" means a private or public agency program that is related to tobacco use, prevention, and cessation, that is carried out or funded by the department of health pursuant to section 3701.84 of the Revised Code, that utilizes educational methods focusing on the negative health effects of smoking and using tobacco products, and that is not more than twelve hours in duration.</del>	21627 21628 21629 21630 21631 21632 21633
(B) No child shall do any of the following unless accompanied by a parent, spouse <del>who is eighteen years of age or older</del> , or	21634 21635

legal guardian of the child, <u>each of whom shall be twenty-one</u>	21636
<u>years of age or older:</u>	21637
(1) Use, consume, or possess <del>eigarettes, other</del> tobacco	21638
products, <del>alternative nicotine products, or papers used to roll</del>	21639
<del>eigarettes;</del>	21640
(2) Purchase or attempt to purchase <del>eigarettes, other</del> tobacco	21641
products, <del>alternative nicotine products, or papers used to roll</del>	21642
<del>eigarettes;</del>	21643
(3) Order, pay for, or share the cost of <del>eigarettes, other</del>	21644
tobacco products, <del>alternative nicotine products, or papers used to</del>	21645
<del>roll eigarettes;</del>	21646
(4) Except as provided in division (E) of this section,	21647
accept or receive <del>eigarettes, other</del> tobacco products, <del>alternative</del>	21648
<del>nicotine products, or papers used to roll eigarettes.</del>	21649
(C) No child shall knowingly furnish false information	21650
concerning that child's name, age, or other identification for the	21651
purpose of obtaining <del>eigarettes, other</del> tobacco products,	21652
<del>alternative nicotine products, or papers used to roll eigarettes.</del>	21653
(D) A juvenile court shall not adjudicate a child a	21654
delinquent or unruly child for a violation of <del>division (B)(1),</del>	21655
<del>(2), (3), or (4) or (C) of</del> this section.	21656
(E)(1) It is not a violation of division (B)(4) of this	21657
section for a child to accept or receive <del>eigarettes, other</del> tobacco	21658
products, <del>alternative nicotine products, or papers used to roll</del>	21659
<del>eigarettes</del> if the child is required to do so in the performance of	21660
the child's duties as an employee of that child's employer and the	21661
child's acceptance or receipt of <del>eigarettes, other</del> tobacco	21662
products, <del>alternative nicotine products, or papers used to roll</del>	21663
<del>eigarettes</del> occurs exclusively within the scope of the child's	21664
employment.	21665

(2) It is not a violation of division (B)(1), (2), (3), or 21666  
(4) of this section if the child possesses, purchases or attempts 21667  
to purchase, orders, pays for, shares the cost of, or accepts or 21668  
receives ~~cigarettes, other tobacco products, alternative nicotine~~ 21669  
~~products, or papers used to roll cigarettes~~ while participating in 21670  
an inspection or compliance check conducted by a federal, state, 21671  
local, or corporate entity at a location at which ~~cigarettes,~~ 21672  
~~other tobacco products, alternative nicotine products, or papers~~ 21673  
~~used to roll cigarettes~~ are sold or distributed. 21674

~~(3) It is not a violation of division (B)(1) or (4) of this~~ 21675  
~~section for a child to accept, receive, use, consume, or possess~~ 21676  
~~cigarettes, other tobacco products, alternative nicotine products,~~ 21677  
~~or papers used to roll cigarettes while participating in a~~ 21678  
~~research protocol if all of the following apply:~~ 21679

~~(a) The parent, guardian, or legal custodian of the child has~~ 21680  
~~consented in writing to the child participating in the research~~ 21681  
~~protocol.~~ 21682

~~(b) An institutional human subjects protection review board,~~ 21683  
~~or an equivalent entity, has approved the research protocol.~~ 21684

~~(c) The child is participating in the research protocol at~~ 21685  
~~the facility or location specified in the research protocol.~~ 21686

(F) If a juvenile court finds that a child violated division 21687  
~~(B)(1), (2), (3), or (4) or (C) of this section, the court may do~~ 21688  
~~either or both of the following:~~ 21689

~~(1) Require the child to attend a youth smoking education~~ 21690  
~~program or other smoking treatment program approved by the court,~~ 21691  
~~if one is available;~~ 21692

~~(2) Impose a fine of not more than one hundred dollars.~~ 21693

~~(G) If a child disobeys a juvenile court order issued~~ 21694  
~~pursuant to division (F) of this section, the court may do any or~~ 21695

<del>all of the following:</del>	21696
<del>(1) Increase the fine imposed upon the child under division</del>	21697
<del>(F)(2) of this section:</del>	21698
<del>(2) Require require the child to perform not more than twenty</del>	21699
<del>hours of community service:</del>	21700
<del>(3) Suspend for a period of thirty days the temporary</del>	21701
<del>instruction permit, probationary driver's license, or driver's</del>	21702
<del>license issued to the child.</del>	21703
<del>(H) A child alleged or found to have violated division (B) or</del>	21704
<del>(C) of this section shall not be detained under any provision of</del>	21705
<del>this chapter or any other provision of the Revised Code.</del>	21706
<u>(G) Division (B) of this section does not apply to a child if</u>	21707
<u>the parent, spouse, or legal guardian of the child is eighteen</u>	21708
<u>years of age on or before October 1, 2019. The version of division</u>	21709
<u>(B) of this section that was in effect prior to the effective date</u>	21710
<u>of this amendment applies to such a child.</u>	21711
<b><u>Sec. 2151.90.</u></b> (A) As used in sections 2151.90 to 2151.9011 of	21712
<u>the Revised Code:</u>	21713
<u>(1) "Host family" means any individual who provides care in</u>	21714
<u>the individual's private residence for a child or single-family</u>	21715
<u>group, at the request of the child's custodial parent, guardian,</u>	21716
<u>or legal custodian, under a host family agreement. The individual</u>	21717
<u>also may provide care for the individual's own child or children.</u>	21718
<u>The term "host family" excludes a foster home.</u>	21719
<u>(2) "Qualified organization" means a private association,</u>	21720
<u>organization, corporation, nonprofit, or other entity that is not</u>	21721
<u>a Title IV-E reimbursable setting and that has established a</u>	21722
<u>program that does all of the following:</u>	21723
<u>(a) Provides resources and services to assist, support, and</u>	21724
<u>educate parents, host families, children, or any person hosting a</u>	21725

<u>child under a host family agreement on a temporary basis;</u>	21726
<u>(b) Requires a criminal records check on the intended host family and all adults residing in the host family's household;</u>	21727 21728
<u>(c) Requires a background check in the central registry of abuse and neglect of this state from the department of job and family services for the intended host family and all adults residing in the host family's household;</u>	21729 21730 21731 21732
<u>(d) Ensures that the host family is trained on the rights, duties, responsibilities, and limitations as outlined in the host family agreement;</u>	21733 21734 21735
<u>(e) Conduct in-home supervision of a child who is the subject of the host family agreement while the agreement is in force as follows:</u>	21736 21737 21738
<u>(i) For hostings of fewer than thirty days, within two business days of placement and then at least once a week thereafter;</u>	21739 21740 21741
<u>(ii) For hostings of thirty days but less than ninety days, within two business days of placement and then twice a month;</u>	21742 21743
<u>(iii) For hostings of ninety days or more, within two business days of placement and then an option for less frequent supervision, as determined in accordance with the best interests of the child.</u>	21744 21745 21746 21747
<u>(f) Plans for the return of the child who is the subject of the host family agreement to the child's parents, guardian, or legal custodian.</u>	21748 21749 21750
<u>"Qualified organization" excludes any entity that accepts public money intended for foster care or kinship care funding or the placement of children by a public children services agency, private noncustodial agency, or private child placing agency.</u>	21751 21752 21753 21754
<u>(3) "Temporary basis" means a period of time not to exceed</u>	21755

one year, except as provided in section 2151.901 of the Revised Code. 21756  
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(B) A child may be hosted by a host family only when all of the following conditions are satisfied: 21758  
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(1) The hosting is done on a temporary basis. 21760

(2) The hosting is done under a host family agreement entered into with a qualified organization's assistance. 21761  
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(3) Either one or both of the child's parents, or the child's guardian or legal custodian, are incarcerated, incapacitated, receiving medical, psychiatric, or psychological treatment, on active military service, or subject to other circumstances under which the hosting is appropriate. 21763  
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(4) The host family provides care only to that child or only to a single-family group, in addition to the host family's own child or children if applicable. 21768  
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**Sec. 2151.901.** Upon the request of the child's parent, guardian, legal custodian, host family, or the qualified organization that arranged the host family agreement, a juvenile court may alter the period during which a host family agreement is in effect if the court determines there are extenuating circumstances. 21771  
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**Sec. 2151.902.** A public children services agency shall not file a complaint under section 2151.27 of the Revised Code because a child is hosted by a host family in compliance with section 2151.90 of the Revised Code, unless the agency determines that factors other than the hosting warrant filing the complaint. 21777  
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**Sec. 2151.903.** The presumption that a child hosted under a host family agreement is abandoned under section 2151.011 of the Revised Code may be rebutted if the hosting complied with section 21782  
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2151.90 of the Revised Code. 21785

Sec. 2151.904. (A) Before a qualified organization provides 21786  
for hosting of a child with a host family and every four years 21787  
thereafter, a prospective host family and all other persons 21788  
eighteen years of age or older who reside in the host family's 21789  
home shall request, and shall provide to the qualified 21790  
organization the results of, the following for the host family and 21791  
all other persons eighteen years of age or older who reside in the 21792  
home: 21793

(1) A criminal records check, as defined under division (G) 21794  
of section 109.572 of the Revised Code, and information from the 21795  
federal bureau of investigation, as part of the criminal records 21796  
check, including fingerprint-based checks of national crime 21797  
information databases as described in 42 U.S.C. 671; 21798

(2) A background check in the central registry of abuse and 21799  
neglect of this state from the department of job and family 21800  
services. 21801

(B) A person subject to division (A) of this section may 21802  
request the criminal records check and information required under 21803  
division (A)(1) of this section from either of the following: 21804

(1) The superintendent of the bureau of criminal 21805  
identification and investigation; 21806

(2) Any entity authorized, on behalf of the person, to 21807  
request the superintendent to conduct the criminal records check 21808  
and provide the information. 21809

(C) If a person subject to division (A) of this section fails 21810  
to provide the results of the criminal records and background 21811  
checks and the information required under that division to the 21812  
qualified organization, the organization shall not authorize 21813  
hosting with the host family. 21814

Sec. 2151.906. A qualified organization shall not authorize hosting with a host family if any person eighteen years of age or older who resides with the prospective host family previously has been convicted of or pleaded guilty to any of the violations described in division (A)(4) of section 109.572 of the Revised Code, unless all of the following conditions are satisfied:

(A) If the offense was a misdemeanor, or would be a misdemeanor if the conviction occurred at the time that hosting is being considered, at least three years have elapsed from the date the person was fully discharged from any imprisonment or probation arising from the conviction.

(B) If the offense was a felony, at least ten years have elapsed since the person was fully discharged from imprisonment or probation arising from the conviction.

(C) The victim of the offense was not one of the following:

(1) A person under the age of eighteen;

(2) A functionally impaired person as defined in section 2903.10 of the Revised Code;

(3) A person with a developmental disability as defined in section 5123.01 of the Revised Code;

(4) A person with a mental illness as defined in section 5122.01 of the Revised Code;

(5) A person sixty years of age or older.

(D) Hosting in the host family's home will not jeopardize in any way the health, safety, or welfare of the child to be hosted. The following factors shall be considered in determining whether this condition is satisfied:

(1) The person's age at the time of the offense;

(2) The nature and seriousness of the offense;

<u>(3) The circumstances under which the offense was committed;</u>	21844
<u>(4) The degree of participation of the person involved in the offense;</u>	21845
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<u>(5) The time elapsed since the person was fully discharged from imprisonment or probation;</u>	21847
	21848
<u>(6) The likelihood that the circumstances leading to the offense will recur;</u>	21849
	21850
<u>(7) Whether the person is a repeat offender;</u>	21851
<u>(8) The person's employment record;</u>	21852
<u>(9) The person's efforts at rehabilitation and the results of those efforts;</u>	21853
	21854
<u>(10) Whether any criminal proceedings are pending against the person;</u>	21855
	21856
<u>(11) Any other factors the qualified organization considers relevant.</u>	21857
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<b><u>Sec. 2151.907.</u></b> <u>The report of any criminal records check conducted pursuant to a request made under section 2151.904 of the Revised Code is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the following:</u>	21859
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<u>(A) The person who is the subject of the criminal records check or the person's representative;</u>	21864
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<u>(B) The administrative director of the qualified organization or the director's representative;</u>	21866
	21867
<u>(C) Any court, hearing officer, or other necessary individual involved in a case regarding a qualified organization's decision not to authorize hosting with the host family to which either of the following apply:</u>	21868
	21869
	21870
	21871

<u>(1) The host family was subject to the criminal records check.</u>	21872 21873
<u>(2) The host family resided with the person subject to the criminal records check.</u>	21874 21875
<b><u>Sec. 2151.908.</u></b> <u>A qualified organization shall develop and implement written policies and procedures for employees, including policies and procedures on all of the following topics:</u>	21876 21877 21878
<u>(A) Familiarization of the employee with emergency and safety procedures;</u>	21879 21880
<u>(B) The principles and practices of child care;</u>	21881
<u>(C) Administrative structure, procedures, and overall program goals of the qualified organization;</u>	21882 21883
<u>(D) Appropriate techniques of behavior management;</u>	21884
<u>(E) Techniques and methodologies for crisis management;</u>	21885
<u>(F) Familiarization of the employee with the disciplinary procedures outlined in rule 5101:2-9-21 of the Ohio Administrative Code, the discipline and behavior intervention policies required by rule 5101:2-5-13 of the Ohio Administrative Code, and any other similar requirements;</u>	21886 21887 21888 21889 21890
<u>(G) Procedures for reporting suspected child abuse or neglect under section 2151.421 of the Revised Code;</u>	21891 21892
<u>(H) An emergency medical plan;</u>	21893
<u>(I) Universal precautions;</u>	21894
<u>(J) Knowledge and skills to understand and address the issues confronting adolescents.</u>	21895 21896
<b><u>Sec. 2151.909.</u></b> <u>A qualified organization shall develop and implement written policies and procedures for host family training. Training shall include all of the following topics:</u>	21897 21898 21899

<u>(A) The legal rights and responsibilities of host families;</u>	21900
<u>(B) The qualified organization's policies and procedures regarding host families;</u>	21901 21902
<u>(C) The effects that separation and attachment issues have on children and their families;</u>	21903 21904
<u>(D) The effects of physical abuse, sexual abuse, emotional abuse, neglect, and substance abuse on normal human growth and development, as well as information on reporting child abuse and neglect;</u>	21905 21906 21907 21908
<u>(E) Behavior management techniques;</u>	21909
<u>(F) Cultural competence;</u>	21910
<u>(G) Prevention, recognition, and management of communicable diseases;</u>	21911 21912
<u>(H) Community health and social services available to children and their families;</u>	21913 21914
<u>(I) Training on appropriate and positive behavioral intervention techniques;</u>	21915 21916
<u>(J) Education advocacy training;</u>	21917
<u>(K) The host family's responsibility to report abuse or neglect of a child under section 2151.9011 of the Revised Code.</u>	21918 21919
<u>Sec. 2151.9010. A host family shall not be subject to certification or supervision by the director of job and family services under section 5103.03 of the Revised Code.</u>	21920 21921 21922
<u>Sec. 2151.9011. A host family shall immediately report knowledge or reasonable cause to suspect based on facts that would cause a reasonable person in a similar position to suspect, that the child who is subject to the host family agreement, has suffered or faces a threat of suffering any physical or mental</u>	21923 21924 21925 21926 21927

wound, injury, disability, or condition of a nature that 21928  
reasonably indicates abuse or neglect of the child to an employee 21929  
of a qualified organization. 21930

**Sec. 2301.32.** (A) In any county in which a county department 21931  
of probation has been established under division (A) of section 21932  
2301.27 of the Revised Code and complies with standards and 21933  
conditions prescribed by the adult parole authority created by 21934  
section 5149.02 of the Revised Code, an agreement may be entered 21935  
into between the court of common pleas and the authority under 21936  
which the county department of probation may receive supplemental 21937  
investigation or supervisory services from the authority. 21938

(B) In any county in which a county department of probation 21939  
has not been established under division (A) of section 2301.27 of 21940  
the Revised Code, an agreement may be entered into between the 21941  
court of common pleas of that county and the adult parole 21942  
authority under which the court of common pleas may place 21943  
defendants under a community control sanction in charge of the 21944  
authority, and, in consideration of those placements, the county 21945  
shall pay to the state from time to time the amounts that are 21946  
provided for in the agreement. 21947

(C) In lieu of an agreement made under division (A) or (B) of 21948  
this section, the adult parole authority may offer a county 21949  
funding for probation services, provided that the general assembly 21950  
has appropriated sufficient funds for that purpose. If the county 21951  
accepts funds under this section, the adult parole authority is 21952  
relieved of its duties to supervise offenders placed on community 21953  
control by courts of that county under division (A)(2) of section 21954  
2929.15 of the Revised Code. 21955

**Sec. 2303.201.** (A)(1) The court of common pleas of any county 21956  
may determine that for the efficient operation of the court 21957

additional funds are required to computerize the court, to make 21958  
available computerized legal research services, or to do both. 21959  
Upon making a determination that additional funds are required for 21960  
either or both of those purposes, the court shall authorize and 21961  
direct the clerk of the court of common pleas to charge one 21962  
additional fee, not to exceed six dollars, on the filing of each 21963  
cause of action or appeal under divisions (A), (Q), and (U) of 21964  
section 2303.20 of the Revised Code. 21965

(2) All fees collected under division (A)(1) of this section 21966  
shall be paid to the county treasurer. The treasurer shall place 21967  
the funds from the fees in a separate fund to be disbursed either 21968  
upon an order of the court, subject to an appropriation by the 21969  
board of county commissioners, or upon an order of the court, 21970  
subject to the court making an annual report available to the 21971  
public listing the use of all such funds, in an amount not greater 21972  
than the actual cost to the court of procuring and maintaining 21973  
computerization of the court, computerized legal research 21974  
services, or both. 21975

(3) If the court determines that the funds in the fund 21976  
described in division (A)(2) of this section are more than 21977  
sufficient to satisfy the purpose for which the additional fee 21978  
described in division (A)(1) of this section was imposed, the 21979  
court may declare a surplus in the fund and, subject to an 21980  
appropriation by the board of county commissioners, expend those 21981  
surplus funds, or upon an order of the court, subject to the court 21982  
making an annual report available to the public listing the use of 21983  
all such funds, expend those surplus funds, for other appropriate 21984  
technological expenses of the court. 21985

(B)(1) The court of common pleas of any county may determine 21986  
that, for the efficient operation of the court, additional funds 21987  
are required to make technological advances in or to computerize 21988  
the office of the clerk of the court of common pleas and, upon 21989

that determination, authorize and direct the clerk of the court of 21990  
common pleas to charge an additional fee, not to exceed twenty 21991  
dollars, on the filing of each cause of action or appeal, on the 21992  
filing, docketing, and endorsing of each certificate of judgment, 21993  
or on the docketing and indexing of each aid in execution or 21994  
petition to vacate, revive, or modify a judgment under divisions 21995  
(A), (P), (Q), (T), and (U) of section 2303.20 of the Revised Code 21996  
and not to exceed one dollar each for the services described in 21997  
divisions (B), (C), (D), (F), (H), and (L) of section 2303.20 of 21998  
the Revised Code. Subject to division (B)(2) of this section, all 21999  
moneys collected under division (B)(1) of this section shall be 22000  
paid to the county treasurer to be disbursed, upon an order of the 22001  
court of common pleas and subject to appropriation by the board of 22002  
county commissioners, in an amount no greater than the actual cost 22003  
to the court of procuring and maintaining technology and computer 22004  
systems for the office of the clerk of the court of common pleas. 22005

(2) If the court of common pleas of a county makes the 22006  
determination described in division (B)(1) of this section, the 22007  
board of county commissioners of that county may issue one or more 22008  
general obligation bonds for the purpose of procuring and 22009  
maintaining the technology and computer systems for the office of 22010  
the clerk of the court of common pleas. In addition to the 22011  
purposes stated in division (B)(1) of this section for which the 22012  
moneys collected under that division may be expended, the moneys 22013  
additionally may be expended to pay debt charges on and financing 22014  
costs related to any general obligation bonds issued pursuant to 22015  
division (B)(2) of this section as they become due. General 22016  
obligation bonds issued pursuant to division (B)(2) of this 22017  
section are Chapter 133. securities. 22018

(C) The court of common pleas shall collect the sum of 22019  
twenty-six dollars as additional filing fees in each new civil 22020  
action or proceeding for the charitable public purpose of 22021



providing financial assistance to legal aid societies that operate 22022  
within the state and to support the office of the state public 22023  
defender. This division does not apply to a juvenile division of a 22024  
court of common pleas, except that an additional filing fee of 22025  
fifteen dollars shall apply to custody, visitation, and parentage 22026  
actions; to a probate division of a court of common pleas, except 22027  
that the additional filing fees shall apply to name change, 22028  
guardianship, adoption, and decedents' estate proceedings; or to 22029  
an execution on a judgment, proceeding in aid of execution, or 22030  
other post-judgment proceeding arising out of a civil action. The 22031  
filing fees required to be collected under this division shall be 22032  
in addition to any other filing fees imposed in the action or 22033  
proceeding and shall be collected at the time of the filing of the 22034  
action or proceeding. The court shall not waive the payment of the 22035  
additional filing fees in a new civil action or proceeding unless 22036  
the court waives the advanced payment of all filing fees in the 22037  
action or proceeding. All such moneys collected during a month 22038  
except for an amount equal to up to one per cent of those moneys 22039  
retained to cover administrative costs shall be transmitted on or 22040  
before the twentieth day of the following month by the clerk of 22041  
the court to the treasurer of state in a manner prescribed by the 22042  
treasurer of state or by the Ohio ~~legal assistance~~ access to 22043  
justice foundation. The treasurer of state shall deposit four per 22044  
cent of the funds collected under this division to the credit of 22045  
the civil case filing fee fund established under section 120.07 of 22046  
the Revised Code and ninety-six per cent of the funds collected 22047  
under this division to the credit of the legal aid fund 22048  
established under section 120.52 of the Revised Code. 22049

The court may retain up to one per cent of the moneys it 22050  
collects under this division to cover administrative costs, 22051  
including the hiring of any additional personnel necessary to 22052  
implement this division. If the court fails to transmit to the 22053  
treasurer of state the moneys the court collects under this 22054

division in a manner prescribed by the treasurer of state or by 22055  
the Ohio ~~legal assistance~~ access to justice foundation, the court 22056  
shall forfeit the moneys the court retains under this division to 22057  
cover administrative costs, including the hiring of any additional 22058  
personnel necessary to implement this division, and shall transmit 22059  
to the treasurer of state all moneys collected under this 22060  
division, including the forfeited amount retained for 22061  
administrative costs, for deposit in the legal aid fund. 22062

(D) On and after the thirtieth day after December 9, 1994, 22063  
the court of common pleas shall collect the sum of thirty-two 22064  
dollars as additional filing fees in each new action or proceeding 22065  
for annulment, divorce, or dissolution of marriage for the purpose 22066  
of funding shelters for victims of domestic violence pursuant to 22067  
sections 3113.35 to 3113.39 of the Revised Code. The filing fees 22068  
required to be collected under this division shall be in addition 22069  
to any other filing fees imposed in the action or proceeding and 22070  
shall be collected at the time of the filing of the action or 22071  
proceeding. The court shall not waive the payment of the 22072  
additional filing fees in a new action or proceeding for 22073  
annulment, divorce, or dissolution of marriage unless the court 22074  
waives the advanced payment of all filing fees in the action or 22075  
proceeding. On or before the twentieth day of each month, all 22076  
moneys collected during the immediately preceding month pursuant 22077  
to this division shall be deposited by the clerk of the court into 22078  
the county treasury in the special fund used for deposit of 22079  
additional marriage license fees as described in section 3113.34 22080  
of the Revised Code. Upon their deposit into the fund, the moneys 22081  
shall be retained in the fund and expended only as described in 22082  
section 3113.34 of the Revised Code. 22083

(E)(1) The court of common pleas may determine that, for the 22084  
efficient operation of the court, additional funds are necessary 22085  
to acquire and pay for special projects of the court, including, 22086

but not limited to, the acquisition of additional facilities or 22087  
the rehabilitation of existing facilities, the acquisition of 22088  
equipment, the hiring and training of staff, community service 22089  
programs, mediation or dispute resolution services, the employment 22090  
of magistrates, the training and education of judges, acting 22091  
judges, and magistrates, and other related services. Upon that 22092  
determination, the court by rule may charge a fee, in addition to 22093  
all other court costs, on the filing of each criminal cause, civil 22094  
action or proceeding, or judgment by confession. 22095

If the court of common pleas offers or requires a special 22096  
program or additional services in cases of a specific type, the 22097  
court by rule may assess an additional charge in a case of that 22098  
type, over and above court costs, to cover the special program or 22099  
service. The court shall adjust the special assessment 22100  
periodically, but not retroactively, so that the amount assessed 22101  
in those cases does not exceed the actual cost of providing the 22102  
service or program. 22103

All moneys collected under division (E) of this section shall 22104  
be paid to the county treasurer for deposit into either a general 22105  
special projects fund or a fund established for a specific special 22106  
project. Moneys from a fund of that nature shall be disbursed upon 22107  
an order of the court, subject to an appropriation by the board of 22108  
county commissioners, in an amount no greater than the actual cost 22109  
to the court of a project. If a specific fund is terminated 22110  
because of the discontinuance of a program or service established 22111  
under division (E) of this section, the court may order, subject 22112  
to an appropriation by the board of county commissioners, that 22113  
moneys remaining in the fund be transferred to an account 22114  
established under this division for a similar purpose. 22115

(2) As used in division (E) of this section: 22116

(a) "Criminal cause" means a charge alleging the violation of 22117  
a statute or ordinance, or subsection of a statute or ordinance, 22118

that requires a separate finding of fact or a separate plea before 22119  
disposition and of which the defendant may be found guilty, 22120  
whether filed as part of a multiple charge on a single summons, 22121  
citation, or complaint or as a separate charge on a single 22122  
summons, citation, or complaint. "Criminal cause" does not include 22123  
separate violations of the same statute or ordinance, or 22124  
subsection of the same statute or ordinance, unless each charge is 22125  
filed on a separate summons, citation, or complaint. 22126

(b) "Civil action or proceeding" means any civil litigation 22127  
that must be determined by judgment entry. 22128

Sec. 2305.011. (A) As used in this section: 22129

(1) "Nature" means the phenomena of the physical world 22130  
collectively, including plants, animals, the landscape, other 22131  
features and products of the earth, the natural environment or 22132  
wilderness, and generally areas that are not human or human 22133  
creations, have not been substantially altered by humans, or that 22134  
persist despite human intervention. 22135

(2) "Ecosystem" means a complex community of living organisms 22136  
in conjunction with their physical environments, all interacting 22137  
and linked together as a system through nutrient cycles and energy 22138  
flows in a particular unit of space. 22139

(B) Nature or any ecosystem does not have standing to 22140  
participate in or bring an action in any court of common pleas. 22141

(C)(1) No person, on behalf of or representing nature or an 22142  
ecosystem, shall bring an action in any court of common pleas. 22143

(2) No person shall bring an action in any court of common 22144  
pleas against a person who is acting on behalf of or representing 22145  
nature or an ecosystem. 22146

(3) No person, on behalf of or representing nature or an 22147  
ecosystem, shall intervene in any manner, such as by filing a 22148

counterclaim, cross-claim, or third-party complaint, in any action 22149  
brought in any court of common pleas. 22150

(D) Nothing in this section shall be construed to prevent the 22151  
state or any of its agencies from enforcing the laws pertaining to 22152  
environmental pollution, conservation, wild animals, or other 22153  
natural communities or ecosystems. 22154

**Sec. 2305.231.** (A) As used in this section: 22155

(1) "Dentist" means a person who is licensed under Chapter 22156  
4715. of the Revised Code to practice dentistry. 22157

(2) "Physician" means a person ~~who holds a certificate issued~~ 22158  
~~by the state medical board~~ authorized under Chapter 4731. of the 22159  
Revised Code to practice medicine and surgery, osteopathic 22160  
medicine and surgery, or podiatric medicine and surgery. 22161

(3) "Registered nurse" means a nurse who is licensed as a 22162  
registered nurse under Chapter 4723. of the Revised Code. 22163

(4) "Therapeutic recreation" means adoptive recreation 22164  
services to persons with illnesses or disabling conditions in 22165  
order to do any of the following: 22166

(a) Restore, remediate, or rehabilitate; 22167

(b) Improve functioning and independence; 22168

(c) Reduce or eliminate the effects of illness or disability. 22169

(B) No physician who volunteers the physician's services as a 22170  
team physician or team podiatrist to a school's athletics program, 22171  
no dentist who volunteers the dentist's services as a team dentist 22172  
to a school's athletics program, and no registered nurse who 22173  
volunteers the registered nurse's services as a team nurse to a 22174  
school's athletics program is liable in damages in a civil action 22175  
for administering emergency medical care, emergency dental care, 22176  
other emergency professional care, or first aid treatment to a 22177

participant in an athletic event involving the school, at the 22178  
scene of the event or while the participant is being transported 22179  
to a hospital, physician's or dentist's office, or other medical 22180  
or dental facility, or for acts performed in administering the 22181  
care or treatment, unless the acts of the physician, dentist, or 22182  
registered nurse constitute willful or wanton misconduct. 22183

(C)(1) No physician who volunteers the physician's services 22184  
as a camp physician at a camp that specializes in therapeutic 22185  
recreation, and no registered nurse who volunteers the registered 22186  
nurse's services at such a camp, is liable in damages in a civil 22187  
action for either of the following: 22188

(a) Administering medical care, or emergency professional 22189  
care, or first aid treatment to a participant in the camp or while 22190  
the participant is being transported to a hospital, physician's or 22191  
dentist's office, or other medical or dental facility; 22192

(b) Acts performed in administering that care or treatment. 22193

(2) Division (C)(1) of this section does not apply if the 22194  
acts of the physician or registered nurse constitute willful or 22195  
wanton misconduct. 22196

(D) This section does not apply if the administration of 22197  
emergency medical care, emergency dental care, other emergency 22198  
professional care, or first aid treatment is rendered for 22199  
remuneration, or with the expectation of remuneration, from the 22200  
recipient of the care or treatment or from someone on the 22201  
recipient's behalf. 22202

**Sec. 2305.41.** As used in sections 2305.41 to 2305.49 of the 22203  
Revised Code: 22204

(A) "Disabled condition" means the condition of being 22205  
unconscious, semiconscious, incoherent, or otherwise incapacitated 22206  
to communicate. 22207

(B) "Disabled person" means a person in a disabled condition.	22208
(C) "Emergency symbol" means the caduceus inscribed within a six-barred cross used by the American medical association to denote emergency information.	22209 22210 22211
(D) "Identifying device" means an identifying bracelet, necklace, metal tag, or similar device bearing the emergency symbol and the information needed in an emergency.	22212 22213 22214
(E) "Identification card" means any card containing the holder's name, type of medical condition, physician's name, and other medical information. "Identification card" does not include any license or permit issued pursuant to Chapter 4507. of the Revised Code.	22215 22216 22217 22218 22219
(F) "Medical practitioner" means an individual <del>who holds a current valid certificate issued</del> <u>authorized</u> under Chapter 4731. of the Revised Code <del>authorizing the</del> <u>to</u> practice of medicine and surgery or osteopathic medicine and surgery.	22220 22221 22222 22223
(G) "Paramedic" has the meaning given in section 4765.01 of the Revised Code.	22224 22225
<b>Sec. 2317.54.</b> No hospital, home health agency, ambulatory surgical facility, or provider of a hospice care program or pediatric respite care program shall be held liable for a physician's failure to obtain an informed consent from the physician's patient prior to a surgical or medical procedure or course of procedures, unless the physician is an employee of the hospital, home health agency, ambulatory surgical facility, or provider of a hospice care program or pediatric respite care program.	22226 22227 22228 22229 22230 22231 22232 22233 22234
Written consent to a surgical or medical procedure or course of procedures shall, to the extent that it fulfills all the requirements in divisions (A), (B), and (C) of this section, be	22235 22236 22237

presumed to be valid and effective, in the absence of proof by a 22238  
preponderance of the evidence that the person who sought such 22239  
consent was not acting in good faith, or that the execution of the 22240  
consent was induced by fraudulent misrepresentation of material 22241  
facts, or that the person executing the consent was not able to 22242  
communicate effectively in spoken and written English or any other 22243  
language in which the consent is written. Except as herein 22244  
provided, no evidence shall be admissible to impeach, modify, or 22245  
limit the authorization for performance of the procedure or 22246  
procedures set forth in such written consent. 22247

(A) The consent sets forth in general terms the nature and 22248  
purpose of the procedure or procedures, and what the procedures 22249  
are expected to accomplish, together with the reasonably known 22250  
risks, and, except in emergency situations, sets forth the names 22251  
of the physicians who shall perform the intended surgical 22252  
procedures. 22253

(B) The person making the consent acknowledges that such 22254  
disclosure of information has been made and that all questions 22255  
asked about the procedure or procedures have been answered in a 22256  
satisfactory manner. 22257

(C) The consent is signed by the patient for whom the 22258  
procedure is to be performed, or, if the patient for any reason 22259  
including, but not limited to, competence, minority, or the fact 22260  
that, at the latest time that the consent is needed, the patient 22261  
is under the influence of alcohol, hallucinogens, or drugs, lacks 22262  
legal capacity to consent, by a person who has legal authority to 22263  
consent on behalf of such patient in such circumstances, including 22264  
either of the following: 22265

(1) The parent, whether the parent is an adult or a minor, of 22266  
the parent's minor child; 22267

(2) An adult whom the parent of the minor child has given 22268



written authorization to consent to a surgical or medical 22269  
procedure or course of procedures for the parent's minor child. 22270

Any use of a consent form that fulfills the requirements 22271  
stated in divisions (A), (B), and (C) of this section has no 22272  
effect on the common law rights and liabilities, including the 22273  
right of a physician to obtain the oral or implied consent of a 22274  
patient to a medical procedure, that may exist as between 22275  
physicians and patients on July 28, 1975. 22276

As used in this section the term "hospital" has the same 22277  
meaning as in section 2305.113 of the Revised Code; "home health 22278  
agency" has the same meaning as in section 5101.61 of the Revised 22279  
Code; "ambulatory surgical facility" has the same meaning as in 22280  
~~division (A) of~~ section 3702.30 of the Revised Code; and "hospice 22281  
care program" and "pediatric respite care program" have the same 22282  
meanings as in section 3712.01 of the Revised Code. The provisions 22283  
of this division apply to hospitals, doctors of medicine, doctors 22284  
of osteopathic medicine, and doctors of podiatric medicine. 22285

**Sec. 2925.01.** As used in this chapter: 22286

(A) "Administer," "controlled substance," "controlled 22287  
substance analog," "dispense," "distribute," "hypodermic," 22288  
"manufacturer," "official written order," "person," "pharmacist," 22289  
"pharmacy," "sale," "schedule I," "schedule II," "schedule III," 22290  
"schedule IV," "schedule V," and "wholesaler" have the same 22291  
meanings as in section 3719.01 of the Revised Code. 22292

(B) "Drug dependent person" and "drug of abuse" have the same 22293  
meanings as in section 3719.011 of the Revised Code. 22294

(C) "Drug," "dangerous drug," "licensed health professional 22295  
authorized to prescribe drugs," and "prescription" have the same 22296  
meanings as in section 4729.01 of the Revised Code. 22297

(D) "Bulk amount" of a controlled substance means any of the 22298

following: 22299

(1) For any compound, mixture, preparation, or substance 22300  
included in schedule I, schedule II, or schedule III, with the 22301  
exception of any controlled substance analog, marihuana, cocaine, 22302  
L.S.D., heroin, any fentanyl-related compound, and hashish and 22303  
except as provided in division (D)(2), (5), or (6) of this 22304  
section, whichever of the following is applicable: 22305

(a) An amount equal to or exceeding ten grams or twenty-five 22306  
unit doses of a compound, mixture, preparation, or substance that 22307  
is or contains any amount of a schedule I opiate or opium 22308  
derivative; 22309

(b) An amount equal to or exceeding ten grams of a compound, 22310  
mixture, preparation, or substance that is or contains any amount 22311  
of raw or gum opium; 22312

(c) An amount equal to or exceeding thirty grams or ten unit 22313  
doses of a compound, mixture, preparation, or substance that is or 22314  
contains any amount of a schedule I hallucinogen other than 22315  
tetrahydrocannabinol or lysergic acid amide, or a schedule I 22316  
stimulant or depressant; 22317

(d) An amount equal to or exceeding twenty grams or five 22318  
times the maximum daily dose in the usual dose range specified in 22319  
a standard pharmaceutical reference manual of a compound, mixture, 22320  
preparation, or substance that is or contains any amount of a 22321  
schedule II opiate or opium derivative; 22322

(e) An amount equal to or exceeding five grams or ten unit 22323  
doses of a compound, mixture, preparation, or substance that is or 22324  
contains any amount of phencyclidine; 22325

(f) An amount equal to or exceeding one hundred twenty grams 22326  
or thirty times the maximum daily dose in the usual dose range 22327  
specified in a standard pharmaceutical reference manual of a 22328  
compound, mixture, preparation, or substance that is or contains 22329

any amount of a schedule II stimulant that is in a final dosage 22330  
form manufactured by a person authorized by the "Federal Food, 22331  
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as 22332  
amended, and the federal drug abuse control laws, as defined in 22333  
section 3719.01 of the Revised Code, that is or contains any 22334  
amount of a schedule II depressant substance or a schedule II 22335  
hallucinogenic substance; 22336

(g) An amount equal to or exceeding three grams of a 22337  
compound, mixture, preparation, or substance that is or contains 22338  
any amount of a schedule II stimulant, or any of its salts or 22339  
isomers, that is not in a final dosage form manufactured by a 22340  
person authorized by the Federal Food, Drug, and Cosmetic Act and 22341  
the federal drug abuse control laws. 22342

(2) An amount equal to or exceeding one hundred twenty grams 22343  
or thirty times the maximum daily dose in the usual dose range 22344  
specified in a standard pharmaceutical reference manual of a 22345  
compound, mixture, preparation, or substance that is or contains 22346  
any amount of a schedule III or IV substance other than an 22347  
anabolic steroid or a schedule III opiate or opium derivative; 22348

(3) An amount equal to or exceeding twenty grams or five 22349  
times the maximum daily dose in the usual dose range specified in 22350  
a standard pharmaceutical reference manual of a compound, mixture, 22351  
preparation, or substance that is or contains any amount of a 22352  
schedule III opiate or opium derivative; 22353

(4) An amount equal to or exceeding two hundred fifty 22354  
milliliters or two hundred fifty grams of a compound, mixture, 22355  
preparation, or substance that is or contains any amount of a 22356  
schedule V substance; 22357

(5) An amount equal to or exceeding two hundred solid dosage 22358  
units, sixteen grams, or sixteen milliliters of a compound, 22359  
mixture, preparation, or substance that is or contains any amount 22360

of a schedule III anabolic steroid; 22361

(6) For any compound, mixture, preparation, or substance that 22362  
is a combination of a fentanyl-related compound and any other 22363  
compound, mixture, preparation, or substance included in schedule 22364  
III, schedule IV, or schedule V, if the defendant is charged with 22365  
a violation of section 2925.11 of the Revised Code and the 22366  
sentencing provisions set forth in divisions (C)(10)(b) and 22367  
(C)(11) of that section will not apply regarding the defendant and 22368  
the violation, the bulk amount of the controlled substance for 22369  
purposes of the violation is the amount specified in division 22370  
(D)(1), (2), (3), (4), or (5) of this section for the other 22371  
schedule III, IV, or V controlled substance that is combined with 22372  
the fentanyl-related compound. 22373

(E) "Unit dose" means an amount or unit of a compound, 22374  
mixture, or preparation containing a controlled substance that is 22375  
separately identifiable and in a form that indicates that it is 22376  
the amount or unit by which the controlled substance is separately 22377  
administered to or taken by an individual. 22378

(F) "Cultivate" includes planting, watering, fertilizing, or 22379  
tilling. 22380

(G) "Drug abuse offense" means any of the following: 22381

(1) A violation of division (A) of section 2913.02 that 22382  
constitutes theft of drugs, or a violation of section 2925.02, 22383  
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 22384  
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, or 22385  
2925.37 of the Revised Code; 22386

(2) A violation of an existing or former law of this or any 22387  
other state or of the United States that is substantially 22388  
equivalent to any section listed in division (G)(1) of this 22389  
section; 22390

(3) An offense under an existing or former law of this or any 22391

other state, or of the United States, of which planting, 22392  
cultivating, harvesting, processing, making, manufacturing, 22393  
producing, shipping, transporting, delivering, acquiring, 22394  
possessing, storing, distributing, dispensing, selling, inducing 22395  
another to use, administering to another, using, or otherwise 22396  
dealing with a controlled substance is an element; 22397

(4) A conspiracy to commit, attempt to commit, or complicity 22398  
in committing or attempting to commit any offense under division 22399  
(G)(1), (2), or (3) of this section. 22400

(H) "Felony drug abuse offense" means any drug abuse offense 22401  
that would constitute a felony under the laws of this state, any 22402  
other state, or the United States. 22403

(I) "Harmful intoxicant" does not include beer or 22404  
intoxicating liquor but means any of the following: 22405

(1) Any compound, mixture, preparation, or substance the gas, 22406  
fumes, or vapor of which when inhaled can induce intoxication, 22407  
excitement, giddiness, irrational behavior, depression, 22408  
stupefaction, paralysis, unconsciousness, asphyxiation, or other 22409  
harmful physiological effects, and includes, but is not limited 22410  
to, any of the following: 22411

(a) Any volatile organic solvent, plastic cement, model 22412  
cement, fingernail polish remover, lacquer thinner, cleaning 22413  
fluid, gasoline, or other preparation containing a volatile 22414  
organic solvent; 22415

(b) Any aerosol propellant; 22416

(c) Any fluorocarbon refrigerant; 22417

(d) Any anesthetic gas. 22418

(2) Gamma Butyrolactone; 22419

(3) 1,4 Butanediol. 22420

(J) "Manufacture" means to plant, cultivate, harvest, 22421

process, make, prepare, or otherwise engage in any part of the 22422  
production of a drug, by propagation, extraction, chemical 22423  
synthesis, or compounding, or any combination of the same, and 22424  
includes packaging, repackaging, labeling, and other activities 22425  
incident to production. 22426

(K) "Possess" or "possession" means having control over a 22427  
thing or substance, but may not be inferred solely from mere 22428  
access to the thing or substance through ownership or occupation 22429  
of the premises upon which the thing or substance is found. 22430

(L) "Sample drug" means a drug or pharmaceutical preparation 22431  
that would be hazardous to health or safety if used without the 22432  
supervision of a licensed health professional authorized to 22433  
prescribe drugs, or a drug of abuse, and that, at one time, had 22434  
been placed in a container plainly marked as a sample by a 22435  
manufacturer. 22436

(M) "Standard pharmaceutical reference manual" means the 22437  
current edition, with cumulative changes if any, of references 22438  
that are approved by the state board of pharmacy. 22439

(N) "Juvenile" means a person under eighteen years of age. 22440

(O) "Counterfeit controlled substance" means any of the 22441  
following: 22442

(1) Any drug that bears, or whose container or label bears, a 22443  
trademark, trade name, or other identifying mark used without 22444  
authorization of the owner of rights to that trademark, trade 22445  
name, or identifying mark; 22446

(2) Any unmarked or unlabeled substance that is represented 22447  
to be a controlled substance manufactured, processed, packed, or 22448  
distributed by a person other than the person that manufactured, 22449  
processed, packed, or distributed it; 22450

(3) Any substance that is represented to be a controlled 22451

substance but is not a controlled substance or is a different  
controlled substance; 22452  
22453

(4) Any substance other than a controlled substance that a  
reasonable person would believe to be a controlled substance 22454  
because of its similarity in shape, size, and color, or its 22455  
markings, labeling, packaging, distribution, or the price for 22456  
which it is sold or offered for sale. 22457  
22458

(P) An offense is "committed in the vicinity of a school" if 22459  
the offender commits the offense on school premises, in a school 22460  
building, or within one thousand feet of the boundaries of any 22461  
school premises, regardless of whether the offender knows the 22462  
offense is being committed on school premises, in a school 22463  
building, or within one thousand feet of the boundaries of any 22464  
school premises. 22465

(Q) "School" means any school operated by a board of 22466  
education, any community school established under Chapter 3314. of 22467  
the Revised Code, or any nonpublic school for which the state 22468  
board of education prescribes minimum standards under section 22469  
3301.07 of the Revised Code, whether or not any instruction, 22470  
extracurricular activities, or training provided by the school is 22471  
being conducted at the time a criminal offense is committed. 22472

(R) "School premises" means either of the following: 22473

(1) The parcel of real property on which any school is 22474  
situated, whether or not any instruction, extracurricular 22475  
activities, or training provided by the school is being conducted 22476  
on the premises at the time a criminal offense is committed; 22477

(2) Any other parcel of real property that is owned or leased 22478  
by a board of education of a school, the governing authority of a 22479  
community school established under Chapter 3314. of the Revised 22480  
Code, or the governing body of a nonpublic school for which the 22481  
state board of education prescribes minimum standards under 22482

section 3301.07 of the Revised Code and on which some of the 22483  
instruction, extracurricular activities, or training of the school 22484  
is conducted, whether or not any instruction, extracurricular 22485  
activities, or training provided by the school is being conducted 22486  
on the parcel of real property at the time a criminal offense is 22487  
committed. 22488

(S) "School building" means any building in which any of the 22489  
instruction, extracurricular activities, or training provided by a 22490  
school is conducted, whether or not any instruction, 22491  
extracurricular activities, or training provided by the school is 22492  
being conducted in the school building at the time a criminal 22493  
offense is committed. 22494

(T) "Disciplinary counsel" means the disciplinary counsel 22495  
appointed by the board of commissioners on grievances and 22496  
discipline of the supreme court under the Rules for the Government 22497  
of the Bar of Ohio. 22498

(U) "Certified grievance committee" means a duly constituted 22499  
and organized committee of the Ohio state bar association or of 22500  
one or more local bar associations of the state of Ohio that 22501  
complies with the criteria set forth in Rule V, section 6 of the 22502  
Rules for the Government of the Bar of Ohio. 22503

(V) "Professional license" means any license, permit, 22504  
certificate, registration, qualification, admission, temporary 22505  
license, temporary permit, temporary certificate, or temporary 22506  
registration that is described in divisions (W)(1) to (37) of this 22507  
section and that qualifies a person as a professionally licensed 22508  
person. 22509

(W) "Professionally licensed person" means any of the 22510  
following: 22511

(1) A person who has received a certificate or temporary 22512  
certificate as a certified public accountant or who has registered 22513



as a public accountant under Chapter 4701. of the Revised Code and	22514
who holds an Ohio permit issued under that chapter;	22515
(2) A person who holds a certificate of qualification to	22516
practice architecture issued or renewed and registered under	22517
Chapter 4703. of the Revised Code;	22518
(3) A person who is registered as a landscape architect under	22519
Chapter 4703. of the Revised Code or who holds a permit as a	22520
landscape architect issued under that chapter;	22521
(4) A person licensed under Chapter 4707. of the Revised	22522
Code;	22523
(5) A person who has been issued a certificate of	22524
registration as a registered barber under Chapter 4709. of the	22525
Revised Code;	22526
(6) A person licensed and regulated to engage in the business	22527
of a debt pooling company by a legislative authority, under	22528
authority of Chapter 4710. of the Revised Code;	22529
(7) A person who has been issued a cosmetologist's license,	22530
hair designer's license, manicurist's license, esthetician's	22531
license, natural hair stylist's license, advanced cosmetologist's	22532
license, advanced hair designer's license, advanced manicurist's	22533
license, advanced esthetician's license, advanced natural hair	22534
stylist's license, cosmetology instructor's license, hair design	22535
instructor's license, manicurist instructor's license, esthetics	22536
instructor's license, natural hair style instructor's license,	22537
independent contractor's license, or tanning facility permit under	22538
Chapter 4713. of the Revised Code;	22539
(8) A person who has been issued a license to practice	22540
dentistry, a general anesthesia permit, a conscious sedation	22541
permit, a limited resident's license, a limited teaching license,	22542
a dental hygienist's license, or a dental hygienist's teacher's	22543
certificate under Chapter 4715. of the Revised Code;	22544

(9) A person who has been issued an embalmer's license, a funeral director's license, a funeral home license, or a crematory license, or who has been registered for an embalmer's or funeral director's apprenticeship under Chapter 4717. of the Revised Code;	22545 22546 22547 22548
(10) A person who has been licensed as a registered nurse or practical nurse, or who has been issued a certificate for the practice of nurse-midwifery under Chapter 4723. of the Revised Code;	22549 22550 22551 22552
(11) A person who has been licensed to practice optometry or to engage in optical dispensing under Chapter 4725. of the Revised Code;	22553 22554 22555
(12) A person licensed to act as a pawnbroker under Chapter 4727. of the Revised Code;	22556 22557
(13) A person licensed to act as a precious metals dealer under Chapter 4728. of the Revised Code;	22558 22559
(14) A person licensed under Chapter 4729. of the Revised Code as a pharmacist or pharmacy intern or registered under that chapter as a registered pharmacy technician, certified pharmacy technician, or pharmacy technician trainee;	22560 22561 22562 22563
(15) A person licensed under Chapter 4729. of the Revised Code as a manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, wholesale distributor of dangerous drugs, or terminal distributor of dangerous drugs;	22564 22565 22566 22567 22568
(16) A person who is authorized to practice as a physician assistant under Chapter 4730. of the Revised Code;	22569 22570
(17) A person who has been issued a license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery under Chapter 4731. of the Revised Code or has been issued a certificate to practice a limited branch	22571 22572 22573 22574

of medicine under that chapter;	22575
(18) A person licensed as a psychologist or school psychologist under Chapter 4732. of the Revised Code;	22576 22577
(19) A person registered to practice the profession of engineering or surveying under Chapter 4733. of the Revised Code;	22578 22579
(20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code;	22580 22581
(21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code;	22582 22583
(22) A person registered as a registered sanitarian under Chapter 4736. of the Revised Code;	22584 22585
(23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;	22586 22587
(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;	22588 22589
(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;	22590 22591
(26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under Chapter 4741. of the Revised Code;	22592 22593 22594 22595
(27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Chapter 4747. of the Revised Code;	22596 22597 22598
(28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or security guard employee under Chapter 4749. of the Revised Code;	22599 22600 22601
(29) A person licensed <del>and registered</del> to practice as a nursing home administrator under Chapter 4751. of the Revised	22602 22603

Code;	22604
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;	22605 22606 22607
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	22608 22609
(32) A person who is licensed as a licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist, or registered as a social work assistant under Chapter 4757. of the Revised Code;	22610 22611 22612 22613 22614
(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;	22615 22616
(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code;	22617 22618 22619
(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code;	22620 22621
(36) A person who has been issued a home inspector license under Chapter 4764. of the Revised Code;	22622 22623
(37) A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules.	22624 22625 22626
(X) "Cocaine" means any of the following:	22627
(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine;	22628 22629
(2) Coca leaves or a salt, compound, derivative, or preparation of coca leaves, including ecgonine, a salt, isomer, or derivative of ecgonine, or a salt of an isomer or derivative of ecgonine;	22630 22631 22632 22633

(3) A salt, compound, derivative, or preparation of a substance identified in division (X)(1) or (2) of this section that is chemically equivalent to or identical with any of those substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves if the extractions do not contain cocaine or ecgonine. 22634  
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(Y) "L.S.D." means lysergic acid diethylamide. 22640

(Z) "Hashish" means the resin or a preparation of the resin contained in marihuana, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form. 22641  
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(AA) "Marihuana" has the same meaning as in section 3719.01 of the Revised Code, except that it does not include hashish. 22644  
22645

(BB) An offense is "committed in the vicinity of a juvenile" if the offender commits the offense within one hundred feet of a juvenile or within the view of a juvenile, regardless of whether the offender knows the age of the juvenile, whether the offender knows the offense is being committed within one hundred feet of or within view of the juvenile, or whether the juvenile actually views the commission of the offense. 22646  
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(CC) "Presumption for a prison term" or "presumption that a prison term shall be imposed" means a presumption, as described in division (D) of section 2929.13 of the Revised Code, that a prison term is a necessary sanction for a felony in order to comply with the purposes and principles of sentencing under section 2929.11 of the Revised Code. 22653  
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(DD) "Major drug offender" has the same meaning as in section 2929.01 of the Revised Code. 22659  
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(EE) "Minor drug possession offense" means either of the following: 22661  
22662

(1) A violation of section 2925.11 of the Revised Code as it 22663

existed prior to July 1, 1996; 22664

(2) A violation of section 2925.11 of the Revised Code as it 22665  
exists on and after July 1, 1996, that is a misdemeanor or a 22666  
felony of the fifth degree. 22667

(FF) "Mandatory prison term" has the same meaning as in 22668  
section 2929.01 of the Revised Code. 22669

(GG) "Adulterate" means to cause a drug to be adulterated as 22670  
described in section 3715.63 of the Revised Code. 22671

(HH) "Public premises" means any hotel, restaurant, tavern, 22672  
store, arena, hall, or other place of public accommodation, 22673  
business, amusement, or resort. 22674

(II) "Methamphetamine" means methamphetamine, any salt, 22675  
isomer, or salt of an isomer of methamphetamine, or any compound, 22676  
mixture, preparation, or substance containing methamphetamine or 22677  
any salt, isomer, or salt of an isomer of methamphetamine. 22678

(JJ) "Deception" has the same meaning as in section 2913.01 22679  
of the Revised Code. 22680

(KK) "Fentanyl-related compound" means any of the following: 22681

(1) Fentanyl; 22682

(2) Alpha-methylfentanyl 22683  
(N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl] propionanilide; 22684  
1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine); 22685

(3) Alpha-methylthiofentanyl 22686  
(N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide); 22687

(4) Beta-hydroxyfentanyl 22688  
(N-[1-(2-hydroxy-2-phenethyl-4-piperidinyl]-N-phenylpropanamide); 22689

(5) Beta-hydroxy-3-methylfentanyl (other name: 22690  
N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N- 22691  
phenylpropanamide); 22692

(6) 3-methylfentanyl	22693
(N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N- phenylpropanamide);	22694
(7) 3-methylthiofentanyl	22695
(N-[3-methyl-1-[2-(thienyl)ethyl]-4-piperidinyl]-N-phenylpropanamide);	22696
(8) Para-fluorofentanyl	22697
(N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide;	22698
(9) Thiofentanyl	22699
(N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide;	22700
(10) Alfentanil;	22701
(11) Carfentanil;	22702
(12) Remifentanil;	22703
(13) Sufentanil;	22704
(14) Acetyl-alpha-methylfentanyl	22705
(N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide);	22706
and	22707
(15) Any compound that meets all of the following fentanyl	22708
pharmacophore requirements to bind at the mu receptor, as	22709
identified by a report from an established forensic laboratory,	22710
including acetylfentanyl, furanylfentanyl, valerylfentanyl,	22711
butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl,	22712
para-fluorobutyrylfentanyl, acrylfentanyl, and	22713
ortho-fluorofentanyl:	22714
(a) A chemical scaffold consisting of both of the following:	22715
(i) A five, six, or seven member ring structure containing a	22716
nitrogen, whether or not further substituted;	22717
(ii) An attached nitrogen to the ring, whether or not that	22718
nitrogen is enclosed in a ring structure, including an attached	22719
aromatic ring or other lipophilic group to that nitrogen.	22720
(b) A polar functional group attached to the chemical	22721

scaffold, including but not limited to a hydroxyl, ketone, amide, 22722  
or ester; 22723

(c) An alkyl or aryl substitution off the ring nitrogen of 22724  
the chemical scaffold; and 22725

(d) The compound has not been approved for medical use by the 22726  
United States food and drug administration. 22727

(LL) "First degree felony mandatory prison term" means one of 22728  
the definite prison terms prescribed in division (A)(1)(b) of 22729  
section 2929.14 of the Revised Code for a felony of the first 22730  
degree, except that if the violation for which sentence is being 22731  
imposed is committed on or after the effective date of this 22732  
amendment, it means one of the minimum prison terms prescribed in 22733  
division (A)(1)(a) of that section for a felony of the first 22734  
degree. 22735

(MM) "Second degree felony mandatory prison term" means one 22736  
of the definite prison terms prescribed in division (A)(2)(b) of 22737  
section 2929.14 of the Revised Code for a felony of the second 22738  
degree, except that if the violation for which sentence is being 22739  
imposed is committed on or after the effective date of this 22740  
amendment, it means one of the minimum prison terms prescribed in 22741  
division (A)(2)(a) of that section for a felony of the second 22742  
degree. 22743

(NN) "Maximum first degree felony mandatory prison term" 22744  
means the maximum definite prison term prescribed in division 22745  
(A)(1)(b) of section 2929.14 of the Revised Code for a felony of 22746  
the first degree, except that if the violation for which sentence 22747  
is being imposed is committed on or after the effective date of 22748  
this amendment, it means the longest minimum prison term 22749  
prescribed in division (A)(1)(a) of that section for a felony of 22750  
the first degree. 22751

(OO) "Maximum second degree felony mandatory prison term" 22752



means the maximum definite prison term prescribed in division 22753  
(A)(2)(b) of section 2929.14 of the Revised Code for a felony of 22754  
the second degree, except that if the violation for which sentence 22755  
is being imposed is committed on or after the effective date of 22756  
this amendment, it means the longest minimum prison term 22757  
prescribed in division (A)(2)(a) of that section for a felony of 22758  
the second degree. 22759

**Sec. 2927.02.** (A) As used in this section and sections 22760  
2927.021 and 2927.022 of the Revised Code: 22761

(1) "Age verification" means a service provided by an 22762  
independent third party (other than a manufacturer, producer, 22763  
distributor, wholesaler, or retailer of cigarettes, other tobacco 22764  
products, alternative nicotine products, or papers used to roll 22765  
cigarettes) that compares information available from a 22766  
commercially available database, or aggregate of databases, that 22767  
regularly are used by government and businesses for the purpose of 22768  
age and identity verification to personal information provided 22769  
during an internet sale or other remote method of sale to 22770  
establish that the purchaser is ~~eighteen~~ twenty-one years of age 22771  
or older. 22772

(2)(a) "Alternative nicotine product" means, subject to 22773  
division (A)(2)(b) of this section, an electronic ~~cigarette~~ 22774  
smoking device, vapor product, or any other product or device that 22775  
consists of or contains nicotine that can be ingested into the 22776  
body by any means, including, but not limited to, chewing, 22777  
smoking, absorbing, dissolving, or inhaling. 22778

(b) "Alternative nicotine product" does not include any of 22779  
the following: 22780

(i) Any cigarette or other tobacco product; 22781

(ii) Any product that is a "drug" as that term is defined in 22782

21 U.S.C. 321(g)(1);	22783
(iii) Any product that is a "device" as that term is defined in 21 U.S.C. 321(h);	22784 22785
(iv) Any product that is a "combination product" as described in 21 U.S.C. 353(g).	22786 22787
(3) <del>"Child" has the same meaning as in section 2151.011 of the Revised Code.</del>	22788 22789
<del>(4) "Cigarette" includes clove cigarettes and hand-rolled cigarettes.</del>	22790 22791
<del>(5)</del> (4) "Distribute" means to furnish, give, or provide cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to the ultimate consumer of the cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes.	22792 22793 22794 22795 22796
<del>(6)(a)</del> (5) <u>"Electronic cigarette smoking device" means,</u> <del>subject to division (A)(6)(b) of this section, any electronic</del> <del>product or device that produces a vapor that delivers</del> <u>any device</u> <u>that can be used to deliver aerosolized or vaporized</u> nicotine or any other substance to the person inhaling from the device <del>to</del> <del>simulate smoking and that is likely to be offered to or purchased</del> <del>by consumers as</del> <u>including</u> an electronic cigarette, electronic cigar, electronic <del>cigarillo</del> <u>hookah, vaping pen</u> , or electronic pipe. <u>"Electronic smoking device" includes any component, part, or</u> <u>accessory of such a device, whether or not sold separately, and</u> <u>includes any substance intended to be aerosolized or vaporized</u> <u>during the use of the device. "Electronic smoking device" does not</u> <u>include any product that is a drug, device, or combination</u> <u>product, as those terms are defined or described in 21 U.S.C. 321</u> <u>and 353(g).</u>	22797 22798 22799 22800 22801 22802 22803 22804 22805 22806 22807 22808 22809 22810 22811
<del>(b) "Electronic cigarette" does not include any item,</del> <del>product, or device described in divisions (A)(2)(b)(i) to (iv) of</del>	22812 22813

~~this section.~~ 22814

~~(7)~~(6) "Proof of age" means a driver's license, a commercial driver's license, a military identification card, a passport, or an identification card issued under sections 4507.50 to 4507.52 of the Revised Code that shows that a person is eighteen years of age or older. 22815  
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~~(8)~~(7) "Tobacco product" means any product that is made or derived from tobacco or that contains any form of nicotine, if it is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled, or ingested by any other means, including, but not limited to, a cigarette, an electronic smoking device, a cigar, pipe tobacco, chewing tobacco, ~~or~~ snuff, or snus. "Tobacco product" also means any component or accessory used in the consumption of a tobacco product, such as filters, rolling papers, pipes, blunt or hemp wraps, and liquids used in electronic smoking devices, whether or not they contain nicotine. "Tobacco product" does not include any product that is a drug, device, or combination product, as those terms are defined or described in 21 U.S.C. 321 and 353(g). 22820  
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~~(9)~~(8) "Vapor product" means a product, other than a cigarette or other tobacco product as defined in Chapter 5743. of the Revised Code, that contains or is made or derived from nicotine and that is intended and marketed for human consumption, including by smoking, inhaling, snorting, or sniffing. "Vapor product" includes any component, part, or additive that is intended for use in an electronic smoking device, a mechanical heating element, battery, or electronic circuit and is used to deliver the product. "Vapor product" does not include any product that is a drug, device, or combination product, as those terms are defined or described in 21 U.S.C. 321 and 353(g). "Vapor product" includes any product containing nicotine, regardless of concentration. 22833  
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(9) "Vending machine" has the same meaning as "coin machine" 22846  
in section 2913.01 of the Revised Code. 22847

(B) No manufacturer, producer, distributor, wholesaler, or 22848  
retailer of cigarettes, other tobacco products, alternative 22849  
nicotine products, or papers used to roll cigarettes, no agent, 22850  
employee, or representative of a manufacturer, producer, 22851  
distributor, wholesaler, or retailer of cigarettes, other tobacco 22852  
products, alternative nicotine products, or papers used to roll 22853  
cigarettes, and no other person shall do any of the following: 22854

(1) Give, sell, or otherwise distribute cigarettes, other 22855  
tobacco products, alternative nicotine products, or papers used to 22856  
roll cigarettes to any ~~child~~ person under twenty-one years of age; 22857

(2) Give away, sell, or distribute cigarettes, other tobacco 22858  
products, alternative nicotine products, or papers used to roll 22859  
cigarettes in any place that does not have posted in a conspicuous 22860  
place a legibly printed sign in letters at least one-half inch 22861  
high stating that giving, selling, or otherwise distributing 22862  
cigarettes, other tobacco products, alternative nicotine products, 22863  
or papers used to roll cigarettes to a person under ~~eighteen~~ 22864  
twenty-one years of age is prohibited by law; 22865

(3) Knowingly furnish any false information regarding the 22866  
name, age, or other identification of any ~~child~~ person under 22867  
twenty-one years of age with purpose to obtain cigarettes, other 22868  
tobacco products, alternative nicotine products, or papers used to 22869  
roll cigarettes for that ~~child~~ person; 22870

(4) Manufacture, sell, or distribute in this state any pack 22871  
or other container of cigarettes containing fewer than twenty 22872  
cigarettes or any package of roll-your-own tobacco containing less 22873  
than six-tenths of one ounce of tobacco; 22874

(5) Sell cigarettes or alternative nicotine products in a 22875  
smaller quantity than that placed in the pack or other container 22876

by the manufacturer; 22877

(6) Give, sell, or otherwise distribute alternative nicotine 22878  
products, papers used to roll cigarettes, or tobacco products 22879  
other than cigarettes over the internet or through another remote 22880  
method without age verification. 22881

(C) No person shall sell or offer to sell cigarettes, other 22882  
tobacco products, or alternative nicotine products by or from a 22883  
vending machine, except in the following locations: 22884

(1) An area within a factory, business, office, or other 22885  
place not open to the general public; 22886

(2) An area to which ~~children~~ persons under twenty-one years 22887  
of age are not generally permitted access; 22888

(3) Any other place not identified in division (C)(1) or (2) 22889  
of this section, upon all of the following conditions: 22890

(a) The vending machine is located within the immediate 22891  
vicinity, plain view, and control of the person who owns or 22892  
operates the place, or an employee of that person, so that all 22893  
cigarettes, other tobacco product, and alternative nicotine 22894  
product purchases from the vending machine will be readily 22895  
observed by the person who owns or operates the place or an 22896  
employee of that person. For the purpose of this section, a 22897  
vending machine located in any unmonitored area, including an 22898  
unmonitored coatroom, restroom, hallway, or outer waiting area, 22899  
shall not be considered located within the immediate vicinity, 22900  
plain view, and control of the person who owns or operates the 22901  
place, or an employee of that person. 22902

(b) The vending machine is inaccessible to the public when 22903  
the place is closed. 22904

(c) A clearly visible notice is posted in the area where the 22905  
vending machine is located that states the following in letters 22906

that are legibly printed and at least one-half inch high: 22907

"It is illegal for any person under the age of 21 to purchase tobacco or alternative nicotine products." 22908  
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(D) The following are affirmative defenses to a charge under division (B)(1) of this section: 22910  
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(1) The ~~child~~ person under twenty-one years of age was accompanied by a parent, spouse who is ~~eighteen~~ twenty-one years of age or older, or legal guardian of the ~~child~~ person under twenty-one years of age. 22912  
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(2) The person who gave, sold, or distributed cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to a ~~child~~ person under twenty-one years of age under division (B)(1) of this section is a parent, spouse who is ~~eighteen~~ twenty-one years of age or older, or legal guardian of the ~~child~~ person under twenty-one years of age. 22916  
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(E) It is not a violation of division (B)(1) or (2) of this section for a person to give or otherwise distribute to a ~~child~~ person under twenty-one years of age cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes while the ~~child~~ person under twenty-one years of age is participating in a research protocol if all of the following apply: 22922  
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(1) The parent, guardian, or legal custodian of the ~~child~~ person under twenty-one years of age has consented in writing to the ~~child~~ person under twenty-one years of age participating in the research protocol. 22929  
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(2) An institutional human subjects protection review board, or an equivalent entity, has approved the research protocol. 22933  
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(3) The ~~child~~ person under twenty-one years of age is participating in the research protocol at the facility or location 22935  
22936

specified in the research protocol. 22937

(F)(1) Whoever violates division (B)(1), (2), (4), (5), or 22938  
(6) or (C) of this section is guilty of illegal distribution of 22939  
cigarettes, other tobacco products, or alternative nicotine 22940  
products. Except as otherwise provided in this division, illegal 22941  
distribution of cigarettes, other tobacco products, or alternative 22942  
nicotine products is a misdemeanor of the fourth degree. If the 22943  
offender previously has been convicted of a violation of division 22944  
(B)(1), (2), (4), (5), or (6) or (C) of this section, illegal 22945  
distribution of cigarettes, other tobacco products, or alternative 22946  
nicotine products is a misdemeanor of the third degree. 22947

(2) Whoever violates division (B)(3) of this section is 22948  
guilty of permitting ~~children~~ a person under twenty-one years of 22949  
age to use cigarettes, other tobacco products, or alternative 22950  
nicotine products. Except as otherwise provided in this division, 22951  
permitting ~~children~~ a person under twenty-one years of age to use 22952  
cigarettes, other tobacco products, or alternative nicotine 22953  
products is a misdemeanor of the fourth degree. If the offender 22954  
previously has been convicted of a violation of division (B)(3) of 22955  
this section, permitting ~~children~~ a person under twenty-one years 22956  
of age to use cigarettes, other tobacco products, or alternative 22957  
nicotine products is a misdemeanor of the third degree. 22958

(G) Any cigarettes, other tobacco products, alternative 22959  
nicotine products, or papers used to roll cigarettes that are 22960  
given, sold, or otherwise distributed to a ~~child~~ person under 22961  
twenty-one years of age in violation of this section and that are 22962  
used, possessed, purchased, or received by a ~~child~~ person under 22963  
twenty-one years of age in violation of section 2151.87 of the 22964  
Revised Code are subject to seizure and forfeiture as contraband 22965  
under Chapter 2981. of the Revised Code. 22966

(H) This section shall not apply to a person who is eighteen 22967  
years of age on or before October 1, 2019. The version of this 22968

section that was in effect prior to the effective date of this 22969  
amendment shall apply to a person who is eighteen years of age on 22970  
or before October 1, 2019. 22971

**Sec. 2927.022.** (A) A seller or an agent or employee of a 22972  
seller may not be found guilty of a charge of a violation of 22973  
section 2927.02 of the Revised Code in which the age of the 22974  
purchaser or other recipient of cigarettes, other tobacco 22975  
products, or alternative nicotine products is an element of the 22976  
alleged violation, if the seller, agent, or employee raises and 22977  
proves as an affirmative defense that all of the following 22978  
occurred: 22979

(1) A card holder attempting to purchase or receive 22980  
cigarettes, other tobacco products, or alternative nicotine 22981  
products presented a driver's or commercial driver's license or an 22982  
identification card. 22983

(2) A transaction scan of the driver's or commercial driver's 22984  
license or identification card that the card holder presented 22985  
indicated that the license or card was valid. 22986

(3) The cigarettes, other tobacco products, or alternative 22987  
nicotine products were sold, given away, or otherwise distributed 22988  
to the card holder in reasonable reliance upon the identification 22989  
presented and the completed transaction scan. 22990

(B) In determining whether a seller or an agent or employee 22991  
of a seller has proven the affirmative defense provided by 22992  
division (A) of this section, the trier of fact in the action for 22993  
the alleged violation of section 2927.02 of the Revised Code shall 22994  
consider any written policy that the seller has adopted and 22995  
implemented and that is intended to prevent violations of section 22996  
2927.02 of the Revised Code. For purposes of division (A)(3) of 22997  
this section, the trier of fact shall consider that reasonable 22998  
reliance upon the identification presented and the completed 22999



transaction scan may require a seller or an agent or employee of a seller to exercise reasonable diligence to determine, and that the use of a transaction scan device does not excuse a seller or an agent or employee of a seller from exercising reasonable diligence to determine, the following:

(1) Whether a person to whom the seller or agent or employee of a seller sells, gives away, or otherwise distributes cigarettes, other tobacco products, or alternative nicotine products is ~~eighteen~~ twenty-one years of age or older;

(2) Whether the description and picture appearing on the driver's or commercial driver's license or identification card presented by a card holder is that of the card holder.

(C) In any criminal action in which the affirmative defense provided by division (A) of this section is raised, the registrar of motor vehicles or a deputy registrar who issued an identification card under sections 4507.50 to 4507.52 of the Revised Code shall be permitted to submit certified copies of the records of that issuance in lieu of the testimony of the personnel of or contractors with the bureau of motor vehicles in the action.

Sec. 2927.024. (A) No person who is eighteen years of age or older but younger than twenty-one years of age shall knowingly furnish false information concerning that person's name, age, or other identification for the purpose of obtaining tobacco products.

(B) Whoever violates division (A) of this section is guilty of furnishing false information to obtain tobacco products. Except as otherwise provided in this division, furnishing false information to obtain tobacco products is a misdemeanor of the fourth degree. If the offender previously has been convicted of or pleaded guilty to a violation of division (A) of this section, furnishing false information to obtain tobacco products is a

misdemeanor of the third degree. 23031

**Sec. 2929.13.** (A) Except as provided in division (E), (F), or 23032  
(G) of this section and unless a specific sanction is required to 23033  
be imposed or is precluded from being imposed pursuant to law, a 23034  
court that imposes a sentence upon an offender for a felony may 23035  
impose any sanction or combination of sanctions on the offender 23036  
that are provided in sections 2929.14 to 2929.18 of the Revised 23037  
Code. 23038

If the offender is eligible to be sentenced to community 23039  
control sanctions, the court shall consider the appropriateness of 23040  
imposing a financial sanction pursuant to section 2929.18 of the 23041  
Revised Code or a sanction of community service pursuant to 23042  
section 2929.17 of the Revised Code as the sole sanction for the 23043  
offense. Except as otherwise provided in this division, if the 23044  
court is required to impose a mandatory prison term for the 23045  
offense for which sentence is being imposed, the court also shall 23046  
impose any financial sanction pursuant to section 2929.18 of the 23047  
Revised Code that is required for the offense and may impose any 23048  
other financial sanction pursuant to that section but may not 23049  
impose any additional sanction or combination of sanctions under 23050  
section 2929.16 or 2929.17 of the Revised Code. 23051

If the offender is being sentenced for a fourth degree felony 23052  
OVI offense or for a third degree felony OVI offense, in addition 23053  
to the mandatory term of local incarceration or the mandatory 23054  
prison term required for the offense by division (G)(1) or (2) of 23055  
this section, the court shall impose upon the offender a mandatory 23056  
fine in accordance with division (B)(3) of section 2929.18 of the 23057  
Revised Code and may impose whichever of the following is 23058  
applicable: 23059

(1) For a fourth degree felony OVI offense for which sentence 23060  
is imposed under division (G)(1) of this section, an additional 23061

community control sanction or combination of community control 23062  
sanctions under section 2929.16 or 2929.17 of the Revised Code. If 23063  
the court imposes upon the offender a community control sanction 23064  
and the offender violates any condition of the community control 23065  
sanction, the court may take any action prescribed in division (B) 23066  
of section 2929.15 of the Revised Code relative to the offender, 23067  
including imposing a prison term on the offender pursuant to that 23068  
division. 23069

(2) For a third or fourth degree felony OVI offense for which 23070  
sentence is imposed under division (G)(2) of this section, an 23071  
additional prison term as described in division (B)(4) of section 23072  
2929.14 of the Revised Code or a community control sanction as 23073  
described in division (G)(2) of this section. 23074

(B)(1)(a) Except as provided in division (B)(1)(b) of this 23075  
section, if an offender is convicted of or pleads guilty to a 23076  
felony of the fourth or fifth degree that is not an offense of 23077  
violence or that is a qualifying assault offense, the court shall 23078  
sentence the offender to a community control sanction or 23079  
combination of community control sanctions if all of the following 23080  
apply: 23081

(i) The offender previously has not been convicted of or 23082  
pleaded guilty to a felony offense. 23083

(ii) The most serious charge against the offender at the time 23084  
of sentencing is a felony of the fourth or fifth degree. 23085

~~(iii) If the court made a request of the department of 23086  
rehabilitation and correction pursuant to division (B)(1)(c) of 23087  
this section, the department, within the forty five day period 23088  
specified in that division, provided the court with the names of, 23089  
contact information for, and program details of one or more 23090  
community control sanctions that are available for persons 23091  
sentenced by the court. 23092~~

~~(iv)~~ The offender previously has not been convicted of or 23093  
pleaded guilty to a misdemeanor offense of violence that the 23094  
offender committed within two years prior to the offense for which 23095  
sentence is being imposed. 23096

(b) The court has discretion to impose a prison term upon an 23097  
offender who is convicted of or pleads guilty to a felony of the 23098  
fourth or fifth degree that is not an offense of violence or that 23099  
is a qualifying assault offense if any of the following apply: 23100

(i) The offender committed the offense while having a firearm 23101  
on or about the offender's person or under the offender's control. 23102

(ii) If the offense is a qualifying assault offense, the 23103  
offender caused serious physical harm to another person while 23104  
committing the offense, and, if the offense is not a qualifying 23105  
assault offense, the offender caused physical harm to another 23106  
person while committing the offense. 23107

(iii) The offender violated a term of the conditions of bond 23108  
as set by the court. 23109

~~(iv) The court made a request of the department of 23110  
rehabilitation and correction pursuant to division (B)(1)(c) of 23111  
this section, and the department, within the forty five day period 23112  
specified in that division, did not provide the court with the 23113  
name of, contact information for, and program details of any 23114  
community control sanction that is available for persons sentenced 23115  
by the court. 23116~~

~~(v)~~ The offense is a sex offense that is a fourth or fifth 23117  
degree felony violation of any provision of Chapter 2907. of the 23118  
Revised Code. 23119

~~(vi)~~(v) In committing the offense, the offender attempted to 23120  
cause or made an actual threat of physical harm to a person with a 23121  
deadly weapon. 23122

~~(vii)~~(vi) In committing the offense, the offender attempted 23123  
to cause or made an actual threat of physical harm to a person, 23124  
and the offender previously was convicted of an offense that 23125  
caused physical harm to a person. 23126

~~(viii)~~(vii) The offender held a public office or position of 23127  
trust, and the offense related to that office or position; the 23128  
offender's position obliged the offender to prevent the offense or 23129  
to bring those committing it to justice; or the offender's 23130  
professional reputation or position facilitated the offense or was 23131  
likely to influence the future conduct of others. 23132

~~(ix)~~(viii) The offender committed the offense for hire or as 23133  
part of an organized criminal activity. 23134

~~(x)~~(ix) The offender at the time of the offense was serving, 23135  
or the offender previously had served, a prison term. 23136

~~(xi)~~(x) The offender committed the offense while under a 23137  
community control sanction, while on probation, or while released 23138  
from custody on a bond or personal recognizance. 23139

~~(c) If a court that is sentencing an offender who is 23140  
convicted of or pleads guilty to a felony of the fourth or fifth 23141  
degree that is not an offense of violence or that is a qualifying 23142  
assault offense believes that no community control sanctions are 23143  
available for its use that, if imposed on the offender, will 23144  
adequately fulfill the overriding principles and purposes of 23145  
sentencing, the court shall contact the department of 23146  
rehabilitation and correction and ask the department to provide 23147  
the court with the names of, contact information for, and program 23148  
details of one or more community control sanctions that are 23149  
available for persons sentenced by the court. Not later than 23150  
forty five days after receipt of a request from a court under this 23151  
division, the department shall provide the court with the names 23152  
of, contact information for, and program details of one or more 23153~~

~~community control sanctions that are available for persons 23154  
sentenced by the court, if any. Upon making a request under this 23155  
division that relates to a particular offender, a court shall 23156  
defer sentencing of that offender until it receives from the 23157  
department the names of, contact information for, and program 23158  
details of one or more community control sanctions that are 23159  
available for persons sentenced by the court or for forty five 23160  
days, whichever is the earlier. 23161~~

~~If the department provides the court with the names of, 23162  
contact information for, and program details of one or more 23163  
community control sanctions that are available for persons 23164  
sentenced by the court within the forty five day period specified 23165  
in this division, the court shall impose upon the offender a 23166  
community control sanction under division (B)(1)(a) of this 23167  
section, except that the court may impose a prison term under 23168  
division (B)(1)(b) of this section if a factor described in 23169  
division (B)(1)(b)(i) or (ii) of this section applies. If the 23170  
department does not provide the court with the names of, contact 23171  
information for, and program details of one or more community 23172  
control sanctions that are available for persons sentenced by the 23173  
court within the forty five day period specified in this division, 23174  
the court may impose upon the offender a prison term under 23175  
division (B)(1)(b)(iv) of this section. 23176~~

~~(d) A sentencing court may impose an additional penalty under 23177  
division (B) of section 2929.15 of the Revised Code upon an 23178  
offender sentenced to a community control sanction under division 23179  
(B)(1)(a) of this section if the offender violates the conditions 23180  
of the community control sanction, violates a law, or leaves the 23181  
state without the permission of the court or the offender's 23182  
probation officer. 23183~~

~~(2) If division (B)(1) of this section does not apply, except 23184  
as provided in division (E), (F), or (G) of this section, in 23185~~

determining whether to impose a prison term as a sanction for a 23186  
felony of the fourth or fifth degree, the sentencing court shall 23187  
comply with the purposes and principles of sentencing under 23188  
section 2929.11 of the Revised Code and with section 2929.12 of 23189  
the Revised Code. 23190

(C) Except as provided in division (D), (E), (F), or (G) of 23191  
this section, in determining whether to impose a prison term as a 23192  
sanction for a felony of the third degree or a felony drug offense 23193  
that is a violation of a provision of Chapter 2925. of the Revised 23194  
Code and that is specified as being subject to this division for 23195  
purposes of sentencing, the sentencing court shall comply with the 23196  
purposes and principles of sentencing under section 2929.11 of the 23197  
Revised Code and with section 2929.12 of the Revised Code. 23198

(D)(1) Except as provided in division (E) or (F) of this 23199  
section, for a felony of the first or second degree, for a felony 23200  
drug offense that is a violation of any provision of Chapter 23201  
2925., 3719., or 4729. of the Revised Code for which a presumption 23202  
in favor of a prison term is specified as being applicable, and 23203  
for a violation of division (A)(4) or (B) of section 2907.05 of 23204  
the Revised Code for which a presumption in favor of a prison term 23205  
is specified as being applicable, it is presumed that a prison 23206  
term is necessary in order to comply with the purposes and 23207  
principles of sentencing under section 2929.11 of the Revised 23208  
Code. Division (D)(2) of this section does not apply to a 23209  
presumption established under this division for a violation of 23210  
division (A)(4) of section 2907.05 of the Revised Code. 23211

(2) Notwithstanding the presumption established under 23212  
division (D)(1) of this section for the offenses listed in that 23213  
division other than a violation of division (A)(4) or (B) of 23214  
section 2907.05 of the Revised Code, the sentencing court may 23215  
impose a community control sanction or a combination of community 23216  
control sanctions instead of a prison term on an offender for a 23217

felony of the first or second degree or for a felony drug offense 23218  
that is a violation of any provision of Chapter 2925., 3719., or 23219  
4729. of the Revised Code for which a presumption in favor of a 23220  
prison term is specified as being applicable if it makes both of 23221  
the following findings: 23222

(a) A community control sanction or a combination of 23223  
community control sanctions would adequately punish the offender 23224  
and protect the public from future crime, because the applicable 23225  
factors under section 2929.12 of the Revised Code indicating a 23226  
lesser likelihood of recidivism outweigh the applicable factors 23227  
under that section indicating a greater likelihood of recidivism. 23228

(b) A community control sanction or a combination of 23229  
community control sanctions would not demean the seriousness of 23230  
the offense, because one or more factors under section 2929.12 of 23231  
the Revised Code that indicate that the offender's conduct was 23232  
less serious than conduct normally constituting the offense are 23233  
applicable, and they outweigh the applicable factors under that 23234  
section that indicate that the offender's conduct was more serious 23235  
than conduct normally constituting the offense. 23236

(E)(1) Except as provided in division (F) of this section, 23237  
for any drug offense that is a violation of any provision of 23238  
Chapter 2925. of the Revised Code and that is a felony of the 23239  
third, fourth, or fifth degree, the applicability of a presumption 23240  
under division (D) of this section in favor of a prison term or of 23241  
division (B) or (C) of this section in determining whether to 23242  
impose a prison term for the offense shall be determined as 23243  
specified in section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 23244  
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 2925.37 of the 23245  
Revised Code, whichever is applicable regarding the violation. 23246

(2) If an offender who was convicted of or pleaded guilty to 23247  
a felony violates the conditions of a community control sanction 23248  
imposed for the offense solely by reason of producing positive 23249



results on a drug test or by acting pursuant to division (B)(2)(b) 23250  
of section 2925.11 of the Revised Code with respect to a minor 23251  
drug possession offense, the court, as punishment for the 23252  
violation of the sanction, shall not order that the offender be 23253  
imprisoned unless the court determines on the record either of the 23254  
following: 23255

(a) The offender had been ordered as a sanction for the 23256  
felony to participate in a drug treatment program, in a drug 23257  
education program, or in narcotics anonymous or a similar program, 23258  
and the offender continued to use illegal drugs after a reasonable 23259  
period of participation in the program. 23260

(b) The imprisonment of the offender for the violation is 23261  
consistent with the purposes and principles of sentencing set 23262  
forth in section 2929.11 of the Revised Code. 23263

(3) A court that sentences an offender for a drug abuse 23264  
offense that is a felony of the third, fourth, or fifth degree may 23265  
require that the offender be assessed by a properly credentialed 23266  
professional within a specified period of time. The court shall 23267  
require the professional to file a written assessment of the 23268  
offender with the court. If the offender is eligible for a 23269  
community control sanction and after considering the written 23270  
assessment, the court may impose a community control sanction that 23271  
includes addiction services and recovery supports included in a 23272  
community-based continuum of care established under section 23273  
340.032 of the Revised Code. If the court imposes addiction 23274  
services and recovery supports as a community control sanction, 23275  
the court shall direct the level and type of addiction services 23276  
and recovery supports after considering the assessment and 23277  
recommendation of community addiction services providers. 23278

(F) Notwithstanding divisions (A) to (E) of this section, the 23279  
court shall impose a prison term or terms under sections 2929.02 23280  
to 2929.06, section 2929.14, section 2929.142, or section 2971.03 23281

of the Revised Code and except as specifically provided in section 23282  
2929.20, divisions (C) to (I) of section 2967.19, or section 23283  
2967.191 of the Revised Code or when parole is authorized for the 23284  
offense under section 2967.13 of the Revised Code shall not reduce 23285  
the term or terms pursuant to section 2929.20, section 2967.19, 23286  
section 2967.193, or any other provision of Chapter 2967. or 23287  
Chapter 5120. of the Revised Code for any of the following 23288  
offenses: 23289

(1) Aggravated murder when death is not imposed or murder; 23290

(2) Any rape, regardless of whether force was involved and 23291  
regardless of the age of the victim, or an attempt to commit rape 23292  
if, had the offender completed the rape that was attempted, the 23293  
offender would have been guilty of a violation of division 23294  
(A)(1)(b) of section 2907.02 of the Revised Code and would be 23295  
sentenced under section 2971.03 of the Revised Code; 23296

(3) Gross sexual imposition or sexual battery, if the victim 23297  
is less than thirteen years of age and if any of the following 23298  
applies: 23299

(a) Regarding gross sexual imposition, the offender 23300  
previously was convicted of or pleaded guilty to rape, the former 23301  
offense of felonious sexual penetration, gross sexual imposition, 23302  
or sexual battery, and the victim of the previous offense was less 23303  
than thirteen years of age; 23304

(b) Regarding gross sexual imposition, the offense was 23305  
committed on or after August 3, 2006, and evidence other than the 23306  
testimony of the victim was admitted in the case corroborating the 23307  
violation. 23308

(c) Regarding sexual battery, either of the following 23309  
applies: 23310

(i) The offense was committed prior to August 3, 2006, the 23311  
offender previously was convicted of or pleaded guilty to rape, 23312

the former offense of felonious sexual penetration, or sexual battery, and the victim of the previous offense was less than thirteen years of age. 23313  
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(ii) The offense was committed on or after August 3, 2006. 23316

(4) A felony violation of section 2903.04, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 2905.32, 2907.07, 2921.321, or 2923.132 of the Revised Code if the section requires the imposition of a prison term; 23317  
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(5) A first, second, or third degree felony drug offense for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, or 4729.99 of the Revised Code, whichever is applicable regarding the violation, requires the imposition of a mandatory prison term; 23321  
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(6) Any offense that is a first or second degree felony and that is not set forth in division (F)(1), (2), (3), or (4) of this section, if the offender previously was convicted of or pleaded guilty to aggravated murder, murder, any first or second degree felony, or an offense under an existing or former law of this state, another state, or the United States that is or was substantially equivalent to one of those offenses; 23326  
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(7) Any offense that is a third degree felony and either is a violation of section 2903.04 of the Revised Code or an attempt to commit a felony of the second degree that is an offense of violence and involved an attempt to cause serious physical harm to a person or that resulted in serious physical harm to a person if the offender previously was convicted of or pleaded guilty to any of the following offenses: 23333  
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(a) Aggravated murder, murder, involuntary manslaughter, rape, felonious sexual penetration as it existed under section 2907.12 of the Revised Code prior to September 3, 1996, a felony of the first or second degree that resulted in the death of a 23340  
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person or in physical harm to a person, or complicity in or an attempt to commit any of those offenses;

(b) An offense under an existing or former law of this state, another state, or the United States that is or was substantially equivalent to an offense listed in division (F)(7)(a) of this section that resulted in the death of a person or in physical harm to a person.

(8) Any offense, other than a violation of section 2923.12 of the Revised Code, that is a felony, if the offender had a firearm on or about the offender's person or under the offender's control while committing the felony, with respect to a portion of the sentence imposed pursuant to division (B)(1)(a) of section 2929.14 of the Revised Code for having the firearm;

(9) Any offense of violence that is a felony, if the offender wore or carried body armor while committing the felony offense of violence, with respect to the portion of the sentence imposed pursuant to division (B)(1)(d) of section 2929.14 of the Revised Code for wearing or carrying the body armor;

(10) Corrupt activity in violation of section 2923.32 of the Revised Code when the most serious offense in the pattern of corrupt activity that is the basis of the offense is a felony of the first degree;

(11) Any violent sex offense or designated homicide, assault, or kidnapping offense if, in relation to that offense, the offender is adjudicated a sexually violent predator;

(12) A violation of division (A)(1) or (2) of section 2921.36 of the Revised Code, or a violation of division (C) of that section involving an item listed in division (A)(1) or (2) of that section, if the offender is an officer or employee of the department of rehabilitation and correction;

(13) A violation of division (A)(1) or (2) of section 2903.06

of the Revised Code if the victim of the offense is a peace officer, as defined in section 2935.01 of the Revised Code, or an investigator of the bureau of criminal identification and investigation, as defined in section 2903.11 of the Revised Code, with respect to the portion of the sentence imposed pursuant to division (B)(5) of section 2929.14 of the Revised Code;

(14) A violation of division (A)(1) or (2) of section 2903.06 of the Revised Code if the offender has been convicted of or pleaded guilty to three or more violations of division (A) or (B) of section 4511.19 of the Revised Code or an equivalent offense, as defined in section 2941.1415 of the Revised Code, or three or more violations of any combination of those divisions and offenses, with respect to the portion of the sentence imposed pursuant to division (B)(6) of section 2929.14 of the Revised Code;

(15) Kidnapping, in the circumstances specified in section 2971.03 of the Revised Code and when no other provision of division (F) of this section applies;

(16) Kidnapping, abduction, compelling prostitution, promoting prostitution, engaging in a pattern of corrupt activity, a violation of division (A)(1) or (2) of section 2907.323 of the Revised Code that involves a minor, or endangering children in violation of division (B)(1), (2), (3), (4), or (5) of section 2919.22 of the Revised Code, if the offender is convicted of or pleads guilty to a specification as described in section 2941.1422 of the Revised Code that was included in the indictment, count in the indictment, or information charging the offense;

(17) A felony violation of division (A) or (B) of section 2919.25 of the Revised Code if division (D)(3), (4), or (5) of that section, and division (D)(6) of that section, require the imposition of a prison term;

(18) A felony violation of section 2903.11, 2903.12, or 2903.13 of the Revised Code, if the victim of the offense was a woman that the offender knew was pregnant at the time of the violation, with respect to a portion of the sentence imposed pursuant to division (B)(8) of section 2929.14 of the Revised Code;

(19)(a) Any violent felony offense if the offender is a violent career criminal and had a firearm on or about the offender's person or under the offender's control during the commission of the violent felony offense and displayed or brandished the firearm, indicated that the offender possessed a firearm, or used the firearm to facilitate the offense, with respect to the portion of the sentence imposed under division (K) of section 2929.14 of the Revised Code.

(b) As used in division (F)(19)(a) of this section, "violent career criminal" and "violent felony offense" have the same meanings as in section 2923.132 of the Revised Code;

(20) Any violation of division (A)(1) of section 2903.11 of the Revised Code if the offender used an accelerant in committing the violation and the serious physical harm to another or another's unborn caused by the violation resulted in a permanent, serious disfigurement or permanent, substantial incapacity or any violation of division (A)(2) of that section if the offender used an accelerant in committing the violation, the violation caused physical harm to another or another's unborn, and the physical harm resulted in a permanent, serious disfigurement or permanent, substantial incapacity, with respect to a portion of the sentence imposed pursuant to division (B)(9) of section 2929.14 of the Revised Code. The provisions of this division and of division (D)(2) of section 2903.11, divisions (B)(9) and (C)(6) of section 2929.14, and section 2941.1425 of the Revised Code shall be known as "Judy's Law."

(21) Any violation of division (A) of section 2903.11 of the Revised Code if the victim of the offense suffered permanent disabling harm as a result of the offense and the victim was under ten years of age at the time of the offense, with respect to a portion of the sentence imposed pursuant to division (B)(10) of section 2929.14 of the Revised Code.

(22) A felony violation of section 2925.03, 2925.05, or 2925.11 of the Revised Code, if the drug involved in the violation is a fentanyl-related compound or a compound, mixture, preparation, or substance containing a fentanyl-related compound and the offender is convicted of or pleads guilty to a specification of the type described in division (B) of section 2941.1410 of the Revised Code that was included in the indictment, count in the indictment, or information charging the offense, with respect to the portion of the sentence imposed under division (B)(11) of section 2929.14 of the Revised Code.

(G) Notwithstanding divisions (A) to (E) of this section, if an offender is being sentenced for a fourth degree felony OVI offense or for a third degree felony OVI offense, the court shall impose upon the offender a mandatory term of local incarceration or a mandatory prison term in accordance with the following:

(1) If the offender is being sentenced for a fourth degree felony OVI offense and if the offender has not been convicted of and has not pleaded guilty to a specification of the type described in section 2941.1413 of the Revised Code, the court may impose upon the offender a mandatory term of local incarceration of sixty days or one hundred twenty days as specified in division (G)(1)(d) of section 4511.19 of the Revised Code. The court shall not reduce the term pursuant to section 2929.20, 2967.193, or any other provision of the Revised Code. The court that imposes a mandatory term of local incarceration under this division shall specify whether the term is to be served in a jail, a

community-based correctional facility, a halfway house, or an 23470  
alternative residential facility, and the offender shall serve the 23471  
term in the type of facility specified by the court. A mandatory 23472  
term of local incarceration imposed under division (G)(1) of this 23473  
section is not subject to any other Revised Code provision that 23474  
pertains to a prison term except as provided in division (A)(1) of 23475  
this section. 23476

(2) If the offender is being sentenced for a third degree 23477  
felony OVI offense, or if the offender is being sentenced for a 23478  
fourth degree felony OVI offense and the court does not impose a 23479  
mandatory term of local incarceration under division (G)(1) of 23480  
this section, the court shall impose upon the offender a mandatory 23481  
prison term of one, two, three, four, or five years if the 23482  
offender also is convicted of or also pleads guilty to a 23483  
specification of the type described in section 2941.1413 of the 23484  
Revised Code or shall impose upon the offender a mandatory prison 23485  
term of sixty days or one hundred twenty days as specified in 23486  
division (G)(1)(d) or (e) of section 4511.19 of the Revised Code 23487  
if the offender has not been convicted of and has not pleaded 23488  
guilty to a specification of that type. Subject to divisions (C) 23489  
to (I) of section 2967.19 of the Revised Code, the court shall not 23490  
reduce the term pursuant to section 2929.20, 2967.19, 2967.193, or 23491  
any other provision of the Revised Code. The offender shall serve 23492  
the one-, two-, three-, four-, or five-year mandatory prison term 23493  
consecutively to and prior to the prison term imposed for the 23494  
underlying offense and consecutively to any other mandatory prison 23495  
term imposed in relation to the offense. In no case shall an 23496  
offender who once has been sentenced to a mandatory term of local 23497  
incarceration pursuant to division (G)(1) of this section for a 23498  
fourth degree felony OVI offense be sentenced to another mandatory 23499  
term of local incarceration under that division for any violation 23500  
of division (A) of section 4511.19 of the Revised Code. In 23501  
addition to the mandatory prison term described in division (G)(2) 23502



of this section, the court may sentence the offender to a 23503  
community control sanction under section 2929.16 or 2929.17 of the 23504  
Revised Code, but the offender shall serve the prison term prior 23505  
to serving the community control sanction. The department of 23506  
rehabilitation and correction may place an offender sentenced to a 23507  
mandatory prison term under this division in an intensive program 23508  
prison established pursuant to section 5120.033 of the Revised 23509  
Code if the department gave the sentencing judge prior notice of 23510  
its intent to place the offender in an intensive program prison 23511  
established under that section and if the judge did not notify the 23512  
department that the judge disapproved the placement. Upon the 23513  
establishment of the initial intensive program prison pursuant to 23514  
section 5120.033 of the Revised Code that is privately operated 23515  
and managed by a contractor pursuant to a contract entered into 23516  
under section 9.06 of the Revised Code, both of the following 23517  
apply: 23518

(a) The department of rehabilitation and correction shall 23519  
make a reasonable effort to ensure that a sufficient number of 23520  
offenders sentenced to a mandatory prison term under this division 23521  
are placed in the privately operated and managed prison so that 23522  
the privately operated and managed prison has full occupancy. 23523

(b) Unless the privately operated and managed prison has full 23524  
occupancy, the department of rehabilitation and correction shall 23525  
not place any offender sentenced to a mandatory prison term under 23526  
this division in any intensive program prison established pursuant 23527  
to section 5120.033 of the Revised Code other than the privately 23528  
operated and managed prison. 23529

(H) If an offender is being sentenced for a sexually oriented 23530  
offense or child-victim oriented offense that is a felony 23531  
committed on or after January 1, 1997, the judge shall require the 23532  
offender to submit to a DNA specimen collection procedure pursuant 23533  
to section 2901.07 of the Revised Code. 23534

(I) If an offender is being sentenced for a sexually oriented offense or a child-victim oriented offense committed on or after January 1, 1997, the judge shall include in the sentence a summary of the offender's duties imposed under sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code and the duration of the duties. The judge shall inform the offender, at the time of sentencing, of those duties and of their duration. If required under division (A)(2) of section 2950.03 of the Revised Code, the judge shall perform the duties specified in that section, or, if required under division (A)(6) of section 2950.03 of the Revised Code, the judge shall perform the duties specified in that division.

(J)(1) Except as provided in division (J)(2) of this section, when considering sentencing factors under this section in relation to an offender who is convicted of or pleads guilty to an attempt to commit an offense in violation of section 2923.02 of the Revised Code, the sentencing court shall consider the factors applicable to the felony category of the violation of section 2923.02 of the Revised Code instead of the factors applicable to the felony category of the offense attempted.

(2) When considering sentencing factors under this section in relation to an offender who is convicted of or pleads guilty to an attempt to commit a drug abuse offense for which the penalty is determined by the amount or number of unit doses of the controlled substance involved in the drug abuse offense, the sentencing court shall consider the factors applicable to the felony category that the drug abuse offense attempted would be if that drug abuse offense had been committed and had involved an amount or number of unit doses of the controlled substance that is within the next lower range of controlled substance amounts than was involved in the attempt.

(K) As used in this section:

(1) "Community addiction services provider" has the same meaning as in section 5119.01 of the Revised Code.	23567 23568
(2) "Drug abuse offense" has the same meaning as in section 2925.01 of the Revised Code.	23569 23570
(3) "Minor drug possession offense" has the same meaning as in section 2925.11 of the Revised Code.	23571 23572
(4) "Qualifying assault offense" means a violation of section 2903.13 of the Revised Code for which the penalty provision in division (C)(8)(b) or (C)(9)(b) of that section applies.	23573 23574 23575
(L) At the time of sentencing an offender for any sexually oriented offense, if the offender is a tier III sex offender/child-victim offender relative to that offense and the offender does not serve a prison term or jail term, the court may require that the offender be monitored by means of a global positioning device. If the court requires such monitoring, the cost of monitoring shall be borne by the offender. If the offender is indigent, the cost of compliance shall be paid by the crime victims reparations fund.	23576 23577 23578 23579 23580 23581 23582 23583 23584
<b>Sec. 2929.15.</b> (A)(1) If in sentencing an offender for a felony the court is not required to impose a prison term, a mandatory prison term, or a term of life imprisonment upon the offender, the court may directly impose a sentence that consists of one or more community control sanctions authorized pursuant to section 2929.16, 2929.17, or 2929.18 of the Revised Code. If the court is sentencing an offender for a fourth degree felony OVI offense under division (G)(1) of section 2929.13 of the Revised Code, in addition to the mandatory term of local incarceration imposed under that division and the mandatory fine required by division (B)(3) of section 2929.18 of the Revised Code, the court may impose upon the offender a community control sanction or combination of community control sanctions in accordance with	23585 23586 23587 23588 23589 23590 23591 23592 23593 23594 23595 23596 23597

sections 2929.16 and 2929.17 of the Revised Code. If the court is 23598  
sentencing an offender for a third or fourth degree felony OVI 23599  
offense under division (G)(2) of section 2929.13 of the Revised 23600  
Code, in addition to the mandatory prison term or mandatory prison 23601  
term and additional prison term imposed under that division, the 23602  
court also may impose upon the offender a community control 23603  
sanction or combination of community control sanctions under 23604  
section 2929.16 or 2929.17 of the Revised Code, but the offender 23605  
shall serve all of the prison terms so imposed prior to serving 23606  
the community control sanction. 23607

The duration of all community control sanctions imposed upon 23608  
an offender under this division shall not exceed five years. If 23609  
the offender absconds or otherwise leaves the jurisdiction of the 23610  
court in which the offender resides without obtaining permission 23611  
from the court or the offender's probation officer to leave the 23612  
jurisdiction of the court, or if the offender is confined in any 23613  
institution for the commission of any offense while under a 23614  
community control sanction, the period of the community control 23615  
sanction ceases to run until the offender is brought before the 23616  
court for its further action. If the court sentences the offender 23617  
to one or more nonresidential sanctions under section 2929.17 of 23618  
the Revised Code, the court shall impose as a condition of the 23619  
nonresidential sanctions that, during the period of the sanctions, 23620  
the offender must abide by the law and must not leave the state 23621  
without the permission of the court or the offender's probation 23622  
officer. The court may impose any other conditions of release 23623  
under a community control sanction that the court considers 23624  
appropriate, including, but not limited to, requiring that the 23625  
offender not ingest or be injected with a drug of abuse and submit 23626  
to random drug testing as provided in division (D) of this section 23627  
to determine whether the offender ingested or was injected with a 23628  
drug of abuse and requiring that the results of the drug test 23629

indicate that the offender did not ingest or was not injected with a drug of abuse. 23630  
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(2)(a) If a court sentences an offender to any community control sanction or combination of community control sanctions authorized pursuant to section 2929.16, 2929.17, or 2929.18 of the Revised Code, the court shall place the offender under the general control and supervision of a department of probation in the county that serves the court for purposes of reporting to the court a violation of any condition of the sanctions, any condition of release under a community control sanction imposed by the court, a violation of law, or the departure of the offender from this state without the permission of the court or the offender's probation officer. Alternatively, if the offender resides in another county and a county department of probation has been established in that county or that county is served by a multicounty probation department established under section 2301.27 of the Revised Code, the court may request the court of common pleas of that county to receive the offender into the general control and supervision of that county or multicounty department of probation for purposes of reporting to the court a violation of any condition of the sanctions, any condition of release under a community control sanction imposed by the court, a violation of law, or the departure of the offender from this state without the permission of the court or the offender's probation officer, subject to the jurisdiction of the trial judge over and with respect to the person of the offender, and to the rules governing that department of probation. 23632  
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If there is no department of probation in the county that serves the court, the court shall place the offender, regardless of the offender's county of residence, under the general control and supervision of the adult parole authority, unless the court has entered into an agreement with the authority as described in 23657  
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division (B) or (C) of section 2301.32 of the Revised Code, or 23662  
under an entity authorized under division (B) of section 2301.27 23663  
of the Revised Code to provide probation and supervisory services 23664  
to counties for purposes of reporting to the court a violation of 23665  
any of the sanctions, any condition of release under a community 23666  
control sanction imposed by the court, a violation of law, or the 23667  
departure of the offender from this state without the permission 23668  
of the court or the offender's probation officer. 23669

(b) If the court imposing sentence upon an offender sentences 23670  
the offender to any community control sanction or combination of 23671  
community control sanctions authorized pursuant to section 23672  
2929.16, 2929.17, or 2929.18 of the Revised Code, and if the 23673  
offender violates any condition of the sanctions, any condition of 23674  
release under a community control sanction imposed by the court, 23675  
violates any law, or departs the state without the permission of 23676  
the court or the offender's probation officer, the public or 23677  
private person or entity that operates or administers the sanction 23678  
or the program or activity that comprises the sanction shall 23679  
report the violation or departure directly to the sentencing 23680  
court, or shall report the violation or departure to the county or 23681  
multicounty department of probation with general control and 23682  
supervision over the offender under division (A)(2)(a) of this 23683  
section or the officer of that department who supervises the 23684  
offender, or, if there is no such department with general control 23685  
and supervision over the offender under that division, to the 23686  
adult parole authority unless the court has entered into an 23687  
agreement with the authority as described in division (B) or (C) 23688  
of section 2301.32 of the Revised Code, or to an entity authorized 23689  
under division (B) of section 2301.27 of the Revised Code to 23690  
provide probation and supervisory services to the county. If the 23691  
public or private person or entity that operates or administers 23692  
the sanction or the program or activity that comprises the 23693  
sanction reports the violation or departure to the county or 23694

multicounty department of probation, the adult parole authority, 23695  
or any other entity providing probation and supervisory services 23696  
to the county, the department's, authority's, or other entity's 23697  
officers may treat the offender as if the offender were on 23698  
probation and in violation of the probation, and shall report the 23699  
violation of the condition of the sanction, any condition of 23700  
release under a community control sanction imposed by the court, 23701  
the violation of law, or the departure from the state without the 23702  
required permission to the sentencing court. 23703

(3) If an offender who is eligible for community control 23704  
sanctions under this section admits to being drug addicted or the 23705  
court has reason to believe that the offender is drug addicted, 23706  
and if the offense for which the offender is being sentenced was 23707  
related to the addiction, the court may require that the offender 23708  
be assessed by a properly credentialed professional within a 23709  
specified period of time and shall require the professional to 23710  
file a written assessment of the offender with the court. If a 23711  
court imposes treatment and recovery support services as a 23712  
community control sanction, the court shall direct the level and 23713  
type of treatment and recovery support services after 23714  
consideration of the written assessment, if available at the time 23715  
of sentencing, and recommendations of the professional and other 23716  
treatment and recovery support services providers. 23717

(4) If an assessment completed pursuant to division (A)(3) of 23718  
this section indicates that the offender is addicted to drugs or 23719  
alcohol, the court may include in any community control sanction 23720  
imposed for a violation of section 2925.02, 2925.03, 2925.04, 23721  
2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 23722  
2925.37 of the Revised Code a requirement that the offender 23723  
participate in alcohol and drug addiction services and recovery 23724  
supports certified under section 5119.36 of the Revised Code or 23725  
offered by a properly credentialed community addiction services 23726

provider. 23727

(B)(1) If the conditions of a community control sanction are 23728  
violated or if the offender violates a law or leaves the state 23729  
without the permission of the court or the offender's probation 23730  
officer, the sentencing court may impose upon the violator one or 23731  
more of the following penalties: 23732

(a) A longer time under the same sanction if the total time 23733  
under the sanctions does not exceed the five-year limit specified 23734  
in division (A) of this section; 23735

(b) A more restrictive sanction under section 2929.16, 23736  
2929.17, or 2929.18 of the Revised Code, including but not limited 23737  
to, a new term in a community-based correctional facility, halfway 23738  
house, or jail pursuant to division (A)(6) of section 2929.16 of 23739  
the Revised Code; 23740

(c) A prison term on the offender pursuant to section 2929.14 23741  
of the Revised Code and division (B)(3) of this section, provided 23742  
that a prison term imposed under this division is subject to the 23743  
following limitations, as applicable: 23744

(i) If the prison term is imposed for any technical violation 23745  
of the conditions of a community control sanction imposed for a 23746  
felony of the fifth degree or for any violation of law committed 23747  
while under a community control sanction imposed for such a felony 23748  
that consists of a new criminal offense and that is not a felony, 23749  
the prison term shall not exceed ninety days. 23750

(ii) If the prison term is imposed for any technical 23751  
violation of the conditions of a community control sanction 23752  
imposed for a felony of the fourth degree that is not an offense 23753  
of violence and is not a sexually oriented offense or for any 23754  
violation of law committed while under a community control 23755  
sanction imposed for such a felony that consists of a new criminal 23756  
offense and that is not a felony, the prison term shall not exceed 23757



one hundred eighty days. 23758

(2) If an offender was acting pursuant to division (B)(2)(b) 23759  
of section 2925.11 of the Revised Code and in so doing violated 23760  
the conditions of a community control sanction based on a minor 23761  
drug possession offense, as defined in section 2925.11 of the 23762  
Revised Code, the sentencing court may consider the offender's 23763  
conduct in seeking or obtaining medical assistance for another in 23764  
good faith or for self or may consider the offender being the 23765  
subject of another person seeking or obtaining medical assistance 23766  
in accordance with that division as a mitigating factor before 23767  
imposing any of the penalties described in division (B)(1) of this 23768  
section. 23769

(3) The prison term, if any, imposed upon a violator pursuant 23770  
to this division and division (B)(1) of this section shall be 23771  
within the range of prison terms described in this division and 23772  
shall not exceed the prison term specified in the notice provided 23773  
to the offender at the sentencing hearing pursuant to division 23774  
(B)(2) of section 2929.19 of the Revised Code. The court may 23775  
reduce the longer period of time that the offender is required to 23776  
spend under the longer sanction, the more restrictive sanction, or 23777  
a prison term imposed pursuant to division (B)(1) of this section 23778  
by the time the offender successfully spent under the sanction 23779  
that was initially imposed. Except as otherwise specified in this 23780  
division, the prison term imposed under this division and division 23781  
(B)(1) of this section shall be within the range of prison terms 23782  
available as a definite term for the offense for which the 23783  
sanction that was violated was imposed. If the offense for which 23784  
the sanction that was violated was imposed is a felony of the 23785  
first or second degree committed on or after ~~the effective date of~~ 23786  
~~this amendment~~ March 22, 2019, the prison term so imposed under 23787  
this division shall be within the range of prison terms available 23788  
as a minimum term for the offense under division (A)(1)(a) or 23789

(2)(a) of section 2929.14 of the Revised Code. 23790

(C) If an offender, for a significant period of time, 23791  
fulfills the conditions of a sanction imposed pursuant to section 23792  
2929.16, 2929.17, or 2929.18 of the Revised Code in an exemplary 23793  
manner, the court may reduce the period of time under the sanction 23794  
or impose a less restrictive sanction, but the court shall not 23795  
permit the offender to violate any law or permit the offender to 23796  
leave the state without the permission of the court or the 23797  
offender's probation officer. 23798

(D)(1) If a court under division (A)(1) of this section 23799  
imposes a condition of release under a community control sanction 23800  
that requires the offender to submit to random drug testing, the 23801  
department of probation, the adult parole authority, or any other 23802  
entity that has general control and supervision of the offender 23803  
under division (A)(2)(a) of this section may cause the offender to 23804  
submit to random drug testing performed by a laboratory or entity 23805  
that has entered into a contract with any of the governmental 23806  
entities or officers authorized to enter into a contract with that 23807  
laboratory or entity under section 341.26, 753.33, or 5120.63 of 23808  
the Revised Code. 23809

(2) If no laboratory or entity described in division (D)(1) 23810  
of this section has entered into a contract as specified in that 23811  
division, the department of probation, the adult parole authority, 23812  
or any other entity that has general control and supervision of 23813  
the offender under division (A)(2)(a) of this section shall cause 23814  
the offender to submit to random drug testing performed by a 23815  
reputable public laboratory to determine whether the individual 23816  
who is the subject of the drug test ingested or was injected with 23817  
a drug of abuse. 23818

(3) A laboratory or entity that has entered into a contract 23819  
pursuant to section 341.26, 753.33, or 5120.63 of the Revised Code 23820  
shall perform the random drug tests under division (D)(1) of this 23821

section in accordance with the applicable standards that are 23822  
included in the terms of that contract. A public laboratory shall 23823  
perform the random drug tests under division (D)(2) of this 23824  
section in accordance with the standards set forth in the policies 23825  
and procedures established by the department of rehabilitation and 23826  
correction pursuant to section 5120.63 of the Revised Code. An 23827  
offender who is required under division (A)(1) of this section to 23828  
submit to random drug testing as a condition of release under a 23829  
community control sanction and whose test results indicate that 23830  
the offender ingested or was injected with a drug of abuse shall 23831  
pay the fee for the drug test if the department of probation, the 23832  
adult parole authority, or any other entity that has general 23833  
control and supervision of the offender requires payment of a fee. 23834  
A laboratory or entity that performs the random drug testing on an 23835  
offender under division (D)(1) or (2) of this section shall 23836  
transmit the results of the drug test to the appropriate 23837  
department of probation, the adult parole authority, or any other 23838  
entity that has general control and supervision of the offender 23839  
under division (A)(2)(a) of this section. 23840

**Sec. 2929.34.** (A) A person who is convicted of or pleads 23841  
guilty to aggravated murder, murder, or an offense punishable by 23842  
life imprisonment and who is sentenced to a term of life 23843  
imprisonment or a prison term pursuant to that conviction shall 23844  
serve that term in an institution under the control of the 23845  
department of rehabilitation and correction. 23846

(B)(1) A person who is convicted of or pleads guilty to a 23847  
felony other than aggravated murder, murder, or an offense 23848  
punishable by life imprisonment and who is sentenced to a term of 23849  
imprisonment or a prison term pursuant to that conviction shall 23850  
serve that term as follows: 23851

(a) Subject to divisions (B)(1)(b), (B)(2), and (B)(3) of 23852

this section, in an institution under the control of the 23853  
department of rehabilitation and correction if the term is a 23854  
prison term or as otherwise determined by the sentencing court 23855  
pursuant to section 2929.16 of the Revised Code if the term is not 23856  
a prison term; 23857

(b) In a facility of a type described in division (G)(1) of 23858  
section 2929.13 of the Revised Code, if the offender is sentenced 23859  
pursuant to that division. 23860

(2) If the term is a prison term, the person may be 23861  
imprisoned in a jail that is not a minimum security jail pursuant 23862  
to agreement under section 5120.161 of the Revised Code between 23863  
the department of rehabilitation and correction and the local 23864  
authority that operates the jail. 23865

(3)(a) As used in divisions (B)(3)(a) to (d) of this section: 23866

~~(i) "Target county" means Franklin county, Cuyahoga county, 23867  
Hamilton county, Summit county, Montgomery county, Lucas county, 23868  
Butler county, Stark county, Lorain county, and Mahoning county. 23869~~

~~(ii) Voluntary, "voluntary county" means any county in which 23870  
the board of county commissioners of the county and the 23871  
administrative judge of the general division of the court of 23872  
common pleas of the county enter into an agreement of the type 23873  
described in division (B)(3)(b) of this section and in which the 23874  
agreement has not been terminated as described in that division. 23875~~

(b) In any voluntary county ~~other than a target county~~, the 23876  
board of county commissioners of the county and the administrative 23877  
judge of the general division of the court of common pleas of the 23878  
county may agree to having the county participate in the 23879  
procedures regarding local and state confinement established under 23880  
division (B)(3)(c) of this section. A board of county 23881  
commissioners and an administrative judge of a court of common 23882  
pleas that enter into an agreement of the type described in this 23883

division may terminate the agreement, but a termination under this 23884  
division shall take effect only at the end of the state fiscal 23885  
biennium in which the termination decision is made. 23886

(c) Except as provided in division (B)(3)(d) of this section, 23887  
on and after July 1, 2018, no person sentenced by the court of 23888  
common pleas of a ~~target county or of a~~ voluntary county to a 23889  
prison term ~~that is twelve months or less~~ for a felony of the 23890  
fifth degree shall serve the term in an institution under the 23891  
control of the department of rehabilitation and correction. The 23892  
person shall instead serve the sentence as a term of confinement 23893  
in a facility of a type described in division (C) or (D) of this 23894  
section. Nothing in this division relieves the state of its 23895  
obligation to pay for the cost of confinement of the person in a 23896  
community-based correctional facility under division (D) of this 23897  
section. 23898

(d) Division (B)(3)(c) of this section does not apply to any 23899  
person to whom any of the following apply: 23900

(i) The felony of the fifth degree was an offense of 23901  
violence, as defined in section 2901.01 of the Revised Code, a sex 23902  
offense under Chapter 2907. of the Revised Code, a violation of 23903  
section 2925.03 of the Revised Code, or any offense for which a 23904  
mandatory prison term is required. 23905

(ii) The person previously has been convicted of or pleaded 23906  
guilty to any felony offense of violence, as defined in section 23907  
2901.01 of the Revised Code, unless the felony of the fifth degree 23908  
for which the person is being sentenced is a violation of division 23909  
(I)(1) of section 2903.43 of the Revised Code. 23910

(iii) The person previously has been convicted of or pleaded 23911  
guilty to any felony sex offense under Chapter 2907. of the 23912  
Revised Code. 23913

(iv) The person's sentence is required to be served 23914

concurrently to any other sentence imposed upon the person for a 23915  
felony that is required to be served in an institution under the 23916  
control of the department of rehabilitation and correction. 23917

(C) A person who is convicted of or pleads guilty to one or 23918  
more misdemeanors and who is sentenced to a jail term or term of 23919  
imprisonment pursuant to the conviction or convictions shall serve 23920  
that term in a county, multicounty, municipal, municipal-county, 23921  
or multicounty-municipal jail or workhouse; in a community 23922  
alternative sentencing center or district community alternative 23923  
sentencing center when authorized by section 307.932 of the 23924  
Revised Code; or, if the misdemeanor or misdemeanors are not 23925  
offenses of violence, in a minimum security jail. 23926

(D) Nothing in this section prohibits the commitment, 23927  
referral, or sentencing of a person who is convicted of or pleads 23928  
guilty to a felony to a community-based correctional facility. 23929

**Sec. 2941.51.** (A) Counsel appointed to a case or selected by 23930  
an indigent person under division (E) of section 120.16 or 23931  
division (E) of section 120.26 of the Revised Code, or otherwise 23932  
appointed by the court, except for counsel appointed by the court 23933  
to provide legal representation for a person charged with a 23934  
violation of an ordinance of a municipal corporation, shall be 23935  
paid for their services by the county the compensation and 23936  
expenses that the trial court approves. Each request for payment 23937  
shall include a financial disclosure form completed by the 23938  
indigent person on a form prescribed by the state public defender. 23939  
Compensation and expenses shall not exceed the amounts fixed by 23940  
the board of county commissioners pursuant to division (B) of this 23941  
section. 23942

(B) The board of county commissioners shall establish a 23943  
schedule of fees by case or on an hourly basis to be paid by the 23944  
county for legal services provided by appointed counsel. Prior to 23945

establishing such schedule, the board shall request the bar 23946  
association or associations of the county to submit a proposed 23947  
schedule for cases other than capital cases. The schedule 23948  
submitted shall be subject to the review, amendment, and approval 23949  
of the board of county commissioners, except with respect to 23950  
capital cases. With respect to capital cases, the schedule shall 23951  
provide for fees by case or on an hourly basis to be paid to 23952  
counsel in the amount or at the rate set by the capital case 23953  
attorney fee council pursuant to division (D) of section 120.33 of 23954  
the Revised Code, and the board of county commissioners shall 23955  
approve that amount or rate. 23956

With respect to capital cases, counsel shall be paid 23957  
compensation and expenses in accordance with the amount or at the 23958  
rate set by the capital case attorney fee council pursuant to 23959  
division (D) of section 120.33 of the Revised Code. 23960

(C) In a case where counsel have been appointed to conduct an 23961  
appeal under Chapter 120. of the Revised Code, such compensation 23962  
shall be fixed by the court of appeals or the supreme court, as 23963  
provided in divisions (A) and (B) of this section. 23964

(D) The fees and expenses approved by the court under this 23965  
section shall not be taxed as part of the costs and shall be paid 23966  
by the county. However, if the person represented has, or 23967  
reasonably may be expected to have, the means to meet some part of 23968  
the cost of the services rendered to the person, the person shall 23969  
pay the county an amount that the person reasonably can be 23970  
expected to pay. Pursuant to section 120.04 of the Revised Code, 23971  
the county shall pay to the state public defender a percentage of 23972  
the payment received from the person in an amount proportionate to 23973  
the percentage of the costs of the person's case that were paid to 23974  
the county by the state public defender pursuant to this section. 23975  
The money paid to the state public defender shall be credited to 23976  
the client payment fund created pursuant to division (B)(5) of 23977

section 120.04 of the Revised Code. 23978

(E) The county auditor shall draw a warrant on the county 23979  
treasurer for the payment of such counsel in the amount fixed by 23980  
the court, plus the expenses that the court fixes and certifies to 23981  
the auditor. The county auditor shall report periodically, but not 23982  
less than annually, to the board of county commissioners and to 23983  
the Ohio public defender commission the amounts paid out pursuant 23984  
to the approval of the court under this section, separately 23985  
stating costs and expenses that are reimbursable under section 23986  
120.35 of the Revised Code. The board, after review and approval 23987  
of the auditor's report, may then certify it to the state public 23988  
defender for reimbursement. The request for reimbursement shall be 23989  
accompanied by a financial disclosure form completed by each 23990  
indigent person for whom counsel was provided on a form prescribed 23991  
by the state public defender. The state public defender shall 23992  
review the report and, in accordance with the standards, 23993  
guidelines, and maximums established pursuant to divisions (B)(7) 23994  
and (8) of section 120.04 of the Revised Code and the payment 23995  
determination provisions of section 120.34 of the Revised Code, 23996  
pay fifty per cent of the total cost, other than costs and 23997  
expenses that are reimbursable under section 120.35 of the Revised 23998  
Code, if any, of paying appointed counsel in each county and pay 23999  
fifty per cent of costs and expenses that are reimbursable under 24000  
section 120.35 of the Revised Code, if any, to the board. The 24001  
amount of payments the state public defender is to make shall be 24002  
determined as specified in section 120.34 of the Revised Code. 24003

(F) If any county system for paying appointed counsel fails 24004  
to maintain the standards for the conduct of the system 24005  
established by the rules of the Ohio public defender commission 24006  
pursuant to divisions (B) and (C) of section 120.03 of the Revised 24007  
Code or the standards established by the state public defender 24008  
pursuant to division (B)(7) of section 120.04 of the Revised Code, 24009



the commission shall notify the board of county commissioners of 24010  
the county that the county system for paying appointed counsel has 24011  
failed to comply with its rules. Unless the board corrects the 24012  
conduct of its appointed counsel system to comply with the rules 24013  
within ninety days after the date of the notice, the state public 24014  
defender may deny all or part of the county's reimbursement from 24015  
the state provided for in this section. 24016

**Sec. 2950.08.** (A) Subject to division (B) of this section, 24017  
the statements, information, photographs, fingerprints, and 24018  
material required by sections 2950.04, 2950.041, 2950.05, and 24019  
2950.06 of the Revised Code and provided by a person who 24020  
registers, who provides notice of a change of residence, school, 24021  
institution of higher education, or place of employment address 24022  
and registers the new residence, school, institution of higher 24023  
education, or place of employment address, or who provides 24024  
verification of a current residence, school, institution of higher 24025  
education, or place of employment address pursuant to those 24026  
sections and that are in the possession of the bureau of criminal 24027  
identification and investigation and the information in the 24028  
possession of the bureau that was received by the bureau pursuant 24029  
to section 2950.14 of the Revised Code shall not be open to 24030  
inspection by the public or by any person other than the following 24031  
persons: 24032

(1) A regularly employed peace officer or other law 24033  
enforcement officer; 24034

(2) An authorized employee of the bureau of criminal 24035  
identification and investigation for the purpose of providing 24036  
information to a board, administrator, or person pursuant to 24037  
division (F) or (G) of section 109.57 of the Revised Code; 24038

(3) The registrar of motor vehicles, or an employee of the 24039  
registrar of motor vehicles, for the purpose of verifying and 24040

updating any of the information so provided, upon the request of 24041  
the bureau of criminal identification and investigation; 24042

(4) The director of job and family services, or an employee 24043  
of the director, for the purpose of complying with division (D) of 24044  
section 5104.013 of the Revised Code. 24045

(B) Division (A) of this section does not apply to any 24046  
information that is contained in the internet sex offender and 24047  
child-victim offender database established by the attorney general 24048  
under division (A)(11) of section 2950.13 of the Revised Code 24049  
regarding offenders and that is disseminated as described in that 24050  
division. 24051

**Sec. 3105.011.** (A) The court of common pleas including 24052  
divisions of courts of domestic relations, has full equitable 24053  
powers and jurisdiction appropriate to the determination of all 24054  
domestic relations matters. This section is not a determination by 24055  
the general assembly that such equitable powers and jurisdiction 24056  
do not exist with respect to any such matter. 24057

(B) For purposes of this section, "domestic relations 24058  
matters" means both of the following: 24059

(1) Any matter committed to the jurisdiction of the division 24060  
of domestic relations of common pleas courts under section 2301.03 24061  
of the Revised Code, as well as a complaint for child support and 24062  
allocation of parental rights and responsibilities, including the 24063  
enforcement and modification of such orders; 24064

(2) Actions and proceedings under Chapters 3105., 3109., 24065  
3111., 3113., 3115., 3119., 3121., 3123., 3125., and 3127. of the 24066  
Revised Code, actions pursuant to section 2151.231 of the Revised 24067  
Code, all actions removed from the jurisdiction of the juvenile 24068  
court pursuant to section 2151.233 of the Revised Code, and all 24069  
matters transferred by the juvenile court pursuant to section 24070

2151.235 of the Revised Code. 24071

Sec. 3107.035. (A) At the time of the initial home study, and 24072  
every two years thereafter, if the home study is updated, and 24073  
until it becomes part of a final decree of adoption or an 24074  
interlocutory order of adoption, the agency or attorney that 24075  
arranges an adoption for the prospective adoptive parent shall 24076  
conduct a search of the United States department of justice 24077  
national sex offender public web site regarding the prospective 24078  
adoptive parent and all persons eighteen years of age or older who 24079  
reside with the prospective adoptive parent. 24080

(B) A petition for adoption may be denied based solely on the 24081  
results of the search of the national sex offender public web 24082  
site. 24083

(C) The director of job and family services shall adopt rules 24084  
in accordance with Chapter 119. of the Revised Code necessary for 24085  
the implementation and execution of this section. 24086

**Sec. 3107.14. (A)** The petitioner and the person sought to be 24087  
adopted shall appear at the hearing on the petition, unless the 24088  
presence of either is excused by the court for good cause shown. 24089

(B) The court may continue the hearing from time to time to 24090  
permit further observation, investigation, or consideration of any 24091  
facts or circumstances affecting the granting of the petition, and 24092  
may examine the petitioners separate and apart from each other. 24093

(C) If, at the conclusion of the hearing, the court finds 24094  
that the required consents have been obtained or excused and that 24095  
the adoption is in the best interest of the person sought to be 24096  
adopted as supported by the evidence, it may issue, subject to 24097  
division (C)(1)(a) of section 2151.86, section 3107.064, and 24098  
division (E) of section 3107.09 of the Revised Code, and any other 24099  
limitations specified in this chapter, a final decree of adoption 24100

or an interlocutory order of adoption, which by its own terms 24101  
automatically becomes a final decree of adoption on a date 24102  
specified in the order, which, except as provided in division (B) 24103  
of section 3107.13 of the Revised Code, shall not be less than six 24104  
months or more than one year from the date the person to be 24105  
adopted is placed in the petitioner's home, unless sooner vacated 24106  
by the court for good cause shown. In determining whether the 24107  
adoption is in the best interest of the person sought to be 24108  
adopted, the court shall not consider the age of the petitioner if 24109  
the petitioner is old enough to adopt as provided by section 24110  
3107.03 of the Revised Code. 24111

In an interlocutory order of adoption, the court shall 24112  
provide for observation, investigation, and a further report on 24113  
the adoptive home during the interlocutory period. 24114

(D) If the requirements for a decree under division (C) of 24115  
this section have not been satisfied or the court vacates an 24116  
interlocutory order of adoption, or if the court finds that a 24117  
person sought to be adopted was placed in the home of the 24118  
petitioner in violation of law, the court shall dismiss the 24119  
petition and may determine the agency or person to have temporary 24120  
or permanent custody of the person, which may include the agency 24121  
or person that had custody prior to the filing of the petition or 24122  
the petitioner, if the court finds it is in the best interest of 24123  
the person as supported by the evidence, or if the person is a 24124  
minor, the court may certify the case to the juvenile court of the 24125  
county where the minor is then residing for appropriate action and 24126  
disposition. 24127

(E) The issuance of a final decree or interlocutory order of 24128  
adoption for an adult adoption under division (A)(4) of section 24129  
3107.02 of the Revised Code shall not disqualify that adult for 24130  
services under section 2151.82 or 2151.83 of the Revised Code. 24131

**Sec. 3109.061.** Nothing in sections 2151.233 to 2151.236 and 24132  
2301.03 of the Revised Code shall be construed to prevent a 24133  
domestic relations court from certifying a case to a juvenile 24134  
court under division (D)(2) of section 3109.04 of the Revised Code 24135  
or section 3109.06 of the Revised Code. Consent of the juvenile 24136  
court shall not be required for the certification. 24137

As used in this section, "domestic relations court" has the 24138  
same meaning as in section 2151.233 of the Revised Code. 24139

**Sec. 3119.023.** (A) At least once every four years, the 24140  
department of job and family services shall review the basic child 24141  
support schedule issued by the department pursuant to section 24142  
3119.021 of the Revised Code to determine whether child support 24143  
orders issued in accordance with that schedule and the worksheets 24144  
created under rules adopted under section 3119.022 of the Revised 24145  
Code adequately provide for the needs of children who are subject 24146  
to the child support orders. ~~The department may consider the 24147  
adequacy and appropriateness of the current schedule, whether 24148  
there are substantial and permanent changes in household 24149  
consumption and savings patterns, particularly those resulting in 24150  
substantial and permanent changes in the per cent of total 24151  
household expenditures on children, and whether there have been 24152  
substantial and permanent changes to the federal and state income 24153  
tax code other than inflationary adjustments to such things as the 24154  
exemption amount and income tax brackets, and other factors when 24155  
conducting its review.~~ The review is in addition to, and 24156  
independent of, any schedule update completed as set forth in 24157  
section 3119.021 of the Revised Code. The department shall prepare 24158  
a report of its review and include recommendations for statutory 24159  
changes, and submit a copy of the report to both houses of the 24160  
general assembly. 24161

(B) Each review shall include all of the following: 24162

<u>(1) Consideration of all of the following:</u>	24163
<u>(a) Economic data on the cost of raising children;</u>	24164
<u>(b) Labor market data, such as unemployment rates, employment rates, hours worked, and earnings, by occupation and skill level for the state and local job markets;</u>	24165 24166 24167
<u>(c) The impact of guidelines policies and amounts on custodial and noncustodial parents who have family incomes below two hundred per cent of the federal poverty level;</u>	24168 24169 24170
<u>(d) Factors that influence employment rates among noncustodial parents and compliance with child support orders.</u>	24171 24172
<u>(2) Analysis of all of the following, to be used to ensure that deviations from the basic child support schedule are limited and that support amounts are appropriate based on criteria established under division (G) of section 3119.05 of the Revised Code:</u>	24173 24174 24175 24176 24177
<u>(a) Case data on the application of and deviations from the basic child support schedule, as gathered through sampling or other methods;</u>	24178 24179 24180
<u>(b) Rates of default, child support orders with imputed income, and orders determined using low-income adjustments such as a self-support reserve or another method as determined by the state;</u>	24181 24182 24183 24184
<u>(c) A comparison of payments on child support orders by case characteristics, including whether the order was entered by default, based on imputed income, or determined using the low-income adjustment, as described in division (B)(2)(b) of this section.</u>	24185 24186 24187 24188 24189
<u>(3) Meaningful opportunity for public input, including input from low-income custodial and noncustodial parents and their representatives.</u>	24190 24191 24192

(C) For each review, the department shall establish a child support guideline advisory council to assist the department in the completion of its reviews and reports. Each council shall be composed of:	24193 24194 24195 24196
(1) Obligors;	24197
(2) Obligees;	24198
(3) Judges of courts of common pleas who have jurisdiction over domestic relations and juvenile court cases that involve the determination of child support;	24199 24200 24201
(4) Attorneys whose practice includes a significant number of domestic relations or juvenile court cases that involve the determination of child support;	24202 24203 24204
(5) Representatives of child support enforcement agencies;	24205
(6) Other persons interested in the welfare of children;	24206
(7) Three members of the senate appointed by the president of the senate, not more than two of whom are members of the same political party; and	24207 24208 24209
(8) Three members of the house of representatives appointed by the speaker of the house, not more than two of whom are members of the same political party.	24210 24211 24212
<del>(C)</del> (D) The department shall consider input from the council prior to the completion of any report under this section. The department shall submit its report on or before the first day of March of every fourth year after 2015.	24213 24214 24215 24216
<del>(D)</del> (E) <u>The department shall publish on the internet and make accessible to the public all of the following:</u>	24217 24218
<u>(1) All reports of the council;</u>	24219
<u>(2) The membership of the council;</u>	24220
<u>(3) The effective date of new or modified guidelines adopted</u>	24221

<u>after the review;</u>	24222
<u>(4) The date of the next review.</u>	24223
<u>(F)</u> The advisory council shall cease to exist at the time	24224
that the department submits its review to the general assembly	24225
under this section.	24226
<del>(E)</del> <u>(G)</u> Any expenses incurred by an advisory council shall be	24227
paid by the department.	24228
<b>Sec. 3119.05.</b> When a court computes the amount of child	24229
support required to be paid under a court child support order or a	24230
child support enforcement agency computes the amount of child	24231
support to be paid pursuant to an administrative child support	24232
order, all of the following apply:	24233
(A) The parents' current and past income and personal	24234
earnings shall be verified by electronic means or with suitable	24235
documents, including, but not limited to, paystubs, employer	24236
statements, receipts and expense vouchers related to	24237
self-generated income, tax returns, and all supporting	24238
documentation and schedules for the tax returns.	24239
(B) The annual amount of any court-ordered spousal support	24240
actually paid, excluding any ordered payment on arrears, shall be	24241
deducted from the annual income of that parent to the extent that	24242
payment of that court-ordered spousal support is verified by	24243
supporting documentation.	24244
(C) The court or agency shall adjust the amount of child	24245
support paid by a parent to give credit for children not included	24246
in the current calculation. When calculating the adjusted amount,	24247
the court or agency shall use the schedule and do the following:	24248
(1) Determine the amount of child support that each parent	24249
would be ordered to pay for all children for whom the parent has	24250
the legal duty to support, according to each parent's annual	24251



income. If the number of children subject to the order is greater than six, multiply the amount for three children in accordance with division (C)(4) of this section to determine the amount of child support.

(2) Compute a child support credit amount for each parent's children who are not subject to this order by dividing the amount determined in division (C)(1) of this section by the total number of children whom the parent is obligated to support and multiplying that number by the number of the parent's children who are not subject to this order.

(3) Determine the adjusted income of the parents by subtracting the credit for minor children not subject to this order computed under division (C)(2) of this section, from the annual income of each parent for the children each has a duty to support that are not subject to this order.

(4) If the number of children is greater than six, multiply the amount for three children by:

- (a) 1.440 for seven children;
- (b) 1.540 for eight children;
- (c) 1.638 for nine children;
- (d) 1.734 for ten children;
- (e) 1.827 for eleven children;
- (f) 1.919 for twelve children;
- (g) 2.008 for thirteen children;
- (h) 2.096 for fourteen children;
- (i) 2.182 for more than fourteen children.

(D) When the court or agency calculates the annual income of a parent, it shall include the lesser of the following as income from overtime and bonuses:

(1) The yearly average of all overtime, commissions, and bonuses received during the three years immediately prior to the time when the person's child support obligation is being computed;	24281 24282 24283
(2) The total overtime, commissions, and bonuses received during the year immediately prior to the time when the person's child support obligation is being computed.	24284 24285 24286
(E) When the court or agency calculates the annual income of a parent, it shall not include any income earned by the spouse of that parent.	24287 24288 24289
(F) The court shall issue a separate medical support order for extraordinary medical expenses, including orthodontia, dental, optical, and psychological services.	24290 24291 24292
If the court makes an order for payment of private education, and other appropriate expenses, it shall do so by issuing a separate order.	24293 24294 24295
The court may consider these expenses in adjusting a child support order.	24296 24297
(G) When a court or agency calculates the amount of child support to be paid pursuant to a court child support order or an administrative child support order, the following shall apply:	24298 24299 24300
(1) The court or agency shall apply the basic child support schedule to the parents' combined annual incomes and to each parent's individual income.	24301 24302 24303
(2) If the combined annual income of both parents or the individual annual income of a parent is an amount that is between two amounts set forth in the first column of the schedule, the court or agency may use the basic child support obligation that corresponds to the higher of the two amounts in the first column of the schedule, use the basic child support obligation that corresponds to the lower of the two amounts in the first column of	24304 24305 24306 24307 24308 24309 24310

the schedule, or calculate a basic child support obligation that 24311  
is between those two amounts and corresponds proportionally to the 24312  
parents' actual combined annual income or the individual parent's 24313  
annual income. 24314

(3) If the annual individual income of either or both of the 24315  
parents is within the self-sufficiency reserve in the basic child 24316  
support schedule, the court or agency shall do both of the 24317  
following: 24318

(a) Calculate the basic child support obligation for the 24319  
parents using the schedule amount applicable to the combined 24320  
annual income and the schedule amount applicable to the income in 24321  
the self-sufficiency reserve; 24322

(b) Determine the lesser of the following amounts to be the 24323  
applicable basic child support obligation: 24324

(i) The amount that results from using the combined annual 24325  
income of the parents not in the self-sufficiency reserve of the 24326  
schedule; or 24327

(ii) The amount that results from using the individual 24328  
parent's income within the self-sufficiency reserve of the 24329  
schedule. 24330

(H) When the court or agency calculates annual income, the 24331  
court or agency, when appropriate, may average income over a 24332  
reasonable period of years. 24333

(I) Unless it would be unjust or inappropriate and therefore 24334  
not in the best interests of the child, a court or agency shall 24335  
not determine a parent to be voluntarily unemployed or 24336  
underemployed and shall not impute income to that parent if any of 24337  
the following conditions exist: 24338

(1) The parent is receiving recurring monetary income from 24339  
means-tested public assistance benefits, including cash assistance 24340

payments under the Ohio works first program established under 24341  
Chapter 5107. of the Revised Code, general assistance under former 24342  
Chapter 5113. of the Revised Code, supplemental security income, 24343  
or means-tested veterans' benefits; 24344

(2) The parent is approved for social security disability 24345  
insurance benefits because of a mental or physical disability, or 24346  
the court or agency determines that the parent is unable to work 24347  
based on medical documentation that includes a physician's 24348  
diagnosis and a physician's opinion regarding the parent's mental 24349  
or physical disability and inability to work. 24350

(3) The parent has proven that the parent has made continuous 24351  
and diligent efforts without success to find and accept 24352  
employment, including temporary employment, part-time employment, 24353  
or employment at less than the parent's previous salary or wage. 24354

(4) The parent is complying with court-ordered family 24355  
reunification efforts in a child abuse, neglect, or dependency 24356  
proceeding, to the extent that compliance with those efforts 24357  
limits the parent's ability to earn income. 24358

(5) The parent is ~~incarcerated or~~ institutionalized for a 24359  
period of twelve months or more with no other available income or 24360  
~~assets, unless the parent is incarcerated for an offense relating~~ 24361  
~~to the abuse or neglect of a child who is the subject of the~~ 24362  
~~support order or an offense under Title XXIX of the Revised Code~~ 24363  
~~against the obligee or a child who is the subject of the support~~ 24364  
~~order.~~ 24365

(J) When a court or agency calculates the income of a parent, 24366  
it shall not determine a parent to be voluntarily unemployed or 24367  
underemployed and shall not impute income to that parent if the 24368  
parent is incarcerated. 24369

(K) When a court or agency requires a parent to pay an amount 24370  
for that parent's failure to support a child for a period of time 24371

prior to the date the court modifies or issues a court child support order or an agency modifies or issues an administrative child support order for the current support of the child, the court or agency shall calculate that amount using the basic child support schedule, worksheets, and child support laws in effect, and the incomes of the parents as they existed, for that prior period of time.

~~(K)~~(L) A court or agency may disregard a parent's additional income from overtime or additional employment when the court or agency finds that the additional income was generated primarily to support a new or additional family member or members, or under other appropriate circumstances.

~~(I)~~(M) If both parents involved in the immediate child support determination have a prior order for support relative to a minor child or children born to both parents, the court or agency shall collect information about the existing order or orders and consider those together with the current calculation for support to ensure that the total of all orders for all children of the parties does not exceed the amount that would have been ordered if all children were addressed in a single judicial or administrative proceeding.

~~(M)~~(N) A support obligation of a parent with annual income subject to the self-sufficiency reserve of the basic child support schedule shall not exceed the support obligation that would result from application of the schedule without the reserve.

~~(N)~~(O) Any non-means tested benefit received by the child or children subject to the order resulting from the claims of either parent shall be deducted from that parent's annual child support obligation after all other adjustments have been made. If that non-means tested benefit exceeds the child support obligation of the parent from whose claim the benefit is realized, the child support obligation for that parent shall be zero.

~~(O)~~(P) As part of the child support calculation, the parents shall be ordered to share the costs of child care. Subject to the limitations in this division, a child support obligor shall pay an amount equal to the obligor's income share of the child care cost incurred for the child or children subject to the order.

(1) The child care cost used in the calculation:

(a) Shall be for the child determined to be necessary to allow a parent to work, or for activities related to employment training;

(b) Shall be verifiable by credible evidence as determined by a court or child support enforcement agency;

(c) Shall exclude any reimbursed or subsidized child care cost, including any state or federal tax credit for child care available to the parent or caretaker, whether or not claimed;

(d) Shall not exceed the maximum state-wide average cost estimate ~~issued by the department of job and family services, using the data collected and reported as required in section 5104.04 of the Revised Code~~ determined in accordance with 45 C.F.R. 98.45.

(2) When the annual income of the obligor is subject to the self-sufficiency reserve of the basic support schedule, the share of the child care cost paid by the obligor shall be equal to the lower of the obligor's income share of the child care cost, or fifty per cent of the child care cost.

(O) As used in this section, a parent is considered "incarcerated" if the parent is confined under a sentence imposed for an offense or serving a term of imprisonment, jail, or local incarceration, or other term under a sentence imposed by a government entity authorized to order such confinement.

**Sec. 3119.23.** The court may consider any of the following

factors in determining whether to grant a deviation pursuant to	24434
section 3119.22 of the Revised Code:	24435
(A) Special and unusual needs of the child or children,	24436
including needs arising from the physical or psychological	24437
condition of the child or children;	24438
(B) Other court-ordered payments;	24439
(C) Extended parenting time or extraordinary costs associated	24440
with parenting time, including extraordinary travel expenses when	24441
exchanging the child or children for parenting time;	24442
(D) The financial resources and the earning ability of the	24443
child or children;	24444
(E) The relative financial resources, including the disparity	24445
in income between parties or households, other assets, and the	24446
needs of each parent;	24447
(F) The obligee's income, if the obligee's annual income is	24448
equal to or less than one hundred per cent of the federal poverty	24449
level;	24450
(G) Benefits that either parent receives from remarriage or	24451
sharing living expenses with another person;	24452
(H) The amount of federal, state, and local taxes actually	24453
paid or estimated to be paid by a parent or both of the parents;	24454
(I) Significant in-kind contributions from a parent,	24455
including, but not limited to, direct payment for lessons, sports	24456
equipment, schooling, or clothing;	24457
(J) Extraordinary work-related expenses incurred by either	24458
parent;	24459
(K) The standard of living and circumstances of each parent	24460
and the standard of living the child would have enjoyed had the	24461
marriage continued or had the parents been married;	24462

(L) The educational opportunities that would have been available to the child had the circumstances requiring a child support order not arisen;	24463 24464 24465
(M) The responsibility of each parent for the support of others, including support of a child or children with disabilities who are not subject to the support order;	24466 24467 24468
(N) Post-secondary educational expenses paid for by a parent for the parent's own child or children, regardless of whether the child or children are emancipated;	24469 24470 24471
(O) Costs incurred or reasonably anticipated to be incurred by the parents in compliance with court-ordered reunification efforts in child abuse, neglect, or dependency cases;	24472 24473 24474
(P) Extraordinary child care costs required for the child or children that exceed the maximum state-wide average cost estimate <del>provided as described</del> in division <del>(O)</del> (P)(1)(d) of section 3119.05 of the Revised Code, including extraordinary costs associated with caring for a child or children with specialized physical, psychological, or educational needs;	24475 24476 24477 24478 24479 24480
(Q) Any other relevant factor.	24481
If the court grants a deviation based on division (Q) of this section, it shall specifically state in the order the facts that are the basis for the deviation.	24482 24483 24484
<b>Sec. 3119.27.</b> (A) A court that issues or modifies a court support order, or an administrative agency that issues or modifies an administrative child support order, shall impose on the obligor under the support order a processing charge in the amount of two per cent of the support payment to be collected under a support order. No court or agency may call the charge a poundage fee.	24485 24486 24487 24488 24489 24490
(B) In each child support case that is a Title IV-D case, the department of job and family services shall annually claim	24491 24492



~~twenty-five~~ thirty-five dollars from the processing charge 24493  
described in division (A) of this section for federal reporting 24494  
purposes if the obligee has never received assistance under Title 24495  
IV-A and the department has collected at least five hundred fifty 24496  
dollars of child support for the obligee. The director of job and 24497  
family services shall adopt rules under Chapter 119. of the 24498  
Revised Code to implement this division, and the department shall 24499  
implement this division not later than March 31, 2008. 24500

(C) As used in this section: 24501

(1) "Annual" means the period as defined in regulations 24502  
issued by the United States secretary of health and human services 24503  
to implement the Deficit Reduction Act of 2005 (P.L. 109-171). 24504

(2) "Title IV-A" has the same meaning as in section 5107.02 24505  
of the Revised Code. 24506

(3) "Title IV-D case" has the same meaning as in section 24507  
3125.01 of the Revised Code. 24508

**Sec. 3119.29.** As used in this section and sections 3119.30 to 24509  
3119.56 of the Revised Code: 24510

(A) ~~"Family coverage" means the health insurance plan that~~ 24511  
~~provides coverage for the children who are the subject of a child~~ 24512  
~~support order.~~ 24513

~~(B)~~ "Health care coverage" means such medical support that 24514  
includes ~~coverage under~~ a health insurance coverage or a public 24515  
health care plan, payment of costs of premiums, copayments, and 24516  
deductibles, or payment for medical expenses incurred on behalf of 24517  
the child. 24518

~~(C)~~(B) "Health insurance coverage" means accessible private 24519  
health insurance that provides primary care services within thirty 24520  
miles from the residence of the child subject to the child support 24521  
order. 24522

~~(D)~~(C) "Health plan administrator" means any entity 24523  
authorized under Title XXXIX of the Revised Code to engage in the 24524  
business of insurance in this state, any health insuring 24525  
corporation, any legal entity that is self-insured and provides 24526  
benefits to its employees or members, and the administrator of any 24527  
such entity or corporation. 24528

~~(E)~~(D) "National medical support notice" means a form 24529  
required by the "Child Support Performance and Incentive Act of 24530  
1998," P.L. 105-200, 112 Stat. 659, 42 U.S.C. 666(a)(19), as 24531  
amended, and jointly developed and promulgated by the secretary of 24532  
health and human services and the secretary of labor in federal 24533  
regulations adopted under that act as modified by the department 24534  
of job and family services under section 3119.291 of the Revised 24535  
Code. 24536

~~(F)~~(E) "Person required to provide health insurance coverage" 24537  
means the obligor, obligee, or both, required by the court under a 24538  
court child support order or by the child support enforcement 24539  
agency under an administrative child support order to provide 24540  
health insurance coverage pursuant to section 3119.30 of the 24541  
Revised Code. 24542

~~(G)~~(F) "Reasonable cost" means that the cost of ~~private~~ 24543  
health insurance coverage to the person required to provide health 24544  
insurance coverage for the children who are the subject of the 24545  
child support order does not exceed an amount equal to five per 24546  
cent of the annual income of that person. ~~For purposes of this~~ 24547  
~~division, the cost of health insurance is an amount equal to the~~ 24548  
~~difference in cost between self only and family coverage.~~ 24549

~~However, if the United States secretary of health and human~~ 24550  
~~services issues a regulation that redefines "reasonable cost" or a~~ 24551  
~~similar term or phrase, or clarifies the elements of cost used~~ 24552  
~~when determining reasonable cost relating to the provision of~~ 24553  
~~health care for children in a child support order, and if those~~ 24554

~~changes are substantively different than the definitions and terms 24555~~  
~~used in this section, those terms shall have the meaning as 24556~~  
~~defined by the United States secretary of health and human 24557~~  
~~services. 24558~~

**Sec. 3119.30.** (A) In any action or proceeding in which a 24559  
child support order is issued or modified, the court, with respect 24560  
to court child support orders, and the child support enforcement 24561  
agency, with respect to administrative child support orders, shall 24562  
determine the person or persons responsible for the health care 24563  
coverage of the children subject to the child support order and 24564  
shall include provisions for the health care coverage of the 24565  
children in the child support order. The order shall specify that 24566  
the obligor and obligee are both liable for the health care 24567  
expenses for the children who are not covered by private health 24568  
insurance according to a formula established by each court, with 24569  
respect to a court child support order, or each child support 24570  
enforcement agency, with respect to an administrative child 24571  
support order. 24572

(B) The child support obligee is rebuttably presumed to be 24573  
the appropriate parent to provide health insurance coverage for 24574  
the children subject to the child support order. The order shall 24575  
specify that the obligee must provide the health insurance 24576  
coverage unless rebutted pursuant to division (B)(1) of this 24577  
section. 24578

(1) The court or child support enforcement agency may 24579  
consider the following factors to rebut the presumption when 24580  
determining if the child support obligor is the appropriate parent 24581  
to provide health insurance coverage: 24582

(a) The obligor already has health insurance coverage for the 24583  
child that is reasonable in cost; 24584

(b) The obligor already has health insurance coverage in 24585

place for the child that is not reasonable in cost, but the 24586  
obligor wishes to be named the health insurance obligor and 24587  
provide coverage under division (A)(2)(a) of section 3119.302 of 24588  
the Revised Code; 24589

(c) The obligor can obtain health insurance coverage for the 24590  
child that is reasonable in cost through an employer or other 24591  
source. For employer-based coverage, the court or child support 24592  
enforcement agency shall consider the length of time the obligor 24593  
has worked with the employer and the stability of the insurance. 24594

(d) The obligee is a non-parent individual or agency that has 24595  
no duty to provide medical support. 24596

(2) If ~~private~~ health insurance coverage for the children is 24597  
not available at a reasonable cost to the obligor or the obligee 24598  
at the time the court or agency issues the order, the order shall 24599  
include a requirement that the obligee obtain ~~private~~ health 24600  
~~insurance~~ care coverage for the children not later than thirty 24601  
days after it becomes available to the obligee at a reasonable 24602  
cost, and to inform the child support enforcement agency when 24603  
~~private~~ health ~~insurance~~ care coverage for the children has been 24604  
obtained. 24605

(3) If ~~private~~ health insurance coverage becomes available to 24606  
the obligor at a reasonable cost, the obligor shall inform the 24607  
child support enforcement agency and may seek a modification of 24608  
health ~~insurance~~ care coverage from the court with respect to a 24609  
court child support order, or from the agency with respect to an 24610  
administrative support order. 24611

(C) When a child support order is issued or modified, the 24612  
order shall include a cash medical support amount consistent with 24613  
division (B) of section 3119.302 of the Revised Code for each 24614  
child subject to the order. The cash medical support amount shall 24615  
be ordered based on the number of children subject to the order 24616

and split between the parties using the parents' income share. 24617

(D) Any cash medical support paid pursuant to division (C) of 24618  
this section shall be paid through the department of job and 24619  
family services by the obligor to either the obligee if the 24620  
children are not medicaid recipients, or to the department of 24621  
medicaid when a medicaid assignment is in effect for any child 24622  
under the support order. 24623

(E) The cost of providing health insurance coverage for a 24624  
child subject to an order shall be defrayed by a credit against 24625  
that parent's annual income when calculating support as required 24626  
under section 3119.02 of the Revised Code using the basic child 24627  
support schedule and applicable worksheet. The credit shall be 24628  
equal to the total actual out-of-pocket cost for health insurance 24629  
premiums for the coverage. Any credit given will be less any 24630  
subsidy, including a premium tax credit or cost-sharing reduction 24631  
received by the parent providing coverage. 24632

(F) Both parents may be ordered to provide health care 24633  
coverage and pay cash medical support if the obligee is a 24634  
nonparent individual or agency that has no duty to provide medical 24635  
support. 24636

**Sec. 3119.302.** (A) When the court, with respect to a court 24637  
child support order, or the child support enforcement agency, with 24638  
respect to an administrative child support order, determines the 24639  
person or persons responsible for the health care coverage of the 24640  
children subject to the order pursuant to section 3119.30 of the 24641  
Revised Code, all of the following apply: 24642

(1) The court or agency shall consider any ~~private~~ health 24643  
insurance coverage in which the obligor, obligee, or children, are 24644  
enrolled at the time the court or agency issues the order. 24645

(2) If the cost of ~~private~~ health insurance coverage to 24646

either parent exceeds a reasonable cost, that parent shall not be 24647  
ordered to provide ~~private~~ health insurance coverage for the child 24648  
except as follows: 24649

(a) When the parent requests to obtain or maintain the 24650  
~~private~~ health insurance coverage that exceeds a reasonable cost; 24651

(b) When the court determines that it is in the best interest 24652  
of the children for a parent to obtain and maintain ~~private~~ health 24653  
insurance coverage that exceeds a reasonable cost and the cost 24654  
will not impose an undue financial burden on either parent. If the 24655  
court makes such a determination, the court must include the facts 24656  
and circumstances of the determination in the child support order. 24657

(3) If ~~private~~ health insurance coverage is available at a 24658  
reasonable cost to either parent through a group policy, contract, 24659  
or plan, and the court determines that it is not in the best 24660  
interest of the children to utilize the available ~~private~~ health 24661  
insurance coverage, the court shall state the facts and 24662  
circumstances of the determination in the child support order. 24663

(4) Notwithstanding division ~~(C)~~(B) of section 3119.29 of the 24664  
Revised Code, the court or agency may do either of the following: 24665

(a) Permit primary care services to be farther than thirty 24666  
miles if residents in part or all of the immediate geographic area 24667  
customarily travel farther distances ; 24668

(b) Require primary care services be accessible by public 24669  
transportation if public transportation is the obligee's only 24670  
source of transportation. 24671

If the court or agency makes either accessibility 24672  
determination, it shall include this accessibility determination 24673  
in the child support order. 24674

(B) The director of job and family services shall 24675  
periodically update the amount of the cash medical support 24676

obligation to be paid pursuant to division (C) of section 3119.30 24677  
of the Revised Code. The updates shall be made in consideration of 24678  
the medical expenditure panel survey, conducted by the United 24679  
States department of health and human services for health care 24680  
research and quality. The amount shall be based on the most recent 24681  
survey year data available and shall be calculated by multiplying 24682  
the total amount expended for health services for children by the 24683  
percentage that is out-of-pocket divided by the number of 24684  
individuals less than eighteen years of age that have any private 24685  
insurance. 24686

**Sec. 3119.31.** In any action or proceeding in which a court or 24687  
child support enforcement agency is determining the person 24688  
responsible for the health care coverage of the children who are 24689  
or will be the subject of a child support order, each party shall 24690  
provide to the court or child support enforcement agency a list of 24691  
any group health insurance policies, contracts, or plans available 24692  
to the party and the cost ~~for self only and family~~ of coverage 24693  
under the available policies, contracts, or plans. 24694

**Sec. 3119.32.** A child support order shall contain all of the 24695  
following: 24696

(A)(1) If the obligor, obligee, or both obligor and obligee, 24697  
are required under section 3119.30 of the Revised Code to provide 24698  
~~private health insurance~~ care coverage for the children, a 24699  
requirement that whoever is required to provide ~~private health~~ 24700  
~~insurance~~ care coverage provide to the other, not later than 24701  
thirty days after the issuance of the order, information regarding 24702  
the benefits, limitations, and exclusions of the coverage, copies 24703  
of any ~~insurance~~ forms necessary to receive reimbursement, 24704  
payment, or other benefits under the coverage, and a copy of any 24705  
necessary ~~insurance cards~~ proof of coverage; 24706

(2) If the obligor, obligee, or both obligor and obligee, are required under section 3119.30 of the Revised Code to provide ~~private~~ health ~~insurance~~ care coverage for the children, a requirement that whoever is required to provide ~~private~~ health ~~insurance~~ care coverage provide to the child support enforcement agency, not later than thirty days after the issuance of the order, documentation that verifies that coverage is being provided as ordered.

(B) A statement setting forth the name and address of the individual who is to be reimbursed for medical expenses.

(C) A requirement that a person required to provide ~~private~~ health ~~insurance~~ care coverage for the children designate the children as covered dependents under any ~~private~~ health ~~insurance~~ care coverage policy, contract, or plan ~~for which the person contracts~~.

(D) A requirement that the obligor, the obligee, or both of them under a formula established by the court, with respect to a court child support order, or the child support enforcement agency, with respect to an administrative child support order, pay extraordinary medical expenses for the children.

(E) A notice that the employer of the person required to obtain ~~private~~ health ~~insurance~~ care coverage through that employer is required to release to the other parent, any person subject to an order issued under section 3109.19 of the Revised Code, or the child support enforcement agency on written request any necessary information on the ~~private~~ health ~~insurance~~ care coverage, including the name and address of the health plan administrator and any policy, contract, or plan number, and to otherwise comply with this section and any order or notice issued under this section.

(F) A statement setting forth the full name and date of birth



of each child who is the subject of the child support order. 24738

(G) A notice that states the following: "If the person 24739  
required to obtain ~~private~~ health care ~~insurance~~ coverage for the 24740  
children subject to this child support order obtains new 24741  
employment, the agency shall comply with the requirements of 24742  
section 3119.34 of the Revised Code, which may result in the 24743  
issuance of a notice requiring the new employer to take whatever 24744  
action is necessary to enroll the children in private health care 24745  
insurance coverage provided by the new employer, when insurance is 24746  
not being provided by any other source." 24747

**Sec. 3125.25.** The director of job and family services shall 24748  
adopt rules under Chapter 119. of the Revised Code governing the 24749  
operation of support enforcement by child support enforcement 24750  
agencies. The rules shall include, but shall not be limited to, 24751  
the following: 24752

(A) Provisions relating to plans of cooperation between the 24753  
agencies and boards of county commissioners entered into under 24754  
section 3125.12 of the Revised Code; 24755

(B) Provisions for the compromise and waiver of child support 24756  
arrearages owed to the state and federal government, consistent 24757  
with Title IV-D of the "Social Security Act," 88 Stat. 2351 24758  
(1975), 42 U.S.C. 651 et seq., as amended; 24759

(C) Requirements for public hearings by the agencies; 24760

(D) Provisions for appeals of agency decisions under 24761  
procedures established by the director; 24762

(E) Provisions requiring the investigation and documentation 24763  
of the factual basis for establishment and modification of support 24764  
obligations in accordance with Title IV-D of the "Social Security 24765  
Act," 88 Stat. 2351 (1975), 42 U.S.C. 651 et seq., and any 24766  
regulations promulgated by the United States department of health 24767

and human services; 24768

(F) Provisions establishing criteria for child support 24769  
enforcement agencies to initiate an action under section 2705.031 24770  
of the Revised Code in any case administered under Title IV-D of 24771  
the "Social Security Act," 88 Stat. 2351 (1975), 42 U.S.C. 651 et 24772  
seq. 24773

**Sec. 3301.07.** The state board of education shall exercise 24774  
under the acts of the general assembly general supervision of the 24775  
system of public education in the state. In addition to the powers 24776  
otherwise imposed on the state board under the provisions of law, 24777  
the board shall have the powers described in this section. 24778

(A) The state board shall exercise policy forming, planning, 24779  
and evaluative functions for the public schools of the state 24780  
except as otherwise provided by law. 24781

(B)(1) The state board shall exercise leadership in the 24782  
improvement of public education in this state, and administer the 24783  
educational policies of this state relating to public schools, and 24784  
relating to instruction and instructional material, building and 24785  
equipment, transportation of pupils, administrative 24786  
responsibilities of school officials and personnel, and finance 24787  
and organization of school districts, educational service centers, 24788  
and territory. Consultative and advisory services in such matters 24789  
shall be provided by the board to school districts and educational 24790  
service centers of this state. 24791

(2) The state board also shall develop a standard of 24792  
financial reporting which shall be used by each school district 24793  
board of education and each governing board of an educational 24794  
service center, each governing authority of a community school 24795  
established under Chapter 3314., each governing body of a STEM 24796  
school established under Chapter 3328., and each board of trustees 24797  
of a college-preparatory boarding school established under Chapter 24798

3328. of the Revised Code to make its financial information and 24799  
annual budgets for each school building under its control 24800  
available to the public in a format understandable by the average 24801  
citizen. The format shall show, both at the district and at the 24802  
school building level, revenue by source; expenditures for 24803  
salaries, wages, and benefits of employees, showing such amounts 24804  
separately for classroom teachers, other employees required to 24805  
hold licenses issued pursuant to sections 3319.22 to 3319.31 of 24806  
the Revised Code, and all other employees; expenditures other than 24807  
for personnel, by category, including utilities, textbooks and 24808  
other educational materials, equipment, permanent improvements, 24809  
pupil transportation, extracurricular athletics, and other 24810  
extracurricular activities; and per pupil expenditures. The format 24811  
shall also include information on total revenue and expenditures, 24812  
per pupil revenue, and expenditures for both classroom and 24813  
nonclassroom purposes, as defined by the standards adopted under 24814  
section 3302.20 of the Revised Code in the aggregate and for each 24815  
subgroup of students, as defined by section 3317.40 of the Revised 24816  
Code, that receives services provided for by state or federal 24817  
funding. 24818

(3) Each school district board, governing authority, 24819  
governing body, or board of trustees, or its respective designee, 24820  
shall annually report, to the department of education, all 24821  
financial information required by the standards for financial 24822  
reporting, as prescribed by division (B)(2) of this section and 24823  
adopted by the state board. The department shall make all reports 24824  
submitted pursuant to this division available in such a way that 24825  
allows for comparison between financial information included in 24826  
these reports and financial information included in reports 24827  
produced prior to July 1, 2013. The department shall post these 24828  
reports in a prominent location on its web site and shall notify 24829  
each school when reports are made available. 24830

(C) The state board shall administer and supervise the 24831  
allocation and distribution of all state and federal funds for 24832  
public school education under the provisions of law, and may 24833  
prescribe such systems of accounting as are necessary and proper 24834  
to this function. It may require county auditors and treasurers, 24835  
boards of education, educational service center governing boards, 24836  
treasurers of such boards, teachers, and other school officers and 24837  
employees, or other public officers or employees, to file with it 24838  
such reports as it may prescribe relating to such funds, or to the 24839  
management and condition of such funds. 24840

(D)(1) Wherever in Titles IX, XXIII, XXIX, XXXIII, XXXVII, 24841  
XLVII, and LI of the Revised Code a reference is made to standards 24842  
prescribed under this section or division (D) of this section, 24843  
that reference shall be construed to refer to the standards 24844  
prescribed under division (D)(2) of this section, unless the 24845  
context specifically indicates a different meaning or intent. 24846

(2) The state board shall formulate and prescribe minimum 24847  
standards to be applied to all elementary and secondary schools in 24848  
this state for the purpose of providing children access to a 24849  
general education of high quality according to the learning needs 24850  
of each individual, including students with disabilities, 24851  
economically disadvantaged students, ~~limited English proficient~~ 24852  
~~students~~ learners, and students identified as gifted. Such 24853  
standards shall provide adequately for: the licensing of teachers, 24854  
administrators, and other professional personnel and their 24855  
assignment according to training and qualifications; efficient and 24856  
effective instructional materials and equipment, including library 24857  
facilities; the proper organization, administration, and 24858  
supervision of each school, including regulations for preparing 24859  
all necessary records and reports and the preparation of a 24860  
statement of policies and objectives for each school; the 24861  
provision of safe buildings, grounds, health and sanitary 24862

facilities and services; admission of pupils, and such 24863  
requirements for their promotion from grade to grade as will 24864  
assure that they are capable and prepared for the level of study 24865  
to which they are certified; requirements for graduation; and such 24866  
other factors as the board finds necessary. 24867

The state board shall base any standards governing the 24868  
promotion of students or requirements for graduation on the 24869  
ability of students, at any grade level, to earn credits or 24870  
advance upon demonstration of mastery of knowledge and skills 24871  
through competency-based learning models. Credits of grade level 24872  
advancement shall not require a minimum number of days or hours in 24873  
a classroom. 24874

The state board shall base any standards governing the 24875  
assignment of staff on ensuring each school has a sufficient 24876  
number of teachers to ensure a student has an appropriate level of 24877  
interaction to meet each student's personal learning goals. 24878

In the formulation and administration of such standards for 24879  
nonpublic schools the board shall also consider the particular 24880  
needs, methods and objectives of those schools, provided they do 24881  
not conflict with the provision of a general education of a high 24882  
quality and provided that regular procedures shall be followed for 24883  
promotion from grade to grade of pupils who have met the 24884  
educational requirements prescribed. 24885

(3) In addition to the minimum standards required by division 24886  
(D)(2) of this section, the state board may formulate and 24887  
prescribe the following additional minimum operating standards for 24888  
school districts: 24889

(a) Standards for the effective and efficient organization, 24890  
administration, and supervision of each school district with a 24891  
commitment to high expectations for every student based on the 24892  
learning needs of each individual, including students with 24893

disabilities, economically disadvantaged students, ~~limited English~~ 24894  
~~proficient students~~ learners, and students identified as gifted, 24895  
and commitment to closing the achievement gap without suppressing 24896  
the achievement levels of higher achieving students so that all 24897  
students achieve core knowledge and skills in accordance with the 24898  
statewide academic standards adopted under section 3301.079 of the 24899  
Revised Code; 24900

(b) Standards for the establishment of business advisory 24901  
councils under section 3313.82 of the Revised Code; 24902

(c) Standards for school district buildings that may require 24903  
the effective and efficient organization, administration, and 24904  
supervision of each school district building with a commitment to 24905  
high expectations for every student based on the learning needs of 24906  
each individual, including students with disabilities, 24907  
economically disadvantaged students, ~~limited English proficient~~ 24908  
~~students~~ learners, and students identified as gifted, and 24909  
commitment to closing the achievement gap without suppressing the 24910  
achievement levels of higher achieving students so that all 24911  
students achieve core knowledge and skills in accordance with the 24912  
statewide academic standards adopted under section 3301.079 of the 24913  
Revised Code. 24914

(E) The state board may require as part of the health 24915  
curriculum information developed under section 2108.34 of the 24916  
Revised Code promoting the donation of anatomical gifts pursuant 24917  
to Chapter 2108. of the Revised Code and may provide the 24918  
information to high schools, educational service centers, and 24919  
joint vocational school district boards of education; 24920

(F) The state board shall prepare and submit annually to the 24921  
governor and the general assembly a report on the status, needs, 24922  
and major problems of the public schools of the state, with 24923  
recommendations for necessary legislative action and a ten-year 24924  
projection of the state's public and nonpublic school enrollment, 24925

by year and by grade level. 24926

(G) The state board shall prepare and submit to the director 24927  
of budget and management the biennial budgetary requests of the 24928  
state board of education, for its agencies and for the public 24929  
schools of the state. 24930

(H) The state board shall cooperate with federal, state, and 24931  
local agencies concerned with the health and welfare of children 24932  
and youth of the state. 24933

(I) The state board shall require such reports from school 24934  
districts and educational service centers, school officers, and 24935  
employees as are necessary and desirable. The superintendents and 24936  
treasurers of school districts and educational service centers 24937  
shall certify as to the accuracy of all reports required by law or 24938  
state board or state department of education rules to be submitted 24939  
by the district or educational service center and which contain 24940  
information necessary for calculation of state funding. Any 24941  
superintendent who knowingly falsifies such report shall be 24942  
subject to license revocation pursuant to section 3319.31 of the 24943  
Revised Code. 24944

(J) In accordance with Chapter 119. of the Revised Code, the 24945  
state board shall adopt procedures, standards, and guidelines for 24946  
the education of children with disabilities pursuant to Chapter 24947  
3323. of the Revised Code, including procedures, standards, and 24948  
guidelines governing programs and services operated by county 24949  
boards of developmental disabilities pursuant to section 3323.09 24950  
of the Revised Code. 24951

(K) For the purpose of encouraging the development of special 24952  
programs of education for academically gifted children, the state 24953  
board shall employ competent persons to analyze and publish data, 24954  
promote research, advise and counsel with boards of education, and 24955  
encourage the training of teachers in the special instruction of 24956

gifted children. The board may provide financial assistance out of 24957  
any funds appropriated for this purpose to boards of education and 24958  
educational service center governing boards for developing and 24959  
conducting programs of education for academically gifted children. 24960

(L) The state board shall require that all public schools 24961  
emphasize and encourage, within existing units of study, the 24962  
teaching of energy and resource conservation as recommended to 24963  
each district board of education by leading business persons 24964  
involved in energy production and conservation, beginning in the 24965  
primary grades. 24966

(M) The state board shall formulate and prescribe minimum 24967  
standards requiring the use of phonics as a technique in the 24968  
teaching of reading in grades kindergarten through three. In 24969  
addition, the state board shall provide in-service training 24970  
programs for teachers on the use of phonics as a technique in the 24971  
teaching of reading in grades kindergarten through three. 24972

(N) The state board may adopt rules necessary for carrying 24973  
out any function imposed on it by law, and may provide rules as 24974  
are necessary for its government and the government of its 24975  
employees, and may delegate to the superintendent of public 24976  
instruction the management and administration of any function 24977  
imposed on it by law. It may provide for the appointment of board 24978  
members to serve on temporary committees established by the board 24979  
for such purposes as are necessary. Permanent or standing 24980  
committees shall not be created. 24981

(O) Upon application from the board of education of a school 24982  
district, the superintendent of public instruction may issue a 24983  
waiver exempting the district from compliance with the standards 24984  
adopted under divisions (B)(2) and (D) of this section, as they 24985  
relate to the operation of a school operated by the district. The 24986  
state board shall adopt standards for the approval or disapproval 24987  
of waivers under this division. The state superintendent shall 24988



consider every application for a waiver, and shall determine 24989  
whether to grant or deny a waiver in accordance with the state 24990  
board's standards. For each waiver granted, the state 24991  
superintendent shall specify the period of time during which the 24992  
waiver is in effect, which shall not exceed five years. A district 24993  
board may apply to renew a waiver. 24994

**Sec. 3301.0710.** The state board of education shall adopt 24995  
rules establishing a statewide program to assess student 24996  
achievement. The state board shall ensure that all assessments 24997  
administered under the program are aligned with the academic 24998  
standards and model curricula adopted by the state board and are 24999  
created with input from Ohio parents, Ohio classroom teachers, 25000  
Ohio school administrators, and other Ohio school personnel 25001  
pursuant to section 3301.079 of the Revised Code. 25002

The assessment program shall be designed to ensure that 25003  
students who receive a high school diploma demonstrate at least 25004  
high school levels of achievement in English language arts, 25005  
mathematics, science, and social studies. 25006

(A)(1) The state board shall prescribe all of the following: 25007

(a) Two statewide achievement assessments, one each designed 25008  
to measure the level of English language arts and mathematics 25009  
skill expected at the end of third grade; 25010

(b) Two statewide achievement assessments, one each designed 25011  
to measure the level of English language arts and mathematics 25012  
skill expected at the end of fourth grade; 25013

(c) Three statewide achievement assessments, one each 25014  
designed to measure the level of English language arts, 25015  
mathematics, and science skill expected at the end of fifth grade; 25016

(d) Two statewide achievement assessments, one each designed 25017  
to measure the level of English language arts and mathematics 25018

skill expected at the end of sixth grade;	25019
(e) Two statewide achievement assessments, one each designed	25020
to measure the level of English language arts and mathematics	25021
skill expected at the end of seventh grade;	25022
(f) Three statewide achievement assessments, one each	25023
designed to measure the level of English language arts,	25024
mathematics, and science skill expected at the end of eighth	25025
grade.	25026
(2) The state board shall determine and designate at least	25027
five ranges of scores on each of the achievement assessments	25028
described in divisions (A)(1) and (B)(1) of this section. Each	25029
range of scores shall be deemed to demonstrate a level of	25030
achievement so that any student attaining a score within such	25031
range has achieved one of the following:	25032
(a) An advanced level of skill;	25033
(b) An accelerated level of skill;	25034
(c) A proficient level of skill;	25035
(d) A basic level of skill;	25036
(e) A limited level of skill.	25037
(3) For the purpose of implementing division (A) of section	25038
3313.608 of the Revised Code, the state board shall determine and	25039
designate a level of achievement, not lower than the level	25040
designated in division (A)(2)(e) of this section, on the third	25041
grade English language arts assessment for a student to be	25042
promoted to the fourth grade. The state board shall review and	25043
adjust upward the level of achievement designated under this	25044
division each year the test is administered until the level is set	25045
equal to the level designated in division (A)(2)(c) of this	25046
section.	25047
(4) Each school district or school shall teach and assess	25048

social studies in at least the fourth and sixth grades. Any 25049  
assessment in such area shall be determined by the district or 25050  
school and may be formative or summative in nature. The results of 25051  
such assessment shall not be reported to the department of 25052  
education. 25053

(B)(1) The assessments prescribed under division (B)(1) of 25054  
this section shall collectively be known as the Ohio graduation 25055  
tests. The state board shall prescribe five statewide high school 25056  
achievement assessments, one each designed to measure the level of 25057  
reading, writing, mathematics, science, and social studies skill 25058  
expected at the end of tenth grade. The state board shall 25059  
designate a score in at least the range designated under division 25060  
(A)(2)(c) of this section on each such assessment that shall be 25061  
deemed to be a passing score on the assessment as a condition 25062  
toward granting high school diplomas under sections 3313.61, 25063  
3313.611, 3313.612, and 3325.08 of the Revised Code until the 25064  
assessment system prescribed by section 3301.0712 of the Revised 25065  
Code is implemented in accordance with division (B)(2) of this 25066  
section. 25067

(2) The state board shall prescribe an assessment system in 25068  
accordance with section 3301.0712 of the Revised Code that shall 25069  
replace the Ohio graduation tests beginning with students who 25070  
enter the ninth grade for the first time on or after July 1, 2014. 25071

(3) The state board may enter into a reciprocal agreement 25072  
with the appropriate body or agency of any other state that has 25073  
similar statewide achievement assessment requirements for 25074  
receiving high school diplomas, under which any student who has 25075  
met an achievement assessment requirement of one state is 25076  
recognized as having met the similar requirement of the other 25077  
state for purposes of receiving a high school diploma. For 25078  
purposes of this section and sections 3301.0711 and 3313.61 of the 25079  
Revised Code, any student enrolled in any public high school in 25080

this state who has met an achievement assessment requirement 25081  
specified in a reciprocal agreement entered into under this 25082  
division shall be deemed to have attained at least the applicable 25083  
score designated under this division on each assessment required 25084  
by division (B)(1) or (2) of this section that is specified in the 25085  
agreement. 25086

(C) The superintendent of public instruction shall designate 25087  
dates and times for the administration of the assessments 25088  
prescribed by divisions (A) and (B) of this section. 25089

In prescribing administration dates pursuant to this 25090  
division, the superintendent shall designate the dates in such a 25091  
way as to allow a reasonable length of time between the 25092  
administration of assessments prescribed under this section and 25093  
any administration of the national assessment of educational 25094  
progress given to students in the same grade level pursuant to 25095  
section 3301.27 of the Revised Code or federal law. 25096

(D) The state board shall prescribe a practice version of 25097  
each Ohio graduation test described in division (B)(1) of this 25098  
section that is of comparable length to the actual test. 25099

(E) Any committee established by the department of education 25100  
for the purpose of making recommendations to the state board 25101  
regarding the state board's designation of scores on the 25102  
assessments described by this section shall inform the state board 25103  
of the probable percentage of students who would score in each of 25104  
the ranges established under division (A)(2) of this section on 25105  
the assessments if the committee's recommendations are adopted by 25106  
the state board. To the extent possible, these percentages shall 25107  
be disaggregated by gender, major racial and ethnic groups, 25108  
~~limited English proficient students~~ learners, economically 25109  
disadvantaged students, students with disabilities, and migrant 25110  
students. 25111

**Sec. 3301.0711.** (A) The department of education shall: 25112

(1) Annually furnish to, grade, and score all assessments 25113  
required by divisions (A)(1) and (B)(1) of section 3301.0710 of 25114  
the Revised Code to be administered by city, local, exempted 25115  
village, and joint vocational school districts, except that each 25116  
district shall score any assessment administered pursuant to 25117  
division (B)(10) of this section. Each assessment so furnished 25118  
shall include the data verification code of the student to whom 25119  
the assessment will be administered, as assigned pursuant to 25120  
division (D)(2) of section 3301.0714 of the Revised Code. In 25121  
furnishing the practice versions of Ohio graduation tests 25122  
prescribed by division (D) of section 3301.0710 of the Revised 25123  
Code, the department shall make the tests available on its web 25124  
site for reproduction by districts. In awarding contracts for 25125  
grading assessments, the department shall give preference to 25126  
Ohio-based entities employing Ohio residents. 25127

(2) Adopt rules for the ethical use of assessments and 25128  
prescribing the manner in which the assessments prescribed by 25129  
section 3301.0710 of the Revised Code shall be administered to 25130  
students. 25131

(B) Except as provided in divisions (C) and (J) of this 25132  
section, the board of education of each city, local, and exempted 25133  
village school district shall, in accordance with rules adopted 25134  
under division (A) of this section: 25135

(1) Administer the English language arts assessments 25136  
prescribed under division (A)(1)(a) of section 3301.0710 of the 25137  
Revised Code twice annually to all students in the third grade who 25138  
have not attained the score designated for that assessment under 25139  
division (A)(2)(c) of section 3301.0710 of the Revised Code. 25140

(2) Administer the mathematics assessment prescribed under 25141  
division (A)(1)(a) of section 3301.0710 of the Revised Code at 25142

least once annually to all students in the third grade.	25143
(3) Administer the assessments prescribed under division	25144
(A)(1)(b) of section 3301.0710 of the Revised Code at least once	25145
annually to all students in the fourth grade.	25146
(4) Administer the assessments prescribed under division	25147
(A)(1)(c) of section 3301.0710 of the Revised Code at least once	25148
annually to all students in the fifth grade.	25149
(5) Administer the assessments prescribed under division	25150
(A)(1)(d) of section 3301.0710 of the Revised Code at least once	25151
annually to all students in the sixth grade.	25152
(6) Administer the assessments prescribed under division	25153
(A)(1)(e) of section 3301.0710 of the Revised Code at least once	25154
annually to all students in the seventh grade.	25155
(7) Administer the assessments prescribed under division	25156
(A)(1)(f) of section 3301.0710 of the Revised Code at least once	25157
annually to all students in the eighth grade.	25158
(8) Except as provided in division (B)(9) of this section,	25159
administer any assessment prescribed under division (B)(1) of	25160
section 3301.0710 of the Revised Code as follows:	25161
(a) At least once annually to all tenth grade students and at	25162
least twice annually to all students in eleventh or twelfth grade	25163
who have not yet attained the score on that assessment designated	25164
under that division;	25165
(b) To any person who has successfully completed the	25166
curriculum in any high school or the individualized education	25167
program developed for the person by any high school pursuant to	25168
section 3323.08 of the Revised Code but has not received a high	25169
school diploma and who requests to take such assessment, at any	25170
time such assessment is administered in the district.	25171
(9) In lieu of the board of education of any city, local, or	25172

exempted village school district in which the student is also 25173  
enrolled, the board of a joint vocational school district shall 25174  
administer any assessment prescribed under division (B)(1) of 25175  
section 3301.0710 of the Revised Code at least twice annually to 25176  
any student enrolled in the joint vocational school district who 25177  
has not yet attained the score on that assessment designated under 25178  
that division. A board of a joint vocational school district may 25179  
also administer such an assessment to any student described in 25180  
division (B)(8)(b) of this section. 25181

(10) If the district has a three-year average graduation rate 25182  
of not more than seventy-five per cent, administer each assessment 25183  
prescribed by division (D) of section 3301.0710 of the Revised 25184  
Code in September to all ninth grade students who entered ninth 25185  
grade prior to July 1, 2014. 25186

Except as provided in section 3313.614 of the Revised Code 25187  
for administration of an assessment to a person who has fulfilled 25188  
the curriculum requirement for a high school diploma but has not 25189  
passed one or more of the required assessments, the assessments 25190  
prescribed under division (B)(1) of section 3301.0710 of the 25191  
Revised Code shall not be administered after the date specified in 25192  
the rules adopted by the state board of education under division 25193  
(D)(1) of section 3301.0712 of the Revised Code. 25194

(11)(a) Except as provided in ~~division~~ divisions (B)(11)(b) 25195  
and (c) of this section, administer the assessments prescribed by 25196  
division (B)(2) of section 3301.0710 and section 3301.0712 of the 25197  
Revised Code in accordance with the timeline and plan for 25198  
implementation of those assessments prescribed by rule of the 25199  
state board adopted under division (D)(1) of section 3301.0712 of 25200  
the Revised Code; 25201

(b) A student who has presented evidence to the district or 25202  
school of having satisfied the condition prescribed by division 25203  
(A)(1) of section 3313.618 of the Revised Code to qualify for a 25204

high school diploma prior to the date of the administration of the 25205  
assessment prescribed under division (B)(1) of section 3301.0712 25206  
of the Revised Code shall not be required to take that assessment. 25207  
However, no board shall prohibit a student who is not required to 25208  
take such assessment from taking the assessment. 25209

(c) A student shall not be required to retake the Algebra I 25210  
end-of-course examination or the English language arts II 25211  
end-of-course examination prescribed under division (B)(2) of 25212  
section 3301.0712 of the Revised Code in grades nine through 25213  
twelve if the student demonstrates at least a proficient level of 25214  
skill, as prescribed under division (B)(5)(a) of that section, or 25215  
achieves a competency score, as prescribed under division (B)(10) 25216  
of that section, in an administration of the examination prior to 25217  
grade nine. 25218

(C)(1)(a) In the case of a student receiving special 25219  
education services under Chapter 3323. of the Revised Code, the 25220  
individualized education program developed for the student under 25221  
that chapter shall specify the manner in which the student will 25222  
participate in the assessments administered under this section, 25223  
except that a student with significant cognitive disabilities to 25224  
whom an alternate assessment is administered in accordance with 25225  
division (C)(1) of this section and a student determined to have a 25226  
disability that includes an intellectual disability as outlined in 25227  
guidance issued by the department shall not be required to take 25228  
the assessment prescribed under division (B)(1) of section 25229  
3301.0712 of the Revised Code. The individualized education 25230  
program may excuse the student from taking any particular 25231  
assessment required to be administered under this section if it 25232  
instead specifies an alternate assessment method approved by the 25233  
department of education as conforming to requirements of federal 25234  
law for receipt of federal funds for disadvantaged pupils. To the 25235  
extent possible, the individualized education program shall not 25236



excuse the student from taking an assessment unless no reasonable 25237  
accommodation can be made to enable the student to take the 25238  
assessment. No board shall prohibit a student who is not required 25239  
to take an assessment under division (C)(1) of this section from 25240  
taking the assessment. 25241

(b) Any alternate assessment approved by the department for a 25242  
student under this division shall produce measurable results 25243  
comparable to those produced by the assessment it replaces in 25244  
order to allow for the student's results to be included in the 25245  
data compiled for a school district or building under section 25246  
3302.03 of the Revised Code. 25247

(c)(i) Any student enrolled in a chartered nonpublic school 25248  
who has been identified, based on an evaluation conducted in 25249  
accordance with section 3323.03 of the Revised Code or section 504 25250  
of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C.A. 25251  
794, as amended, as a child with a disability shall be excused 25252  
from taking any particular assessment required to be administered 25253  
under this section if a either of the following apply: 25254

(I) A plan developed for the student pursuant to rules 25255  
adopted by the state board excuses the student from taking that 25256  
assessment. 25257

(II) The chartered nonpublic school develops a written plan 25258  
in which the school, in consultation with the student's parents, 25259  
determines that an assessment or alternative assessment with 25260  
accommodations does not accurately assess the student's academic 25261  
performance. The plan shall include an academic profile of the 25262  
student's academic performance and shall be reviewed annually to 25263  
determine if the student's needs continue to require excusal from 25264  
taking the assessment. 25265

(ii) A student with significant cognitive disabilities to 25266  
whom an alternate assessment is administered in accordance with 25267

division (C)(1) of this section and a student determined to have a 25268  
disability that includes an intellectual disability as outlined in 25269  
guidance issued by the department shall not be required to take 25270  
the assessment prescribed under division (B)(1) of section 25271  
3301.0712 of the Revised Code. 25272

(iii) In the case of any student so excused from taking an 25273  
assessment under division (C)(1)(c) of this section, the chartered 25274  
nonpublic school shall not prohibit the student from taking the 25275  
assessment. 25276

(2) A district board may, for medical reasons or other good 25277  
cause, excuse a student from taking an assessment administered 25278  
under this section on the date scheduled, but that assessment 25279  
shall be administered to the excused student not later than nine 25280  
days following the scheduled date. The district board shall 25281  
annually report the number of students who have not taken one or 25282  
more of the assessments required by this section to the state 25283  
board not later than the thirtieth day of June. 25284

(3) As used in this division, "~~limited English proficient~~ 25285  
~~student learner~~" has the same meaning as in 20 U.S.C. 7801. 25286

No school district board shall excuse any ~~limited English~~ 25287  
~~proficient student learner~~ from taking any particular assessment 25288  
required to be administered under this section, except as follows: 25289

(a) Any ~~limited English proficient student learner~~ who has 25290  
been enrolled in United States schools for less than two years and 25291  
for whom no appropriate accommodations are available based on 25292  
guidance issued by the department shall not be required to take 25293  
the assessment prescribed under division (B)(1) of section 25294  
3301.0712 of the Revised Code. 25295

(b) Any ~~limited English proficient student learner~~ who has 25296  
been enrolled in United States schools for less than one full 25297  
school year shall not be required to take any reading, writing, or 25298

English language arts assessment. 25299

However, no board shall prohibit ~~a limited~~ an English 25300  
~~proficient student learner~~ who is not required to take an 25301  
assessment under division (C)(3) of this section from taking the 25302  
assessment. A board may permit any ~~limited~~ English ~~proficient~~ 25303  
~~student learner~~ to take an assessment required to be administered 25304  
under this section with appropriate accommodations, as determined 25305  
by the department. For each ~~limited~~ English ~~proficient student~~ 25306  
learner, each school district shall annually assess that student's 25307  
progress in learning English, in accordance with procedures 25308  
approved by the department. 25309

(4)(a) The governing authority of a chartered nonpublic 25310  
school may excuse ~~a limited~~ an English ~~proficient student learner~~ 25311  
from taking any assessment administered under this section. 25312

(b) No governing authority shall require ~~a limited~~ an English 25313  
~~proficient student learner~~ who has been enrolled in United States 25314  
schools for less than two years and for whom no appropriate 25315  
accommodations are available based on guidance issued by the 25316  
department to take the assessment prescribed under division (B)(1) 25317  
of section 3301.0712 of the Revised Code. 25318

(c) No governing authority shall prohibit ~~a limited~~ an 25319  
English ~~proficient student learner~~ from taking an assessment from 25320  
which the student was excused under division (C)(4) of this 25321  
section. 25322

(D)(1) In the school year next succeeding the school year in 25323  
which the assessments prescribed by division (A)(1) or (B)(1) of 25324  
section 3301.0710 of the Revised Code or former division (A)(1), 25325  
(A)(2), or (B) of section 3301.0710 of the Revised Code as it 25326  
existed prior to September 11, 2001, are administered to any 25327  
student, the board of education of any school district in which 25328  
the student is enrolled in that year shall provide to the student 25329

intervention services commensurate with the student's performance, 25330  
including any intensive intervention required under section 25331  
3313.608 of the Revised Code, in any skill in which the student 25332  
failed to demonstrate at least a score at the proficient level on 25333  
the assessment. 25334

(2) Following any administration of the assessments 25335  
prescribed by division (D) of section 3301.0710 of the Revised 25336  
Code to ninth grade students, each school district that has a 25337  
three-year average graduation rate of not more than seventy-five 25338  
per cent shall determine for each high school in the district 25339  
whether the school shall be required to provide intervention 25340  
services to any students who took the assessments. In determining 25341  
which high schools shall provide intervention services based on 25342  
the resources available, the district shall consider each school's 25343  
graduation rate and scores on the practice assessments. The 25344  
district also shall consider the scores received by ninth grade 25345  
students on the English language arts and mathematics assessments 25346  
prescribed under division (A)(1)(f) of section 3301.0710 of the 25347  
Revised Code in the eighth grade in determining which high schools 25348  
shall provide intervention services. 25349

Each high school selected to provide intervention services 25350  
under this division shall provide intervention services to any 25351  
student whose results indicate that the student is failing to make 25352  
satisfactory progress toward being able to attain scores at the 25353  
proficient level on the Ohio graduation tests. Intervention 25354  
services shall be provided in any skill in which a student 25355  
demonstrates unsatisfactory progress and shall be commensurate 25356  
with the student's performance. Schools shall provide the 25357  
intervention services prior to the end of the school year, during 25358  
the summer following the ninth grade, in the next succeeding 25359  
school year, or at any combination of those times. 25360

(E) Except as provided in section 3313.608 of the Revised 25361

Code and division (N) of this section, no school district board of education shall utilize any student's failure to attain a specified score on an assessment administered under this section as a factor in any decision to deny the student promotion to a higher grade level. However, a district board may choose not to promote to the next grade level any student who does not take an assessment administered under this section or make up an assessment as provided by division (C)(2) of this section and who is not exempt from the requirement to take the assessment under division (C)(3) of this section.

(F) No person shall be charged a fee for taking any assessment administered under this section.

(G)(1) Each school district board shall designate one location for the collection of assessments administered in the spring under division (B)(1) of this section and those administered under divisions (B)(2) to (7) of this section. Each district board shall submit the assessments to the entity with which the department contracts for the scoring of the assessments as follows:

(a) If the district's total enrollment in grades kindergarten through twelve during the first full school week of October was less than two thousand five hundred, not later than the Friday after all of the assessments have been administered;

(b) If the district's total enrollment in grades kindergarten through twelve during the first full school week of October was two thousand five hundred or more, but less than seven thousand, not later than the Monday after all of the assessments have been administered;

(c) If the district's total enrollment in grades kindergarten through twelve during the first full school week of October was seven thousand or more, not later than the Tuesday after all of

the assessments have been administered. 25393

However, any assessment that a student takes during the 25394  
make-up period described in division (C)(2) of this section shall 25395  
be submitted not later than the Friday following the day the 25396  
student takes the assessment. 25397

(2) The department or an entity with which the department 25398  
contracts for the scoring of the assessment shall send to each 25399  
school district board a list of the individual scores of all 25400  
persons taking a state achievement assessment as follows: 25401

(a) Except as provided in division (G)(2)(b) or (c) of this 25402  
section, within forty-five days after the administration of the 25403  
assessments prescribed by sections 3301.0710 and 3301.0712 of the 25404  
Revised Code, but in no case shall the scores be returned later 25405  
than the thirtieth day of June following the administration; 25406

(b) In the case of the third-grade English language arts 25407  
assessment, within forty-five days after the administration of 25408  
that assessment, but in no case shall the scores be returned later 25409  
than the fifteenth day of June following the administration; 25410

(c) In the case of the writing component of an assessment or 25411  
end-of-course examination in the area of English language arts, 25412  
except for the third-grade English language arts assessment, the 25413  
results may be sent after forty-five days of the administration of 25414  
the writing component, but in no case shall the scores be returned 25415  
later than the thirtieth day of June following the administration. 25416

(3) For assessments administered under this section by a 25417  
joint vocational school district, the department or entity shall 25418  
also send to each city, local, or exempted village school district 25419  
a list of the individual scores of any students of such city, 25420  
local, or exempted village school district who are attending 25421  
school in the joint vocational school district. 25422

(4) Beginning with the 2019-2020 school year, a school 25423

district, other public school, or chartered nonpublic school may 25424  
administer the third-grade English language arts or mathematics 25425  
assessment, or both, in a paper format in any school year for 25426  
which the district board of education or school governing body 25427  
adopts a resolution indicating that the district or school chooses 25428  
to administer the assessment in a paper format. The board or 25429  
governing body shall submit a copy of the resolution to the 25430  
department of education not later than the first day of May prior 25431  
to the school year for which it will apply. If the resolution is 25432  
submitted, the district or school shall administer the assessment 25433  
in a paper format to all students in the third grade, except that 25434  
any student whose individualized education program or plan 25435  
developed under section 504 of the "Rehabilitation Act of 1973," 25436  
87 Stat. 355, 29 U.S.C. 794, as amended, specifies that taking the 25437  
assessment in an online format is an appropriate accommodation for 25438  
the student may take the assessment in an online format. 25439

(H) Individual scores on any assessments administered under 25440  
this section shall be released by a district board only in 25441  
accordance with section 3319.321 of the Revised Code and the rules 25442  
adopted under division (A) of this section. No district board or 25443  
its employees shall utilize individual or aggregate results in any 25444  
manner that conflicts with rules for the ethical use of 25445  
assessments adopted pursuant to division (A) of this section. 25446

(I) Except as provided in division (G) of this section, the 25447  
department or an entity with which the department contracts for 25448  
the scoring of the assessment shall not release any individual 25449  
scores on any assessment administered under this section. The 25450  
state board shall adopt rules to ensure the protection of student 25451  
confidentiality at all times. The rules may require the use of the 25452  
data verification codes assigned to students pursuant to division 25453  
(D)(2) of section 3301.0714 of the Revised Code to protect the 25454  
confidentiality of student scores. 25455

(J) Notwithstanding division (D) of section 3311.52 of the Revised Code, this section does not apply to the board of education of any cooperative education school district except as provided under rules adopted pursuant to this division.

(1) In accordance with rules that the state board shall adopt, the board of education of any city, exempted village, or local school district with territory in a cooperative education school district established pursuant to divisions (A) to (C) of section 3311.52 of the Revised Code may enter into an agreement with the board of education of the cooperative education school district for administering any assessment prescribed under this section to students of the city, exempted village, or local school district who are attending school in the cooperative education school district.

(2) In accordance with rules that the state board shall adopt, the board of education of any city, exempted village, or local school district with territory in a cooperative education school district established pursuant to section 3311.521 of the Revised Code shall enter into an agreement with the cooperative district that provides for the administration of any assessment prescribed under this section to both of the following:

(a) Students who are attending school in the cooperative district and who, if the cooperative district were not established, would be entitled to attend school in the city, local, or exempted village school district pursuant to section 3313.64 or 3313.65 of the Revised Code;

(b) Persons described in division (B)(8)(b) of this section.

Any assessment of students pursuant to such an agreement shall be in lieu of any assessment of such students or persons pursuant to this section.

(K)(1)(a) Except as otherwise provided in division (K)(1) or



(2) of this section, each chartered nonpublic school for which at least sixty-five per cent of its total enrollment is made up of students who are participating in state scholarship programs shall administer the ~~elementary~~ assessments prescribed by division (A) of section 3301.0710 of the Revised Code or an alternative standardized assessment determined by the department. In accordance with procedures and deadlines prescribed by the department, the parent or guardian of a student enrolled in the school who is not participating in a state scholarship program may submit notice to the chief administrative officer of the school that the parent or guardian does not wish to have the student take the ~~elementary~~ assessments prescribed for the student's grade level under division (A) of section 3301.0710 of the Revised Code. If a parent or guardian submits an opt-out notice, the school shall not administer the assessments to that student. This option does not apply to any assessment required for a high school diploma under section 3313.612 of the Revised Code.

(b) Any chartered nonpublic school that enrolls students who are participating in state scholarship programs may administer an alternative standardized assessment determined by the department instead of the assessments prescribed by division (A) of section 3301.0710 of the Revised Code.

Each chartered nonpublic school subject to division (K)(1)(a) or (b) of this section shall report the results of each assessment administered under those divisions to the department.

(2) A chartered nonpublic school may submit to the superintendent of public instruction a request for a waiver from administering the elementary assessments prescribed by division (A) of section 3301.0710 of the Revised Code. The state superintendent shall approve or disapprove a request for a waiver submitted under division (K)(2) of this section. No waiver shall be approved for any school year prior to the 2015-2016 school

year. 25519

To be eligible to submit a request for a waiver, a chartered nonpublic school shall meet the following conditions: 25520

(a) At least ninety-five per cent of the students enrolled in the school are children with disabilities, as defined under section 3323.01 of the Revised Code, or have received a diagnosis by a school district or from a physician, including a neuropsychiatrist or psychiatrist, or a psychologist who is authorized to practice in this or another state as having a condition that impairs academic performance, such as dyslexia, dyscalculia, attention deficit hyperactivity disorder, or Asperger's syndrome. 25521

(b) The school has solely served a student population described in division (K)(1)(a) of this section for at least ten years. 25522

(c) The school provides to the department at least five years of records of internal testing conducted by the school that affords the department data required for accountability purposes, including diagnostic assessments and nationally standardized norm-referenced achievement assessments that measure reading and math skills. 25523

(3) Any chartered nonpublic school that is not subject to division (K)(1) of this section may participate in the assessment program by administering any of the assessments prescribed by division (A) of section 3301.0710 of the Revised Code. The chief administrator of the school shall specify which assessments the school will administer. Such specification shall be made in writing to the superintendent of public instruction prior to the first day of August of any school year in which assessments are administered and shall include a pledge that the nonpublic school will administer the specified assessments in the same manner as 25524

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public schools are required to do under this section and rules 25550  
adopted by the department. 25551

(4) The department of education shall furnish the assessments 25552  
prescribed by section 3301.0710 of the Revised Code to each 25553  
chartered nonpublic school that is subject to division (K)(1) of 25554  
this section or participates under division (K)(3) of this 25555  
section. 25556

(L) If a chartered nonpublic school is educating students in 25557  
grades nine through twelve, the following shall apply: 25558

(1) Except as provided in division (L)(4) of this section, 25559  
for a student who is enrolled in a chartered nonpublic school that 25560  
is accredited through the independent schools association of the 25561  
central states and who is attending the school under a state 25562  
scholarship program, the student shall either take all of the 25563  
assessments prescribed by division (B) of section 3301.0712 of the 25564  
Revised Code or take an alternative assessment approved by the 25565  
department under section 3313.619 of the Revised Code. However, a 25566  
student who is excused from taking an assessment under division 25567  
(C) of this section or has presented evidence to the chartered 25568  
nonpublic school of having satisfied the condition prescribed by 25569  
division (A)(1) of section 3313.618 of the Revised Code to qualify 25570  
for a high school diploma prior to the date of the administration 25571  
of the assessment prescribed under division (B)(1) of section 25572  
3301.0712 of the Revised Code shall not be required to take that 25573  
assessment. No governing authority of a chartered nonpublic school 25574  
shall prohibit a student who is not required to take such 25575  
assessment from taking the assessment. 25576

(2) For a student who is enrolled in a chartered nonpublic 25577  
school that is accredited through the independent schools 25578  
association of the central states, and who is not attending the 25579  
school under a state scholarship program, the student shall not be 25580  
required to take any assessment prescribed under section 3301.0712 25581

or 3313.619 of the Revised Code. 25582

(3)(a) Except as provided in divisions (L)(3)(b) and (4) of 25583  
this section, for a student who is enrolled in a chartered 25584  
nonpublic school that is not accredited through the independent 25585  
schools association of the central states, regardless of whether 25586  
the student is attending or is not attending the school under a 25587  
state scholarship program, the student shall do one of the 25588  
following: 25589

(i) Take all of the assessments prescribed by division (B) of 25590  
section 3301.0712 of the Revised Code; 25591

(ii) Take only the assessment prescribed by division (B)(1) 25592  
of section 3301.0712 of the Revised Code, provided that the 25593  
student's school publishes the results of that assessment for each 25594  
graduating class. The published results of that assessment shall 25595  
include the overall composite scores, mean scores, twenty-fifth 25596  
percentile scores, and seventy-fifth percentile scores for each 25597  
subject area of the assessment. 25598

(iii) Take an alternative assessment approved by the 25599  
department under section 3313.619 of the Revised Code. 25600

(b) A student who is excused from taking an assessment under 25601  
division (C) of this section or has presented evidence to the 25602  
chartered nonpublic school of having satisfied the condition 25603  
prescribed by division (A)(1) of section 3313.618 of the Revised 25604  
Code to qualify for a high school diploma prior to the date of the 25605  
administration of the assessment prescribed under division (B)(1) 25606  
of section 3301.0712 of the Revised Code shall not be required to 25607  
take that assessment. No governing authority of a chartered 25608  
nonpublic school shall prohibit a student who is not required to 25609  
take such assessment from taking the assessment. 25610

(4) The assessments prescribed by sections 3301.0712 and 25611  
3313.619 of the Revised Code shall not be administered to any 25612

student attending the school, if the school meets all of the 25613  
following conditions: 25614

(a) At least ninety-five per cent of the students enrolled in 25615  
the school are children with disabilities, as defined under 25616  
section 3323.01 of the Revised Code, or have received a diagnosis 25617  
by a school district or from a physician, including a 25618  
neuropsychologist or psychiatrist, or a psychologist who is 25619  
authorized to practice in this or another state as having a 25620  
condition that impairs academic performance, such as dyslexia, 25621  
dyscalculia, attention deficit hyperactivity disorder, or 25622  
Asperger's syndrome. 25623

(b) The school has solely served a student population 25624  
described in division (L)(4)(a) of this section for at least ten 25625  
years. 25626

(c) The school makes available to the department at least 25627  
five years of records of internal testing conducted by the school 25628  
that affords the department data required for accountability 25629  
purposes, including growth in student achievement in reading or 25630  
mathematics, or both, as measured by nationally norm-referenced 25631  
assessments that have developed appropriate standards for 25632  
students. 25633

Division (L)(4) of this section applies to any student 25634  
attending such school regardless of whether the student receives 25635  
special education or related services and regardless of whether 25636  
the student is attending the school under a state scholarship 25637  
program. 25638

(M)(1) The superintendent of the state school for the blind 25639  
and the superintendent of the state school for the deaf shall 25640  
administer the assessments described by sections 3301.0710 and 25641  
3301.0712 of the Revised Code. Each superintendent shall 25642  
administer the assessments in the same manner as district boards 25643

are required to do under this section and rules adopted by the 25644  
department of education and in conformity with division (C)(1)(a) 25645  
of this section. 25646

(2) The department of education shall furnish the assessments 25647  
described by sections 3301.0710 and 3301.0712 of the Revised Code 25648  
to each superintendent. 25649

(N) Notwithstanding division (E) of this section, a school 25650  
district may use a student's failure to attain a score in at least 25651  
the proficient range on the mathematics assessment described by 25652  
division (A)(1)(a) of section 3301.0710 of the Revised Code or on 25653  
an assessment described by division (A)(1)(b), (c), (d), (e), or 25654  
(f) of section 3301.0710 of the Revised Code as a factor in 25655  
retaining that student in the current grade level. 25656

(O)(1) In the manner specified in divisions (O)(3), (4), (6), 25657  
and (7) of this section, the assessments required by division 25658  
(A)(1) of section 3301.0710 of the Revised Code shall become 25659  
public records pursuant to section 149.43 of the Revised Code on 25660  
the thirty-first day of July following the school year that the 25661  
assessments were administered. 25662

(2) The department may field test proposed questions with 25663  
samples of students to determine the validity, reliability, or 25664  
appropriateness of questions for possible inclusion in a future 25665  
year's assessment. The department also may use anchor questions on 25666  
assessments to ensure that different versions of the same 25667  
assessment are of comparable difficulty. 25668

Field test questions and anchor questions shall not be 25669  
considered in computing scores for individual students. Field test 25670  
questions and anchor questions may be included as part of the 25671  
administration of any assessment required by division (A)(1) or 25672  
(B) of section 3301.0710 and division (B) of section 3301.0712 of 25673  
the Revised Code. 25674

(3) Any field test question or anchor question administered under division (O)(2) of this section shall not be a public record. Such field test questions and anchor questions shall be redacted from any assessments which are released as a public record pursuant to division (O)(1) of this section.

(4) This division applies to the assessments prescribed by division (A) of section 3301.0710 of the Revised Code.

(a) The first administration of each assessment, as specified in former section 3301.0712 of the Revised Code, shall be a public record.

(b) For subsequent administrations of each assessment prior to the 2011-2012 school year, not less than forty per cent of the questions on the assessment that are used to compute a student's score shall be a public record. The department shall determine which questions will be needed for reuse on a future assessment and those questions shall not be public records and shall be redacted from the assessment prior to its release as a public record. However, for each redacted question, the department shall inform each city, local, and exempted village school district of the statewide academic standard adopted by the state board under section 3301.079 of the Revised Code and the corresponding benchmark to which the question relates. The preceding sentence does not apply to field test questions that are redacted under division (O)(3) of this section.

(c) The administrations of each assessment in the 2011-2012, 2012-2013, and 2013-2014 school years shall not be a public record.

(5) Each assessment prescribed by division (B)(1) of section 3301.0710 of the Revised Code shall not be a public record.

(6)(a) Except as provided in division (O)(6)(b) of this section, for the administrations in the 2014-2015, 2015-2016, and

2016-2017 school years, questions on the assessments prescribed 25706  
under division (A) of section 3301.0710 and division (B)(2) of 25707  
section 3301.0712 of the Revised Code and the corresponding 25708  
preferred answers that are used to compute a student's score shall 25709  
become a public record as follows: 25710

(i) Forty per cent of the questions and preferred answers on 25711  
the assessments on the thirty-first day of July following the 25712  
administration of the assessment; 25713

(ii) Twenty per cent of the questions and preferred answers 25714  
on the assessment on the thirty-first day of July one year after 25715  
the administration of the assessment; 25716

(iii) The remaining forty per cent of the questions and 25717  
preferred answers on the assessment on the thirty-first day of 25718  
July two years after the administration of the assessment. 25719

The entire content of an assessment shall become a public 25720  
record within three years of its administration. 25721

The department shall make the questions that become a public 25722  
record under this division readily accessible to the public on the 25723  
department's web site. Questions on the spring administration of 25724  
each assessment shall be released on an annual basis, in 25725  
accordance with this division. 25726

(b) No questions and corresponding preferred answers shall 25727  
become a public record under division (O)(6) of this section after 25728  
July 31, 2017. 25729

(7) Division (O)(7) of this section applies to the 25730  
assessments prescribed by division (A) of section 3301.0710 and 25731  
division (B)(2) of section 3301.0712 of the Revised Code. 25732

Beginning with the assessments administered in the spring of 25733  
the 2017-2018 school year, not less than forty per cent of the 25734  
questions on each assessment that are used to compute a student's 25735



score shall be a public record. The department shall determine 25736  
which questions will be needed for reuse on a future assessment 25737  
and those questions shall not be public records and shall be 25738  
redacted from the assessment prior to its release as a public 25739  
record. However, for each redacted question, the department shall 25740  
inform each city, local, and exempted village school district of 25741  
the corresponding statewide academic standard adopted by the state 25742  
board under section 3301.079 of the Revised Code and the 25743  
corresponding benchmark to which the question relates. The 25744  
department is not required to provide corresponding standards and 25745  
benchmarks to field test questions that are redacted under 25746  
division (O)(3) of this section. 25747

(P) As used in this section: 25748

(1) "Three-year average" means the average of the most recent 25749  
consecutive three school years of data. 25750

(2) "Dropout" means a student who withdraws from school 25751  
before completing course requirements for graduation and who is 25752  
not enrolled in an education program approved by the state board 25753  
of education or an education program outside the state. "Dropout" 25754  
does not include a student who has departed the country. 25755

(3) "Graduation rate" means the ratio of students receiving a 25756  
diploma to the number of students who entered ninth grade four 25757  
years earlier. Students who transfer into the district are added 25758  
to the calculation. Students who transfer out of the district for 25759  
reasons other than dropout are subtracted from the calculation. If 25760  
a student who was a dropout in any previous year returns to the 25761  
same school district, that student shall be entered into the 25762  
calculation as if the student had entered ninth grade four years 25763  
before the graduation year of the graduating class that the 25764  
student joins. 25765

(4) "State scholarship programs" means the educational choice 25766

scholarship pilot program established under sections 3310.01 to 25767  
3310.17 of the Revised Code, the autism scholarship program 25768  
established under section 3310.41 of the Revised Code, the Jon 25769  
Peterson special needs scholarship program established under 25770  
sections 3310.51 to 3310.64 of the Revised Code, and the pilot 25771  
project scholarship program established under sections 3313.974 to 25772  
3313.979 of the Revised Code. 25773

(5) "Other public school" means a community school 25774  
established under Chapter 3314., a STEM school established under 25775  
Chapter 3326., or a college-preparatory boarding school 25776  
established under Chapter 3328. of the Revised Code. 25777

**Sec. 3301.0712.** (A) The state board of education, the 25778  
superintendent of public instruction, and the chancellor of higher 25779  
education shall develop a system of college and work ready 25780  
assessments as described in division (B) of this section to assess 25781  
whether each student upon graduating from high school is ready to 25782  
enter college or the workforce. Beginning with students who enter 25783  
the ninth grade for the first time on or after July 1, 2014, the 25784  
system shall replace the Ohio graduation tests prescribed in 25785  
division (B)(1) of section 3301.0710 of the Revised Code as a 25786  
measure of student academic performance and one determinant of 25787  
eligibility for a high school diploma in the manner prescribed by 25788  
rule of the state board adopted under division (D) of this 25789  
section. 25790

(B) The college and work ready assessment system shall 25791  
consist of the following: 25792

(1) Nationally standardized assessments that measure college 25793  
and career readiness and are used for college admission. The 25794  
assessments shall be selected jointly by the state superintendent 25795  
and the chancellor, and one of which shall be selected by each 25796  
school district or school to administer to its students. The 25797

assessments prescribed under division (B)(1) of this section shall 25798  
be administered to all eleventh-grade students in the spring of 25799  
the school year. 25800

(2) ~~Seven~~ (a) Except as provided in division (B)(2)(b) of 25801  
this section, seven end-of-course examinations, one in each of the 25802  
areas of English language arts I, English language arts II, 25803  
science, Algebra I, geometry, American history, and American 25804  
government. The end-of-course examinations shall be selected 25805  
jointly by the state superintendent and the chancellor in 25806  
consultation with faculty in the appropriate subject areas at 25807  
institutions of higher education of the university system of Ohio. 25808  
Advanced placement examinations and international baccalaureate 25809  
examinations, as prescribed under section 3313.6013 of the Revised 25810  
Code, in the areas of science, American history, and American 25811  
government may be used as end-of-course examinations in accordance 25812  
with division (B)(4)(a)(i) of this section. Final course grades 25813  
for courses taken under any other advanced standing program, as 25814  
prescribed under section 3313.6013 of the Revised Code, in the 25815  
areas of science, American history, and American government may be 25816  
used in lieu of end-of-course examinations in accordance with 25817  
division (B)(4)(a)(ii) of this section. 25818

(b) Beginning with students who enter ninth grade for the 25819  
first time on or after July 1, 2019, five end-of-course 25820  
examinations, one in each areas of English language arts II, 25821  
science, Algebra I, American history, and American government. 25822  
However, only the end-of-course examinations in English language 25823  
arts II and Algebra I shall be required for graduation. 25824

The department of education shall, as necessary to implement 25825  
division (B)(2)(b) of this section, seek a waiver from the United 25826  
States secretary of education for testing requirements prescribed 25827  
under federal law to allow for the use and implementation of 25828  
Algebra I as the primary assessment of high school mathematics. If 25829

the department does not receive a waiver under this division, the 25830  
end-of-course examinations for students described in division 25831  
(B)(2)(b) of this section also shall include an end-of-course 25832  
examination in the area of geometry. However, the geometry 25833  
end-of-course examination shall not be required for graduation. 25834

(3)(a) Not later than July 1, 2013, each school district 25835  
board of education shall adopt interim end-of-course examinations 25836  
that comply with the requirements of divisions (B)(3)(b)(i) and 25837  
(ii) of this section to assess mastery of American history and 25838  
American government standards adopted under division (A)(1)(b) of 25839  
section 3301.079 of the Revised Code and the topics required under 25840  
division (M) of section 3313.603 of the Revised Code. Each high 25841  
school of the district shall use the interim examinations until 25842  
the state superintendent and chancellor select end-of-course 25843  
examinations in American history and American government under 25844  
division (B)(2) of this section. 25845

(b) Not later than July 1, 2014, the state superintendent and 25846  
the chancellor shall select the end-of-course examinations in 25847  
American history and American government. 25848

(i) The end-of-course examinations in American history and 25849  
American government shall require demonstration of mastery of the 25850  
American history and American government content for social 25851  
studies standards adopted under division (A)(1)(b) of section 25852  
3301.079 of the Revised Code and the topics required under 25853  
division (M) of section 3313.603 of the Revised Code. 25854

(ii) At least twenty per cent of the end-of-course 25855  
examination in American government shall address the topics on 25856  
American history and American government described in division (M) 25857  
of section 3313.603 of the Revised Code. 25858

(4)(a) Notwithstanding anything to the contrary in this 25859  
section, beginning with the 2014-2015 school year, both of the 25860

following shall apply: 25861

(i) If a student is enrolled in an appropriate advanced 25862  
placement or international baccalaureate course, that student 25863  
shall take the advanced placement or international baccalaureate 25864  
examination in lieu of the science, American history, or American 25865  
government end-of-course examinations prescribed under division 25866  
(B)(2) of this section. The state board shall specify the score 25867  
levels for each advanced placement examination and international 25868  
baccalaureate examination for purposes of calculating the minimum 25869  
cumulative performance score that demonstrates the level of 25870  
academic achievement necessary to earn a high school diploma. 25871

(ii) If a student is enrolled in an appropriate course under 25872  
any other advanced standing program, as described in section 25873  
3313.6013 of the Revised Code, that student shall not be required 25874  
to take the science, American history, or American government 25875  
end-of-course examination, whichever is applicable, prescribed 25876  
under division (B)(2) of this section. Instead, that student's 25877  
final course grade shall be used in lieu of the applicable 25878  
end-of-course examination prescribed under that section. The state 25879  
superintendent, in consultation with the chancellor, shall adopt 25880  
guidelines for purposes of calculating the corresponding final 25881  
course grades that demonstrate the level of academic achievement 25882  
necessary to earn a high school diploma. 25883

Division (B)(4)(a)(ii) of this section shall apply only to 25884  
courses for which students receive transcribed credit, as defined 25885  
in section 3365.01 of the Revised Code. It shall not apply to 25886  
remedial or developmental courses. 25887

(b) No student shall take a substitute examination or 25888  
examination prescribed under division (B)(4)(a) of this section in 25889  
place of the end-of-course examinations in English language arts 25890  
I, English language arts II, Algebra I, or geometry prescribed 25891  
under division (B)(2) of this section. 25892

(c) The state board shall consider additional assessments 25893  
that may be used, beginning with the 2016-2017 school year, as 25894  
substitute examinations in lieu of the end-of-course examinations 25895  
prescribed under division (B)(2) of this section. 25896

(5) The state board shall do all of the following: 25897

(a) Determine and designate at least five ranges of scores on 25898  
each of the end-of-course examinations prescribed under division 25899  
(B)(2) of this section, and substitute examinations prescribed 25900  
under division (B)(4) of this section. Not later than sixty days 25901  
after the designation of ranges of scores, the state 25902  
superintendent, or the state superintendent's designee, shall 25903  
conduct a public presentation before the standing committees of 25904  
the house of representatives and the senate that consider primary 25905  
and secondary education legislation regarding the designated range 25906  
of scores. Each range of scores shall be considered to demonstrate 25907  
a level of achievement so that any student attaining a score 25908  
within such range has achieved one of the following: 25909

(i) An advanced level of skill; 25910

(ii) An accelerated level of skill; 25911

(iii) A proficient level of skill; 25912

(iv) A basic level of skill; 25913

(v) A limited level of skill. 25914

(b) Determine a method by which to calculate a cumulative 25915  
performance score based on the results of a student's 25916  
end-of-course examinations or substitute examinations; 25917

(c) Determine the minimum cumulative performance score that 25918  
demonstrates the level of academic achievement necessary to earn a 25919  
high school diploma under division (A)(2) of section 3313.618 of 25920  
the Revised Code. However, the state board shall not determine a 25921  
new minimum cumulative performance score after the effective date 25922

<u>of this amendment.</u>	25923
(d) Develop a table of corresponding score equivalents for the end-of-course examinations and substitute examinations in order to calculate student performance consistently across the different examinations.	25924 25925 25926 25927
A score of two on an advanced placement examination or a score of two or three on an international baccalaureate examination shall be considered equivalent to a proficient level of skill as specified under division (B)(5)(a)(iii) of this section.	25928 25929 25930 25931 25932
(6)(a) A student who meets both of the following conditions shall not be required to take an end-of-course examination:	25933 25934
(i) The student received high school credit prior to July 1, 2015, for a course for which the end-of-course examination is prescribed.	25935 25936 25937
(ii) The examination was not available for administration prior to July 1, 2015.	25938 25939
Receipt of credit for the course described in division (B)(6)(a)(i) of this section shall satisfy the requirement to take the end-of-course examination. A student exempted under division (B)(6)(a) of this section may take the applicable end-of-course examination at a later date.	25940 25941 25942 25943 25944
(b) For purposes of determining whether a student who is exempt from taking an end-of-course examination under division (B)(6)(a) of this section has attained the cumulative score prescribed by division (B)(5)(c) of this section, such student shall select either of the following:	25945 25946 25947 25948 25949
(i) The student is considered to have attained a proficient score on the end-of-course examination from which the student is exempt;	25950 25951 25952

(ii) The student's final course grade shall be used in lieu 25953  
of a score on the end-of-course examination from which the student 25954  
is exempt. 25955

The state superintendent, in consultation with the 25956  
chancellor, shall adopt guidelines for purposes of calculating the 25957  
corresponding final course grades and the minimum cumulative 25958  
performance score that demonstrates the level of academic 25959  
achievement necessary to earn a high school diploma. 25960

(7)(a) Notwithstanding anything to the contrary in this 25961  
section, the state board may replace the algebra I end-of-course 25962  
examination prescribed under division (B)(2) of this section with 25963  
an algebra II end-of-course examination, beginning with the 25964  
2016-2017 school year for students who enter ninth grade on or 25965  
after July 1, 2016. 25966

(b) If the state board replaces the algebra I end-of-course 25967  
examination with an algebra II end-of-course examination as 25968  
authorized under division (B)(7)(a) of this section, both of the 25969  
following shall apply: 25970

(i) A student who is enrolled in an advanced placement or 25971  
international baccalaureate course in algebra II shall take the 25972  
advanced placement or international baccalaureate examination in 25973  
lieu of the algebra II end-of-course examination. 25974

(ii) A student who is enrolled in an algebra II course under 25975  
any other advanced standing program, as described in section 25976  
3313.6013 of the Revised Code, shall not be required to take the 25977  
algebra II end-of-course examination. Instead, that student's 25978  
final course grade shall be used in lieu of the examination. 25979

(c) If a school district or school utilizes an integrated 25980  
approach to mathematics instruction, the district or school may do 25981  
either or both of the following: 25982

(i) Administer an integrated mathematics I end-of-course 25983



examination in lieu of the prescribed algebra I end-of-course examination; 25984  
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(ii) Administer an integrated mathematics II end-of-course examination in lieu of the prescribed geometry end-of-course examination. 25986  
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(8)(a) For students entering the ninth grade for the first time on or after July 1, 2014, but prior to July 1, 2015, the assessment in the area of science shall be physical science or biology. For students entering the ninth grade for the first time on or after July 1, 2015, the assessment in the area of science shall be biology. 25989  
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(b) Until July 1, 2019, the department ~~of education~~ shall make available the end-of-course examination in physical science for students who entered the ninth grade for the first time on or after July 1, 2014, but prior to July 1, 2015, and who wish to retake the examination. 25995  
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(c) Not later than July 1, 2016, the state board shall adopt rules prescribing the requirements for the end-of-course examination in science for students who entered the ninth grade for the first time on or after July 1, 2014, but prior to July 1, 2015, and who have not met the requirement prescribed by section 3313.618 of the Revised Code by July 1, 2019, due to a student's failure to satisfy division (A)(2) of section 3313.618 of the Revised Code. 26000  
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(9) Neither the state board nor the department of education shall develop or administer an end-of-course examination in the area of world history. 26008  
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(10) Not later than March 1, 2020, the department, in consultation with the chancellor and the governor's office of workforce transformation, shall determine a competency score for both of the Algebra I and English language arts II end-of-course 26011  
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examinations for the purpose of graduation eligibility. 26015

(C) The state board shall convene a group of national 26016  
experts, state experts, and local practitioners to provide advice, 26017  
guidance, and recommendations for the alignment of standards and 26018  
model curricula to the assessments and in the design of the 26019  
end-of-course examinations prescribed by this section. 26020

(D) Upon completion of the development of the assessment 26021  
system, the state board shall adopt rules prescribing all of the 26022  
following: 26023

(1) A timeline and plan for implementation of the assessment 26024  
system, including a phased implementation if the state board 26025  
determines such a phase-in is warranted; 26026

(2) The date after which a person shall meet the requirements 26027  
of the entire assessment system as a prerequisite for a diploma of 26028  
adult education under section 3313.611 of the Revised Code; 26029

(3) Whether and the extent to which a person may be excused 26030  
from an American history end-of-course examination and an American 26031  
government end-of-course examination under division (H) of section 26032  
3313.61 and division (B)(3) of section 3313.612 of the Revised 26033  
Code; 26034

(4) The date after which a person who has fulfilled the 26035  
curriculum requirement for a diploma but has not passed one or 26036  
more of the required assessments at the time the person fulfilled 26037  
the curriculum requirement shall meet the requirements of the 26038  
entire assessment system as a prerequisite for a high school 26039  
diploma under division (B) of section 3313.614 of the Revised 26040  
Code; 26041

(5) The extent to which the assessment system applies to 26042  
students enrolled in a dropout recovery and prevention program for 26043  
purposes of division (F) of section 3313.603 and section 3314.36 26044  
of the Revised Code. 26045

(E) Not later than forty-five days prior to the state board's adoption of a resolution directing the department to file the rules prescribed by division (D) of this section in final form under section 119.04 of the Revised Code, the superintendent of public instruction shall present the assessment system developed under this section to the respective committees of the house of representatives and senate that consider education legislation.

(F)(1) Any person enrolled in a nonchartered nonpublic school or any person who has been excused from attendance at school for the purpose of home instruction under section 3321.04 of the Revised Code may choose to participate in the system of assessments administered under divisions (B)(1) and (2) of this section. However, no such person shall be required to participate in the system of assessments.

(2) The department shall adopt rules for the administration and scoring of any assessments under division (F)(1) of this section.

(G) Not later than December 31, 2014, the state board shall select at least one nationally recognized job skills assessment. Each school district shall administer that assessment to those students who opt to take it. The state shall reimburse a school district for the costs of administering that assessment. The state board shall establish the minimum score a student must attain on the job skills assessment in order to demonstrate a student's workforce readiness and employability. The administration of the job skills assessment to a student under this division shall not exempt a school district from administering the assessments prescribed in division (B) of this section to that student.

**Sec. 3301.0714.** (A) The state board of education shall adopt rules for a statewide education management information system. The rules shall require the state board to establish guidelines for

the establishment and maintenance of the system in accordance with 26077  
this section and the rules adopted under this section. The 26078  
guidelines shall include: 26079

(1) Standards identifying and defining the types of data in 26080  
the system in accordance with divisions (B) and (C) of this 26081  
section; 26082

(2) Procedures for annually collecting and reporting the data 26083  
to the state board in accordance with division (D) of this 26084  
section; 26085

(3) Procedures for annually compiling the data in accordance 26086  
with division (G) of this section; 26087

(4) Procedures for annually reporting the data to the public 26088  
in accordance with division (H) of this section; 26089

(5) Standards to provide strict safeguards to protect the 26090  
confidentiality of personally identifiable student data. 26091

(B) The guidelines adopted under this section shall require 26092  
the data maintained in the education management information system 26093  
to include at least the following: 26094

(1) Student participation and performance data, for each 26095  
grade in each school district as a whole and for each grade in 26096  
each school building in each school district, that includes: 26097

(a) The numbers of students receiving each category of 26098  
instructional service offered by the school district, such as 26099  
regular education instruction, vocational education instruction, 26100  
specialized instruction programs or enrichment instruction that is 26101  
part of the educational curriculum, instruction for gifted 26102  
students, instruction for students with disabilities, and remedial 26103  
instruction. The guidelines shall require instructional services 26104  
under this division to be divided into discrete categories if an 26105  
instructional service is limited to a specific subject, a specific 26106

type of student, or both, such as regular instructional services 26107  
in mathematics, remedial reading instructional services, 26108  
instructional services specifically for students gifted in 26109  
mathematics or some other subject area, or instructional services 26110  
for students with a specific type of disability. The categories of 26111  
instructional services required by the guidelines under this 26112  
division shall be the same as the categories of instructional 26113  
services used in determining cost units pursuant to division 26114  
(C)(3) of this section. 26115

(b) The numbers of students receiving support or 26116  
extracurricular services for each of the support services or 26117  
extracurricular programs offered by the school district, such as 26118  
counseling services, health services, and extracurricular sports 26119  
and fine arts programs. The categories of services required by the 26120  
guidelines under this division shall be the same as the categories 26121  
of services used in determining cost units pursuant to division 26122  
(C)(4)(a) of this section. 26123

(c) Average student grades in each subject in grades nine 26124  
through twelve; 26125

(d) Academic achievement levels as assessed under sections 26126  
3301.0710, 3301.0711, and 3301.0712 of the Revised Code; 26127

(e) The number of students designated as having a disabling 26128  
condition pursuant to division (C)(1) of section 3301.0711 of the 26129  
Revised Code; 26130

(f) The numbers of students reported to the state board 26131  
pursuant to division (C)(2) of section 3301.0711 of the Revised 26132  
Code; 26133

(g) Attendance rates and the average daily attendance for the 26134  
year. For purposes of this division, a student shall be counted as 26135  
present for any field trip that is approved by the school 26136  
administration. 26137

(h) Expulsion rates;	26138
(i) Suspension rates;	26139
(j) Dropout rates;	26140
(k) Rates of retention in grade;	26141
(l) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with state board of education rules;	26142 26143 26144
(m) Graduation rates, to be calculated in a manner specified by the department of education that reflects the rate at which students who were in the ninth grade three years prior to the current year complete school and that is consistent with nationally accepted reporting requirements;	26145 26146 26147 26148 26149
(n) Results of diagnostic assessments administered to kindergarten students as required under section 3301.0715 of the Revised Code to permit a comparison of the academic readiness of kindergarten students. However, no district shall be required to report to the department the results of any diagnostic assessment administered to a kindergarten student, except for the language and reading assessment described in division (A)(2) of section 3301.0715 of the Revised Code, if the parent of that student requests the district not to report those results.	26150 26151 26152 26153 26154 26155 26156 26157 26158
(o) Beginning on <del>the first day of July that next succeeds the</del> <del>effective date of this amendment</del> <u>1, 2018</u> , for each disciplinary action which is required to be reported under division (B)(4) of this section, districts and schools also shall include an identification of the person or persons, if any, at whom the student's violent behavior that resulted in discipline was directed. The person or persons shall be identified by the respective classification at the district or school, such as student, teacher, or nonteaching employee, but shall not be identified by name.	26159 26160 26161 26162 26163 26164 26165 26166 26167 26168

Division (B)(1)(o) of this section does not apply after the 26169  
date that is two years following the submission of the report 26170  
required by Section 733.13 of H.B. 49 of the 132nd general 26171  
assembly. 26172

(p) The number of students earning each state diploma seal 26173  
included in the system prescribed under division (A) of section 26174  
3313.6114 of the Revised Code; 26175

(q) The number of students demonstrating competency for 26176  
graduation using each option described in divisions (B)(1)(a) to 26177  
(c) of section 3313.618 of the Revised Code; 26178

(r) The number of students completing each foundational and 26179  
supporting option as part of the demonstration of competency for 26180  
graduation pursuant to division (B)(1)(b) of section 3313.618 of 26181  
the Revised Code. 26182

(2) Personnel and classroom enrollment data for each school 26183  
district, including: 26184

(a) The total numbers of licensed employees and nonlicensed 26185  
employees and the numbers of full-time equivalent licensed 26186  
employees and nonlicensed employees providing each category of 26187  
instructional service, instructional support service, and 26188  
administrative support service used pursuant to division (C)(3) of 26189  
this section. The guidelines adopted under this section shall 26190  
require these categories of data to be maintained for the school 26191  
district as a whole and, wherever applicable, for each grade in 26192  
the school district as a whole, for each school building as a 26193  
whole, and for each grade in each school building. 26194

(b) The total number of employees and the number of full-time 26195  
equivalent employees providing each category of service used 26196  
pursuant to divisions (C)(4)(a) and (b) of this section, and the 26197  
total numbers of licensed employees and nonlicensed employees and 26198  
the numbers of full-time equivalent licensed employees and 26199

nonlicensed employees providing each category used pursuant to 26200  
division (C)(4)(c) of this section. The guidelines adopted under 26201  
this section shall require these categories of data to be 26202  
maintained for the school district as a whole and, wherever 26203  
applicable, for each grade in the school district as a whole, for 26204  
each school building as a whole, and for each grade in each school 26205  
building. 26206

(c) The total number of regular classroom teachers teaching 26207  
classes of regular education and the average number of pupils 26208  
enrolled in each such class, in each of grades kindergarten 26209  
through five in the district as a whole and in each school 26210  
building in the school district. 26211

(d) The number of lead teachers employed by each school 26212  
district and each school building. 26213

(3)(a) Student demographic data for each school district, 26214  
including information regarding the gender ratio of the school 26215  
district's pupils, the racial make-up of the school district's 26216  
pupils, the number of ~~limited English proficient students~~ learners 26217  
in the district, and an appropriate measure of the number of the 26218  
school district's pupils who reside in economically disadvantaged 26219  
households. The demographic data shall be collected in a manner to 26220  
allow correlation with data collected under division (B)(1) of 26221  
this section. Categories for data collected pursuant to division 26222  
(B)(3) of this section shall conform, where appropriate, to 26223  
standard practices of agencies of the federal government. 26224

(b) With respect to each student entering kindergarten, 26225  
whether the student previously participated in a public preschool 26226  
program, a private preschool program, or a head start program, and 26227  
the number of years the student participated in each of these 26228  
programs. 26229

(4) Any data required to be collected pursuant to federal 26230



law. 26231

(C) The education management information system shall include 26232  
cost accounting data for each district as a whole and for each 26233  
school building in each school district. The guidelines adopted 26234  
under this section shall require the cost data for each school 26235  
district to be maintained in a system of mutually exclusive cost 26236  
units and shall require all of the costs of each school district 26237  
to be divided among the cost units. The guidelines shall require 26238  
the system of mutually exclusive cost units to include at least 26239  
the following: 26240

(1) Administrative costs for the school district as a whole. 26241  
The guidelines shall require the cost units under this division 26242  
(C)(1) to be designed so that each of them may be compiled and 26243  
reported in terms of average expenditure per pupil in formula ADM 26244  
in the school district, as determined pursuant to section 3317.03 26245  
of the Revised Code. 26246

(2) Administrative costs for each school building in the 26247  
school district. The guidelines shall require the cost units under 26248  
this division (C)(2) to be designed so that each of them may be 26249  
compiled and reported in terms of average expenditure per 26250  
full-time equivalent pupil receiving instructional or support 26251  
services in each building. 26252

(3) Instructional services costs for each category of 26253  
instructional service provided directly to students and required 26254  
by guidelines adopted pursuant to division (B)(1)(a) of this 26255  
section. The guidelines shall require the cost units under 26256  
division (C)(3) of this section to be designed so that each of 26257  
them may be compiled and reported in terms of average expenditure 26258  
per pupil receiving the service in the school district as a whole 26259  
and average expenditure per pupil receiving the service in each 26260  
building in the school district and in terms of a total cost for 26261  
each category of service and, as a breakdown of the total cost, a 26262

cost for each of the following components:	26263
(a) The cost of each instructional services category required	26264
by guidelines adopted under division (B)(1)(a) of this section	26265
that is provided directly to students by a classroom teacher;	26266
(b) The cost of the instructional support services, such as	26267
services provided by a speech-language pathologist, classroom	26268
aide, multimedia aide, or librarian, provided directly to students	26269
in conjunction with each instructional services category;	26270
(c) The cost of the administrative support services related	26271
to each instructional services category, such as the cost of	26272
personnel that develop the curriculum for the instructional	26273
services category and the cost of personnel supervising or	26274
coordinating the delivery of the instructional services category.	26275
(4) Support or extracurricular services costs for each	26276
category of service directly provided to students and required by	26277
guidelines adopted pursuant to division (B)(1)(b) of this section.	26278
The guidelines shall require the cost units under division (C)(4)	26279
of this section to be designed so that each of them may be	26280
compiled and reported in terms of average expenditure per pupil	26281
receiving the service in the school district as a whole and	26282
average expenditure per pupil receiving the service in each	26283
building in the school district and in terms of a total cost for	26284
each category of service and, as a breakdown of the total cost, a	26285
cost for each of the following components:	26286
(a) The cost of each support or extracurricular services	26287
category required by guidelines adopted under division (B)(1)(b)	26288
of this section that is provided directly to students by a	26289
licensed employee, such as services provided by a guidance	26290
counselor or any services provided by a licensed employee under a	26291
supplemental contract;	26292
(b) The cost of each such services category provided directly	26293

to students by a nonlicensed employee, such as janitorial 26294  
services, cafeteria services, or services of a sports trainer; 26295

(c) The cost of the administrative services related to each 26296  
services category in division (C)(4)(a) or (b) of this section, 26297  
such as the cost of any licensed or nonlicensed employees that 26298  
develop, supervise, coordinate, or otherwise are involved in 26299  
administering or aiding the delivery of each services category. 26300

(D)(1) The guidelines adopted under this section shall 26301  
require school districts to collect information about individual 26302  
students, staff members, or both in connection with any data 26303  
required by division (B) or (C) of this section or other reporting 26304  
requirements established in the Revised Code. The guidelines may 26305  
also require school districts to report information about 26306  
individual staff members in connection with any data required by 26307  
division (B) or (C) of this section or other reporting 26308  
requirements established in the Revised Code. The guidelines shall 26309  
not authorize school districts to request social security numbers 26310  
of individual students. The guidelines shall prohibit the 26311  
reporting under this section of a student's name, address, and 26312  
social security number to the state board of education or the 26313  
department of education. The guidelines shall also prohibit the 26314  
reporting under this section of any personally identifiable 26315  
information about any student, except for the purpose of assigning 26316  
the data verification code required by division (D)(2) of this 26317  
section, to any other person unless such person is employed by the 26318  
school district or the information technology center operated 26319  
under section 3301.075 of the Revised Code and is authorized by 26320  
the district or technology center to have access to such 26321  
information or is employed by an entity with which the department 26322  
contracts for the scoring or the development of state assessments. 26323  
The guidelines may require school districts to provide the social 26324  
security numbers of individual staff members and the county of 26325

residence for a student. Nothing in this section prohibits the 26326  
state board of education or department of education from providing 26327  
a student's county of residence to the department of taxation to 26328  
facilitate the distribution of tax revenue. 26329

(2)(a) The guidelines shall provide for each school district 26330  
or community school to assign a data verification code that is 26331  
unique on a statewide basis over time to each student whose 26332  
initial Ohio enrollment is in that district or school and to 26333  
report all required individual student data for that student 26334  
utilizing such code. The guidelines shall also provide for 26335  
assigning data verification codes to all students enrolled in 26336  
districts or community schools on the effective date of the 26337  
guidelines established under this section. The assignment of data 26338  
verification codes for other entities, as described in division 26339  
(D)(2)(d) of this section, the use of those codes, and the 26340  
reporting and use of associated individual student data shall be 26341  
coordinated by the department in accordance with state and federal 26342  
law. 26343

School districts shall report individual student data to the 26344  
department through the information technology centers utilizing 26345  
the code. The entities described in division (D)(2)(d) of this 26346  
section shall report individual student data to the department in 26347  
the manner prescribed by the department. 26348

(b)(i) Except as provided in sections 3301.941, 3310.11, 26349  
3310.42, 3310.63, 3313.978, and 3317.20 of the Revised Code, and 26350  
in division (D)(2)(b)(ii) of this section, at no time shall the 26351  
state board or the department have access to information that 26352  
would enable any data verification code to be matched to 26353  
personally identifiable student data. 26354

(ii) For the purpose of making per-pupil payments to 26355  
community schools under division (C) of section 3314.08 of the 26356  
Revised Code, the department shall have access to information that 26357

would enable any data verification code to be matched to 26358  
personally identifiable student data. 26359

(c) Each school district and community school shall ensure 26360  
that the data verification code is included in the student's 26361  
records reported to any subsequent school district, community 26362  
school, or state institution of higher education, as defined in 26363  
section 3345.011 of the Revised Code, in which the student 26364  
enrolls. Any such subsequent district or school shall utilize the 26365  
same identifier in its reporting of data under this section. 26366

(d) The director of any state agency that administers a 26367  
publicly funded program providing services to children who are 26368  
younger than compulsory school age, as defined in section 3321.01 26369  
of the Revised Code, including the directors of health, job and 26370  
family services, mental health and addiction services, and 26371  
developmental disabilities, shall request and receive, pursuant to 26372  
sections 3301.0723 and 5123.0423 of the Revised Code, a data 26373  
verification code for a child who is receiving those services. 26374

(E) The guidelines adopted under this section may require 26375  
school districts to collect and report data, information, or 26376  
reports other than that described in divisions (A), (B), and (C) 26377  
of this section for the purpose of complying with other reporting 26378  
requirements established in the Revised Code. The other data, 26379  
information, or reports may be maintained in the education 26380  
management information system but are not required to be compiled 26381  
as part of the profile formats required under division (G) of this 26382  
section or the annual statewide report required under division (H) 26383  
of this section. 26384

(F) Beginning with the school year that begins July 1, 1991, 26385  
the board of education of each school district shall annually 26386  
collect and report to the state board, in accordance with the 26387  
guidelines established by the board, the data required pursuant to 26388  
this section. A school district may collect and report these data 26389

notwithstanding section 2151.357 or 3319.321 of the Revised Code. 26390

(G) The state board shall, in accordance with the procedures 26391  
it adopts, annually compile the data reported by each school 26392  
district pursuant to division (D) of this section. The state board 26393  
shall design formats for profiling each school district as a whole 26394  
and each school building within each district and shall compile 26395  
the data in accordance with these formats. These profile formats 26396  
shall: 26397

(1) Include all of the data gathered under this section in a 26398  
manner that facilitates comparison among school districts and 26399  
among school buildings within each school district; 26400

(2) Present the data on academic achievement levels as 26401  
assessed by the testing of student achievement maintained pursuant 26402  
to division (B)(1)(d) of this section. 26403

(H)(1) The state board shall, in accordance with the 26404  
procedures it adopts, annually prepare a statewide report for all 26405  
school districts and the general public that includes the profile 26406  
of each of the school districts developed pursuant to division (G) 26407  
of this section. Copies of the report shall be sent to each school 26408  
district. 26409

(2) The state board shall, in accordance with the procedures 26410  
it adopts, annually prepare an individual report for each school 26411  
district and the general public that includes the profiles of each 26412  
of the school buildings in that school district developed pursuant 26413  
to division (G) of this section. Copies of the report shall be 26414  
sent to the superintendent of the district and to each member of 26415  
the district board of education. 26416

(3) Copies of the reports received from the state board under 26417  
divisions (H)(1) and (2) of this section shall be made available 26418  
to the general public at each school district's offices. Each 26419  
district board of education shall make copies of each report 26420

available to any person upon request and payment of a reasonable 26421  
fee for the cost of reproducing the report. The board shall 26422  
annually publish in a newspaper of general circulation in the 26423  
school district, at least twice during the two weeks prior to the 26424  
week in which the reports will first be available, a notice 26425  
containing the address where the reports are available and the 26426  
date on which the reports will be available. 26427

(I) Any data that is collected or maintained pursuant to this 26428  
section and that identifies an individual pupil is not a public 26429  
record for the purposes of section 149.43 of the Revised Code. 26430

(J) As used in this section: 26431

(1) "School district" means any city, local, exempted 26432  
village, or joint vocational school district and, in accordance 26433  
with section 3314.17 of the Revised Code, any community school. As 26434  
used in division (L) of this section, "school district" also 26435  
includes any educational service center or other educational 26436  
entity required to submit data using the system established under 26437  
this section. 26438

(2) "Cost" means any expenditure for operating expenses made 26439  
by a school district excluding any expenditures for debt 26440  
retirement except for payments made to any commercial lending 26441  
institution for any loan approved pursuant to section 3313.483 of 26442  
the Revised Code. 26443

(K) Any person who removes data from the information system 26444  
established under this section for the purpose of releasing it to 26445  
any person not entitled under law to have access to such 26446  
information is subject to section 2913.42 of the Revised Code 26447  
prohibiting tampering with data. 26448

(L)(1) In accordance with division (L)(2) of this section and 26449  
the rules adopted under division (L)(10) of this section, the 26450  
department of education may sanction any school district that 26451

reports incomplete or inaccurate data, reports data that does not 26452  
conform to data requirements and descriptions published by the 26453  
department, fails to report data in a timely manner, or otherwise 26454  
does not make a good faith effort to report data as required by 26455  
this section. 26456

(2) If the department decides to sanction a school district 26457  
under this division, the department shall take the following 26458  
sequential actions: 26459

(a) Notify the district in writing that the department has 26460  
determined that data has not been reported as required under this 26461  
section and require the district to review its data submission and 26462  
submit corrected data by a deadline established by the department. 26463  
The department also may require the district to develop a 26464  
corrective action plan, which shall include provisions for the 26465  
district to provide mandatory staff training on data reporting 26466  
procedures. 26467

(b) Withhold up to ten per cent of the total amount of state 26468  
funds due to the district for the current fiscal year and, if not 26469  
previously required under division (L)(2)(a) of this section, 26470  
require the district to develop a corrective action plan in 26471  
accordance with that division; 26472

(c) Withhold an additional amount of up to twenty per cent of 26473  
the total amount of state funds due to the district for the 26474  
current fiscal year; 26475

(d) Direct department staff or an outside entity to 26476  
investigate the district's data reporting practices and make 26477  
recommendations for subsequent actions. The recommendations may 26478  
include one or more of the following actions: 26479

(i) Arrange for an audit of the district's data reporting 26480  
practices by department staff or an outside entity; 26481

(ii) Conduct a site visit and evaluation of the district; 26482



(iii) Withhold an additional amount of up to thirty per cent of the total amount of state funds due to the district for the current fiscal year;	26483 26484 26485
(iv) Continue monitoring the district's data reporting;	26486
(v) Assign department staff to supervise the district's data management system;	26487 26488
(vi) Conduct an investigation to determine whether to suspend or revoke the license of any district employee in accordance with division (N) of this section;	26489 26490 26491
(vii) If the district is issued a report card under section 3302.03 of the Revised Code, indicate on the report card that the district has been sanctioned for failing to report data as required by this section;	26492 26493 26494 26495
(viii) If the district is issued a report card under section 3302.03 of the Revised Code and incomplete or inaccurate data submitted by the district likely caused the district to receive a higher performance rating than it deserved under that section, issue a revised report card for the district;	26496 26497 26498 26499 26500
(ix) Any other action designed to correct the district's data reporting problems.	26501 26502
(3) Any time the department takes an action against a school district under division (L)(2) of this section, the department shall make a report of the circumstances that prompted the action. The department shall send a copy of the report to the district superintendent or chief administrator and maintain a copy of the report in its files.	26503 26504 26505 26506 26507 26508
(4) If any action taken under division (L)(2) of this section resolves a school district's data reporting problems to the department's satisfaction, the department shall not take any further actions described by that division. If the department	26509 26510 26511 26512

withheld funds from the district under that division, the 26513  
department may release those funds to the district, except that if 26514  
the department withheld funding under division (L)(2)(c) of this 26515  
section, the department shall not release the funds withheld under 26516  
division (L)(2)(b) of this section and, if the department withheld 26517  
funding under division (L)(2)(d) of this section, the department 26518  
shall not release the funds withheld under division (L)(2)(b) or 26519  
(c) of this section. 26520

(5) Notwithstanding anything in this section to the contrary, 26521  
the department may use its own staff or an outside entity to 26522  
conduct an audit of a school district's data reporting practices 26523  
any time the department has reason to believe the district has not 26524  
made a good faith effort to report data as required by this 26525  
section. If any audit conducted by an outside entity under 26526  
division (L)(2)(d)(i) or (5) of this section confirms that a 26527  
district has not made a good faith effort to report data as 26528  
required by this section, the district shall reimburse the 26529  
department for the full cost of the audit. The department may 26530  
withhold state funds due to the district for this purpose. 26531

(6) Prior to issuing a revised report card for a school 26532  
district under division (L)(2)(d)(viii) of this section, the 26533  
department may hold a hearing to provide the district with an 26534  
opportunity to demonstrate that it made a good faith effort to 26535  
report data as required by this section. The hearing shall be 26536  
conducted by a referee appointed by the department. Based on the 26537  
information provided in the hearing, the referee shall recommend 26538  
whether the department should issue a revised report card for the 26539  
district. If the referee affirms the department's contention that 26540  
the district did not make a good faith effort to report data as 26541  
required by this section, the district shall bear the full cost of 26542  
conducting the hearing and of issuing any revised report card. 26543

(7) If the department determines that any inaccurate data 26544

reported under this section caused a school district to receive 26545  
excess state funds in any fiscal year, the district shall 26546  
reimburse the department an amount equal to the excess funds, in 26547  
accordance with a payment schedule determined by the department. 26548  
The department may withhold state funds due to the district for 26549  
this purpose. 26550

(8) Any school district that has funds withheld under 26551  
division (L)(2) of this section may appeal the withholding in 26552  
accordance with Chapter 119. of the Revised Code. 26553

(9) In all cases of a disagreement between the department and 26554  
a school district regarding the appropriateness of an action taken 26555  
under division (L)(2) of this section, the burden of proof shall 26556  
be on the district to demonstrate that it made a good faith effort 26557  
to report data as required by this section. 26558

(10) The state board of education shall adopt rules under 26559  
Chapter 119. of the Revised Code to implement division (L) of this 26560  
section. 26561

(M) No information technology center or school district shall 26562  
acquire, change, or update its student administration software 26563  
package to manage and report data required to be reported to the 26564  
department unless it converts to a student software package that 26565  
is certified by the department. 26566

(N) The state board of education, in accordance with sections 26567  
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 26568  
license as defined under division (A) of section 3319.31 of the 26569  
Revised Code that has been issued to any school district employee 26570  
found to have willfully reported erroneous, inaccurate, or 26571  
incomplete data to the education management information system. 26572

(O) No person shall release or maintain any information about 26573  
any student in violation of this section. Whoever violates this 26574  
division is guilty of a misdemeanor of the fourth degree. 26575

(P) The department shall disaggregate the data collected 26576  
under division (B)(1)(n) of this section according to the race and 26577  
socioeconomic status of the students assessed. 26578

(Q) If the department cannot compile any of the information 26579  
required by division (H) of section 3302.03 of the Revised Code 26580  
based upon the data collected under this section, the department 26581  
shall develop a plan and a reasonable timeline for the collection 26582  
of any data necessary to comply with that division. 26583

**Sec. 3301.52.** As used in sections 3301.52 to 3301.59 of the 26584  
Revised Code: 26585

(A) "Preschool program" means either of the following: 26586

(1) A child care program for preschool children that is 26587  
operated by a school district board of education or an eligible 26588  
nonpublic school. 26589

(2) A child care program for preschool children age three or 26590  
older that is operated by a county board of developmental 26591  
disabilities or a community school. 26592

(B) "Preschool child" or "child" means a child who has not 26593  
entered kindergarten and is not of compulsory school age. 26594

(C) "Parent, guardian, or custodian" means the person or 26595  
government agency that is or will be responsible for a child's 26596  
school attendance under section 3321.01 of the Revised Code. 26597

(D) "Superintendent" means the superintendent of a school 26598  
district or the chief administrative officer of a community school 26599  
or an eligible nonpublic school. 26600

(E) "Director" means the director, head teacher, elementary 26601  
principal, or site administrator who is the individual on site and 26602  
responsible for supervision of a preschool program. 26603

(F) "Preschool staff member" means a preschool employee whose 26604

primary responsibility is care, teaching, or supervision of 26605  
preschool children. 26606

(G) "Nonteaching employee" means a preschool program or 26607  
school child program employee whose primary responsibilities are 26608  
duties other than care, teaching, and supervision of preschool 26609  
children or school children. 26610

(H) "Eligible nonpublic school" means a nonpublic school 26611  
chartered as described in division (B)~~(8)~~(7) of section 5104.02 of 26612  
the Revised Code or chartered by the state board of education for 26613  
any combination of grades one through twelve, regardless of 26614  
whether it also offers kindergarten. 26615

(I) "School child program" means a child care program for 26616  
only school children that is operated by a school district board 26617  
of education, county board of developmental disabilities, 26618  
community school, or eligible nonpublic school. 26619

(J) "School child" means a child who is enrolled in or is 26620  
eligible to be enrolled in a grade of kindergarten or above but is 26621  
less than fifteen years old. 26622

(K) "School child program staff member" means an employee 26623  
whose primary responsibility is the care, teaching, or supervision 26624  
of children in a school child program. 26625

(L) "Child care" means administering to the needs of infants, 26626  
toddlers, preschool children, and school children outside of 26627  
school hours by persons other than their parents or guardians, 26628  
custodians, or relatives by blood, marriage, or adoption for any 26629  
part of the twenty-four-hour day in a place or residence other 26630  
than a child's own home. 26631

(M) "Child day-care center~~7~~" and "publicly funded child 26632  
care~~7~~" and "~~school age child care center~~" have the same meanings 26633  
as in section 5104.01 of the Revised Code. 26634

(N) "Community school" means either of the following: 26635

(1) A community school established under Chapter 3314. of the 26636  
Revised Code that is sponsored by an entity that is rated 26637  
"exemplary" under section 3314.016 of the Revised Code. 26638

(2) A community school established under Chapter 3314. of the 26639  
Revised Code that has received, on its most recent report card, 26640  
either of the following: 26641

(a) If the school offers any of grade levels four through 26642  
twelve, a grade of "C" or better for the overall value-added 26643  
progress dimension under division (C)(1)(e) of section 3302.03 of 26644  
the Revised Code and for the performance index score under 26645  
division (C)(1)(b) of section 3302.03 of the Revised Code; 26646

(b) If the school does not offer a grade level higher than 26647  
three, a grade of "C" or better for making progress in improving 26648  
literacy in grades kindergarten through three under division 26649  
(C)(1)(g) of section 3302.03 of the Revised Code. 26650

**Sec. 3301.53.** (A) The state board of education, in 26651  
consultation with the director of job and family services, shall 26652  
formulate and prescribe by rule adopted under Chapter 119. of the 26653  
Revised Code minimum standards to be applied to preschool programs 26654  
operated by school district boards of education, county boards of 26655  
developmental disabilities, community schools, or eligible 26656  
nonpublic schools. The rules shall include the following: 26657

(1) Standards ensuring that the preschool program is located 26658  
in a safe and convenient facility that accommodates the enrollment 26659  
of the program, is of the quality to support the growth and 26660  
development of the children according to the program objectives, 26661  
and meets the requirements of section 3301.55 of the Revised Code; 26662

(2) Standards ensuring that supervision, discipline, and 26663  
programs will be administered according to established objectives 26664

and procedures; 26665

(3) Standards ensuring that preschool staff members and 26666  
nonteaching employees are recruited, employed, assigned, 26667  
evaluated, and provided inservice education without discrimination 26668  
on the basis of age, color, national origin, race, or sex; and 26669  
that preschool staff members and nonteaching employees are 26670  
assigned responsibilities in accordance with written position 26671  
descriptions commensurate with their training and experience; 26672

(4) A requirement that boards of education intending to 26673  
establish a preschool program demonstrate a need for a preschool 26674  
program prior to establishing the program; 26675

(5) Requirements that children participating in preschool 26676  
programs have been immunized to the extent considered appropriate 26677  
by the state board to prevent the spread of communicable disease; 26678

(6) Requirements that the parents of preschool children 26679  
complete the emergency medical authorization form specified in 26680  
section 3313.712 of the Revised Code. 26681

(B) The state board of education in consultation with the 26682  
director of job and family services shall ensure that the rules 26683  
adopted by the state board under sections 3301.52 to 3301.58 of 26684  
the Revised Code are consistent with and meet or exceed the 26685  
requirements of Chapter 5104. of the Revised Code with regard to 26686  
child day-care centers that serve preschool children. The state 26687  
board and the director of job and family services shall review all 26688  
such rules at least once every five years. 26689

(C) The state board of education, in consultation with the 26690  
director of job and family services, shall adopt rules for school 26691  
child programs that are consistent with and meet or exceed the 26692  
requirements of the rules adopted for ~~school-age child care~~ child 26693  
day-care centers that serve school-age children under Chapter 26694  
5104. of the Revised Code. 26695

**Sec. 3301.68.** (A) The department of education shall establish a consolidated school mandate report for school districts. The report shall be distributed and monitored by the department. Each district or school shall complete and file the report not later than the thirtieth day of November each year. The report shall require each district or school to denote "yes" to indicate compliance or "no" to indicate noncompliance with the items prescribed under division (B) of this section, and to provide any other information that the department requests regarding those items. If a district or school denotes "no" on any item, it shall provide, within thirty days, to its board of education a written explanation for why that item was not completed and a written plan of action for accurately and efficiently addressing the problem.

(B) The report shall contain the following items:

(1) Training on the use of physical restraint or seclusion on students pursuant to section 3319.46 of the Revised Code;

(2) Training on harassment, intimidation, or bullying pursuant to sections 3313.666, 3313.667, and 3319.073 of the Revised Code;

(3) Training on the use of cardiopulmonary resuscitation and an automated external defibrillator under sections 3313.60, 3313.6023, 3313.717, and 3314.16 of the Revised Code, ~~and training on crisis prevention intervention;~~

~~(4) The establishment of a wellness committee;~~

~~(5)~~ The reporting of a district's or school's compliance with nutritional standards prescribed under section 3313.814 of the Revised Code;

~~(6)~~(5) Screening of pupils for hearing, vision, speech and communications, and health or medical problems and for any



developmental disorders pursuant to section 3313.673 of the Revised Code;	26726 26727
<del>(7)</del> (6) Compliance with intradistrict and interdistrict open enrollment provisions in sections 3313.97 and 3313.98 of the Revised Code.	26728 26729 26730
(C) Except as provided in division (D) of section 3313.814 of the Revised Code, the department shall not require a separate report for any of the items listed in division (B) of this section.	26731 26732 26733 26734
<b>Sec. 3302.01.</b> As used in this chapter:	26735
(A) "Performance index score" means the average of the totals derived from calculations, for each subject area, of the weighted proportion of untested students and students scoring at each level of skill described in division (A)(2) of section 3301.0710 of the Revised Code on the state achievement assessments, as follows:	26736 26737 26738 26739 26740
(1) For the assessments prescribed by division (A)(1) of section 3301.0710 of the Revised Code, the average for each of the subject areas of English language arts, mathematics, and science.	26741 26742 26743
(2) For the assessments prescribed by division (B)(1) of section 3301.0710 and division (B)(2) of section 3301.0712 of the Revised Code, the average for each of the subject areas of English language arts and mathematics.	26744 26745 26746 26747
The department of education shall assign weights such that students who do not take an assessment receive a weight of zero and students who take an assessment receive progressively larger weights dependent upon the level of skill attained on the assessment. The department shall assign additional weights to students who have been permitted to pass over a subject in accordance with a student acceleration policy adopted under section 3324.10 of the Revised Code. If such a student attains the	26748 26749 26750 26751 26752 26753 26754 26755

proficient score prescribed under division (A)(2)(c) of section 26756  
3301.0710 of the Revised Code or higher on an assessment, the 26757  
department shall assign the student the weight prescribed for the 26758  
next higher scoring level. If such a student attains the advanced 26759  
score, prescribed under division (A)(2)(a) of section 3301.0710 of 26760  
the Revised Code, on an assessment, the department shall assign to 26761  
the student an additional proportional weight, as approved by the 26762  
state board. For each school year that such a student's score is 26763  
included in the performance index score and the student attains 26764  
the proficient score on an assessment, that additional weight 26765  
shall be assigned to the student on a subject-by-subject basis. 26766

Students shall be included in the "performance index score" 26767  
in accordance with division ~~(K)~~(J)(2) of section 3302.03 of the 26768  
Revised Code. 26769

(B) "Subgroup" means a subset of the entire student 26770  
population of the state, a school district, or a school building 26771  
and includes each of the following: 26772

(1) Major racial and ethnic groups; 26773

(2) Students with disabilities; 26774

(3) Economically disadvantaged students; 26775

(4) ~~Limited English proficient students~~ learners; 26776

(5) Students identified as gifted in superior cognitive 26777  
ability and specific academic ability fields under Chapter 3324. 26778  
of the Revised Code. For students who are gifted in specific 26779  
academic ability fields, the department shall use data for those 26780  
students with specific academic ability in math and reading. If 26781  
any other academic field is assessed, the department shall also 26782  
include data for students with specific academic ability in that 26783  
field. 26784

(6) Students in the lowest quintile for achievement 26785

statewide, as determined by a method prescribed by the state board of education. 26786  
26787

(C) "No Child Left Behind Act of 2001" includes the statutes 26788  
codified at 20 U.S.C. 6301 et seq. and any amendments, waivers, or 26789  
both thereto, rules and regulations promulgated pursuant to those 26790  
statutes, guidance documents, and any other policy directives 26791  
regarding implementation of that act issued by the United States 26792  
department of education. 26793

(D) "Adequate yearly progress" means a measure of annual 26794  
academic performance as calculated in accordance with the "No 26795  
Child Left Behind Act of 2001." 26796

(E) "Supplemental educational services" means additional 26797  
academic assistance, such as tutoring, remediation, or other 26798  
educational enrichment activities, that is conducted outside of 26799  
the regular school day by a provider approved by the department in 26800  
accordance with the "No Child Left Behind Act of 2001." 26801

(F) "Value-added progress dimension" means a measure of 26802  
academic gain for a student or group of students over a specific 26803  
period of time that is calculated by applying a statistical 26804  
methodology to individual student achievement data derived from 26805  
the achievement assessments prescribed by section 3301.0710 of the 26806  
Revised Code. The "value-added progress dimension" shall be 26807  
developed and implemented in accordance with section 3302.021 of 26808  
the Revised Code. 26809

(G)(1) "Four-year adjusted cohort graduation rate" means the 26810  
number of students who graduate in four years or less with a 26811  
regular high school diploma divided by the number of students who 26812  
form the adjusted cohort for the graduating class. 26813

(2) "Five-year adjusted cohort graduation rate" means the 26814  
number of students who graduate in five years with a regular high 26815  
school diploma divided by the number of students who form the 26816

adjusted cohort for the four-year graduation rate. 26817

(H) "State institution of higher education" has the same 26818  
meaning as in section 3345.011 of the Revised Code. 26819

(I) "Annual measurable objectives" means a measure of student 26820  
progress determined in accordance with an agreement between the 26821  
department of education and the United States department of 26822  
education. 26823

(J) "Community school" means a community school established 26824  
under Chapter 3314. of the Revised Code. 26825

(K) "STEM school" means a science, technology, engineering, 26826  
and mathematics school established under Chapter 3326. of the 26827  
Revised Code. 26828

(L) "Entitled to attend school in the district" means 26829  
entitled to attend school in a school district under section 26830  
3313.64 or 3313.65 of the Revised Code. 26831

**Sec. 3302.03.** Annually, Not later than the thirty-first day 26832  
of July of each year, the department of education shall submit 26833  
preliminary report card data for overall academic performance and 26834  
for each separate performance measure for each school district, 26835  
and each school building, in accordance with this section. 26836

Annually, not later than the fifteenth day of September or 26837  
the preceding Friday when that day falls on a Saturday or Sunday, 26838  
the department ~~of education~~ shall assign a letter grade for 26839  
overall academic performance and for each separate performance 26840  
measure for each school district, and each school building in a 26841  
district, in accordance with this section. The state board shall 26842  
adopt rules pursuant to Chapter 119. of the Revised Code to 26843  
establish performance criteria for each letter grade and prescribe 26844  
a method by which the department assigns each letter grade. For a 26845  
school building to which any of the performance measures do not 26846

apply, due to grade levels served by the building, the state board 26847  
shall designate the performance measures that are applicable to 26848  
the building and that must be calculated separately and used to 26849  
calculate the building's overall grade. The department shall issue 26850  
annual report cards reflecting the performance of each school 26851  
district, each building within each district, and for the state as 26852  
a whole using the performance measures and letter grade system 26853  
described in this section. The department shall include on the 26854  
report card for each district and each building within each 26855  
district the most recent two-year trend data in student 26856  
achievement for each subject and each grade. 26857

(A)(1) For the 2012-2013 school year, the department shall 26858  
issue grades as described in division (E) of this section for each 26859  
of the following performance measures: 26860

(a) Annual measurable objectives; 26861

(b) Performance index score for a school district or 26862  
building. Grades shall be awarded as a percentage of the total 26863  
possible points on the performance index system as adopted by the 26864  
state board. In adopting benchmarks for assigning letter grades 26865  
under division (A)(1)(b) of this section, the state board of 26866  
education shall designate ninety per cent or higher for an "A," at 26867  
least seventy per cent but not more than eighty per cent for a 26868  
"C," and less than fifty per cent for an "F." 26869

(c) The extent to which the school district or building meets 26870  
each of the applicable performance indicators established by the 26871  
state board under section 3302.02 of the Revised Code and the 26872  
percentage of applicable performance indicators that have been 26873  
achieved. In adopting benchmarks for assigning letter grades under 26874  
division (A)(1)(c) of this section, the state board shall 26875  
designate ninety per cent or higher for an "A." 26876

(d) The four- and five-year adjusted cohort graduation rates. 26877

In adopting benchmarks for assigning letter grades under 26878  
division (A)(1)(d), (B)(1)(d), or (C)(1)(d) of this section, the 26879  
department shall designate a four-year adjusted cohort graduation 26880  
rate of ninety-three per cent or higher for an "A" and a five-year 26881  
cohort graduation rate of ninety-five per cent or higher for an 26882  
"A." 26883

(e) The overall score under the value-added progress 26884  
dimension of a school district or building, for which the 26885  
department shall use up to three years of value-added data as 26886  
available. The letter grade assigned for this growth measure shall 26887  
be as follows: 26888

(i) A score that is at least ~~two~~ one standard ~~errors~~ error of 26889  
measure above the mean score shall be designated as an "A." 26890

(ii) A score that is ~~at least~~ less than one standard error of 26891  
measure above but ~~less~~ greater than ~~two~~ one standard ~~errors~~ error 26892  
of measure ~~above~~ below the mean score shall be designated as a 26893  
"B." 26894

(iii) A score that is less than or equal to one standard 26895  
error of measure ~~above~~ below the mean score but greater than ~~or~~ 26896  
~~equal to one~~ two standard ~~error~~ errors of measure below the mean 26897  
score shall be designated as a "C." 26898

(iv) A score that is ~~not greater~~ less than ~~one~~ or equal to 26899  
two standard ~~error~~ errors of measure below the mean score but is 26900  
greater than ~~or equal to two~~ three standard errors of measure 26901  
below the mean score shall be designated as a "D." 26902

(v) A score that is ~~not greater~~ less than ~~two~~ or equal to 26903  
three standard errors of measure below the mean score shall be 26904  
designated as an "F." 26905

Whenever the value-added progress dimension is used as a 26906  
graded performance measure, whether as an overall measure or as a 26907  
measure of separate subgroups, the grades for the measure shall be 26908

calculated in the same manner as prescribed in division (A)(1)(e) 26909  
of this section. 26910

(f) The value-added progress dimension score for a school 26911  
district or building disaggregated for each of the following 26912  
subgroups: students identified as gifted, students with 26913  
disabilities, and students whose performance places them in the 26914  
lowest quintile for achievement on a statewide basis. Each 26915  
subgroup shall be a separate graded measure. 26916

(2) Not later than April 30, 2013, the state board of 26917  
education shall adopt a resolution describing the performance 26918  
measures, benchmarks, and grading system for the 2012-2013 school 26919  
year and, not later than June 30, 2013, shall adopt rules in 26920  
accordance with Chapter 119. of the Revised Code that prescribe 26921  
the methods by which the performance measures under division 26922  
(A)(1) of this section shall be assessed and assigned a letter 26923  
grade, including performance benchmarks for each letter grade. 26924

At least forty-five days prior to the state board's adoption 26925  
of rules to prescribe the methods by which the performance 26926  
measures under division (A)(1) of this section shall be assessed 26927  
and assigned a letter grade, the department shall conduct a public 26928  
presentation before the standing committees of the house of 26929  
representatives and the senate that consider education legislation 26930  
describing such methods, including performance benchmarks. 26931

(3) There shall not be an overall letter grade for a school 26932  
district or building for the 2012-2013 school year. 26933

(B)(1) For the 2013-2014 and 2014-2015 school years, the 26934  
department shall issue grades as described in division (E) of this 26935  
section for each of the following performance measures: 26936

(a) Annual measurable objectives; 26937

(b) Performance index score for a school district or 26938  
building. Grades shall be awarded as a percentage of the total 26939

possible points on the performance index system as created by the 26940  
department. In adopting benchmarks for assigning letter grades 26941  
under division (B)(1)(b) of this section, the state board shall 26942  
designate ninety per cent or higher for an "A," at least seventy 26943  
per cent but not more than eighty per cent for a "C," and less 26944  
than fifty per cent for an "F." 26945

(c) The extent to which the school district or building meets 26946  
each of the applicable performance indicators established by the 26947  
state board under section 3302.03 of the Revised Code and the 26948  
percentage of applicable performance indicators that have been 26949  
achieved. In adopting benchmarks for assigning letter grades under 26950  
division (B)(1)(c) of this section, the state board shall 26951  
designate ninety per cent or higher for an "A." 26952

(d) The four- and five-year adjusted cohort graduation rates; 26953

(e) The overall score under the value-added progress 26954  
dimension of a school district or building, for which the 26955  
department shall use up to three years of value-added data as 26956  
available. 26957

(f) The value-added progress dimension score for a school 26958  
district or building disaggregated for each of the following 26959  
subgroups: students identified as gifted in superior cognitive 26960  
ability and specific academic ability fields under Chapter 3324. 26961  
of the Revised Code, students with disabilities, and students 26962  
whose performance places them in the lowest quintile for 26963  
achievement on a statewide basis. Each subgroup shall be a 26964  
separate graded measure. 26965

(g) Whether a school district or building is making progress 26966  
in improving literacy in grades kindergarten through three, as 26967  
determined using a method prescribed by the state board. The state 26968  
board shall adopt rules to prescribe benchmarks and standards for 26969  
assigning grades to districts and buildings for purposes of 26970



division (B)(1)(g) of this section. In adopting benchmarks for 26971  
assigning letter grades under divisions (B)(1)(g) and (C)(1)(g) of 26972  
this section, the state board shall determine progress made based 26973  
on the reduction in the total percentage of students scoring below 26974  
grade level, or below proficient, compared from year to year on 26975  
the reading and writing diagnostic assessments administered under 26976  
section 3301.0715 of the Revised Code and the third grade English 26977  
language arts assessment under section 3301.0710 of the Revised 26978  
Code, as applicable. The state board shall designate for a "C" 26979  
grade a value that is not lower than the statewide average value 26980  
for this measure. No grade shall be issued under divisions 26981  
(B)(1)(g) and (C)(1)(g) of this section for a district or building 26982  
in which less than five per cent of students have scored below 26983  
grade level on the diagnostic assessment administered to students 26984  
in kindergarten under division (B)(1) of section 3313.608 of the 26985  
Revised Code. 26986

(h) For a high mobility school district or building, an 26987  
additional value-added progress dimension score. For this measure, 26988  
the department shall use value-added data from the most recent 26989  
school year available and shall use assessment scores for only 26990  
those students to whom the district or building has administered 26991  
the assessments prescribed by section 3301.0710 of the Revised 26992  
Code for each of the two most recent consecutive school years. 26993

As used in this division, "high mobility school district or 26994  
building" means a school district or building where at least 26995  
twenty-five per cent of its total enrollment is made up of 26996  
students who have attended that school district or building for 26997  
less than one year. 26998

(2) In addition to the graded measures in division (B)(1) of 26999  
this section, the department shall include on a school district's 27000  
or building's report card all of the following without an assigned 27001  
letter grade: 27002

(a) The percentage of students enrolled in a district or building participating in advanced placement classes and the percentage of those students who received a score of three or better on advanced placement examinations;

(b) The number of a district's or building's students who have earned at least three college credits through dual enrollment or advanced standing programs, such as the post-secondary enrollment options program under Chapter 3365. of the Revised Code and state-approved career-technical courses offered through dual enrollment or statewide articulation, that appear on a student's transcript or other official document, either of which is issued by the institution of higher education from which the student earned the college credit. The credits earned that are reported under divisions (B)(2)(b) and (C)(2)(c) of this section shall not include any that are remedial or developmental and shall include those that count toward the curriculum requirements established for completion of a degree.

(c) The percentage of students enrolled in a district or building who have taken a national standardized test used for college admission determinations and the percentage of those students who are determined to be remediation-free in accordance with standards adopted under division (F) of section 3345.061 of the Revised Code;

(d) The percentage of the district's or the building's students who receive industry-recognized credentials as approved under section 3313.6113 of the Revised Code.

(e) The percentage of students enrolled in a district or building who are participating in an international baccalaureate program and the percentage of those students who receive a score of four or better on the international baccalaureate examinations.

(f) The percentage of the district's or building's students

who receive an honors diploma under division (B) of section 27034  
3313.61 of the Revised Code. 27035

(3) Not later than December 31, 2013, the state board shall 27036  
adopt rules in accordance with Chapter 119. of the Revised Code 27037  
that prescribe the methods by which the performance measures under 27038  
divisions (B)(1)(f) and (B)(1)(g) of this section will be assessed 27039  
and assigned a letter grade, including performance benchmarks for 27040  
each grade. 27041

At least forty-five days prior to the state board's adoption 27042  
of rules to prescribe the methods by which the performance 27043  
measures under division (B)(1) of this section shall be assessed 27044  
and assigned a letter grade, the department shall conduct a public 27045  
presentation before the standing committees of the house of 27046  
representatives and the senate that consider education legislation 27047  
describing such methods, including performance benchmarks. 27048

(4) There shall not be an overall letter grade for a school 27049  
district or building for the 2013-2014, 2014-2015, 2015-2016, and 27050  
2016-2017 school years. 27051

(C)(1) For the 2014-2015 school year and each school year 27052  
thereafter, the department shall issue grades as described in 27053  
division (E) of this section for each of the performance measures 27054  
prescribed in division (C)(1) of this section. The graded measures 27055  
are as follows: 27056

(a) Annual measurable objectives. For the 2017-2018 school 27057  
year, the department shall not include any subgroup data in the 27058  
annual measurable objectives that includes data from fewer than 27059  
twenty-five students. For the 2018-2019 school year, the 27060  
department shall not include any subgroup data in the annual 27061  
measurable objectives that includes data from fewer than twenty 27062  
students. Beginning with the 2019-2020 school year, the department 27063  
shall not include any subgroup data in the annual measurable 27064

objectives that includes data from fewer than fifteen students. 27065

(b) Performance index score for a school district or 27066  
building. Grades shall be awarded as a percentage of the total 27067  
possible points on the performance index system as created by the 27068  
department. In adopting benchmarks for assigning letter grades 27069  
under division (C)(1)(b) of this section, the state board shall 27070  
designate ninety per cent or higher for an "A," at least seventy 27071  
per cent but not more than eighty per cent for a "C," and less 27072  
than fifty per cent for an "F." 27073

(c) The extent to which the school district or building meets 27074  
each of the applicable performance indicators established by the 27075  
state board under section 3302.03 of the Revised Code and the 27076  
percentage of applicable performance indicators that have been 27077  
achieved. In adopting benchmarks for assigning letter grades under 27078  
division (C)(1)(c) of this section, the state board shall 27079  
designate ninety per cent or higher for an "A." 27080

(d) The four- and five-year adjusted cohort graduation rates; 27081

(e) The overall score under the value-added progress 27082  
dimension, or another measure of student academic progress if 27083  
adopted by the state board, of a school district or building, for 27084  
which the department shall use up to three years of value-added 27085  
data as available. 27086

In adopting benchmarks for assigning letter grades for 27087  
overall score on value-added progress dimension under division 27088  
(C)(1)(e) of this section, the state board shall prohibit the 27089  
assigning of a grade of "A" for that measure unless the district's 27090  
or building's grade assigned for value-added progress dimension 27091  
for all subgroups under division (C)(1)(f) of this section is a 27092  
~~"B"~~ "C" or higher. 27093

For the metric prescribed by division (C)(1)(e) of this 27094  
section, the state board may adopt a student academic progress 27095

measure to be used instead of the value-added progress dimension. 27096  
If the state board adopts such a measure, it also shall prescribe 27097  
a method for assigning letter grades for the new measure that is 27098  
comparable to the method prescribed in division (A)(1)(e) of this 27099  
section. 27100

(f) The value-added progress dimension score of a school 27101  
district or building disaggregated for each of the following 27102  
subgroups: students identified as gifted in superior cognitive 27103  
ability and specific academic ability fields under Chapter 3324. 27104  
of the Revised Code, students with disabilities, and students 27105  
whose performance places them in the lowest quintile for 27106  
achievement on a statewide basis, as determined by a method 27107  
prescribed by the state board. Each subgroup shall be a separate 27108  
graded measure. 27109

The state board may adopt student academic progress measures 27110  
to be used instead of the value-added progress dimension. If the 27111  
state board adopts such measures, it also shall prescribe a method 27112  
for assigning letter grades for the new measures that is 27113  
comparable to the method prescribed in division (A)(1)(e) of this 27114  
section. 27115

(g) Whether a school district or building is making progress 27116  
in improving literacy in grades kindergarten through three, as 27117  
determined using a method prescribed by the state board. The state 27118  
board shall adopt rules to prescribe benchmarks and standards for 27119  
assigning grades to a district or building for purposes of 27120  
division (C)(1)(g) of this section. The state board shall 27121  
designate for a "C" grade a value that is not lower than the 27122  
statewide average value for this measure. No grade shall be issued 27123  
under division (C)(1)(g) of this section for a district or 27124  
building in which less than five per cent of students have scored 27125  
below grade level on the kindergarten diagnostic assessment under 27126  
division (B)(1) of section 3313.608 of the Revised Code. 27127

(h) For a high mobility school district or building, an 27128  
additional value-added progress dimension score. For this measure, 27129  
the department shall use value-added data from the most recent 27130  
school year available and shall use assessment scores for only 27131  
those students to whom the district or building has administered 27132  
the assessments prescribed by section 3301.0710 of the Revised 27133  
Code for each of the two most recent consecutive school years. 27134

As used in this division, "high mobility school district or 27135  
building" means a school district or building where at least 27136  
twenty-five per cent of its total enrollment is made up of 27137  
students who have attended that school district or building for 27138  
less than one year. 27139

(2) In addition to the graded measures in division (C)(1) of 27140  
this section, the department shall include on a school district's 27141  
or building's report card all of the following without an assigned 27142  
letter grade: 27143

(a) The percentage of students enrolled in a district or 27144  
building who have taken a national standardized test used for 27145  
college admission determinations and the percentage of those 27146  
students who are determined to be remediation-free in accordance 27147  
with the standards adopted under division (F) of section 3345.061 27148  
of the Revised Code; 27149

(b) The percentage of students enrolled in a district or 27150  
building participating in advanced placement classes and the 27151  
percentage of those students who received a score of three or 27152  
better on advanced placement examinations; 27153

(c) The percentage of a district's or building's students who 27154  
have earned at least three college credits through advanced 27155  
standing programs, such as the college credit plus program under 27156  
Chapter 3365. of the Revised Code and state-approved 27157  
career-technical courses offered through dual enrollment or 27158

statewide articulation, that appear on a student's college transcript issued by the institution of higher education from which the student earned the college credit. The credits earned that are reported under divisions (B)(2)(b) and (C)(2)(c) of this section shall not include any that are remedial or developmental and shall include those that count toward the curriculum requirements established for completion of a degree.

(d) The percentage of the district's or building's students who receive an honor's diploma under division (B) of section 3313.61 of the Revised Code;

(e) The percentage of the district's or building's students who receive industry-recognized credentials as approved under section 3313.6113 of the Revised Code;

(f) The percentage of students enrolled in a district or building who are participating in an international baccalaureate program and the percentage of those students who receive a score of four or better on the international baccalaureate examinations;

(g) The results of the college and career-ready assessments administered under division (B)(1) of section 3301.0712 of the Revised Code;

(h) Whether the school district or building has implemented a positive behavior intervention and supports framework in compliance with the requirements of section 3319.46 of the Revised Code, notated as a "yes" or "no" answer.

(3) The state board shall adopt rules pursuant to Chapter 119. of the Revised Code that establish a method to assign an overall grade for a school district or school building for the 2017-2018 school year and each school year thereafter. The rules shall group the performance measures in divisions (C)(1) and (2) of this section into the following components:

(a) Gap closing, which shall include the performance measure

in division (C)(1)(a) of this section;	27190
(b) Achievement, which shall include the performance measures in divisions (C)(1)(b) and (c) of this section;	27191 27192
(c) Progress, which shall include the performance measures in divisions (C)(1)(e) and (f) of this section;	27193 27194
(d) Graduation, which shall include the performance measure in division (C)(1)(d) of this section;	27195 27196
(e) Kindergarten through third-grade literacy, which shall include the performance measure in division (C)(1)(g) of this section;	27197 27198 27199
(f) Prepared for success, which shall include the performance measures in divisions (C)(2)(a), (b), (c), (d), (e), and (f) of this section. The state board shall develop a method to determine a grade for the component in division (C)(3)(f) of this section using the performance measures in divisions (C)(2)(a), (b), (c), (d), (e), and (f) of this section. When available, the state board may incorporate the performance measure under division (C)(2)(g) of this section into the component under division (C)(3)(f) of this section. When determining the overall grade for the prepared for success component prescribed by division (C)(3)(f) of this section, no individual student shall be counted in more than one performance measure. However, if a student qualifies for more than one performance measure in the component, the state board may, in its method to determine a grade for the component, specify an additional weight for such a student that is not greater than or equal to 1.0. In determining the overall score under division (C)(3)(f) of this section, the state board shall ensure that the pool of students included in the performance measures aggregated under that division are all of the students included in the four- and five-year adjusted graduation cohort.	27200 27201 27202 27203 27204 27205 27206 27207 27208 27209 27210 27211 27212 27213 27214 27215 27216 27217 27218 27219
In the rules adopted under division (C)(3) of this section,	27220



the state board shall adopt a method for determining a grade for 27221  
each component in divisions (C)(3)(a) to (f) of this section. The 27222  
state board also shall establish a method to assign an overall 27223  
grade of "A," "B," "C," "D," or "F" using the grades assigned for 27224  
each component. The method the state board adopts for assigning an 27225  
overall grade shall give equal weight to the components in 27226  
divisions (C)(3)(b) and (c) of this section. 27227

At least forty-five days prior to the state board's adoption 27228  
of rules to prescribe the methods for calculating the overall 27229  
grade for the report card, as required by this division, the 27230  
department shall conduct a public presentation before the standing 27231  
committees of the house of representatives and the senate that 27232  
consider education legislation describing the format for the 27233  
report card, weights that will be assigned to the components of 27234  
the overall grade, and the method for calculating the overall 27235  
grade. 27236

(D) On or after July 1, 2015, the state board may develop a 27237  
measure of student academic progress for high school students 27238  
using only data from assessments in English language arts and 27239  
mathematics. If the state board develops this measure, each school 27240  
district and applicable school building shall be assigned a 27241  
separate letter grade for it not sooner than the 2017-2018 school 27242  
year. The district's or building's grade for that measure shall 27243  
not be included in determining the district's or building's 27244  
overall letter grade. 27245

(E) The letter grades assigned to a school district or 27246  
building under this section shall be as follows: 27247

(1) "A" for a district or school making excellent progress; 27248

(2) "B" for a district or school making above average 27249  
progress; 27250

(3) "C" for a district or school making average progress; 27251

(4) "D" for a district or school making below average progress;	27252 27253
(5) "F" for a district or school failing to meet minimum progress.	27254 27255
(F) When reporting data on student achievement and progress, the department shall disaggregate that data according to the following categories:	27256 27257 27258
(1) Performance of students by grade-level;	27259
(2) Performance of students by race and ethnic group;	27260
(3) Performance of students by gender;	27261
(4) Performance of students grouped by those who have been enrolled in a district or school for three or more years;	27262 27263
(5) Performance of students grouped by those who have been enrolled in a district or school for more than one year and less than three years;	27264 27265 27266
(6) Performance of students grouped by those who have been enrolled in a district or school for one year or less;	27267 27268
(7) Performance of students grouped by those who are economically disadvantaged;	27269 27270
(8) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code;	27271 27272 27273
(9) Performance of students grouped by those who are classified as <del>limited</del> English <del>proficient</del> <u>learners</u> ;	27274 27275
(10) Performance of students grouped by those who have disabilities;	27276 27277
(11) Performance of students grouped by those who are classified as migrants;	27278 27279
(12) Performance of students grouped by those who are	27280

identified as gifted in superior cognitive ability and the 27281  
specific academic ability fields of reading and math pursuant to 27282  
Chapter 3324. of the Revised Code. In disaggregating specific 27283  
academic ability fields for gifted students, the department shall 27284  
use data for those students with specific academic ability in math 27285  
and reading. If any other academic field is assessed, the 27286  
department shall also include data for students with specific 27287  
academic ability in that field as well. 27288

(13) Performance of students grouped by those who perform in 27289  
the lowest quintile for achievement on a statewide basis, as 27290  
determined by a method prescribed by the state board. 27291

The department may disaggregate data on student performance 27292  
according to other categories that the department determines are 27293  
appropriate. To the extent possible, the department shall 27294  
disaggregate data on student performance according to any 27295  
combinations of two or more of the categories listed in divisions 27296  
(F)(1) to (13) of this section that it deems relevant. 27297

In reporting data pursuant to division (F) of this section, 27298  
the department shall not include in the report cards any data 27299  
statistical in nature that is statistically unreliable or that 27300  
could result in the identification of individual students. For 27301  
this purpose, the department shall not report student performance 27302  
data for any group identified in division (F) of this section that 27303  
contains less than ten students. If the department does not report 27304  
student performance data for a group because it contains less than 27305  
ten students, the department shall indicate on the report card 27306  
that is why data was not reported. 27307

(G) The department may include with the report cards any 27308  
additional education and fiscal performance data it deems 27309  
valuable. 27310

(H) The department shall include on each report card a list 27311

of additional information collected by the department that is 27312  
available regarding the district or building for which the report 27313  
card is issued. When available, such additional information shall 27314  
include student mobility data disaggregated by race and 27315  
socioeconomic status, college enrollment data, and the reports 27316  
prepared under section 3302.031 of the Revised Code. 27317

The department shall maintain a site on the world wide web. 27318  
The report card shall include the address of the site and shall 27319  
specify that such additional information is available to the 27320  
public at that site. The department shall also provide a copy of 27321  
each item on the list to the superintendent of each school 27322  
district. The district superintendent shall provide a copy of any 27323  
item on the list to anyone who requests it. 27324

(I)(1)(a) Except as provided in division (I)(1)(b) of this 27325  
section, for any district that sponsors a conversion community 27326  
school under Chapter 3314. of the Revised Code, the department 27327  
shall combine data regarding the academic performance of students 27328  
enrolled in the community school with comparable data from the 27329  
schools of the district for the purpose of determining the 27330  
performance of the district as a whole on the report card issued 27331  
for the district under this section or section 3302.033 of the 27332  
Revised Code. 27333

(b) The department shall not combine data from any conversion 27334  
community school that a district sponsors if a majority of the 27335  
students enrolled in the conversion community school are enrolled 27336  
in a dropout prevention and recovery program that is operated by 27337  
the school, as described in division (A)(4)(a) of section 3314.35 27338  
of the Revised Code. The department shall include as an addendum 27339  
to the district's report card the ratings and performance measures 27340  
that are required under section 3314.017 of the Revised Code for 27341  
any community school to which division (I)(1)(b) of this section 27342  
applies. This addendum shall include, at a minimum, the data 27343

specified in divisions (C)(1)(a), (C)(2), and (C)(3) of section 27344  
3314.017 of the Revised Code. 27345

(2) Any district that leases a building to a community school 27346  
located in the district or that enters into an agreement with a 27347  
community school located in the district whereby the district and 27348  
the school endorse each other's programs may elect to have data 27349  
regarding the academic performance of students enrolled in the 27350  
community school combined with comparable data from the schools of 27351  
the district for the purpose of determining the performance of the 27352  
district as a whole on the district report card. Any district that 27353  
so elects shall annually file a copy of the lease or agreement 27354  
with the department. 27355

(3) Any municipal school district, as defined in section 27356  
3311.71 of the Revised Code, that sponsors a community school 27357  
located within the district's territory, or that enters into an 27358  
agreement with a community school located within the district's 27359  
territory whereby the district and the community school endorse 27360  
each other's programs, may exercise either or both of the 27361  
following elections: 27362

(a) To have data regarding the academic performance of 27363  
students enrolled in that community school combined with 27364  
comparable data from the schools of the district for the purpose 27365  
of determining the performance of the district as a whole on the 27366  
district's report card; 27367

(b) To have the number of students attending that community 27368  
school noted separately on the district's report card. 27369

The election authorized under division (I)(3)(a) of this 27370  
section is subject to approval by the governing authority of the 27371  
community school. 27372

Any municipal school district that exercises an election to 27373  
combine or include data under division (I)(3) of this section, by 27374

the first day of October of each year, shall file with the 27375  
department documentation indicating eligibility for that election, 27376  
as required by the department. 27377

~~(J) The department shall include on each report card the 27378  
percentage of teachers in the district or building who are 27379  
properly certified or licensed teachers, as defined in section 27380  
3319.074 of the Revised Code, and a comparison of that percentage 27381  
with the percentages of such teachers in similar districts and 27382  
buildings. 27383~~

~~(K)~~(1) In calculating English language arts, mathematics, or 27384  
science assessment passage rates used to determine school district 27385  
or building performance under this section, the department shall 27386  
include all students taking an assessment with accommodation or to 27387  
whom an alternate assessment is administered pursuant to division 27388  
(C)(1) or (3) of section 3301.0711 of the Revised Code. 27389

(2) In calculating performance index scores, rates of 27390  
achievement on the performance indicators established by the state 27391  
board under section 3302.02 of the Revised Code, and annual 27392  
measurable objectives for determining adequate yearly progress for 27393  
school districts and buildings under this section, the department 27394  
shall do all of the following: 27395

(a) Include for each district or building only those students 27396  
who are included in the ADM certified for the first full school 27397  
week of October and are continuously enrolled in the district or 27398  
building through the time of the spring administration of any 27399  
assessment prescribed by division (A)(1) or (B)(1) of section 27400  
3301.0710 or division (B) of section 3301.0712 of the Revised Code 27401  
that is administered to the student's grade level; 27402

(b) Include cumulative totals from both the fall and spring 27403  
administrations of the third grade English language arts 27404  
achievement assessment; 27405

(c) Except as required by the No Child Left Behind Act of 27406  
2001, exclude for each district or building any ~~limited~~ English 27407  
~~proficient student~~ learner who has been enrolled in United States 27408  
schools for less than one full school year. 27409

~~(L)~~(K) Beginning with the 2015-2016 school year and at least 27410  
once every three years thereafter, the state board of education 27411  
shall review and may adjust the benchmarks for assigning letter 27412  
grades to the performance measures and components prescribed under 27413  
divisions (C)(3) and (D) of this section. 27414

**Sec. 3302.061.** (A) A school district board of education shall 27415  
review each application received under section 3302.06 of the 27416  
Revised Code and, within sixty days after receipt of the 27417  
application, shall approve or disapprove the application. In 27418  
reviewing applications, the board shall give preference to 27419  
applications that propose innovations in one or more of the 27420  
following areas: 27421

(1) Curriculum; 27422

(2) Student assessments, other than the assessments 27423  
prescribed by sections 3301.0710 and 3301.0712 of the Revised 27424  
Code; 27425

(3) Class scheduling; 27426

(4) Accountability measures, including innovations that 27427  
expand the number and variety of measures used in order to collect 27428  
more complete data about student academic performance. For this 27429  
purpose, schools may consider use of measures such as 27430  
end-of-course examinations, portfolios of student work, nationally 27431  
or internationally normed assessments, the percentage of students 27432  
enrolling in post-secondary education, or the percentage of 27433  
students simultaneously obtaining a high school diploma and an 27434  
associate's degree or certification to work in an industry or 27435

career field.	27436
(5) Provision of student services, including services for students who are disabled, identified as gifted under Chapter 3324. of the Revised Code, <del>limited English proficient learners</del> , at risk of academic failure or dropping out, or at risk of suspension or expulsion;	27437 27438 27439 27440 27441
(6) Provision of health, counseling, or other social services to students;	27442 27443
(7) Preparation of students for transition to higher education or the workforce;	27444 27445
(8) Teacher recruitment, employment, and evaluation;	27446
(9) Compensation for school personnel;	27447
(10) Professional development;	27448
(11) School governance and the roles and responsibilities of principals;	27449 27450
(12) Use of financial or other resources.	27451
(B)(1) If the board approves an application seeking designation as an innovation school, it shall so designate the school that submitted the application. If the board approves an application seeking designation as an innovation school zone, it shall so designate the participating schools that submitted the application.	27452 27453 27454 27455 27456 27457
(2) If the board disapproves an application, it shall provide a written explanation of the basis for its decision to the school or schools that submitted the application. The school or schools may reapply for designation as an innovation school or innovation school zone at any time.	27458 27459 27460 27461 27462
(C) The board may approve an application that allows an innovation school or a school participating in an innovation school zone to determine the compensation of board employees	27463 27464 27465



working in the school, but the total compensation for all such 27466  
employees shall not exceed the financial resources allocated to 27467  
the school by the board. The school shall not be required to 27468  
comply with the salary schedule adopted by the board under section 27469  
3311.78, 3317.14, or 3317.141 of the Revised Code. The board may 27470  
approve an application that allows an innovation school or a 27471  
school participating in an innovation school zone to remove board 27472  
employees from the school, but no employee shall be terminated 27473  
except as provided in section 3311.82, 3319.081, or 3319.16 of the 27474  
Revised Code. 27475

(D) The board may do either of the following at any time: 27476

(1) Designate a school as an innovation school by creating an 27477  
innovation plan for that school and offering the school an 27478  
opportunity to participate in the plan's creation; 27479

(2) Designate as an innovation school zone two or more 27480  
schools that share common interests based on factors such as 27481  
geographical proximity or similar educational programs or that 27482  
serve the same classes of students as they advance to higher grade 27483  
levels, by creating an innovation plan for those schools and 27484  
offering the schools an opportunity to participate in the plan's 27485  
creation. 27486

**Sec. 3302.18.** (A)(1) If a community learning center process 27487  
is initiated under section 3302.17 of the Revised Code for any 27488  
school building operated by a city, exempted village, or local 27489  
school district or a community school established under Chapter 27490  
3314. of the Revised Code, the district board of education or 27491  
community school governing authority shall create a school action 27492  
team for the school building. The team shall consist of twelve 27493  
members, as follows: 27494

(a) Seven individuals, consisting of parents or guardians of 27495  
students enrolled in the school and members of the community who 27496

are not teachers or nonteaching employees, as elected by their peers; 27497  
27498

(b) Five teachers and nonteaching employees who are assigned to the school building and are not parents or guardians of students enrolled in the school, as elected by their peers. 27499  
27500  
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(2) To assist a school action team initiated under section 3302.17 of the Revised Code, the district board, community school governing authority, or community partner shall select an individual who is employed by the district, school, or community partner to serve as the resource coordinator for the community learning center. The school action team shall make recommendations to the board, governing authority, or community partner on potential candidates. The resource coordinator shall not be considered a member of a school action team. The resource coordinator shall assist in the development and coordination of programs and services for the community learning center. 27502  
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(B) All members of a school action team shall serve as voting members. Terms of office shall be for three years, and vacancies shall be filled in the same manner as the original appointment. 27513  
27514  
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Members shall serve without compensation. 27516

(C) In addition to the responsibilities listed in section 3302.17 of the Revised Code, the school action team shall do all of the following: 27517  
27518  
27519

(1) Monitor and assist in the implementation of the school improvement plan, if adopted; 27520  
27521

(2) Meet with candidates for principal and other administrative positions and make recommendations to the superintendent and board of education of the district or governing authority of the community school; 27522  
27523  
27524  
27525

(3) Advise on school budgets; 27526

(4) Establish ongoing mechanisms that engage students, parents, and community members in the school;	27527 27528
(5) Continue to collect feedback and information from parents using an annual survey;	27529 27530
(6) Develop and approve a written parent involvement policy that outlines the role of parents and guardians in the school;	27531 27532
(7) Monitor school progress on data related to academic achievement; attendance, suspensions, and expulsions; graduation rates; and reclassifications disaggregated by major racial and ethnic groups, <del>limited English proficient students</del> <u>learners</u> , economically disadvantaged students, and students with disabilities;	27533 27534 27535 27536 27537 27538
(8) Receive regular updates from the principal on policy matters affecting the school and provide advice on such matters;	27539 27540
(9) Meet regularly with parents and community members to discuss policy matters affecting the school.	27541 27542
<b>Sec. 3310.02.</b> (A) The educational choice scholarship pilot program is hereby established. Under the program, the department of education annually shall pay scholarships to attend chartered nonpublic schools in accordance with section 3310.08 of the Revised Code for up to the following number of eligible students:	27543 27544 27545 27546 27547
(1) Thirty thousand in the 2011-2012 school year;	27548
(2) Sixty thousand in the 2012-2013 school year and thereafter.	27549 27550
<u>For any school year for which the number of applications for scholarships timely submitted for the program exceeds ninety per cent of the maximum number of scholarships permitted under division (A) of this section, the department shall increase the maximum number of scholarships permitted for the following school year by five per cent. The department shall make the increased</u>	27551 27552 27553 27554 27555 27556

number of scholarships available for each subsequent school year 27557  
until the department is again required to increase the number of 27558  
scholarships under division (A) of this section. 27559

If the number of students who apply for a scholarship exceeds 27560  
the maximum number of scholarships permitted under division (A) of 27561  
this section, priority shall be given to those students applying 27562  
for a scholarship under section 3310.03 of the Revised Code in 27563  
accordance with division (B) of this section. 27564

~~(B) If the number of students who apply for a scholarship~~ 27565  
~~exceeds the number of scholarships available under division (A) of~~ 27566  
~~this section for the applicable school year, the~~ The department 27567  
shall award scholarships under section 3310.03 of the Revised Code 27568  
in the following order of priority: 27569

(1) First, to eligible students who received scholarships in 27570  
the prior school year; 27571

(2) Second, to eligible students with family incomes at or 27572  
below two hundred per cent of the federal poverty guidelines, as 27573  
defined in section 5101.46 of the Revised Code, who qualify under 27574  
divisions (A) and (E) of section 3310.03 of the Revised Code. If 27575  
the number of students described in division (B)(2) of this 27576  
section who apply for a scholarship exceeds the number of 27577  
available scholarships after awards are made under division (B)(1) 27578  
of this section, the department shall select students described in 27579  
division (B)(2) of this section by lot to receive any remaining 27580  
scholarships. 27581

(3) Third, to other eligible students who qualify under 27582  
divisions (A) and (E) of section 3310.03 of the Revised Code. If 27583  
the number of students described in division (B)(3) of this 27584  
section who apply for a scholarship exceeds the number of 27585  
available scholarships after awards are made under divisions 27586  
(B)(1) and (2) of this section, the department shall select 27587

students described in division (B)(3) of this section by lot to 27588  
receive any remaining scholarships. 27589

(4) Fourth, to eligible students with family incomes at or 27590  
below two hundred per cent of the federal poverty guidelines who 27591  
qualify under division (D) of section 3310.03 of the Revised Code. 27592  
If the number of students described in division (B)(4) of this 27593  
section who apply for a scholarship exceeds the number of 27594  
available scholarships after awards are made under divisions 27595  
(B)(1) to (3) of this section, the department shall select 27596  
students described in division (B)(4) of this section by lot to 27597  
receive any remaining scholarships. 27598

(5) Fifth, to other eligible students who qualify under 27599  
division (D) of section 3310.03 of the Revised Code. If the number 27600  
of students described in division (B)(5) of this section who apply 27601  
for a scholarship exceeds the number of available scholarships 27602  
after awards are made under divisions (B)(1) to (4) of this 27603  
section, the department shall select students described in 27604  
division (B)(5) of this section by lot to receive any remaining 27605  
scholarships. 27606

(6) Sixth, to eligible students with family incomes at or 27607  
below two hundred per cent of the federal poverty guidelines who 27608  
qualify under division (B) of section 3310.03 of the Revised Code. 27609  
If the number of students described in division (B)(6) of this 27610  
section who apply for a scholarship exceeds the number of 27611  
available scholarships after awards are made under divisions 27612  
(B)(1) to (5) of this section, the department shall select 27613  
students described in division (B)(6) of this section by lot to 27614  
receive any remaining scholarships. 27615

(7) Seventh, to other eligible students who qualify under 27616  
division (B) of section 3310.03 of the Revised Code. If the number 27617  
of students described in division (B)(7) of this section who apply 27618  
for a scholarship exceeds the number of available scholarships 27619

after awards are made under divisions (B)(1) to (6) of this 27620  
section, the department shall select students described in 27621  
division (B)(7) of this section by lot to receive any remaining 27622  
scholarships. 27623

**Sec. 3310.03.** A student is an "eligible student" for purposes 27624  
of the educational choice scholarship pilot program if the 27625  
student's resident district is not a school district in which the 27626  
pilot project scholarship program is operating under sections 27627  
3313.974 to 3313.979 of the Revised Code and the student satisfies 27628  
one of the conditions in division (A), (B), (C), (D), or (E) of 27629  
this section: 27630

(A)(1) The student is enrolled in a school building operated 27631  
by the student's resident district that, on the report card issued 27632  
under section 3302.03 of the Revised Code published prior to the 27633  
first day of July of the school year for which a scholarship is 27634  
sought, did not receive a rating as described in division ~~(H)~~(I) 27635  
of this section, and to which any or a combination of any of the 27636  
following apply for two of the three most recent report cards 27637  
published prior to the first day of July of the school year for 27638  
which a scholarship is sought: 27639

(a) The building was declared to be in a state of academic 27640  
emergency or academic watch under section 3302.03 of the Revised 27641  
Code as that section existed prior to March 22, 2013. 27642

(b) The building received a grade of "D" or "F" for the 27643  
performance index score under division (A)(1)(b) or (B)(1)(b) of 27644  
section 3302.03 of the Revised Code and for the value-added 27645  
progress dimension under division (A)(1)(e) or (B)(1)(e) of 27646  
section 3302.03 of the Revised Code for the 2012-2013, 2013-2014, 27647  
2014-2015, or 2015-2016 school year; or if the building serves 27648  
only grades ten through twelve, the building received a grade of 27649  
"D" or "F" for the performance index score under division 27650

(A)(1)(b) or (B)(1)(b) of section 3302.03 of the Revised Code and 27651  
had a four-year adjusted cohort graduation rate of less than 27652  
seventy-five per cent. 27653

(c) The building received an overall grade of "D" or "F" 27654  
under division (C)(3) of section 3302.03 of the Revised Code or a 27655  
grade of "F" for the value-added progress dimension under division 27656  
(C)(1)(e) of section 3302.03 of the Revised Code for the 2016-2017 27657  
school year or any school year thereafter. 27658

(2) The student will be enrolling in any of grades 27659  
kindergarten through twelve in this state for the first time in 27660  
the school year for which a scholarship is sought, will be at 27661  
least five years of age by the first day of January of the school 27662  
year for which a scholarship is sought, and otherwise would be 27663  
assigned under section 3319.01 of the Revised Code in the school 27664  
year for which a scholarship is sought, to a school building 27665  
described in division (A)(1) of this section. 27666

(3) The student is enrolled in a community school established 27667  
under Chapter 3314. of the Revised Code but otherwise would be 27668  
assigned under section 3319.01 of the Revised Code to a building 27669  
described in division (A)(1) of this section. 27670

(4) The student is enrolled in a school building operated by 27671  
the student's resident district or in a community school 27672  
established under Chapter 3314. of the Revised Code and otherwise 27673  
would be assigned under section 3319.01 of the Revised Code to a 27674  
school building described in division (A)(1) of this section in 27675  
the school year for which the scholarship is sought. 27676

(5) The student will be both enrolling in any of grades 27677  
kindergarten through twelve in this state for the first time and 27678  
at least five years of age by the first day of January of the 27679  
school year for which a scholarship is sought, or is enrolled in a 27680  
community school established under Chapter 3314. of the Revised 27681

Code, and all of the following apply to the student's resident district: 27682  
27683

(a) The district has in force an intradistrict open enrollment policy under which no student in the student's grade level is automatically assigned to a particular school building; 27684  
27685  
27686

(b) In the most recent rating published prior to the first day of July of the school year for which scholarship is sought, the district did not receive a rating described in division ~~(H)~~(I) of this section, and in at least two of the three most recent report cards published prior to the first day of July of that school year, any or a combination of the following apply to the district: 27687  
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(i) The district was declared to be in a state of academic emergency under section 3302.03 of the Revised Code as it existed prior to March 22, 2013. 27694  
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27696

(ii) The district received a grade of "D" or "F" for the performance index score under division (A)(1)(b) or (B)(1)(b) of section 3302.03 of the Revised Code and for the value-added progress dimension under division (A)(1)(e) or (B)(1)(e) of section 3302.03 of the Revised Code for the 2012-2013, 2013-2014, 2014-2015, or 2015-2016 school year. 27697  
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(c) The district received an overall grade of "D" or "F" under division (C)(3) of section 3302.03 of the Revised Code or a grade of "F" for the value-added progress dimension under division (C)(1)(e) of section 3302.03 of the Revised Code for the 2016-2017 school year or any school year thereafter. 27703  
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(6) Beginning in the ~~2016-2017~~ 2019-2020 school year, the student ~~is enrolled in or will be enrolling in~~ meets both of the following conditions: 27708  
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27710

(a) The student was enrolled in a public or nonpublic school or was homeschooled in the prior school year and completed any of 27711  
27712



grades eight through eleven in that school year. 27713

(b) The student would be assigned to a building in the school 27714  
year for which the scholarship is sought that ~~serves~~ either: 27715

(i) Serves any of grades nine through twelve and that 27716  
received a grade of "D" or "F" for the four-year adjusted cohort 27717  
graduation rate under division (A)(1)(d), (B)(1)(d), or (C)(1)(d) 27718  
of section 3302.03 of the Revised Code in two of the three most 27719  
recent report cards published prior to the first day of July of 27720  
the school year for which a scholarship is sought; 27721

(ii) Is a building described in division (A)(1) of this 27722  
section. 27723

Any student who was awarded a scholarship under division 27724  
(A)(6) of this section as it existed prior to the effective date 27725  
of this amendment may continue to receive scholarships in 27726  
subsequent school years until the student completes grade twelve, 27727  
as long as the student meets the criteria prescribed by division 27728  
(F) of this section. 27729

(B)(1) The student is enrolled in a school building operated 27730  
by the student's resident district and to which both of the 27731  
following apply: 27732

(a) The building was ranked, for at least two of the three 27733  
most recent rankings prior to the first day of July of the school 27734  
year for which a scholarship is sought, in the lowest ten per cent 27735  
of all buildings operated by city, local, and exempted village 27736  
school districts according to performance index score as 27737  
determined by the department of education. 27738

(b) The building was not declared to be excellent or 27739  
effective, or the equivalent of such ratings as determined by the 27740  
department, under section 3302.03 of the Revised Code in the most 27741  
recent rating published prior to the first day of July of the 27742  
school year for which a scholarship is sought. 27743

(2) The student will be enrolling in any of grades 27744  
kindergarten through twelve in this state for the first time in 27745  
the school year for which a scholarship is sought, will be at 27746  
least five years of age, as defined in section 3321.01 of the 27747  
Revised Code, by the first day of January of the school year for 27748  
which a scholarship is sought, and otherwise would be assigned 27749  
under section 3319.01 of the Revised Code in the school year for 27750  
which a scholarship is sought, to a school building described in 27751  
division (B)(1) of this section. 27752

(3) The student is enrolled in a community school established 27753  
under Chapter 3314. of the Revised Code but otherwise would be 27754  
assigned under section 3319.01 of the Revised Code to a building 27755  
described in division (B)(1) of this section. 27756

(4) The student is enrolled in a school building operated by 27757  
the student's resident district or in a community school 27758  
established under Chapter 3314. of the Revised Code and otherwise 27759  
would be assigned under section 3319.01 of the Revised Code to a 27760  
school building described in division (B)(1) of this section in 27761  
the school year for which the scholarship is sought. 27762

(C) The student is enrolled in a nonpublic school at the time 27763  
the school is granted a charter by the state board of education 27764  
under section 3301.16 of the Revised Code and the student meets 27765  
the standards of division (B) of section 3310.031 of the Revised 27766  
Code. 27767

(D) For the 2016-2017 school year and each school year 27768  
thereafter, the student is in any of grades kindergarten through 27769  
three, is enrolled in a school building that is operated by the 27770  
student's resident district or will be enrolling in any of grades 27771  
kindergarten through twelve in this state for the first time in 27772  
the school year for which a scholarship is sought, and to which 27773  
both of the following apply: 27774

(1) The building, in at least two of the three most recent ratings of school buildings published prior to the first day of July of the school year for which a scholarship is sought, received a grade of "D" or "F" for making progress in improving literacy in grades kindergarten through three under division (B)(1)(g) or (C)(1)(g) of section 3302.03 of the Revised Code; 27775  
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(2) The building did not receive a grade of "A" for making progress in improving literacy in grades kindergarten through three under division (B)(1)(g) or (C)(1)(g) of section 3302.03 of the Revised Code in the most recent rating published prior to the first day of July of the school year for which a scholarship is sought. 27781  
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(E) The student's resident district is subject to section 3302.10 of the Revised Code and the student either: 27787  
27788

(1) Is enrolled in a school building operated by the resident district or in a community school established under Chapter 3314. of the Revised Code; 27789  
27790  
27791

(2) Will be both enrolling in any of grades kindergarten through twelve in this state for the first time and at least five years of age by the first day of January of the school year for which a scholarship is sought. 27792  
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(F) A student who receives a scholarship under the educational choice scholarship pilot program remains an eligible student and may continue to receive scholarships in subsequent school years until the student completes grade twelve, so long as all of the following apply: 27796  
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27800

(1) The student's resident district remains the same, or the student transfers to a new resident district and otherwise would be assigned in the new resident district to a school building described in division (A)(1), (B)(1), (D), or (E) of this section. 27801  
27802  
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27804

(2) Except as provided in divisions (K)(1) and (L) of section 27805

3301.0711 of the Revised Code, the student takes each assessment 27806  
prescribed for the student's grade level under section 3301.0710 27807  
or 3301.0712 of the Revised Code while enrolled in a chartered 27808  
nonpublic school. 27809

(3) In each school year that the student is enrolled in a 27810  
chartered nonpublic school, the student is absent from school for 27811  
not more than twenty days that the school is open for instruction, 27812  
not including excused absences. 27813

(G)(1) The department shall cease awarding first-time 27814  
scholarships pursuant to divisions (A)(1) to (4) of this section 27815  
with respect to a school building that, in the most recent ratings 27816  
of school buildings published under section 3302.03 of the Revised 27817  
Code prior to the first day of July of the school year, ceases to 27818  
meet the criteria in division (A)(1) of this section. The 27819  
department shall cease awarding first-time scholarships pursuant 27820  
to division (A)(5) of this section with respect to a school 27821  
district that, in the most recent ratings of school districts 27822  
published under section 3302.03 of the Revised Code prior to the 27823  
first day of July of the school year, ceases to meet the criteria 27824  
in division (A)(5) of this section. 27825

(2) The department shall cease awarding first-time 27826  
scholarships pursuant to divisions (B)(1) to (4) of this section 27827  
with respect to a school building that, in the most recent ratings 27828  
of school buildings under section 3302.03 of the Revised Code 27829  
prior to the first day of July of the school year, ceases to meet 27830  
the criteria in division (B)(1) of this section. 27831

(3) The department shall cease awarding first-time 27832  
scholarships pursuant to division (D) of this section with respect 27833  
to a school building that, in the most recent ratings of school 27834  
buildings under section 3302.03 of the Revised Code prior to the 27835  
first day of July of the school year, ceases to meet the criteria 27836  
in division (D) of this section. 27837

(4) The department shall cease awarding first-time 27838  
scholarships pursuant to division (E) of this section with respect 27839  
to a school district subject to section 3302.10 of the Revised 27840  
Code when the academic distress commission established for the 27841  
district ceases to exist. 27842

(5) However, students who have received scholarships in the 27843  
prior school year remain eligible students pursuant to division 27844  
(F) of this section. 27845

(H) The state board of education shall adopt rules defining 27846  
excused absences for purposes of division (F)(3) of this section. 27847

(I)(1) A student who satisfies only the conditions prescribed 27848  
in divisions (A)(1) to (4) of this section shall not be eligible 27849  
for a scholarship if the student's resident building meets any of 27850  
the following in the most recent rating under section 3302.03 of 27851  
the Revised Code published prior to the first day of July of the 27852  
school year for which a scholarship is sought: 27853

(a) The building has an overall designation of excellent or 27854  
effective under section 3302.03 of the Revised Code as it existed 27855  
prior to March 22, 2013. 27856

(b) For the 2012-2013, 2013-2014, 2014-2015, or 2015-2016 27857  
school year, the building has a grade of "A" or "B" for the 27858  
performance index score under division (A)(1)(b) or (B)(1)(b) of 27859  
section 3302.03 of the Revised Code and for the value-added 27860  
progress dimension under division (A)(1)(e) or (B)(1)(e) of 27861  
section 3302.03 of the Revised Code; or if the building serves 27862  
only grades ten through twelve, the building received a grade of 27863  
"A" or "B" for the performance index score under division 27864  
(A)(1)(b) or (B)(1)(b) of section 3302.03 of the Revised Code and 27865  
had a four-year adjusted cohort graduation rate of greater than or 27866  
equal to seventy-five per cent. 27867

(c) For the 2016-2017 school year or any school year 27868

thereafter, the building has a grade of "A" or "B" under division (C)(3) of section 3302.03 of the Revised Code and a grade of "A" for the value-added progress dimension under division (C)(1)(e) of section 3302.03 of the Revised Code; or if the building serves only grades ten through twelve, the building received a grade of "A" or "B" for the performance index score under division (C)(1)(b) of section 3302.03 of the Revised Code and had a four-year adjusted cohort graduation rate of greater than or equal to seventy-five per cent.

(2) A student who satisfies only the conditions prescribed in division (A)(5) of this section shall not be eligible for a scholarship if the student's resident district meets any of the following in the most recent rating under section 3302.03 of the Revised Code published prior to the first day of July of the school year for which a scholarship is sought:

(a) The district has an overall designation of excellent or effective under section 3302.03 of the Revised Code as it existed prior to March 22, 2013.

(b) The district has a grade of "A" or "B" for the performance index score under division (A)(1)(b) or (B)(1)(b) of section 3302.03 of the Revised Code and for the value-added progress dimension under division (A)(1)(e) or (B)(1)(e) of section 3302.03 of the Revised Code for the 2012-2013, 2013-2014, 2014-2015, and 2015-2016 school years.

(c) The district has an overall grade of "A" or "B" under division (C)(3) of section 3302.03 of the Revised Code and a grade of "A" for the value-added progress dimension under division (C)(1)(e) of section 3302.03 of the Revised Code for the 2016-2017 school year or any school year thereafter.

**Sec. 3310.032.** (A) A student is an "eligible student" for purposes of the expansion of the educational choice scholarship

pilot program under this section if the student's resident district is not a school district in which the pilot project scholarship program is operating under sections 3313.974 to 3313.979 of the Revised Code, the student is not eligible for an educational choice scholarship under section 3310.03 of the Revised Code, and the student's family income is at or below two hundred per cent of the federal poverty guidelines, as defined in section 5101.46 of the Revised Code.

(B) In each fiscal year for which the general assembly appropriates funds for purposes of this section, the department of education shall pay scholarships to attend chartered nonpublic schools in accordance with section 3310.08 of the Revised Code. The number of scholarships awarded under this section shall not exceed the number that can be funded with appropriations made by the general assembly for this purpose.

(C) Scholarships under this section shall be awarded as follows:

(1) For the 2013-2014 school year, to eligible students who are entering kindergarten in that school year for the first time;

(2) For each subsequent school year through the 2019-2020 school year, scholarships shall be awarded to eligible students in the next grade level above the highest grade level awarded in the preceding school year, in addition to the grade levels for which students received scholarships in the preceding school year;

(3) Beginning with the 2020-2021 school year, to eligible students who are entering any of grades kindergarten through twelve in that school year for the first time.

(D) If the number of eligible students who apply for a scholarship under this section exceeds the scholarships available based on the appropriation for this section, the department shall

award scholarships in the following order of priority: 27930

(1) First, to eligible students who received scholarships 27931  
under this section in the prior school year; 27932

(2) Second, to eligible students with family incomes at or 27933  
below one hundred per cent of the federal poverty guidelines. If 27934  
the number of students described in division (D)(2) of this 27935  
section who apply for a scholarship exceeds the number of 27936  
available scholarships after awards are made under division (D)(1) 27937  
of this section, the department shall select students described in 27938  
division (D)(2) of this section by lot to receive any remaining 27939  
scholarships. 27940

(3) Third, to other eligible students who qualify under this 27941  
section. If the number of students described in division (D)(3) of 27942  
this section exceeds the number of available scholarships after 27943  
awards are made under divisions (D)(1) and (2) of this section, 27944  
the department shall select students described in division (D)(3) 27945  
of this section by lot to receive any remaining scholarships. 27946

(E) Subject to divisions (E)(1) to (3) of this section, a 27947  
student who receives a scholarship under this section remains an 27948  
eligible student and may continue to receive scholarships under 27949  
this section in subsequent school years until the student 27950  
completes grade twelve, so long as the student satisfies the 27951  
conditions specified in divisions (F)(2) and (3) of section 27952  
3310.03 of the Revised Code. 27953

Once a scholarship is awarded under this section, the student 27954  
shall remain eligible for that scholarship for the current school 27955  
year and subsequent school years even if the student's family 27956  
income rises above the amount specified in division (A) of this 27957  
section, provided the student remains enrolled in a chartered 27958  
nonpublic school, however: 27959

(1) If the student's family income is above two hundred per 27960



cent but at or below three hundred per cent of the federal poverty guidelines, the student shall receive a scholarship in the amount of seventy-five per cent of the full scholarship amount.

(2) If the student's family income is above three hundred per cent but at or below four hundred per cent of the federal poverty guidelines, the student shall receive a scholarship in the amount of fifty per cent of the full scholarship amount.

(3) If the student's family income is above four hundred per cent of the federal poverty guidelines, the student is no longer eligible to receive an educational choice scholarship.

**Sec. 3310.035.** (A) A student who is eligible for an educational choice scholarship under both sections 3310.03 and 3310.032 of the Revised Code, and applies for a scholarship for the first time after September 29, 2013, shall receive a scholarship under section 3310.03 of the Revised Code.

(B) A student who is eligible under both sections 3310.03 and 3310.032 of the Revised Code and received a scholarship in the previous school year shall continue to receive the scholarship under the section from which the student received the scholarship in the previous school year, so long as:

(1) The number of students who apply for a scholarship does not exceed the number of scholarships available under division (A) of section 3310.02 of the Revised Code.

(2) A student who receives a scholarship under section 3310.03 of the Revised Code satisfies with the conditions specified in divisions (F)(1) to (3) of that section, and a student who receives a scholarship under section 3310.032 satisfies with the conditions specified in divisions ~~(E)~~(G)(2) and (3) of section 3310.03 of the Revised Code.

**Sec. 3310.08.** (A) As used in this section, "tuition discount"

<u>means any deduction from the base tuition amount per student</u>	27991
<u>charged by the school, to which the student's family is entitled</u>	27992
<u>due to one or more of the following conditions:</u>	27993
<u>(1) The student's family has multiple children enrolled in</u>	27994
<u>the same school.</u>	27995
<u>(2) The student's family is a member of or affiliated with a</u>	27996
<u>religious or secular organization that provides oversight of the</u>	27997
<u>school or from which the school has agreed to enroll students.</u>	27998
<u>(3) The student's parent is an employee of the school.</u>	27999
<u>(4) Some other qualification not based on the income of the</u>	28000
<u>student's family or the student's athletic or academic ability and</u>	28001
<u>for which all students in the school may qualify.</u>	28002
<u>(B) The amount paid for an eligible student under the</u>	28003
<u>educational choice scholarship pilot program and the expansion of</u>	28004
<u>the program under section 3310.032 of the Revised Code shall be</u>	28005
<u>the lesser of the following:</u>	28006
<u>(1) The base tuition of the chartered nonpublic school in</u>	28007
<u>which the student is enrolled <del>or the</del> minus the total amount of any</u>	28008
<u>applicable tuition discounts for which the student qualifies;</u>	28009
<u>(2) The maximum amount prescribed in section 3310.09 of the</u>	28010
<u>Revised Code.</u>	28011
<del>(B)</del> <u>(C)</u> (1) The department of education shall pay to the parent	28012
of each eligible student for whom a scholarship is awarded under	28013
the program, or to the student if at least eighteen years of age,	28014
periodic partial payments of the scholarship.	28015
(2) The department shall proportionately reduce or terminate	28016
the payments for any student who withdraws from a chartered	28017
nonpublic school prior to the end of the school year.	28018
<del>(C)</del> <u>(D)</u> (1) The department shall deduct from the payments made	28019

to each school district under Chapter 3317., and if necessary, 28020  
sections 321.24 and 323.156 of the Revised Code, the amount paid 28021  
under division ~~(B)~~(C) of this section for each eligible student 28022  
who qualifies for a scholarship under section 3310.03 of the 28023  
Revised Code and who is entitled under section 3313.64 or 3313.65 28024  
of the Revised Code to attend school in the district. In the case 28025  
of a student entitled to attend school in a school district under 28026  
division (B)(2)(a) of section 3313.64 or division (C) of section 28027  
3313.65 of the Revised Code, the department shall deduct the 28028  
payments from the school district in whose formula ADM the student 28029  
is included, as that term is defined in section 3317.02 of the 28030  
Revised Code. 28031

(2) If the department reduces or terminates payments to a 28032  
parent or a student, as prescribed in division ~~(B)~~(C)(2) of this 28033  
section, and the student enrolls in the schools of the student's 28034  
resident district or in a community school, established under 28035  
Chapter 3314. of the Revised Code, before the end of the school 28036  
year, the department shall proportionally restore to the resident 28037  
district the amount deducted for that student under division 28038  
~~(C)~~(D)(1) of this section. 28039

**Sec. 3310.16.** ~~(A) Except as provided in division (B) of this~~ 28040  
~~section, for~~ For the 2013-2014 2020-2021 school year and each 28041  
school year thereafter, the department of education shall ~~conduct~~ 28042  
~~two application periods~~ accept, process, and award scholarships 28043  
each year for the educational choice scholarship pilot program 28044  
under sections 3310.03 and 3310.032 of the Revised Code, as 28045  
follows: 28046

~~(1) The first~~ (A) A priority application period shall open 28047  
~~not sooner than~~ on the first day of February prior to the first 28048  
day of July of the school year for which a scholarship is sought 28049  
and run not less than seventy-five days. The department shall 28050

award scholarships under this division not later than the 28051  
thirtieth day of June prior to the first day of July of the school 28052  
year for which a scholarship is sought. 28053

~~(2) The second application period shall open not sooner than~~ 28054  
~~the first day of July of the school year for which the scholarship~~ 28055  
~~is sought and run not less than thirty days.~~ 28056

~~(B) If the scholarships awarded under section 3310.032 of the~~ 28057  
~~Revised Code in the first application period for any school year~~ 28058  
~~use the entirety of the amount appropriated by the general~~ 28059  
~~assembly for such scholarships for that school year, the~~ 28060  
~~department need not conduct a second application period for~~ 28061  
~~scholarships under that section. If, after the first application~~ 28062  
~~period, there are funds remaining to award scholarships under~~ 28063  
~~section 3310.032 of the Revised Code, the department shall conduct~~ 28064  
~~a second application period in accordance with division (A)(2) of~~ 28065  
~~this section.~~ 28066

~~(C) Not later than the thirty first day of May of each school~~ 28067  
~~year, the department shall determine whether funds remain~~ 28068  
~~available for income based scholarships under the educational~~ 28069  
~~choice scholarship program after the first application period The~~ 28070  
~~department shall continue to award scholarships after the priority~~ 28071  
~~application period closes. If the department awards a scholarship~~ 28072  
~~after the beginning of the school year, the department shall~~ 28073  
~~prorate the amount of the scholarship based on how much of the~~ 28074  
~~school year remains. The department shall continue to award~~ 28075  
~~income-based scholarships under section 3310.032 of the Revised~~ 28076  
~~Code only so long as funds appropriated by the general assembly~~ 28077  
~~for such scholarships for that school year remain available.~~ 28078

**Sec. 3311.242.** (A) As used in this section: 28079

(1) "Eligible township" means a township that contains the 28080  
territory of two or more school districts. 28081

(2) "Qualified electors" means electors residing within the territory proposed to be transferred. 28082  
28083

(B) The board of education of a school district with territory in an eligible township shall promptly do both of the following regarding a proposal to transfer territory from the district to another school district to which the territory is adjoining if a petition that is certified under division (C) of this section requests such a transfer: 28084  
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(1) File the proposal, together with a map showing the boundaries of the territory to be transferred, with the state board of education; 28090  
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(2) Certify the proposal to the board of elections of the county in which the eligible township is located for the purposes of having the proposal placed on the ballot at the next general or primary election which occurs not less than ninety days after the date of the certification or at a special election, the date of which shall be specified in the certification, which date shall not be less than ninety days after the date of the certification. 28093  
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(C) Upon receiving a petition of transfer signed by at least ten per cent of qualified electors voting at the last general election, the board of education shall cause the board of elections to check the sufficiency of signatures on the petition. If the board of elections determines the petition has been signed by at least ten per cent of qualified electors voting at the last general election, the board of elections shall certify the petition to the board of education for the purposes of division (B) of this section. 28100  
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(D) Upon certification of a proposal under division (B)(2) of this section, the board of elections shall make the necessary arrangements for the submission of the question whether to approve the transfer to the qualified electors to vote thereon, and the 28109  
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election shall be conducted and canvassed and the results shall be certified in the same manner as in regular elections for the election of members of a district board of education.

(E) If the proposal submitted to qualified electors under division (D) of this section is approved by at least a majority of the electors voting on the proposal, both of the following shall apply:

(1) The board of education of the district from which the territory is being transferred shall notify the state board of education of the results of the vote.

(2) The board of trustees of the eligible township shall enter into negotiations with the board of education of the district to which the territory is being transferred regarding the terms of the proposal to transfer the territory.

(F) If the board of trustees of the eligible township and the board of education to which the territory is being transferred enter into a formal agreement based on negotiations under division (E)(2) of this section, the board of education shall file the proposal and a copy of the formal agreement with the state board. However, the district board of education shall not be required to enter into a formal agreement.

(G) The state board shall approve any proposal submitted under division (F) of this section and thereafter provide written notification of the approval to the board of education of the district from which the territory is being transferred and the board of education to which the territory is being transferred.

(H) Upon receipt of the written notification from the state board under division (G) of this section, the board of education of the district to which the territory is being transferred shall file a map showing the boundaries of the territory transferred with the county auditor of the county in which the eligible

township is located. In addition, the two district boards and the township board of trustees shall execute an equitable division of the funds and indebtedness between the districts. Thereafter, the transfer shall be complete and the legal title of the school property in the territory transferred shall be vested in the board of education of the district to which the territory is transferred.

**Sec. 3311.78.** Notwithstanding any provision of the Revised Code to the contrary, a municipal school district shall be subject to this section instead of sections 3317.13, 3317.14, and 3317.141 of the Revised Code.

(A) As used in this section, "principal" includes an assistant principal.

(B) The board of education of each municipal school district annually shall adopt a differentiated salary schedule for teachers based upon performance as described in division (D) of this section. The board also annually shall adopt a differentiated salary schedule for principals based upon performance as described in division (D) of this section.

For each teacher or principal hired on or after October 1, 2012, the board shall determine the teacher's or principal's initial placement on the applicable salary schedule based on years of experience and area of licensure and any other factors the board considers appropriate. For each teacher hired prior to October 1, 2012, the board shall initially place the teacher on the applicable salary schedule so that the teacher's annual salary on the schedule is comparable to the teacher's annual salary for the school year immediately prior to the school year covered by the schedule. For each principal hired prior to October 1, 2012, the board shall initially place the principal on the applicable salary schedule consistent with the principal's employment

contract. 28175

(C) The salary of a teacher shall not be reduced unless such 28176  
reduction is accomplished as part of a negotiated collective 28177  
bargaining agreement. The salary of a principal shall not be 28178  
reduced during the term of the principal's employment contract 28179  
unless such reduction is by mutual agreement of the board and the 28180  
principal or is part of a uniform plan affecting the entire 28181  
district. 28182

(D) For purposes of the schedules, the board shall measure a 28183  
teacher's or principal's performance by considering all of the 28184  
following: 28185

(1) The level of license issued under section 3319.22 of the 28186  
Revised Code that the teacher or principal holds; 28187

(2) ~~In the case of a teacher, whether the teacher is a~~ 28188  
~~properly certified or licensed teacher, as defined in section~~ 28189  
~~3319.074 of the Revised Code;~~ 28190

~~(3)~~ Ratings received by the teacher or principal on 28191  
performance evaluations conducted under section 3311.80 or 3311.84 28192  
of the Revised Code; 28193

~~(4)~~(3) Any specialized training and experience in the 28194  
assigned position. 28195

(E) The salary schedules adopted under this section may 28196  
provide for additional compensation for teachers or principals who 28197  
perform duties, not contracted for under a supplemental contract, 28198  
that the board determines warrant additional compensation. Those 28199  
duties may include, but are not limited to, assignment to a school 28200  
building eligible for funding under Title I of the "Elementary and 28201  
Secondary Education Act of 1965," 20 U.S.C. 6301 et seq.; 28202  
assignment to a building in "school improvement" status under the 28203  
"No Child Left Behind Act of 2001," as defined in section 3302.01 28204  
of the Revised Code; teaching in a grade level or subject area in 28205



which the board has determined there is a shortage within the 28206  
district; assignment to a hard-to-staff school, as determined by 28207  
the board; or teaching in a school with an extended school day or 28208  
school year. 28209

(F) The chief executive officer of the district, or the chief 28210  
executive officer's designee, annually shall review the salary of 28211  
each teacher and principal and make a recommendation to the board. 28212  
Based on the recommendation, the board may increase a teacher's or 28213  
principal's salary based on the teacher's or principal's 28214  
performance and duties as provided for in divisions (D) and (E) of 28215  
this section. The performance-based increase for a teacher or 28216  
principal rated as accomplished shall be greater than the 28217  
performance-based increase for a teacher or principal rated as 28218  
skilled. Notwithstanding division (C) of this section, division 28219  
(C) of section 3319.02, and section 3319.12 of the Revised Code, 28220  
the board may decrease the teacher's or principal's salary if the 28221  
teacher or principal will perform fewer or different duties 28222  
described in division (E) of this section in the school year for 28223  
which the salary is decreased. 28224

(G) Notwithstanding any provision to the contrary in Chapter 28225  
4117. of the Revised Code, the requirements of this section 28226  
prevail over any conflicting provisions of a collective bargaining 28227  
agreement entered into on or after October 1, 2012. However, the 28228  
board and the teachers' labor organization shall negotiate the 28229  
implementation of the differentiated salary schedule for teachers 28230  
and may negotiate additional factors regarding teacher salaries, 28231  
provided those factors are consistent with this section. 28232

**Sec. 3311.79.** (A) When assigning teachers to schools of a 28233  
municipal school district prior to the start of a school year, 28234  
teachers may apply for open positions. All applicants shall be 28235  
considered. Applicants may be interviewed by a building level team 28236

comprised of the building principal, a representative of the 28237  
district teachers' labor organization, a parent, a staff member in 28238  
the same job classification as the posted position, and any other 28239  
members mutually agreed upon by the principal and the labor 28240  
organization representative. When openings occur, the principal 28241  
and labor organization representative shall mutually select the 28242  
members of the building level team. Interviews by the building 28243  
level team shall not be delayed due to the unavailability of duly 28244  
notified team members. The team shall make recommendations whether 28245  
to assign a teacher to an open position in the building based on 28246  
how suitably the teacher's credentials fulfill the needs of the 28247  
particular school. For this purpose, the building level team shall 28248  
consider the following credentials: 28249

(1) The level of license issued under section 3319.22 of the 28250  
Revised Code that the teacher holds; 28251

(2) The number of subject areas the teacher is licensed to 28252  
teach; 28253

~~(3) Whether the teacher would be a properly certified or 28254  
licensed teacher, as defined in section 3319.074 of the Revised 28255  
Code, in the open position; 28256~~

~~(4) The results of the teacher's performance evaluations 28257  
conducted under section 3311.80 of the Revised Code; 28258~~

~~(5)(4) Whether the teacher has recently taught and been 28259  
evaluated in the subject areas the teacher would teach at the 28260  
school; 28261~~

~~(6)(5) Any specialized training or experience the teacher 28262  
possesses that are relevant to the open position; 28263~~

~~(7)(6) Any other credentials established by the district 28264  
chief executive officer or a building level team. 28265~~

(B) The building level team shall make its recommendations to 28266

the district chief executive officer or the chief executive 28267  
officer's designee for the chief executive officer's or designee's 28268  
final approval of the assignment. 28269

(C) In the event that open positions in one or more school 28270  
buildings have not been filled through the procedures set forth in 28271  
divisions (A) and (B) of this section, or if the building level 28272  
team has not been able to reach a consensus on a candidate, by ten 28273  
days prior to the first work day for teachers of the school year, 28274  
the district chief executive officer or the chief executive 28275  
officer's designee shall assign teachers to any of those open 28276  
positions based on the best interests of the district. In making 28277  
an assignment under this division, the chief executive officer or 28278  
the chief executive officer's designee shall take into 28279  
consideration all input from the building level team members. 28280

(D) In the event that a position opens after the first 28281  
student day of the school year, the building level team interview 28282  
and recommendation procedures set forth in divisions (A) and (B) 28283  
of this section shall be used to fill the open position. If any 28284  
positions remain open, or if the building level team has not been 28285  
able to reach a consensus on a candidate, after a reasonable 28286  
period of time as determined by the chief executive officer or the 28287  
chief executive officer's designee, the chief executive officer or 28288  
the chief executive officer's designee shall assign teachers to 28289  
any of those open positions based on the best interests of the 28290  
district. In making an assignment under this division, the chief 28291  
executive officer or the chief executive officer's designee shall 28292  
take into consideration all input from the building level team 28293  
members. 28294

(E) In the event it becomes necessary to assign, reassign, or 28295  
transfer a teacher, whether voluntarily or involuntarily on the 28296  
part of the teacher, for the purpose of promoting the best 28297  
interests of the district, the chief executive officer or the 28298

chief executive officer's designee shall first meet with the 28299  
teacher, the principals of the affected buildings, and a 28300  
representative of the district teachers' labor organization. The 28301  
assignment, reassignment, or transfer shall not be delayed due to 28302  
the unavailability of the meeting participants who have been duly 28303  
notified. 28304

(F) The district chief executive officer or a building level 28305  
team shall not use seniority or continuing contract status as the 28306  
primary factor in determining any teacher's assignment to a 28307  
school. 28308

(G) Notwithstanding any provision to the contrary in Chapter 28309  
4117. of the Revised Code, the requirements of this section 28310  
prevail over any conflicting provisions of a collective bargaining 28311  
agreement entered into on or after October 1, 2012. However, the 28312  
board and the teachers' labor organization shall negotiate 28313  
regarding the implementation of this section, including the 28314  
processes by which each building level team conducts its 28315  
interviews and makes recommendations, consistent with this 28316  
section. 28317

**Sec. 3312.01.** (A) The educational regional service system is 28318  
hereby established. The system shall support state and regional 28319  
education initiatives and efforts to improve school effectiveness 28320  
and student achievement. Services, including special education and 28321  
related services, shall be provided under the system to school 28322  
districts, community schools established under Chapter 3314. of 28323  
the Revised Code, and chartered nonpublic schools. 28324

It is the intent of the general assembly that the educational 28325  
regional service system reduce the unnecessary duplication of 28326  
programs and services and provide for a more streamlined and 28327  
efficient delivery of educational services without reducing the 28328  
availability of the services needed by school districts and 28329

schools.	28330
(B) The educational regional service system shall consist of	28331
the following:	28332
(1) The advisory councils and subcommittees established under	28333
sections 3312.03 and 3312.05 of the Revised Code;	28334
(2) A fiscal agent for each of the regions as configured	28335
under section 3312.02 of the Revised Code;	28336
(3) Educational service centers, information technology	28337
centers established under section 3301.075 of the Revised Code,	28338
and other regional education service providers.	28339
(C) Educational service centers shall provide the services	28340
that they are specifically required to provide by the Revised Code	28341
and may enter into agreements pursuant to section 3313.843,	28342
3313.844, or 3313.845 of the Revised Code for the provision of	28343
other services, which may include any of the following:	28344
(1) Assistance in improving student performance;	28345
(2) Services to enable a school district or school to operate	28346
more efficiently or economically;	28347
(3) Professional development for teachers or administrators;	28348
(4) Assistance in the recruitment and retention of teachers	28349
and administrators;	28350
(5) <u>Applying for any state or federal grant on behalf of a</u>	28351
<u>school district;</u>	28352
(6) Any other educational, administrative, or operational	28353
services.	28354
In addition to implementing state and regional education	28355
initiatives and school improvement efforts under the educational	28356
regional service system, educational service centers shall	28357
implement state or federally funded initiatives assigned to the	28358

service centers by the general assembly or the department of 28359  
education. 28360

Any educational service center selected to be a fiscal agent 28361  
for its region pursuant to section 3312.07 of the Revised Code 28362  
shall continue to operate as an educational service center for the 28363  
part of the region that comprises its territory. 28364

(D) An educational service center shall be considered a 28365  
school district for the purposes of eligibility in applying for 28366  
any state or federal grant. 28367

(E) Information technology centers may enter into agreements 28368  
for the provision of services pursuant to section 3312.10 of the 28369  
Revised Code. 28370

~~(E)~~(F) No school district, community school, or chartered 28371  
nonpublic school shall be required to purchase services from an 28372  
educational service center or information technology center in the 28373  
region in which the district or school is located, except that a 28374  
local school district shall receive any services required by the 28375  
Revised Code to be provided by an educational service center to 28376  
the local school districts in its territory from the educational 28377  
service center in whose territory the district is located. 28378

**Sec. 3313.411.** (A) As used in this section: 28379

(1) "College-preparatory boarding school" means a 28380  
college-preparatory boarding school established under Chapter 28381  
3328. of the Revised Code. 28382

(2) "Community school" means a community school established 28383  
under Chapter 3314. of the Revised Code. 28384

(3) "High-performing community school" has the same meaning 28385  
as in section 3313.413 of the Revised Code. 28386

(4) "STEM school" means a science, technology, engineering, 28387  
and mathematics school established under Chapter 3326. of the 28388

Revised Code. 28389

(5) "Unused school facilities" means any real property that 28390  
has been used by a school district for school operations, 28391  
including, but not limited to, academic instruction or 28392  
administration, since July 1, 1998, but has not been used in that 28393  
capacity for ~~two years~~ one year. 28394

(B)(1) Except as provided in section 3313.412 of the Revised 28395  
Code, on and after June 30, 2011, any school district board of 28396  
education shall offer any unused school facilities it owns in its 28397  
corporate capacity for lease or sale to the governing authorities 28398  
of community schools, the boards of trustees of any 28399  
college-preparatory boarding schools, and the governing bodies of 28400  
any STEM schools, that are located within the territory of the 28401  
district. Not later than sixty days after the district board makes 28402  
the offer, interested governing authorities, boards of trustees, 28403  
and governing bodies shall notify the district treasurer in 28404  
writing of the intention to lease or purchase the property. 28405

The district board shall give priority to the governing 28406  
authorities of high-performing community schools that are located 28407  
within the territory of the district. 28408

(2) At the same time that a district board makes the offer 28409  
required under division (B)(1) of this section, the board also 28410  
may, but shall not be required to, offer that property for sale or 28411  
lease to the governing authorities of community schools with 28412  
plans, stipulated in their contracts entered into under section 28413  
3314.03 of the Revised Code, either to relocate their operations 28414  
to the territory of the district or to add facilities, as 28415  
authorized by division (B)(3) or (4) of section 3314.05 of the 28416  
Revised Code, to be located within the territory of the district. 28417

(C)(1) If, not later than sixty days after the district board 28418  
makes the offer, only one governing authority of a high-performing 28419

community school offered the property under division (B) of this 28420  
section notifies the district treasurer in writing of the 28421  
intention to purchase the property pursuant to that division, the 28422  
district board shall sell the property to that party for the 28423  
appraised fair market value of the property as determined in an 28424  
appraisal of the property that is not more than one year old. 28425

If, not later than sixty days after the district board makes 28426  
the offer, more than one governing authority of a high-performing 28427  
community school offered the property under division (B) of this 28428  
section notifies the district treasurer in writing of the 28429  
intention to purchase the property pursuant to that division, the 28430  
board shall conduct a public auction in the manner required for 28431  
auctions of district property under division (A) of section 28432  
3313.41 of the Revised Code. Only the governing authorities of 28433  
high-performing community schools that notified the district 28434  
treasurer of the intention to purchase the property pursuant to 28435  
division (B) of this section are eligible to bid at the auction. 28436  
The district board is not obligated to accept any bid for the 28437  
property that is lower than the appraised fair market value of the 28438  
property as determined in an appraisal that is not more than one 28439  
year old. 28440

(2) If, not later than sixty days after the district board 28441  
makes the offer, no governing authority of a high-performing 28442  
community school notifies the district treasurer of its intention 28443  
to purchase the property pursuant to division (B) of this section, 28444  
the board shall then proceed with the offers from all other 28445  
start-up community schools, college-preparatory boarding schools, 28446  
and STEM schools made pursuant to that division. 28447

If more than one such entity notifies the district treasurer 28448  
of its intention to purchase the property pursuant to division (B) 28449  
of this section, the board shall conduct a public auction in the 28450  
manner required for auctions of district property under division 28451



(A) of section 3313.41 of the Revised Code. Only the entities that notified the district treasurer pursuant to division (B) of this section are eligible to bid at the auction.

(3) If more than one governing authority of a high-performing community school notifies the district treasurer in writing of the intention to lease the property pursuant to division (B) of this section, the district board shall conduct a lottery to select from among those governing authorities the one qualified governing authority to which the district board shall lease the property.

If no such governing authority of a high-performing community school notifies the district treasurer of its intention to lease the property pursuant to division (B) of this section, the board shall then proceed with the offers from all other start-up community schools, college-preparatory boarding schools, and STEM schools made pursuant to that division. If more than one other start-up community school, college-preparatory boarding school, or STEM school notified the district treasurer of its intention to lease the property pursuant to division (B) of this section, the district board shall conduct a lottery to select from among those parties the one qualified party to which the district board shall lease the property.

(4) The lease price offered by a district board to a community school, college-preparatory boarding school, or STEM school under this section shall not be higher than the fair market value for such a leasehold as determined in an appraisal that is not more than one year old.

(5) If no qualified party offered the property under division (B) of this section accepts the offer to lease or buy the property within sixty days after the offer is made, the district board may offer the property to any other entity in accordance with divisions (A) to (F) of section 3313.41 of the Revised Code.

(D) Notwithstanding division (B) of this section, a school district board may renew any agreement it originally entered into prior to June 30, 2011, to lease real property to an entity other than a community school, college-preparatory boarding school, or STEM school. Nothing in this section shall affect the leasehold arrangements between the district board and that other entity.

(E)(1) Except as provided in division (E)(2) of this section, the governing authority of a community school, board of trustees of a college-preparatory boarding school, or governing body of a STEM school shall not sell any property purchased under division (B) of this section within five years of purchasing that property.

(2) The governing authority, board of trustees, or governing body may sell a property purchased under division (B) of this section within five years of the purchase, only if the governing authority, board of trustees, or governing body sells or transfers that property to another entity described in that division.

**Sec. 3313.5315.** Any student from a country or province outside the United States, who attends an elementary or secondary school in this state ~~that began operating a dormitory on its campus prior to 2014,~~ shall be permitted to participate in interscholastic athletics at that school on the same basis as students who are residents of this state, so long as the student holds an F-1 visa issued by the United States department of state. Such a student shall not be denied the opportunity to participate in interscholastic athletics solely because the student's parents do not reside in this state.

No school district, school, interscholastic conference, or organization that regulates interscholastic conferences or events shall have a rule, bylaw, or other regulation that conflicts with this section.

Sec. 3313.5316. A city, local, or exempted village school district, interscholastic conference, or organization that regulates interscholastic athletics shall have the same pupil transfer rules for public schools and nonpublic schools.

No district, interscholastic conference, or organization that regulates interscholastic athletics shall adopt a rule, bylaw, or other regulation contrary to this section.

**Sec. 3313.603.** (A) As used in this section: 28520

(1) "One unit" means a minimum of one hundred twenty hours of course instruction, except that for a laboratory course, "one unit" means a minimum of one hundred fifty hours of course instruction. 28521-28524

(2) "One-half unit" means a minimum of sixty hours of course instruction, except that for physical education courses, "one-half unit" means a minimum of one hundred twenty hours of course instruction. 28525-28528

(B) Beginning September 15, 2001, except as required in division (C) of this section and division (C) of section 3313.614 of the Revised Code, the requirements for graduation from every high school shall include twenty units earned in grades nine through twelve and shall be distributed as follows: 28529-28533

(1) English language arts, four units; 28534

(2) Health, one-half unit; 28535

(3) Mathematics, three units; 28536

(4) Physical education, one-half unit; 28537

(5) Science, two units until September 15, 2003, and three units thereafter, which at all times shall include both of the following: 28538-28540

(a) Biological sciences, one unit;	28541
(b) Physical sciences, one unit.	28542
(6) History and government, one unit, which shall comply with division (M) of this section and shall include both of the following:	28543 28544 28545
(a) American history, one-half unit;	28546
(b) American government, one-half unit.	28547
(7) Social studies, two units.	28548
Beginning with students who enter ninth grade for the first time on or after July 1, 2017, the two units of instruction prescribed by division (B)(7) of this section shall include at least one-half unit of instruction in the study of world history and civilizations.	28549 28550 28551 28552 28553
(8) Elective units, seven units until September 15, 2003, and six units thereafter.	28554 28555
Each student's electives shall include at least one unit, or two half units, chosen from among the areas of business/technology, fine arts, and/or foreign language.	28556 28557 28558
(C) Beginning with students who enter ninth grade for the first time on or after July 1, 2010, except as provided in divisions (D) to (F) of this section, the requirements for graduation from every public and chartered nonpublic high school shall include twenty units that are designed to prepare students for the workforce and college. The units shall be distributed as follows:	28559 28560 28561 28562 28563 28564 28565
(1) English language arts, four units;	28566
(2) Health, one-half unit, which shall include instruction in nutrition and the benefits of nutritious foods and physical activity for overall health;	28567 28568 28569

(3) Mathematics, four units, which shall include one unit of algebra II or the equivalent of algebra II, or one unit of advanced computer science as described in the standards adopted pursuant to division (A)(4) of section 3301.079 of the Revised Code. However, students who enter ninth grade for the first time on or after July 1, 2015, and who are pursuing a career-technical instructional track shall not be required to take algebra II or advanced computer science, and instead may complete a career-based pathway mathematics course approved by the department of education as an alternative.

For students who choose to take advanced computer science in lieu of algebra II under division (C)(3) of this section, the school shall communicate to those students that some institutions of higher education may require algebra II for the purpose of college admission. Also, the parent, guardian, or legal custodian of each student who chooses to take advanced computer science in lieu of algebra II shall sign and submit to the school a document containing a statement acknowledging that not taking algebra II may have an adverse effect on college admission decisions.

(4) Physical education, one-half unit;

(5) Science, three units with inquiry-based laboratory experience that engages students in asking valid scientific questions and gathering and analyzing information, which shall include the following, or their equivalent:

(a) Physical sciences, one unit;

(b) Life sciences, one unit;

(c) Advanced study in one or more of the following sciences, one unit:

(i) Chemistry, physics, or other physical science;

(ii) Advanced biology or other life science;

(iii) Astronomy, physical geology, or other earth or space science;	28600 28601
(iv) Computer science.	28602
No student shall substitute a computer science course for a life sciences or biology course under division (C)(5) of this section.	28603 28604 28605
(6) History and government, one unit, which shall comply with division (M) of this section and shall include both of the following:	28606 28607 28608
(a) American history, one-half unit;	28609
(b) American government, one-half unit.	28610
(7) Social studies, two units.	28611
Each school shall integrate the study of economics and financial literacy, as expressed in the social studies academic content standards adopted by the state board of education under division (A)(1) of section 3301.079 of the Revised Code and the academic content standards for financial literacy and entrepreneurship adopted under division (A)(2) of that section, into one or more existing social studies credits required under division (C)(7) of this section, or into the content of another class, so that every high school student receives instruction in those concepts. In developing the curriculum required by this paragraph, schools shall use available public-private partnerships and resources and materials that exist in business, industry, and through the centers for economics education at institutions of higher education in the state.	28612 28613 28614 28615 28616 28617 28618 28619 28620 28621 28622 28623 28624 28625
Beginning with students who enter ninth grade for the first time on or after July 1, 2017, the two units of instruction prescribed by division (C)(7) of this section shall include at least one-half unit of instruction in the study of world history	28626 28627 28628 28629

and civilizations. 28630

(8) Five units consisting of one or any combination of 28631  
foreign language, fine arts, business, career-technical education, 28632  
family and consumer sciences, technology which may include 28633  
computer science, agricultural education, a junior reserve officer 28634  
training corps (JROTC) program approved by the congress of the 28635  
United States under title 10 of the United States Code, or English 28636  
language arts, mathematics, science, or social studies courses not 28637  
otherwise required under division (C) of this section. 28638

Ohioans must be prepared to apply increased knowledge and 28639  
skills in the workplace and to adapt their knowledge and skills 28640  
quickly to meet the rapidly changing conditions of the 28641  
twenty-first century. National studies indicate that all high 28642  
school graduates need the same academic foundation, regardless of 28643  
the opportunities they pursue after graduation. The goal of Ohio's 28644  
system of elementary and secondary education is to prepare all 28645  
students for and seamlessly connect all students to success in 28646  
life beyond high school graduation, regardless of whether the next 28647  
step is entering the workforce, beginning an apprenticeship, 28648  
engaging in post-secondary training, serving in the military, or 28649  
pursuing a college degree. 28650

The requirements for graduation prescribed in division (C) of 28651  
this section are the standard expectation for all students 28652  
entering ninth grade for the first time at a public or chartered 28653  
nonpublic high school on or after July 1, 2010. A student may 28654  
satisfy this expectation through a variety of methods, including, 28655  
but not limited to, integrated, applied, career-technical, and 28656  
traditional coursework. 28657

Stronger coordination between high schools and institutions 28658  
of higher education is necessary to prepare students for more 28659  
challenging academic endeavors and to lessen the need for academic 28660  
remediation in college, thereby reducing the costs of higher 28661

education for Ohio's students, families, and the state. The state board and the chancellor of higher education shall develop policies to ensure that only in rare instances will students who complete the requirements for graduation prescribed in division (C) of this section require academic remediation after high school.

School districts, community schools, and chartered nonpublic schools shall integrate technology into learning experiences across the curriculum in order to maximize efficiency, enhance learning, and prepare students for success in the technology-driven twenty-first century. Districts and schools shall use distance and web-based course delivery as a method of providing or augmenting all instruction required under this division, including laboratory experience in science. Districts and schools shall utilize technology access and electronic learning opportunities provided by the broadcast educational media commission, chancellor, the Ohio learning network, education technology centers, public television stations, and other public and private providers.

(D) Except as provided in division (E) of this section, a student who enters ninth grade on or after July 1, 2010, and before July 1, 2016, may qualify for graduation from a public or chartered nonpublic high school even though the student has not completed the requirements for graduation prescribed in division (C) of this section if all of the following conditions are satisfied:

(1) During the student's third year of attending high school, as determined by the school, the student and the student's parent, guardian, or custodian sign and file with the school a written statement asserting the parent's, guardian's, or custodian's consent to the student's graduating without completing the requirements for graduation prescribed in division (C) of this



section and acknowledging that one consequence of not completing 28694  
those requirements is ineligibility to enroll in most state 28695  
universities in Ohio without further coursework. 28696

(2) The student and parent, guardian, or custodian fulfill 28697  
any procedural requirements the school stipulates to ensure the 28698  
student's and parent's, guardian's, or custodian's informed 28699  
consent and to facilitate orderly filing of statements under 28700  
division (D)(1) of this section. Annually, each district or school 28701  
shall notify the department of the number of students who choose 28702  
to qualify for graduation under division (D) of this section and 28703  
the number of students who complete the student's success plan and 28704  
graduate from high school. 28705

(3) The student and the student's parent, guardian, or 28706  
custodian and a representative of the student's high school 28707  
jointly develop a student success plan for the student in the 28708  
manner described in division (C)(1) of section 3313.6020 of the 28709  
Revised Code that specifies the student matriculating to a 28710  
two-year degree program, acquiring a business and 28711  
industry-recognized credential, or entering an apprenticeship. 28712

(4) The student's high school provides counseling and support 28713  
for the student related to the plan developed under division 28714  
(D)(3) of this section during the remainder of the student's high 28715  
school experience. 28716

(5)(a) Except as provided in division (D)(5)(b) of this 28717  
section, the student successfully completes, at a minimum, the 28718  
curriculum prescribed in division (B) of this section. 28719

(b) Beginning with students who enter ninth grade for the 28720  
first time on or after July 1, 2014, a student shall be required 28721  
to complete successfully, at the minimum, the curriculum 28722  
prescribed in division (B) of this section, except as follows: 28723

(i) Mathematics, four units, one unit which shall be one of 28724

the following:	28725
(I) Probability and statistics;	28726
(II) Computer science;	28727
(III) Applied mathematics or quantitative reasoning;	28728
(IV) Any other course approved by the department using	28729
standards established by the superintendent not later than October	28730
1, 2014.	28731
(ii) Elective units, five units;	28732
(iii) Science, three units as prescribed by division (B) of	28733
this section which shall include inquiry-based laboratory	28734
experience that engages students in asking valid scientific	28735
questions and gathering and analyzing information.	28736
The department, in collaboration with the chancellor, shall	28737
analyze student performance data to determine if there are	28738
mitigating factors that warrant extending the exception permitted	28739
by division (D) of this section to high school classes beyond	28740
those entering ninth grade before July 1, 2016. The department	28741
shall submit its findings and any recommendations not later than	28742
December 1, 2015, to the speaker and minority leader of the house	28743
of representatives, the president and minority leader of the	28744
senate, the chairpersons and ranking minority members of the	28745
standing committees of the house of representatives and the senate	28746
that consider education legislation, the state board of education,	28747
and the superintendent of public instruction.	28748
(E) Each school district and chartered nonpublic school	28749
retains the authority to require an even more challenging minimum	28750
curriculum for high school graduation than specified in division	28751
(B) or (C) of this section. A school district board of education,	28752
through the adoption of a resolution, or the governing authority	28753
of a chartered nonpublic school may stipulate any of the	28754

following:	28755
(1) A minimum high school curriculum that requires more than twenty units of academic credit to graduate;	28756 28757
(2) An exception to the district's or school's minimum high school curriculum that is comparable to the exception provided in division (D) of this section but with additional requirements, which may include a requirement that the student successfully complete more than the minimum curriculum prescribed in division (B) of this section;	28758 28759 28760 28761 28762 28763
(3) That no exception comparable to that provided in division (D) of this section is available.	28764 28765
<u>If a school district or chartered nonpublic school requires a foreign language as an additional graduation requirement under division (E) of this section, a student may apply one unit of instruction in computer coding to satisfy one unit of foreign language. If a student applies more than one computer coding course to satisfy the foreign language requirement, the courses shall be sequential and progressively more difficult.</u>	28766 28767 28768 28769 28770 28771 28772
(F) A student enrolled in a dropout prevention and recovery program, which program has received a waiver from the department, may qualify for graduation from high school by successfully completing a competency-based instructional program administered by the dropout prevention and recovery program in lieu of completing the requirements for graduation prescribed in division (C) of this section. The department shall grant a waiver to a dropout prevention and recovery program, within sixty days after the program applies for the waiver, if the program meets all of the following conditions:	28773 28774 28775 28776 28777 28778 28779 28780 28781 28782
(1) The program serves only students not younger than sixteen years of age and not older than twenty-one years of age.	28783 28784
(2) The program enrolls students who, at the time of their	28785

initial enrollment, either, or both, are at least one grade level 28786  
behind their cohort age groups or experience crises that 28787  
significantly interfere with their academic progress such that 28788  
they are prevented from continuing their traditional programs. 28789

(3) The program requires students to attain at least the 28790  
applicable score designated for each of the assessments prescribed 28791  
under division (B)(1) of section 3301.0710 of the Revised Code or, 28792  
to the extent prescribed by rule of the state board under division 28793  
(D)(5) of section 3301.0712 of the Revised Code, division (B)(2) 28794  
of that section. 28795

(4) The program develops a student success plan for the 28796  
student in the manner described in division (C)(1) of section 28797  
3313.6020 of the Revised Code that specifies the student's 28798  
matriculating to a two-year degree program, acquiring a business 28799  
and industry-recognized credential, or entering an apprenticeship. 28800

(5) The program provides counseling and support for the 28801  
student related to the plan developed under division (F)(4) of 28802  
this section during the remainder of the student's high school 28803  
experience. 28804

(6) The program requires the student and the student's 28805  
parent, guardian, or custodian to sign and file, in accordance 28806  
with procedural requirements stipulated by the program, a written 28807  
statement asserting the parent's, guardian's, or custodian's 28808  
consent to the student's graduating without completing the 28809  
requirements for graduation prescribed in division (C) of this 28810  
section and acknowledging that one consequence of not completing 28811  
those requirements is ineligibility to enroll in most state 28812  
universities in Ohio without further coursework. 28813

(7) Prior to receiving the waiver, the program has submitted 28814  
to the department an instructional plan that demonstrates how the 28815  
academic content standards adopted by the state board under 28816

section 3301.079 of the Revised Code will be taught and assessed. 28817

(8) Prior to receiving the waiver, the program has submitted 28818  
to the department a policy on career advising that satisfies the 28819  
requirements of section 3313.6020 of the Revised Code, with an 28820  
emphasis on how every student will receive career advising. 28821

(9) Prior to receiving the waiver, the program has submitted 28822  
to the department a written agreement outlining the future 28823  
cooperation between the program and any combination of local job 28824  
training, postsecondary education, nonprofit, and health and 28825  
social service organizations to provide services for students in 28826  
the program and their families. 28827

Divisions (F)(8) and (9) of this section apply only to 28828  
waivers granted on or after July 1, 2015. 28829

If the department does not act either to grant the waiver or 28830  
to reject the program application for the waiver within sixty days 28831  
as required under this section, the waiver shall be considered to 28832  
be granted. 28833

(G) Every high school may permit students below the ninth 28834  
grade to take advanced work. If a high school so permits, it shall 28835  
award high school credit for successful completion of the advanced 28836  
work and shall count such advanced work toward the graduation 28837  
requirements of division (B) or (C) of this section if the 28838  
advanced work was both: 28839

(1) Taught by a person who possesses a license or certificate 28840  
issued under section 3301.071, 3319.22, or 3319.222 of the Revised 28841  
Code that is valid for teaching high school; 28842

(2) Designated by the board of education of the city, local, 28843  
or exempted village school district, the board of the cooperative 28844  
education school district, or the governing authority of the 28845  
chartered nonpublic school as meeting the high school curriculum 28846  
requirements. 28847

Each high school shall record on the student's high school transcript all high school credit awarded under division (G) of this section. In addition, if the student completed a seventh- or eighth-grade fine arts course described in division (K) of this section and the course qualified for high school credit under that division, the high school shall record that course on the student's high school transcript.

(H) The department shall make its individual academic career plan available through its Ohio career information system web site for districts and schools to use as a tool for communicating with and providing guidance to students and families in selecting high school courses.

(I) A school district or chartered nonpublic school may integrate academic content in a subject area for which the state board has adopted standards under section 3301.079 of the Revised Code into a course in a different subject area, including a career-technical education course, in accordance with guidance for integrated coursework developed by the department. Upon successful completion of an integrated course, a student may receive credit for both subject areas that were integrated into the course. Units earned for subject area content delivered through integrated academic and career-technical instruction are eligible to meet the graduation requirements of division (B) or (C) of this section.

For purposes of meeting graduation requirements, if an end-of-course examination has been prescribed under section 3301.0712 of the Revised Code for the subject area delivered through integrated instruction, the school district or school may administer the related subject area examinations upon the student's completion of the integrated course.

Nothing in division (I) of this section shall be construed to excuse any school district, chartered nonpublic school, or student from any requirement in the Revised Code related to curriculum,

assessments, or the awarding of a high school diploma. 28880

(J)(1) The state board, in consultation with the chancellor, 28881  
shall adopt a statewide plan implementing methods for students to 28882  
earn units of high school credit based on a demonstration of 28883  
subject area competency, instead of or in combination with 28884  
completing hours of classroom instruction. The state board shall 28885  
adopt the plan not later than March 31, 2009, and commence phasing 28886  
in the plan during the 2009-2010 school year. The plan shall 28887  
include a standard method for recording demonstrated proficiency 28888  
on high school transcripts. Each school district and community 28889  
school shall comply with the state board's plan adopted under this 28890  
division and award units of high school credit in accordance with 28891  
the plan. The state board may adopt existing methods for earning 28892  
high school credit based on a demonstration of subject area 28893  
competency as necessary prior to the 2009-2010 school year. 28894

(2) Not later than December 31, 2015, the state board shall 28895  
update the statewide plan adopted pursuant to division (J)(1) of 28896  
this section to also include methods for students enrolled in 28897  
seventh and eighth grade to meet curriculum requirements based on 28898  
a demonstration of subject area competency, instead of or in 28899  
combination with completing hours of classroom instruction. 28900  
Beginning with the 2017-2018 school year, each school district and 28901  
community school also shall comply with the updated plan adopted 28902  
pursuant to this division and permit students enrolled in seventh 28903  
and eighth grade to meet curriculum requirements based on subject 28904  
area competency in accordance with the plan. 28905

(3) Not later than December 31, 2017, the department shall 28906  
develop a framework for school districts and community schools to 28907  
use in granting units of high school credit to students who 28908  
demonstrate subject area competency through work-based learning 28909  
experiences, internships, or cooperative education. Beginning with 28910  
the 2018-2019 school year, each district and community school 28911

shall comply with the framework. Each district and community 28912  
school also shall review any policy it has adopted regarding the 28913  
demonstration of subject area competency to identify ways to 28914  
incorporate work-based learning experiences, internships, and 28915  
cooperative education into the policy in order to increase student 28916  
engagement and opportunities to earn units of high school credit. 28917

(K) This division does not apply to students who qualify for 28918  
graduation from high school under division (D) or (F) of this 28919  
section, or to students pursuing a career-technical instructional 28920  
track as determined by the school district board of education or 28921  
the chartered nonpublic school's governing authority. 28922  
Nevertheless, the general assembly encourages such students to 28923  
consider enrolling in a fine arts course as an elective. 28924

Beginning with students who enter ninth grade for the first 28925  
time on or after July 1, 2010, each student enrolled in a public 28926  
or chartered nonpublic high school shall complete two semesters or 28927  
the equivalent of fine arts to graduate from high school. The 28928  
coursework may be completed in any of grades seven to twelve. Each 28929  
student who completes a fine arts course in grade seven or eight 28930  
may elect to count that course toward the five units of electives 28931  
required for graduation under division (C)(8) of this section, if 28932  
the course satisfied the requirements of division (G) of this 28933  
section. In that case, the high school shall award the student 28934  
high school credit for the course and count the course toward the 28935  
five units required under division (C)(8) of this section. If the 28936  
course in grade seven or eight did not satisfy the requirements of 28937  
division (G) of this section, the high school shall not award the 28938  
student high school credit for the course but shall count the 28939  
course toward the two semesters or the equivalent of fine arts 28940  
required by this division. 28941

(L) Notwithstanding anything to the contrary in this section, 28942  
the board of education of each school district and the governing 28943



authority of each chartered nonpublic school may adopt a policy to 28944  
excuse from the high school physical education requirement each 28945  
student who, during high school, has participated in 28946  
interscholastic athletics, marching band, show choir, or 28947  
cheerleading for at least two full seasons or in the junior 28948  
reserve officer training corps for at least two full school years. 28949  
If the board or authority adopts such a policy, the board or 28950  
authority shall not require the student to complete any physical 28951  
education course as a condition to graduate. However, the student 28952  
shall be required to complete one-half unit, consisting of at 28953  
least sixty hours of instruction, in another course of study. In 28954  
the case of a student who has participated in the junior reserve 28955  
officer training corps for at least two full school years, credit 28956  
received for that participation may be used to satisfy the 28957  
requirement to complete one-half unit in another course of study. 28958

(M) It is important that high school students learn and 28959  
understand United States history and the governments of both the 28960  
United States and the state of Ohio. Therefore, beginning with 28961  
students who enter ninth grade for the first time on or after July 28962  
1, 2012, the study of American history and American government 28963  
required by divisions (B)(6) and (C)(6) of this section shall 28964  
include the study of all of the following documents: 28965

(1) The Declaration of Independence; 28966

(2) The Northwest Ordinance; 28967

(3) The Constitution of the United States with emphasis on 28968  
the Bill of Rights; 28969

(4) The Ohio Constitution. 28970

The study of each of the documents prescribed in divisions 28971  
(M)(1) to (4) of this section shall include study of that document 28972  
in its original context. 28973

The study of American history and government required by 28974

divisions (B)(6) and (C)(6) of this section shall include the 28975  
historical evidence of the role of documents such as the 28976  
Federalist Papers and the Anti-Federalist Papers to firmly 28977  
establish the historical background leading to the establishment 28978  
of the provisions of the Constitution and Bill of Rights. 28979

(N) A student may apply one unit of instruction in computer 28980  
science to satisfy one unit of mathematics or one unit of science 28981  
under division (C) of this section as the student chooses, 28982  
regardless of the field of certification of the teacher who 28983  
teaches the course, so long as that teacher meets the licensure 28984  
requirements prescribed by section 3319.236 of the Revised Code 28985  
and, prior to teaching the course, completes a professional 28986  
development program determined to be appropriate by the district 28987  
board. 28988

If a student applies more than one computer science course to 28989  
satisfy curriculum requirements under that division, the courses 28990  
shall be sequential and progressively more difficult or cover 28991  
different subject areas within computer science. 28992

**Sec. 3313.608.** (A)(1) Beginning with students who enter third 28993  
grade in the school year that starts July 1, 2009, and until June 28994  
30, 2013, unless the student is excused under division (C) of 28995  
section 3301.0711 of the Revised Code from taking the assessment 28996  
described in this section, for any student who does not attain at 28997  
least the equivalent level of achievement designated under 28998  
division (A)(3) of section 3301.0710 of the Revised Code on the 28999  
assessment prescribed under that section to measure skill in 29000  
English language arts expected at the end of third grade, each 29001  
school district, in accordance with the policy adopted under 29002  
section 3313.609 of the Revised Code, shall do one of the 29003  
following: 29004

(a) Promote the student to fourth grade if the student's 29005

principal and reading teacher agree that other evaluations of the 29006  
student's skill in reading demonstrate that the student is 29007  
academically prepared to be promoted to fourth grade; 29008

(b) Promote the student to fourth grade but provide the 29009  
student with intensive intervention services in fourth grade; 29010

(c) Retain the student in third grade. 29011

(2) Beginning with students who enter third grade in the 29012  
2013-2014 school year, unless the student is excused under 29013  
division (C) of section 3301.0711 of the Revised Code from taking 29014  
the assessment described in this section, no school district shall 29015  
promote to fourth grade any student who does not attain at least 29016  
the equivalent level of achievement designated under division 29017  
(A)(3) of section 3301.0710 of the Revised Code on the assessment 29018  
prescribed under that section to measure skill in English language 29019  
arts expected at the end of third grade, unless one of the 29020  
following applies: 29021

(a) The student is a ~~limited~~ an English ~~proficient student~~ 29022  
learner who has been enrolled in United States schools for less 29023  
than three full school years and has had less than three years of 29024  
instruction in an English as a second language program. 29025

(b) The student is a child with a disability entitled to 29026  
special education and related services under Chapter 3323. of the 29027  
Revised Code and the student's individualized education program 29028  
exempts the student from retention under this division. 29029

(c) The student demonstrates an acceptable level of 29030  
performance on an alternative standardized reading assessment as 29031  
determined by the department of education. 29032

(d) All of the following apply: 29033

(i) The student is a child with a disability entitled to 29034  
special education and related services under Chapter 3323. of the 29035

Revised Code. 29036

(ii) The student has taken the third grade English language arts achievement assessment prescribed under section 3301.0710 of the Revised Code. 29037  
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(iii) The student's individualized education program or plan under section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 794, as amended, shows that the student has received intensive remediation in reading for two school years but still demonstrates a deficiency in reading. 29040  
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(iv) The student previously was retained in any of grades kindergarten to three. 29045  
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(e)(i) The student received intensive remediation for reading for two school years but still demonstrates a deficiency in reading and was previously retained in any of grades kindergarten to three. 29047  
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(ii) A student who is promoted under division (A)(2)(e)(i) of this section shall continue to receive intensive reading instruction in grade four. The instruction shall include an altered instructional day that includes specialized diagnostic information and specific research-based reading strategies for the student that have been successful in improving reading among low-performing readers. 29051  
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(B)(1) Beginning in the 2012-2013 school year, to assist students in meeting the third grade guarantee established by this section, each school district board of education shall adopt policies and procedures with which it annually shall assess the reading skills of each student, except those students with significant cognitive disabilities or other disabilities as authorized by the department on a case-by-case basis, enrolled in kindergarten to third grade and shall identify students who are reading below their grade level. The reading skills assessment 29058  
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shall be completed by the thirtieth day of September for students 29067  
in grades one to three, and by the first day of November for 29068  
students in kindergarten. Each district shall use the diagnostic 29069  
assessment to measure reading ability for the appropriate grade 29070  
level adopted under section 3301.079 of the Revised Code, or a 29071  
comparable tool approved by the department of education, to 29072  
identify such students. The policies and procedures shall require 29073  
the students' classroom teachers to be involved in the assessment 29074  
and the identification of students reading below grade level. The 29075  
assessment may be administered electronically using live, two-way 29076  
video and audio connections whereby the teacher administering the 29077  
assessment may be in a separate location from the student. 29078

(2) For each student identified by the diagnostic assessment 29079  
prescribed under this section as having reading skills below grade 29080  
level, the district shall do both of the following: 29081

(a) Provide to the student's parent or guardian, in writing, 29082  
all of the following: 29083

(i) Notification that the student has been identified as 29084  
having a substantial deficiency in reading; 29085

(ii) A description of the current services that are provided 29086  
to the student; 29087

(iii) A description of the proposed supplemental 29088  
instructional services and supports that will be provided to the 29089  
student that are designed to remediate the identified areas of 29090  
reading deficiency; 29091

(iv) Notification that if the student attains a score in the 29092  
range designated under division (A)(3) of section 3301.0710 of the 29093  
Revised Code on the assessment prescribed under that section to 29094  
measure skill in English language arts expected at the end of 29095  
third grade, the student shall be retained unless the student is 29096  
exempt under division (A) of this section. The notification shall 29097

specify that the assessment under section 3301.0710 of the Revised Code is not the sole determinant of promotion and that additional evaluations and assessments are available to the student to assist parents and the district in knowing when a student is reading at or above grade level and ready for promotion.

(b) Provide intensive reading instruction services and regular diagnostic assessments to the student immediately following identification of a reading deficiency until the development of the reading improvement and monitoring plan required by division (C) of this section. These intervention services shall include research-based reading strategies that have been shown to be successful in improving reading among low-performing readers and instruction targeted at the student's identified reading deficiencies.

(3) For each student retained under division (A) of this section, the district shall do all of the following:

(a) Provide intense remediation services until the student is able to read at grade level. The remediation services shall include intensive interventions in reading that address the areas of deficiencies identified under this section including, but not limited to, not less than ninety minutes of reading instruction per day, and may include any of the following:

(i) Small group instruction;

(ii) Reduced teacher-student ratios;

(iii) More frequent progress monitoring;

(iv) Tutoring or mentoring;

(v) Transition classes containing third and fourth grade students;

(vi) Extended school day, week, or year;

(vii) Summer reading camps.

(b) Establish a policy for the mid-year promotion of a student retained under division (A) of this section who demonstrates that the student is reading at or above grade level;

(c) Provide each student with a teacher who satisfies one or more of the criteria set forth in division (H) of this section.

The district shall offer the option for students to receive applicable services from one or more providers other than the district. Providers shall be screened and approved by the district or the department of education. If the student participates in the remediation services and demonstrates reading proficiency in accordance with standards adopted by the department prior to the start of fourth grade, the district shall promote the student to that grade.

(4) For each student retained under division (A) of this section who has demonstrated proficiency in a specific academic ability field, each district shall provide instruction commensurate with student achievement levels in that specific academic ability field.

As used in this division, "specific academic ability field" has the same meaning as in section 3324.01 of the Revised Code.

(C) For each student required to be provided intervention services under this section, the district shall develop a reading improvement and monitoring plan within sixty days after receiving the student's results on the diagnostic assessment or comparable tool administered under division (B)(1) of this section. The district shall involve the student's parent or guardian and classroom teacher in developing the plan. The plan shall include all of the following:

(1) Identification of the student's specific reading deficiencies;

(2) A description of the additional instructional services

and support that will be provided to the student to remediate the	29159
identified reading deficiencies;	29160
(3) Opportunities for the student's parent or guardian to be	29161
involved in the instructional services and support described in	29162
division (C)(2) of this section;	29163
(4) A process for monitoring the extent to which the student	29164
receives the instructional services and support described in	29165
division (C)(2) of this section;	29166
(5) A reading curriculum during regular school hours that	29167
does all of the following:	29168
(a) Assists students to read at grade level;	29169
(b) Provides scientifically based and reliable assessment;	29170
(c) Provides initial and ongoing analysis of each student's	29171
reading progress.	29172
(6) A statement that if the student does not attain at least	29173
the equivalent level of achievement designated under division	29174
(A)(3) of section 3301.0710 of the Revised Code on the assessment	29175
prescribed under that section to measure skill in English language	29176
arts expected by the end of third grade, the student may be	29177
retained in third grade.	29178
Each student with a reading improvement and monitoring plan	29179
under this division who enters third grade after July 1, 2013,	29180
shall be assigned to a teacher who satisfies one or more of the	29181
criteria set forth in division (H) of this section.	29182
The district shall report any information requested by the	29183
department about the reading improvement monitoring plans	29184
developed under this division in the manner required by the	29185
department.	29186
(D) Each school district shall report annually to the	29187
department on its implementation and compliance with this section	29188



using guidelines prescribed by the superintendent of public 29189  
instruction. The superintendent of public instruction annually 29190  
shall report to the governor and general assembly the number and 29191  
percentage of students in grades kindergarten through four reading 29192  
below grade level based on the diagnostic assessments administered 29193  
under division (B) of this section and the achievement assessments 29194  
administered under divisions (A)(1)(a) and (b) of section 29195  
3301.0710 of the Revised Code in English language arts, aggregated 29196  
by school district and building; the types of intervention 29197  
services provided to students; and, if available, an evaluation of 29198  
the efficacy of the intervention services provided. 29199

(E) Any summer remediation services funded in whole or in 29200  
part by the state and offered by school districts to students 29201  
under this section shall meet the following conditions: 29202

(1) The remediation methods are based on reliable educational 29203  
research. 29204

(2) The school districts conduct assessment before and after 29205  
students participate in the program to facilitate monitoring 29206  
results of the remediation services. 29207

(3) The parents of participating students are involved in 29208  
programming decisions. 29209

(F) Any intervention or remediation services required by this 29210  
section shall include intensive, explicit, and systematic 29211  
instruction. 29212

(G) This section does not create a new cause of action or a 29213  
substantive legal right for any person. 29214

(H)(1) Except as provided under divisions (H)(2), (3), and 29215  
(4) of this section, each student described in division (B)(3) or 29216  
(C) of this section who enters third grade for the first time on 29217  
or after July 1, 2013, shall be assigned a teacher who has at 29218  
least one year of teaching experience and who satisfies one or 29219

more of the following criteria:	29220
(a) The teacher holds a reading endorsement on the teacher's license and has attained a passing score on the corresponding assessment for that endorsement, as applicable.	29221 29222 29223
(b) The teacher has completed a master's degree program with a major in reading.	29224 29225
(c) The teacher was rated "most effective" for reading instruction consecutively for the most recent two years based on assessments of student growth measures developed by a vendor and that is on the list of student assessments approved by the state board under division (B)(2) of section 3319.112 of the Revised Code.	29226 29227 29228 29229 29230 29231
(d) The teacher was rated "above expected value added," in reading instruction, as determined by criteria established by the department, for the most recent, consecutive two years.	29232 29233 29234
(e) The teacher has earned a passing score on a rigorous test of principles of scientifically research-based reading instruction as approved by the state board.	29235 29236 29237
(f) The teacher holds an educator license for teaching grades pre-kindergarten through three or four through nine issued on or after July 1, 2017.	29238 29239 29240
(2) Notwithstanding division (H)(1) of this section, a student described in division (B)(3) or (C) of this section who enters third grade for the first time on or after July 1, 2013, may be assigned to a teacher with less than one year of teaching experience provided that the teacher meets one or more of the criteria described in divisions (H)(1)(a) to (f) of this section and that teacher is assigned a teacher mentor who meets the qualifications of division (H)(1) of this section.	29241 29242 29243 29244 29245 29246 29247 29248
(3) Notwithstanding division (H)(1) of this section, a	29249

student described in division (B)(3) or (C) of this section who 29250  
enters third grade for the first time on or after July 1, 2013, 29251  
but prior to July 1, 2016, may be assigned to a teacher who holds 29252  
an alternative credential approved by the department or who has 29253  
successfully completed training that is based on principles of 29254  
scientifically research-based reading instruction that has been 29255  
approved by the department. Beginning on July 1, 2014, the 29256  
alternative credentials and training described in division (H)(3) 29257  
of this section shall be aligned with the reading competencies 29258  
adopted by the state board of education under section 3301.077 of 29259  
the Revised Code. 29260

(4) Notwithstanding division (H)(1) of this section, a 29261  
student described in division (B)(3) or (C) of this section who 29262  
enters third grade for the first time on or after July 1, 2013, 29263  
may receive reading intervention or remediation services under 29264  
this section from an individual employed as a speech-language 29265  
pathologist who holds a license issued by the state speech and 29266  
hearing professionals board under Chapter 4753. of the Revised 29267  
Code and a professional pupil services license as a school 29268  
speech-language pathologist issued by the state board of 29269  
education. 29270

(5) A teacher, other than a student's teacher of record, may 29271  
provide any services required under this section, so long as that 29272  
other teacher meets the requirements of division (H) of this 29273  
section and the teacher of record and the school principal agree 29274  
to the assignment. Any such assignment shall be documented in the 29275  
student's reading improvement and monitoring plan. 29276

As used in this division, "teacher of record" means the 29277  
classroom teacher to whom a student is assigned. 29278

(I) Notwithstanding division (H) of this section, a teacher 29279  
may teach reading to any student who is an English language 29280  
learner, and has been in the United States for three years or 29281

less, or to a student who has an individualized education program 29282  
developed under Chapter 3323. of the Revised Code if that teacher 29283  
holds an alternative credential approved by the department or has 29284  
successfully completed training that is based on principles of 29285  
scientifically research-based reading instruction that has been 29286  
approved by the department. Beginning on July 1, 2014, the 29287  
alternative credentials and training described in this division 29288  
shall be aligned with the reading competencies adopted by the 29289  
state board of education under section 3301.077 of the Revised 29290  
Code. 29291

(J) If, on or after June 4, 2013, a school district or 29292  
community school cannot furnish the number of teachers needed who 29293  
satisfy one or more of the criteria set forth in division (H) of 29294  
this section for the 2013-2014 school year, the school district or 29295  
community school shall develop and submit a staffing plan by June 29296  
30, 2013. The staffing plan shall include criteria that will be 29297  
used to assign a student described in division (B)(3) or (C) of 29298  
this section to a teacher, credentials or training held by 29299  
teachers currently teaching at the school, and how the school 29300  
district or community school will meet the requirements of this 29301  
section. The school district or community school shall post the 29302  
staffing plan on its web site for the applicable school year. 29303

Not later than March 1, 2014, and on the first day of March 29304  
in each year thereafter, a school district or community school 29305  
that has submitted a plan under this division shall submit to the 29306  
department a detailed report of the progress the district or 29307  
school has made in meeting the requirements under this section. 29308

A school district or community school may request an 29309  
extension of a staffing plan beyond the 2013-2014 school year. 29310  
Extension requests must be submitted to the department not later 29311  
than the thirtieth day of April prior to the start of the 29312  
applicable school year. The department may grant extensions valid 29313

through the 2015-2016 school year. 29314

Until June 30, 2015, the department annually shall review all 29315  
staffing plans and report to the state board not later than the 29316  
thirtieth day of June of each year the progress of school 29317  
districts and community schools in meeting the requirements of 29318  
this section. 29319

(K) The department of education shall designate one or more 29320  
staff members to provide guidance and assistance to school 29321  
districts and community schools in implementing the third grade 29322  
guarantee established by this section, including any standards or 29323  
requirements adopted to implement the guarantee and to provide 29324  
information and support for reading instruction and achievement. 29325

Sec. 3313.6024. (A) Annually, beginning in the 2019-2020 29326  
school year, each school district shall report to the department 29327  
of education, in the manner prescribed by the department, the 29328  
types of prevention-focused programs, services, and supports used 29329  
to assist students in developing the knowledge and skills to 29330  
engage in healthy behaviors and decision-making and to increase 29331  
their awareness of the dangers and consequences of risky 29332  
behaviors, including substance abuse, suicide, bullying, and other 29333  
harmful behaviors. The district shall report the following 29334  
information regarding such programs, services, and supports for 29335  
each building operated by the district and for each of grades 29336  
kindergarten through twelve served by the building: 29337

(1) Curriculum and instruction provided during the school 29338  
day; 29339

(2) Programs and supports provided outside of the classroom 29340  
or outside of the school day; 29341

(3) Professional development for teachers, administrators, 29342  
and other staff; 29343

<u>(4) Partnerships with community coalitions and organizations</u>	29344
<u>to provide prevention services and resources to students and their</u>	29345
<u>families;</u>	29346
<u>(5) School efforts to engage parents and the community;</u>	29347
<u>(6) Activities designed to communicate with and learn from</u>	29348
<u>other schools or professionals with expertise in prevention</u>	29349
<u>education.</u>	29350
<u>(B) The department may use information reported under this</u>	29351
<u>section, and any other information collected by the department</u>	29352
<u>pursuant to law, as a factor in the distribution of any funding</u>	29353
<u>available for prevention-focused programs, services, and supports.</u>	29354
<b>Sec. 3313.61.</b> (A) A diploma shall be granted by the board of	29355
education of any city, exempted village, or local school district	29356
that operates a high school to any person to whom all of the	29357
following apply:	29358
(1) The person has successfully completed the curriculum in	29359
any high school or the individualized education program developed	29360
for the person by any high school pursuant to section 3323.08 of	29361
the Revised Code, or has qualified under division (D) or (F) of	29362
section 3313.603 of the Revised Code, provided that no school	29363
district shall require a student to remain in school for any	29364
specific number of semesters or other terms if the student	29365
completes the required curriculum early;	29366
(2) Subject to section 3313.614 of the Revised Code, the	29367
person has met the assessment requirements of division (A)(2)(a)	29368
or (b) of this section, as applicable.	29369
(a) If the person entered the ninth grade prior to July 1,	29370
2014, the person either:	29371
(i) Has attained at least the applicable scores designated	29372
under division (B)(1) of section 3301.0710 of the Revised Code on	29373

all the assessments required by that division unless the person 29374  
was excused from taking any such assessment pursuant to section 29375  
3313.532 of the Revised Code or unless division (H) or (L) of this 29376  
section applies to the person; 29377

(ii) Has satisfied the alternative conditions prescribed in 29378  
section 3313.615 of the Revised Code. 29379

(b) If the person entered the ninth grade on or after July 1, 29380  
2014, the person has met the requirement prescribed by section 29381  
3313.618 of the Revised Code, except to the extent that the person 29382  
is excused from an assessment prescribed by that section pursuant 29383  
to section 3313.532 of the Revised Code or division (H) or (L) of 29384  
this section. 29385

(3) The person is not eligible to receive an honors diploma 29386  
granted pursuant to division (B) of this section. 29387

Except as provided in divisions (C), (E), (J), and (L) of 29388  
this section, no diploma shall be granted under this division to 29389  
anyone except as provided under this division. 29390

(B) In lieu of a diploma granted under division (A) of this 29391  
section, an honors diploma shall be granted, in accordance with 29392  
rules of the state board, by any such district board to anyone who 29393  
accomplishes all of the following: 29394

(1) Successfully completes the curriculum in any high school 29395  
or the individualized education program developed for the person 29396  
by any high school pursuant to section 3323.08 of the Revised 29397  
Code; 29398

(2) Subject to section 3313.614 of the Revised Code, has met 29399  
the assessment requirements of division (B)(2)(a) or (b) of this 29400  
section, as applicable. 29401

(a) If the person entered the ninth grade prior to July 1, 29402  
2014, the person either: 29403

(i) Has attained at least the applicable scores designated 29404  
under division (B)(1) of section 3301.0710 of the Revised Code on 29405  
all the assessments required by that division; 29406

(ii) Has satisfied the alternative conditions prescribed in 29407  
section 3313.615 of the Revised Code. 29408

(b) If the person entered the ninth grade on or after July 1, 29409  
2014, the person has met the requirement prescribed under section 29410  
3313.618 of the Revised Code. 29411

(3) Has met additional criteria established by the state 29412  
board for the granting of such a diploma. 29413

An honors diploma shall not be granted to a student who is 29414  
subject to the requirements prescribed in division (C) of section 29415  
3313.603 of the Revised Code but elects the option of division (D) 29416  
or (F) of that section. Except as provided in divisions (C), (E), 29417  
and (J) of this section, no honors diploma shall be granted to 29418  
anyone failing to comply with this division and no more than one 29419  
honors diploma shall be granted to any student under this 29420  
division. 29421

The state board shall adopt rules prescribing the granting of 29422  
honors diplomas under this division. These rules may prescribe the 29423  
granting of honors diplomas that recognize a student's achievement 29424  
as a whole or that recognize a student's achievement in one or 29425  
more specific subjects or both. The rules may prescribe the 29426  
granting of an honors diploma recognizing technical expertise for 29427  
a career-technical student. In any case, the rules shall designate 29428  
two or more criteria for the granting of each type of honors 29429  
diploma the board establishes under this division and the number 29430  
of such criteria that must be met for the granting of that type of 29431  
diploma. The number of such criteria for any type of honors 29432  
diploma shall be at least one less than the total number of 29433  
criteria designated for that type and no one or more particular 29434



criteria shall be required of all persons who are to be granted 29435  
that type of diploma. 29436

(C) Any district board administering any of the assessments 29437  
required by section 3301.0710 of the Revised Code to any person 29438  
requesting to take such assessment pursuant to division (B)(8)(b) 29439  
of section 3301.0711 of the Revised Code shall award a diploma to 29440  
such person if the person attains at least the applicable scores 29441  
designated under division (B)(1) of section 3301.0710 of the 29442  
Revised Code on all the assessments administered and if the person 29443  
has previously attained the applicable scores on all the other 29444  
assessments required by division (B)(1) of that section or has 29445  
been exempted or excused from attaining the applicable score on 29446  
any such assessment pursuant to division (H) or (L) of this 29447  
section or from taking any such assessment pursuant to section 29448  
3313.532 of the Revised Code. 29449

(D) Each diploma awarded under this section shall be signed 29450  
by the president and treasurer of the issuing board, the 29451  
superintendent of schools, and the principal of the high school. 29452  
Each diploma shall bear the date of its issue, be in such form as 29453  
the district board prescribes, and be paid for out of the 29454  
district's general fund. 29455

(E) A person who is a resident of Ohio and is eligible under 29456  
state board of education minimum standards to receive a high 29457  
school diploma based in whole or in part on credits earned while 29458  
an inmate of a correctional institution operated by the state or 29459  
any political subdivision thereof, shall be granted such diploma 29460  
by the correctional institution operating the programs in which 29461  
such credits were earned, and by the board of education of the 29462  
school district in which the inmate resided immediately prior to 29463  
the inmate's placement in the institution. The diploma granted by 29464  
the correctional institution shall be signed by the director of 29465  
the institution, and by the person serving as principal of the 29466

institution's high school and shall bear the date of issue. 29467

(F) Persons who are not residents of Ohio but who are inmates 29468  
of correctional institutions operated by the state or any 29469  
political subdivision thereof, and who are eligible under state 29470  
board of education minimum standards to receive a high school 29471  
diploma based in whole or in part on credits earned while an 29472  
inmate of the correctional institution, shall be granted a diploma 29473  
by the correctional institution offering the program in which the 29474  
credits were earned. The diploma granted by the correctional 29475  
institution shall be signed by the director of the institution and 29476  
by the person serving as principal of the institution's high 29477  
school and shall bear the date of issue. 29478

(G) The state board of education shall provide by rule for 29479  
the administration of the assessments required by sections 29480  
3301.0710 and 3301.0712 of the Revised Code to inmates of 29481  
correctional institutions. 29482

(H) Any person to whom all of the following apply shall be 29483  
exempted from attaining the applicable score on the assessment in 29484  
social studies designated under division (B)(1) of section 29485  
3301.0710 of the Revised Code, any American history end-of-course 29486  
examination and any American government end-of-course examination 29487  
required under division (B) of section 3301.0712 of the Revised 29488  
Code if such an exemption is prescribed by rule of the state board 29489  
under division (D)(3) of section 3301.0712 of the Revised Code, or 29490  
the test in citizenship designated under former division (B) of 29491  
section 3301.0710 of the Revised Code as it existed prior to 29492  
September 11, 2001: 29493

(1) The person is not a citizen of the United States; 29494

(2) The person is not a permanent resident of the United 29495  
States; 29496

(3) The person indicates no intention to reside in the United 29497

States after the completion of high school. 29498

(I) Notwithstanding division (D) of section 3311.19 and 29499  
division (D) of section 3311.52 of the Revised Code, this section 29500  
and section 3313.611 of the Revised Code do not apply to the board 29501  
of education of any joint vocational school district or any 29502  
cooperative education school district established pursuant to 29503  
divisions (A) to (C) of section 3311.52 of the Revised Code. 29504

(J) Upon receipt of a notice under division (D) of section 29505  
3325.08 or division (D) of section 3328.25 of the Revised Code 29506  
that a student has received a diploma under either section, the 29507  
board of education receiving the notice may grant a high school 29508  
diploma under this section to the student, except that such board 29509  
shall grant the student a diploma if the student meets the 29510  
graduation requirements that the student would otherwise have had 29511  
to meet to receive a diploma from the district. The diploma 29512  
granted under this section shall be of the same type the notice 29513  
indicates the student received under section 3325.08 or 3328.25 of 29514  
the Revised Code. 29515

(K) As used in this division, "~~limited English proficient~~ 29516  
~~student learner~~" has the same meaning as in division (C)(3) of 29517  
section 3301.0711 of the Revised Code. 29518

Notwithstanding division (C)(3) of section 3301.0711 of the 29519  
Revised Code, no ~~limited English proficient student~~ learner who 29520  
has not either attained the applicable scores designated under 29521  
division (B)(1) of section 3301.0710 of the Revised Code on all 29522  
the assessments required by that division, or met the requirement 29523  
prescribed by section 3313.618 of the Revised Code, shall be 29524  
awarded a diploma under this section. 29525

(L) Any student described by division (A)(1) of this section 29526  
may be awarded a diploma without meeting the requirement 29527  
prescribed by section 3313.618 of the Revised Code provided an 29528

individualized education program specifically exempts the student 29529  
from meeting such requirement. This division does not negate the 29530  
requirement for a student to take the assessments prescribed by 29531  
section 3301.0710 or under division (B) of section 3301.0712 of 29532  
the Revised Code, or alternate assessments required by division 29533  
(C)(1) of section 3301.0711 of the Revised Code, for the purpose 29534  
of assessing student progress as required by federal law. 29535

**Sec. 3313.611.** (A) The state board of education shall adopt, 29536  
by rule, standards for awarding high school credit equivalent to 29537  
credit for completion of high school academic and vocational 29538  
education courses to applicants for diplomas under this section. 29539  
The standards may permit high school credit to be granted to an 29540  
applicant for any of the following: 29541

(1) Work experiences or experiences as a volunteer; 29542

(2) Completion of academic, vocational, or self-improvement 29543  
courses offered to persons over the age of twenty-one by a 29544  
chartered public or nonpublic school; 29545

(3) Completion of academic, vocational, or self-improvement 29546  
courses offered by an organization, individual, or educational 29547  
institution other than a chartered public or nonpublic school; 29548

(4) Other life experiences considered by the board to provide 29549  
knowledge and learning experiences comparable to that gained in a 29550  
classroom setting. 29551

(B) The board of education of any city, exempted village, or 29552  
local school district that operates a high school shall grant a 29553  
diploma of adult education to any applicant if all of the 29554  
following apply: 29555

(1) The applicant is a resident of the district; 29556

(2) The applicant is over the age of twenty-one and has not 29557  
been issued a diploma as provided in section 3313.61 of the 29558

Revised Code; 29559

(3) Subject to section 3313.614 of the Revised Code, the 29560  
applicant has met the assessment requirements of division 29561  
(B)(3)(a) or (b) of this section, as applicable. 29562

(a) Prior to July 1, 2014, the applicant either: 29563

(i) Has attained the applicable scores designated under 29564  
division (B)(1) of section 3301.0710 of the Revised Code on all of 29565  
the assessments required by that division or was excused or 29566  
exempted from any such assessment pursuant to section 3313.532 or 29567  
was exempted from attaining the applicable score on any such 29568  
assessment pursuant to division (H) or (L) of section 3313.61 of 29569  
the Revised Code; 29570

(ii) Has satisfied the alternative conditions prescribed in 29571  
section 3313.615 of the Revised Code. 29572

(b) On or after July 1, 2014, has met the requirement 29573  
prescribed by section 3313.618 of the Revised Code, except and 29574  
only to the extent that the applicant is excused from some portion 29575  
of that section pursuant to section 3313.532 of the Revised Code 29576  
or division (H) or (L) of section 3313.61 of the Revised Code. 29577

(4) The district board determines, in accordance with the 29578  
standards adopted under division (A) of this section, that the 29579  
applicant has attained sufficient high school credits, including 29580  
equivalent credits awarded under such standards, to qualify as 29581  
having successfully completed the curriculum required by the 29582  
district for graduation. 29583

(C) If a district board determines that an applicant is not 29584  
eligible for a diploma under division (B) of this section, it 29585  
shall inform the applicant of the reason the applicant is 29586  
ineligible and shall provide a list of any courses required for 29587  
the diploma for which the applicant has not received credit. An 29588  
applicant may reapply for a diploma under this section at any 29589

time. 29590

(D) If a district board awards an adult education diploma 29591  
under this section, the president and treasurer of the board and 29592  
the superintendent of schools shall sign it. Each diploma shall 29593  
bear the date of its issuance, be in such form as the district 29594  
board prescribes, and be paid for from the district's general 29595  
fund, except that the state board may by rule prescribe standard 29596  
language to be included on each diploma. 29597

(E) As used in this division, "~~limited English proficient~~ 29598  
~~student learner~~" has the same meaning as in division (C)(3) of 29599  
section 3301.0711 of the Revised Code. 29600

Notwithstanding division (C)(3) of section 3301.0711 of the 29601  
Revised Code, no ~~limited English proficient student learner~~ who 29602  
has not either attained the applicable scores designated under 29603  
division (B)(1) of section 3301.0710 of the Revised Code on all 29604  
the assessments required by that division, or has not met the 29605  
requirement prescribed by section 3313.618 of the Revised Code, 29606  
shall be awarded a diploma under this section. 29607

**Sec. 3313.612.** (A) No nonpublic school chartered by the state 29608  
board of education shall grant a high school diploma to any person 29609  
unless, subject to section 3313.614 of the Revised Code, the 29610  
person has met the assessment requirements of division (A)(1) or 29611  
(2) of this section, as applicable. 29612

(1) If the person entered the ninth grade prior to July 1, 29613  
2014, the person has attained at least the applicable scores 29614  
designated under division (B)(1) of section 3301.0710 of the 29615  
Revised Code on all the assessments required by that division, or 29616  
has satisfied the alternative conditions prescribed in section 29617  
3313.615 of the Revised Code. 29618

(2) If the person entered the ninth grade on or after July 1, 29619

2014, the person has met the requirement prescribed by section 29620  
3313.618 or 3313.619 of the Revised Code. 29621

(B) This section does not apply to any of the following: 29622

(1) Any person with regard to any assessment from which the 29623  
person was excused pursuant to division (C)(1)(c) of section 29624  
3301.0711 of the Revised Code; 29625

(2) Except as provided in division (B)(4) of this section, 29626  
any person who attends a nonpublic school accredited through the 29627  
independent schools association of the central states, except for 29628  
a student attending the school under a state scholarship program 29629  
as defined in section 3301.0711 of the Revised Code; 29630

(3) Any person with regard to the social studies assessment 29631  
under division (B)(1) of section 3301.0710 of the Revised Code, 29632  
any American history end-of-course examination and any American 29633  
government end-of-course examination required under division (B) 29634  
of section 3301.0712 of the Revised Code if such an exemption is 29635  
prescribed by rule of the state board of education under division 29636  
(D)(3) of section 3301.0712 of the Revised Code, or the 29637  
citizenship test under former division (B) of section 3301.0710 of 29638  
the Revised Code as it existed prior to September 11, 2001, if all 29639  
of the following apply: 29640

(a) The person is not a citizen of the United States; 29641

(b) The person is not a permanent resident of the United 29642  
States; 29643

(c) The person indicates no intention to reside in the United 29644  
States after completion of high school. 29645

(4) Any person who attends a chartered nonpublic school that 29646  
satisfies the requirements of division (L)(4) of section 3301.0711 29647  
of the Revised Code. In the case of such a student, the student's 29648  
chartered nonpublic school shall determine the student's 29649

eligibility for graduation based on the standards of the school's 29650  
accrediting body. 29651

(C) As used in this division, "~~limited English proficient~~ 29652  
~~student learner~~" has the same meaning as in division (C)(3) of 29653  
section 3301.0711 of the Revised Code. 29654

Notwithstanding division (C)(3) of section 3301.0711 of the 29655  
Revised Code, no ~~limited English proficient student learner~~ who 29656  
has not either attained the applicable scores designated under 29657  
division (B)(1) of section 3301.0710 of the Revised Code on all 29658  
the assessments required by that division, or met the requirement 29659  
prescribed by section 3313.618 or 3313.619 of the Revised Code, 29660  
shall be awarded a diploma under this section. 29661

(D) The state board shall not impose additional requirements 29662  
or assessments for the granting of a high school diploma under 29663  
this section that are not prescribed by this section. 29664

(E) The department of education shall furnish the assessment 29665  
administered by a nonpublic school pursuant to division (B)(1) of 29666  
section 3301.0712 of the Revised Code. 29667

**Sec. 3313.617.** Not later than June 30, 2020, each board of 29668  
education of a school district and governing authority of a 29669  
chartered nonpublic school shall adopt a policy regarding students 29670  
who are at risk of not qualifying for a high school diploma. The 29671  
policy shall require the district or school to do all of the 29672  
following: 29673

(A) Develop criteria for identifying at-risk students, which 29674  
shall include a student's lack of adequate progress in meeting the 29675  
terms of a graduation plan developed or updated under division (E) 29676  
of this section. The criteria also may include other factors, such 29677  
as if a student has issues regarding excessive absences or 29678  
misconduct. 29679



(B) Develop procedures for identifying at-risk students. The procedures shall include a method for determining if a student is not making adequate progress in meeting the terms of a graduation plan developed or updated under division (E) of this section. The procedures shall allow for a student to be identified as at risk in each of grades nine through twelve. The procedures also may include the identification of students in other grades.

(C) Develop a notification process in which the district or school shall notify an at-risk student's parent, guardian, or custodian in each year in which the student has been identified as at risk. The notification process shall at least include providing a written notification to the at-risk student's parent, guardian, or custodian, which shall include all of the following:

(1) A statement that the student is at risk of not qualifying for a high school diploma;

(2) A description of the district's or school's curriculum requirements, or the student's individualized education program, and, as appropriate, the graduation conditions prescribed under section 3313.618 or 3313.619 of the Revised Code;

(3) A description of any additional instructional or support services available to the at-risk student through the district or school.

(D) Assist at-risk students with additional instructional or support services to help the students qualify for a high school diploma. The instructional and support services may include any of the following:

(1) Mentoring programs;

(2) Tutoring programs;

(3) High school credit through demonstrations of subject area competency under division (J) of section 3313.603 of the Revised

<u>Code;</u>	29710
<u>(4) Adjusted curriculum options;</u>	29711
<u>(5) Career-technical programs;</u>	29712
<u>(6) Mental health services;</u>	29713
<u>(7) Physical health care services;</u>	29714
<u>(8) Family engagement and support services.</u>	29715
<u>(E)(1) Develop a graduation plan for each student enrolled in</u>	29716
<u>grades nine through twelve in the district or school. The</u>	29717
<u>graduation plan shall address the student's academic pathway to</u>	29718
<u>meet the curriculum requirements specified by the district or</u>	29719
<u>school and satisfy the graduation conditions, as appropriate,</u>	29720
<u>under section 3313.618 or 3313.619 of the Revised Code.</u>	29721
<u>(2) The graduation plan shall be developed jointly by the</u>	29722
<u>student and a representative of the district or school and updated</u>	29723
<u>each school year in which the student is enrolled in the district</u>	29724
<u>or school, until the student qualifies for a high school diploma.</u>	29725
<u>The district or school shall invite a student's parent, guardian,</u>	29726
<u>or custodian to assist in developing and updating the graduation</u>	29727
<u>plan.</u>	29728
<u>(3) A district or school shall include a student's lack of</u>	29729
<u>progress in meeting the terms of a graduation plan developed or</u>	29730
<u>updated under this division as both a criterion for identifying</u>	29731
<u>at-risk students under division (A) of this section and a</u>	29732
<u>procedure for identifying at-risk students under division (B) of</u>	29733
<u>this section.</u>	29734
<u>(4) A graduation plan developed under this section shall</u>	29735
<u>supplement a school district's policy on career advising adopted</u>	29736
<u>under section 3313.6020 of the Revised Code.</u>	29737
<u>(5) A school district may use the individualized education</u>	29738
<u>program developed for a student pursuant to section 3323.08 of the</u>	29739

Revised Code in lieu of developing a graduation plan under this 29740  
division, if the individualized education program contains 29741  
academic goals substantively similar to a graduation plan. 29742

**Sec. 3313.618.** (A) In addition to the ~~applicable~~ curriculum 29743  
requirements specified by the board of education of a school 29744  
district or governing authority of a chartered nonpublic school, 29745  
each student entering ninth grade for the first time on or after 29746  
July 1, 2014, but prior to July 1, 2019, shall satisfy at least 29747  
one of the following conditions or the conditions prescribed under 29748  
division (B) of this section in order to qualify for a high school 29749  
diploma: 29750

(1) Be remediation-free, in accordance with standards adopted 29751  
under division (F) of section 3345.061 of the Revised Code, on 29752  
each of the nationally standardized assessments in English, 29753  
mathematics, and reading; 29754

(2) Attain a score specified under division (B)(5)(c) of 29755  
section 3301.0712 of the Revised Code on the end-of-course 29756  
examinations prescribed under division (B) of section 3301.0712 of 29757  
the Revised Code. 29758

(3) Attain a score that demonstrates workforce readiness and 29759  
employability on a nationally recognized job skills assessment 29760  
selected by the state board of education under division (G) of 29761  
section 3301.0712 of the Revised Code and obtain either an 29762  
industry-recognized credential, ~~as described under division~~ 29763  
~~(B)(2)(d) of section 3302.03 of the Revised Code,~~ or a license 29764  
issued by a state agency or board for practice in a vocation that 29765  
requires an examination for issuance of that license. 29766

The For the purposes of this division, the 29767  
industry-recognized credentials and licenses shall be as approved 29768  
under section 3313.6113 of the Revised Code. 29769

A student may choose to qualify for a high school diploma by satisfying any of the separate requirements prescribed by divisions (A)(1) to (3) of this section. If the student's school district or school does not administer the examination prescribed by one of those divisions that the student chooses to take to satisfy the requirements of this section, the school district or school may require that student to arrange for the applicable scores to be sent directly to the district or school by the company or organization that administers the examination.

(B) In addition to the curriculum requirements specified by the district board or school governing authority, each student entering ninth grade for the first time on or after July 1, 2019, shall satisfy the following conditions in order to qualify for a high school diploma:

(1) Attain a competency score as determined under division (B)(10) of section 3301.0712 of the Revised Code on each of the Algebra I and English language arts II end-of-course examinations prescribed under division (B)(2) of section 3301.0712 of the Revised Code.

School districts shall offer remedial support to any student who fails to attain a competency score on one or both of the Algebra I and English language arts II end-of-course examinations.

Following the first administration of the exam, if a student fails to attain a competency score on one or both of the Algebra I and English language arts II end-of-course examinations that student must retake the respective examination at least once.

If a student fails to attain a competency score on a retake examination, the student may demonstrate competency in the failed subject area through one of the following options:

(a) Earn course credit taken through the college credit plus program established under Chapter 3365. of the Revised Code in the

failed subject area; 29801

(b) Complete two of the following options, one of which must be foundational: 29802  
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(i) Foundational options to demonstrate competency, which include earning a score of proficient or higher on three or more state technical assessments aligned with section 3313.903 of the Revised Code in a single career pathway, obtaining an industry-recognized credential approved under section 3313.6113 of the Revised Code, completing a pre-apprenticeship or apprenticeship in the student's chosen career field, or providing evidence of acceptance into an apprenticeship program after high school that is restricted to participants eighteen years of age or older; 29804  
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(ii) Supporting options to demonstrate competency, which include completing two hundred fifty hours of a work-based learning experience with evidence of positive evaluations, obtaining an OhioMeansJobs-readiness seal under section 3313.6112 of the Revised Code, or attaining a workforce readiness score, as determined by the department of education, on the nationally recognized job skills assessment selected by the state board under division (G) of section 3301.0712 of the Revised Code. 29814  
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(c) Provide evidence that the student has enlisted in a branch of the armed services of the United States as defined in section 5910.01 of the Revised Code. 29822  
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For any students receiving special education and related services under Chapter 3323. of the Revised Code, the individualized education program developed for the student under that chapter shall specify the manner in which the student will participate in the assessments administered under this division. 29825  
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(2) Earn at least two of the state diploma seals prescribed under division (A) of section 3313.6114 of the Revised Code, at 29830  
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least one of which shall be any of the following: 29832

(a) The state seal of biliteracy established under section 3313.6111 of the Revised Code; 29833  
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(b) The OhioMeansJobs-readiness seal established under section 3313.6112 of the Revised Code; 29835  
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(c) One of the state diploma seals established under divisions (C)(1) to (7) of section 3313.6114 of the Revised Code. 29837  
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(C) The state board of education shall not create or require any additional assessment for the granting of any type of high school diploma other than as prescribed by this section. Except as provided in sections 3313.6111 ~~and~~, 3313.6112, and 3313.6114 of the Revised Code, the state board or the superintendent of public instruction shall not create any endorsement or designation that may be affiliated with a high school diploma. 29839  
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**Sec. 3313.6110.** (A) A person who has completed the final year of instruction at home, as authorized under section 3321.04 of the Revised Code, and has successfully fulfilled the high school curriculum applicable to that person may be granted a high school diploma by the person's parent, guardian, or other person having charge or care of a child, as defined in division (A)(1) of section 3321.01 of the Revised Code. 29846  
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(B) Beginning with diplomas issued on or after July 1, 2015, each diploma granted under division (A) of this section shall be accompanied by the official letter of excuse issued by the district superintendent for the student's final year of home education. 29853  
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(C) A person who has graduated from a nonchartered nonpublic school in Ohio and who has successfully fulfilled that school's high school curriculum may be granted a high school diploma by the governing authority of that school. 29858  
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(D) Notwithstanding anything in the Revised Code to the contrary, a diploma granted under this section shall serve as proof of the successful completion of that person's applicable high school curriculum and satisfactory to fulfill any legal requirement to show such proof.

(E) For the purposes of an application for employment, a diploma granted under this section shall be considered proof of completion of a high school education, regardless of whether the person to which the diploma was granted participated in the assessments prescribed by division (A)(1) or (B)(1) or (2) of section 3301.0710 and section 3301.0712 of the Revised Code.

(F) A diploma granted under division (A) of this section may include a state seal of biliteracy ~~or~~, an OhioMeansJobs-readiness seal, or a state diploma seal that may be assigned to the student's diploma, by the parent, guardian, or other person having charge or care of the student, in the same manner as prescribed for diplomas and transcripts issued by school districts and chartered nonpublic schools under sections 3313.6111 ~~and~~, 3113.6112, and 3313.6114 of the Revised Code.

**Sec. 3313.6114.** (A) The state board of education shall establish a system of state diploma seals for the purposes of allowing a student to qualify for graduation under section 3313.618 of the Revised Code. State diploma seals may be attached or affixed to the high school diploma of a student enrolled in a public or chartered nonpublic school. The system of state diploma seals shall consist of all of the following:

(1) The state seal of biliteracy established under section 3313.6111 of the Revised Code;

(2) The OhioMeansJobs-readiness seal established under section 3313.6112 of the Revised Code;

(3) The state diploma seals prescribed under division (C) of this section. 29892  
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(B) A school district, community school established under Chapter 3314. of the Revised Code, STEM school established under Chapter 3326. of the Revised Code, college-preparatory boarding school established under Chapter 3328. of the Revised Code, or chartered nonpublic school shall attach or affix the state seals prescribed under division (C) of this section to the diploma and transcript of a student enrolled in the district or school who meets the requirements established under that division. 29894  
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(C) The state board shall establish all of the following state diploma seals: 29902  
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(1) An industry-recognized credential seal. A student shall meet the requirement for this seal by earning an industry-recognized credential approved under section 3313.6113 of the Revised Code that is aligned to a job that is determined to be in demand in this state and its regions under section 6301.11 of the Revised Code. 29904  
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(2) A college-ready seal. A student shall meet the requirement for this seal by attaining a score that is remediation-free, in accordance with standards adopted under division (F) of section 3345.061 of the Revised Code, on a nationally standardized assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code. 29910  
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(3) A military enlistment seal. A student shall meet the requirement for this seal by doing either of the following: 29916  
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(a) Providing evidence that the student has enlisted in a branch of the armed services of the United States as defined in section 5910.01 of the Revised Code; 29918  
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(b) Participating in a junior reserve officer training program approved by the congress of the United States under title 29921  
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<u>10 of the United States Code.</u>	29923
<u>(4) A citizenship seal. A student shall meet the requirement</u>	29924
<u>for this seal by doing any of the following:</u>	29925
<u>(a) Demonstrating at least a proficient level of skill as</u>	29926
<u>prescribed under division (B)(5)(a) of section 3301.0712 of the</u>	29927
<u>Revised Code on both the American history and American government</u>	29928
<u>end-of-course examinations prescribed under division (B)(2) of</u>	29929
<u>section 3301.0712 of the Revised Code;</u>	29930
<u>(b) Attaining a score level prescribed under division</u>	29931
<u>(B)(5)(d) of section 3301.0712 of the Revised Code that is at</u>	29932
<u>least the equivalent of a proficient level of skill in appropriate</u>	29933
<u>advanced placement or international baccalaureate examinations in</u>	29934
<u>lieu of the American history and American government end-of-course</u>	29935
<u>examinations;</u>	29936
<u>(c) Attaining a final course grade that is the equivalent of</u>	29937
<u>a "B" or higher in appropriate courses taken through the college</u>	29938
<u>credit plus program established under Chapter 3365. of the Revised</u>	29939
<u>Code in lieu of the American history and American government</u>	29940
<u>end-of-course examinations.</u>	29941
<u>(5) A science seal. A student shall meet the requirement for</u>	29942
<u>this seal by doing any of the following:</u>	29943
<u>(a) Demonstrating at least a proficient level of skill as</u>	29944
<u>prescribed under division (B)(5)(a) of section 3301.0712 of the</u>	29945
<u>Revised Code on the science end-of-course examination prescribed</u>	29946
<u>under division (B)(2) of section 3301.0712 of the Revised Code;</u>	29947
<u>(b) Attaining a score level prescribed under division</u>	29948
<u>(B)(5)(d) of section 3301.0712 of the Revised Code that is at</u>	29949
<u>least the equivalent of a proficient level of skill in an</u>	29950
<u>appropriate advanced placement or international baccalaureate</u>	29951
<u>examination in lieu of the science end-of-course examination;</u>	29952

(c) Attaining a final course grade that is the equivalent of a "B" or higher in an appropriate course taken through the college credit plus program established under Chapter 3365. of the Revised Code in lieu of the science end-of-course examination. 29953  
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29955  
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(6) An honors diploma seal. A student shall meet the requirement for this seal by meeting the additional criteria for an honors diploma under division (B) of section 3313.61 of the Revised Code. 29957  
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(7) A technology seal. A student shall meet the requirement for this seal by doing any of the following: 29961  
29962

(a) Subject to division (B)(5)(d) of section 3301.0712 of the Revised Code, attaining a score level that is at least the equivalent of a proficient level of skill in an appropriate advanced placement or international baccalaureate examination; 29963  
29964  
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29966

(b) Attaining a final course grade that is the equivalent of a "B" or higher in an appropriate course taken through the college credit plus program established under Chapter 3365. of the Revised Code; 29967  
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(c) Completing a course offered through the student's district or school that meets guidelines developed by the department of education. However, a district or school shall not be required to offer a course that meets guidelines developed by the department. 29971  
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(8) A community service seal. A student shall meet the requirement for this seal by completing a community service project that is aligned with guidelines adopted by the student's district board or school governing authority. 29976  
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(9) A fine and performing arts seal. A student shall meet the requirement for this seal by demonstrating skill in the fine or performing arts according to an evaluation that is aligned with guidelines adopted by the student's district board or school 29980  
29981  
29982  
29983

governing authority. 29984

(10) A student engagement seal. A student shall meet the 29985  
requirement for this seal by participating in extracurricular 29986  
activities such as athletics, clubs, or student government to a 29987  
meaningful extent, as determined by guidelines adopted by the 29988  
student's district board or school governing authority. 29989

(D) Each district or school shall develop guidelines for at 29990  
least one of the state seals prescribed under divisions (C)(8) to 29991  
(10) of this section. 29992

(E) Each district or school shall maintain appropriate 29993  
records to identify students who have met the requirements 29994  
prescribed under division (C) of this section for earning the 29995  
state seals established under that division. 29996

(F) The department shall prepare and deliver to each district 29997  
or school an appropriate mechanism for assigning a state diploma 29998  
seal established under division (C) of this section. 29999

(G) A student shall not be charged a fee to be assigned a 30000  
state seal prescribed under division (C) of this section on the 30001  
student's diploma and transcript. 30002

**Sec. 3313.813.** (A) As used in this section: 30003

(1) "Outdoor education center" means a public or nonprofit 30004  
private entity that provides to pupils enrolled in any public or 30005  
chartered nonpublic elementary or secondary school an outdoor 30006  
educational curriculum that the school considers to be part of its 30007  
educational program. 30008

(2) "Outside-school-hours care center" has the meaning 30009  
established in 7 C.F.R. 226.2. 30010

(B) The state board of education shall establish standards 30011  
for a school lunch program, school breakfast program, child and 30012  
adult care food program, special food service program for 30013

children, summer food service program for children, special milk 30014  
program for children, food service equipment assistance program, 30015  
and commodity distribution program established under the "National 30016  
School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as 30017  
amended, and the "Child Nutrition Act of 1966," 80 Stat. 885, 42 30018  
U.S.C. 1771, as amended. Any board of education of a school 30019  
district, nonprofit private school, outdoor education center, 30020  
child care institution, outside-school-hours care center, or 30021  
summer camp desiring to participate in such a program or required 30022  
to participate under this section shall, if eligible to 30023  
participate under the "National School Lunch Act," as amended, or 30024  
the "Child Nutrition Act of 1966," as amended, make application to 30025  
the state board of education for assistance. The board shall 30026  
administer the allocation and distribution of all state and 30027  
federal funds for these programs. 30028

(C) The state board of education shall require the board of 30029  
education of each school district to establish and maintain a 30030  
school breakfast, lunch, and summer food service program pursuant 30031  
to the "National School Lunch Act" and the "Child Nutrition Act of 30032  
1966," as described in divisions (C)(1) to (4) of this section. 30033

(1) The state board shall require the board of education in 30034  
each school district to establish a breakfast program in every 30035  
school where at least one-fifth of the pupils in the school are 30036  
eligible under federal requirements for free breakfasts and to 30037  
establish a lunch program in every school where at least one-fifth 30038  
of the pupils are eligible for free lunches. The board of 30039  
education required to establish a breakfast program under this 30040  
division may make a charge in accordance with federal requirements 30041  
for each reduced price breakfast or paid breakfast to cover the 30042  
cost incurred in providing that meal. 30043

(2) The state board shall require the board of education in 30044  
each school district to establish a breakfast program in every 30045

school in which the parents of at least one-half of the children 30046  
enrolled in the school have requested that the breakfast program 30047  
be established. The board of education required to establish a 30048  
program under this division may make a charge in accordance with 30049  
federal requirements for each meal to cover all or part of the 30050  
costs incurred in establishing such a program. 30051

A breakfast program established under division (C)(1) or (2) 30052  
of this section shall be operated in accordance with section 30053  
3313.818 of the Revised Code in any school meeting the conditions 30054  
prescribed by that section. 30055

(3) The state board shall require the board of education in 30056  
each school district to establish one of the following for summer 30057  
intervention services described in division (D) of section 30058  
3301.0711 or provided under section 3313.608 of the Revised Code, 30059  
and any other summer intervention program required by law: 30060

(a) An extension of the school breakfast program pursuant to 30061  
the "National School Lunch Act" and the "Child Nutrition Act of 30062  
1966"; 30063

(b) An extension of the school lunch program pursuant to 30064  
those acts; 30065

(c) A summer food service program pursuant to those acts. 30066

(4)(a) If the board of education of a school district 30067  
determines that, for financial reasons, it cannot comply with 30068  
division (C)(1) or (3) of this section, the district board may 30069  
choose not to comply with either or both divisions, except as 30070  
provided in divisions (C)(4)(b) and (c) of this section. The 30071  
district board publicly shall communicate to the residents of the 30072  
district, in the manner it determines appropriate, its decision 30073  
not to comply. 30074

(b) If a district board chooses not to comply with division 30075  
(C)(1) of this section, the state board nevertheless shall require 30076

the district board to establish a breakfast program in every 30077  
school where at least one-third of the pupils in the school are 30078  
eligible under federal requirements for free breakfasts and to 30079  
establish a lunch program in every school where at least one-third 30080  
of the pupils are eligible for free lunches. The district board 30081  
may make a charge in accordance with federal requirements for each 30082  
reduced price breakfast or paid breakfast to cover the cost 30083  
incurred in providing that meal. 30084

(c) If the board of education of a school district chooses 30085  
not to comply with division (C)(3) of this section, the state 30086  
board nevertheless shall require the district board to permit an 30087  
approved summer food service program sponsor to use school 30088  
facilities located in a school building attendance area where at 30089  
least one-half of the pupils are eligible for free lunches. 30090

The department of education shall post in a prominent 30091  
location on the department's web site a list of approved summer 30092  
food service program sponsors that may use school facilities under 30093  
this division. 30094

Subject to the provisions of sections 3313.75 and 3313.77 of 30095  
the Revised Code, a school district may charge the summer food 30096  
service program sponsor a reasonable fee for the use of school 30097  
facilities that may include the actual cost of custodial services, 30098  
charges for the use of school equipment, and a prorated share of 30099  
the utility costs as determined by the district board. A school 30100  
district shall require the summer food service program sponsor to 30101  
indemnify and hold harmless the district from any potential 30102  
liability resulting from the operation of the summer food service 30103  
program under this division. For this purpose, the district shall 30104  
either add the summer food service program sponsor, as an 30105  
additional insured party, to the district's existing liability 30106  
insurance policy or require the summer food service program 30107  
sponsor to submit evidence of a separate liability insurance 30108

policy, for an amount approved by the district board. The summer 30109  
food service program sponsor shall be responsible for any costs 30110  
incurred in obtaining coverage under either option. 30111

(d) If a school district cannot for good cause comply with 30112  
the requirements of division (C)(2) or (4)(b) or (c) of this 30113  
section at the time the state board determines that a district is 30114  
subject to these requirements, the state board shall grant a 30115  
reasonable extension of time. Good cause for an extension of time 30116  
shall include, but need not be limited to, economic impossibility 30117  
of compliance with the requirements at the time the state board 30118  
determines that a district is subject to them. 30119

(D)(1) The state board shall accept the application of any 30120  
outdoor education center in the state making application for 30121  
participation in a program pursuant to division (B) of this 30122  
section. 30123

(2) For purposes of participation in any program pursuant to 30124  
this section, the board shall certify any outdoor education center 30125  
making application as an educational unit that is part of the 30126  
educational system of the state, if the center: 30127

(a) Meets the definition of an outdoor education center; 30128

(b) Provides its outdoor education curriculum to pupils on an 30129  
overnight basis so that pupils are in residence at the center for 30130  
more than twenty-four consecutive hours; 30131

(c) Operates under public or nonprofit private ownership in a 30132  
single building or complex of buildings. 30133

(3) The board shall approve any outdoor education center 30134  
certified under this division for participation in the program for 30135  
which the center is making application on the same basis as any 30136  
other applicant for that program. 30137

(E) Any school district board of education or chartered 30138

nonpublic school that participates in a breakfast program pursuant 30139  
to this section may offer breakfast to pupils in their classrooms 30140  
during the school day. However, any school that is subject to 30141  
section 3313.818 of the Revised Code shall offer breakfast to 30142  
pupils in accordance with that section. 30143

(F) Notwithstanding anything in this section to the contrary, 30144  
in each fiscal year in which the general assembly appropriates 30145  
funds for purposes of this division, the board of education of 30146  
each school district and each chartered nonpublic school that 30147  
participates in a breakfast program pursuant to this section shall 30148  
provide a breakfast free of charge to each pupil who is eligible 30149  
under federal requirements for a reduced price breakfast. 30150

**Sec. 3313.818.** (A)(1) The department of education shall 30151  
establish a program under which public schools that meet the 30152  
conditions prescribed in this section shall offer breakfast to all 30153  
students either before or during the school day. Each of the 30154  
following shall apply: 30155

(a) In the first school year after the effective date of this 30156  
section, the program shall apply to any public school in which 30157  
seventy per cent or more of the students enrolled in the school 30158  
during the previous school year were eligible under federal 30159  
requirements for free or reduced-price breakfasts or lunches. 30160

(b) In the second school year after the effective date of 30161  
this section, the program shall apply to any public school in 30162  
which sixty per cent or more of the students enrolled in the 30163  
school during the previous school year were eligible under federal 30164  
requirements for free or reduced-price breakfasts or lunches. 30165

(c) In the third school year after the enactment date of this 30166  
section and every school year thereafter, the program shall apply 30167  
to any public school in which fifty per cent or more of the 30168  
students enrolled in the school during the previous school year 30169



were eligible under federal requirements for free or reduced-price 30170  
breakfasts or lunches. 30171

(2) The district superintendent or building principal, in 30172  
consultation with the building staff, shall determine the model 30173  
for serving breakfast under the program. Each breakfast served 30174  
under the program shall comply with federal meal patterns and 30175  
nutritional standards and with section 3313.814 of the Revised 30176  
Code. A school district board of education may make a charge in 30177  
accordance with federal requirements for each meal to cover all or 30178  
part of the costs incurred in operating the program. 30179

(B) The department shall publish a list of public schools 30180  
that meet the conditions of division (A) of this section. The 30181  
department shall offer technical assistance to school districts 30182  
and schools regarding the implementation of a school breakfast 30183  
program that complies with this section and the submission of 30184  
claims for reimbursement under the federal school breakfast 30185  
program. 30186

(C)(1) The department shall monitor each school participating 30187  
in the program and ensure that each participating school complies 30188  
with the requirements of this section. 30189

(2) If the board of education of a school district determines 30190  
that, for financial reasons, a school under the board's control 30191  
cannot comply with the requirements of this section or the board 30192  
already has a successful breakfast program or partnership in 30193  
place, the district board may choose not to comply with those 30194  
requirements. 30195

(D) Not later than the thirty-first day of December of each 30196  
school year, the department shall provide statistical reports on 30197  
its web site that specify the number and percentage of students 30198  
participating in school breakfast programs disaggregated by school 30199  
district and individual schools, including community schools, 30200

established under Chapter 3314. of the Revised Code, and STEM 30201  
schools, established under Chapter 3326. of the Revised Code. 30202

(E) Not later than the thirty-first day of December of each 30203  
school year, the department shall prepare a report on the 30204  
implementation and effectiveness of the program established under 30205  
this section and submit the report to the general assembly, in 30206  
accordance with section 101.68 of the Revised Code, and to the 30207  
governor. The report shall include: 30208

(1) The number of students and participation rates in the 30209  
free and reduced-price breakfast programs under this section for 30210  
each school building; 30211

(2) The type of breakfast model used by each school building 30212  
participating in the breakfast program; 30213

(3) The number of students and participation rates in free or 30214  
reduced-price lunch for each school building. 30215

**Sec. 3313.843.** (A) Notwithstanding division (D) of section 30216  
3311.52 of the Revised Code, this section does not apply to any 30217  
cooperative education school district. 30218

(B)(1) The board of education of each city, exempted village, 30219  
or local school district with an average daily student enrollment 30220  
of sixteen thousand or less, reported for the district on the most 30221  
recent report card issued under section 3302.03 of the Revised 30222  
Code, shall enter into an agreement with the governing board of an 30223  
educational service center, under which the educational service 30224  
center governing board will provide services to the district. 30225

(2) The board of education of a city, exempted village, or 30226  
local school district with an average daily student enrollment of 30227  
more than sixteen thousand may enter into an agreement with the 30228  
governing board of an educational service center, under which the 30229  
educational service center governing board will provide services 30230

to the district. 30231

(3) Services provided under an agreement entered into under 30232  
division (B)(1) or (2) of this section shall be specified in the 30233  
agreement, and may include any of the following: supervisory 30234  
teachers; in-service and continuing education programs for 30235  
district personnel; curriculum services; research and development 30236  
programs; academic instruction for which the governing board 30237  
employs teachers pursuant to section 3319.02 of the Revised Code; 30238  
assistance in the provision of special accommodations and classes 30239  
for students with disabilities; or any other services the district 30240  
board and service center governing board agree can be better 30241  
provided by the service center and are not provided under an 30242  
agreement entered into under section 3313.845 of the Revised Code. 30243  
Services included in the agreement shall be provided to the 30244  
district in the manner specified in the agreement. The district 30245  
board of education shall reimburse the educational service center 30246  
governing board pursuant to division (H) of this section. 30247

(C) Any agreement entered into pursuant to this section shall 30248  
be filed with the department of education by the first day of July 30249  
of the school year for which the agreement is in effect. 30250

(D)(1) An agreement for services from an educational service 30251  
center entered into under this section may be terminated by the 30252  
school district board of education, at its option, by notifying 30253  
the governing board of the service center by March 1, 2012, or by 30254  
the first day of January of any odd-numbered year thereafter, that 30255  
the district board intends to terminate the agreement in that 30256  
year, and that termination shall be effective on the thirtieth day 30257  
of June of that year. The failure of a district board to notify an 30258  
educational service center of its intent to terminate an agreement 30259  
by March 1, 2012, shall result in renewal of the existing 30260  
agreement for the following school year. Thereafter, the failure 30261  
of a district board to notify an educational service center of its 30262

intent to terminate an agreement by the first day of January of an 30263  
odd-numbered year shall result in renewal of the existing 30264  
agreement for the following two school years. 30265

(2) If the school district that terminates an agreement for 30266  
services under division (D)(1) of this section is also subject to 30267  
the requirement of division (B)(1) of this section, the district 30268  
board shall enter into a new agreement with any educational 30269  
service center so that the new agreement is effective on the first 30270  
day of July of that same year. 30271

(3) If all moneys owed by a school district to an educational 30272  
service center under an agreement for services terminated under 30273  
division (D)(1) of this section have been paid in full by the 30274  
effective date of the termination, the governing board of the 30275  
service center shall submit an affidavit to the department 30276  
certifying that fact not later than fifteen days after the 30277  
termination's effective date. Notwithstanding anything in the 30278  
Revised Code to the contrary, until the department receives such 30279  
an affidavit, it shall not make any payments to any other 30280  
educational service center with which the district enters into an 30281  
agreement under this section for services that the educational 30282  
service center provides to the district. 30283

(E) An educational service center may apply to any state or 30284  
federal agency for competitive grants. It may also apply to any 30285  
private entity for additional funds. 30286

(F) Not later than January 1, 2014, each educational service 30287  
center shall post on its web site a list of all of the services 30288  
that it provides and the corresponding cost for each of those 30289  
services. 30290

(G)(1) For purposes of calculating any state operating 30291  
subsidy to be paid to an educational service center for the 30292  
operation of that service center and any services required under 30293

Title XXXVIII of the Revised Code to be provided by the service center to a school district, the service center's student count shall be the sum of the total student counts of all the school districts with which the educational service center has entered into an agreement under this section.

(2) When a district enters into a new agreement with a new educational service center, the department of education shall ensure that the state operating subsidy for services provided to the district is paid to the new educational service center and that the educational service center with which the district previously had an agreement is no longer paid a state operating subsidy for providing services to that district.

(H) Pursuant to division (B) of section 3317.023 of the Revised Code, the department annually shall deduct from each school district that enters into an agreement with an educational service center under this section, and pay to the service center, an amount equal to six dollars and fifty cents times the school district's total student count. The district board of education, or the district superintendent acting on behalf of the district board, may agree to pay an amount in excess of six dollars and fifty cents per student in total student count. If a majority of the boards of education, or superintendents acting on behalf of the boards, of the districts that entered into an agreement under this section approve an amount in excess of six dollars and fifty cents per student in total student count, each district shall pay the excess amount to the service center.

(I)(1) An educational service center may enter into a contract to purchase supplies, materials, equipment, and services, which may include those specified in division (B) of this section or Chapter 3312. of the Revised Code, or the delivery of such services, on behalf of a school district or political subdivision that has entered into an agreement with the service center under

this section or section 3313.844, 3313.845, or 3313.846 of the 30326  
Revised Code. 30327

(2) Purchases made by a school district or political 30328  
subdivision that has entered into an agreement with the service 30329  
center as described in this division are exempt from competitive 30330  
bidding required by law for the purchase of supplies, materials, 30331  
equipment, or services. No political subdivision shall make any 30332  
purchase under this division when the political subdivision has 30333  
received bids for such purchase, unless the same terms, 30334  
conditions, and specifications at a lower price can be made for 30335  
such purchase under this division. 30336

(J) Any school district, community school, or STEM school 30337  
that has entered into an agreement with an educational service 30338  
center under this section or section 3313.844 or 3313.845 of the 30339  
Revised Code shall be in compliance with federal law and exempt 30340  
from competitive bidding requirements for personnel-based services 30341  
pursuant to the authority granted to the Ohio department of 30342  
education under federal law, provided the service center has met 30343  
the following conditions: 30344

(1) It is in compliance with division (F) of this section. 30345

(2) It has been designated "high performing" under rule of 30346  
the state board of education. 30347

(3) It has been found to be substantially in compliance with 30348  
audit rules and guidelines in its most recent audit by the auditor 30349  
of state. 30350

(K) For purposes of this section, a school district's "total 30351  
student count" means the average daily student enrollment reported 30352  
on the most recent report card issued for the district pursuant to 30353  
section 3302.03 of the Revised Code. 30354

**Sec. 3313.978.** (A) Annually by the first day of November, the 30355

superintendent of public instruction shall notify the pilot 30356  
project school district of the number of initial scholarships that 30357  
the state superintendent will be awarding in each of grades 30358  
kindergarten through twelve. 30359

The state superintendent shall provide information about the 30360  
scholarship program to all students residing in the district, 30361  
shall accept applications from any such students ~~until such date~~ 30362  
~~as shall be established by the state superintendent as a deadline~~ 30363  
~~for applications~~ during the application periods established under 30364  
division (H) of this section, and shall establish criteria for the 30365  
selection of students to receive scholarships from among all those 30366  
applying prior to the deadline, which criteria shall give 30367  
preference to students from low-income families. The state 30368  
superintendent shall notify students of their selection prior to 30369  
~~the fifteenth day of January~~ a date established by the state 30370  
superintendent. 30371

(1) A student receiving a pilot project scholarship may 30372  
utilize it at an alternative public school by notifying the 30373  
district superintendent, at any time before the beginning of the 30374  
school year, of the name of the public school in an adjacent 30375  
school district to which the student has been accepted pursuant to 30376  
section 3327.06 of the Revised Code. 30377

(2) A student may decide to utilize a pilot project 30378  
scholarship at a registered private school in the district if all 30379  
of the following conditions are met: 30380

(a) By the fifteenth day of February of the preceding school 30381  
year, or at any time prior to the start of the school year, the 30382  
parent makes an application on behalf of the student to a 30383  
registered private school. 30384

(b) The registered private school notifies the parent and the 30385  
state superintendent as follows that the student has been 30386

admitted: 30387

(i) By the fifteenth day of March of the preceding school 30388  
year if the student filed an application by the fifteenth day of 30389  
February and was admitted by the school pursuant to division (A) 30390  
of section 3313.977 of the Revised Code; 30391

(ii) Within one week of the decision to admit the student if 30392  
the student is admitted pursuant to division (C) of section 30393  
3313.977 of the Revised Code. 30394

(c) The student actually enrolls in the registered private 30395  
school to which the student was first admitted or in another 30396  
registered private school in the district or in a public school in 30397  
an adjacent school district. 30398

(B) The state superintendent shall also award in any school 30399  
year tutorial assistance grants to a number of students equal to 30400  
the number of students who receive scholarships under division (A) 30401  
of this section. Tutorial assistance grants shall be awarded 30402  
solely to students who are enrolled in the public schools of the 30403  
district in a grade level covered by the pilot project. Tutorial 30404  
assistance grants may be used solely to obtain tutorial assistance 30405  
from a provider approved pursuant to division (D) of section 30406  
3313.976 of the Revised Code. 30407

All students wishing to obtain tutorial assistance grants 30408  
shall make application to the state superintendent by the first 30409  
day of the school year in which the assistance will be used. The 30410  
state superintendent shall award assistance grants in accordance 30411  
with criteria the superintendent shall establish. 30412

(C)(1) In the case of basic scholarships for students in 30413  
grades kindergarten through eight, the scholarship amount shall 30414  
not exceed the lesser of the net tuition charges of the 30415  
alternative school the scholarship recipient attends or four 30416  
thousand six hundred fifty dollars. 30417



In the case of basic scholarships for students in grades nine 30418  
through twelve, the scholarship amount shall not exceed the lesser 30419  
of the net tuition charges of the alternative school the 30420  
scholarship recipient attends or six thousand dollars. 30421

The net tuition and fees charged to a student shall be the 30422  
tuition amount specified by the alternative school minus all other 30423  
financial aid, discounts, and adjustments received for the 30424  
student. In cases where discounts are offered for multiple 30425  
students from the same family, and not all students in the same 30426  
family are scholarship recipients, the net tuition amount 30427  
attributable to the scholarship recipient shall be the lowest net 30428  
tuition to which the family is entitled. 30429

(2) The state superintendent shall provide for an increase in 30430  
the basic scholarship amount in the case of any student who is a 30431  
mainstreamed student with a disability and shall further increase 30432  
such amount in the case of any separately educated student with a 30433  
disability. Such increases shall take into account the 30434  
instruction, related services, and transportation costs of 30435  
educating such students. 30436

(3) In the case of tutorial assistance grants, the grant 30437  
amount shall not exceed the lesser of the provider's actual 30438  
charges for such assistance or: 30439

(a) Before fiscal year 2007, a percentage established by the 30440  
state superintendent, not to exceed twenty per cent, of the amount 30441  
of the pilot project school district's average basic scholarship 30442  
amount; 30443

(b) In fiscal year 2007 and thereafter, four hundred dollars. 30444

(D)(1) Annually by the first day of November, the state 30445  
superintendent shall estimate the maximum per-pupil scholarship 30446  
amounts for the ensuing school year. The state superintendent 30447  
shall make this estimate available to the general public at the 30448

offices of the district board of education together with the forms 30449  
required by division (D)(2) of this section. 30450

(2) Annually by the fifteenth day of January, the chief 30451  
administrator of each registered private school located in the 30452  
pilot project district and the principal of each public school in 30453  
such district shall complete a parental information form and 30454  
forward it to the president of the board of education. The 30455  
parental information form shall be prescribed by the department of 30456  
education and shall provide information about the grade levels 30457  
offered, the numbers of students, tuition amounts, achievement 30458  
test results, and any sectarian or other organizational 30459  
affiliations. 30460

(E)(1) Only for the purpose of administering the pilot 30461  
project scholarship program, the department may request from any 30462  
of the following entities the data verification code assigned 30463  
under division (D)(2) of section 3301.0714 of the Revised Code to 30464  
any student who is seeking a scholarship under the program: 30465

(a) The school district in which the student is entitled to 30466  
attend school under section 3313.64 or 3313.65 of the Revised 30467  
Code; 30468

(b) If applicable, the community school in which the student 30469  
is enrolled; 30470

(c) The independent contractor engaged to create and maintain 30471  
data verification codes. 30472

(2) Upon a request by the department under division (E)(1) of 30473  
this section for the data verification code of a student seeking a 30474  
scholarship or a request by the student's parent for that code, 30475  
the school district or community school shall submit that code to 30476  
the department or parent in the manner specified by the 30477  
department. If the student has not been assigned a code, because 30478  
the student will be entering kindergarten during the school year 30479

for which the scholarship is sought, the district shall assign a 30480  
code to that student and submit the code to the department or 30481  
parent by a date specified by the department. If the district does 30482  
not assign a code to the student by the specified date, the 30483  
department shall assign a code to the student. 30484

The department annually shall submit to each school district 30485  
the name and data verification code of each student residing in 30486  
the district who is entering kindergarten, who has been awarded a 30487  
scholarship under the program, and for whom the department has 30488  
assigned a code under this division. 30489

(3) The department shall not release any data verification 30490  
code that it receives under division (E) of this section to any 30491  
person except as provided by law. 30492

(F) Any document relative to the pilot project scholarship 30493  
program that the department holds in its files that contains both 30494  
a student's name or other personally identifiable information and 30495  
the student's data verification code shall not be a public record 30496  
under section 149.43 of the Revised Code. 30497

(G)(1) The department annually shall compile the scores 30498  
attained by scholarship students enrolled in registered private 30499  
schools on the assessments administered to the students pursuant 30500  
to division (A)(11) of section 3313.976 of the Revised Code. The 30501  
scores shall be aggregated as follows: 30502

(a) By school district, which shall include all scholarship 30503  
students residing in the pilot project school district who are 30504  
enrolled in a registered private school and were required to take 30505  
an assessment pursuant to division (A)(11) of section 3313.976 of 30506  
the Revised Code; 30507

(b) By registered private school, which shall include all 30508  
scholarship students enrolled in that school who were required to 30509  
take an assessment pursuant to division (A)(11) of section 30510

3313.976 of the Revised Code.	30511
(2) The department shall disaggregate the student performance data described in division (G)(1) of this section according to the following categories:	30512
(a) Grade level;	30513
(b) Race and ethnicity;	30514
(c) Gender;	30515
(d) Students who have participated in the scholarship program for three or more years;	30516
(e) Students who have participated in the scholarship program for more than one year and less than three years;	30517
(f) Students who have participated in the scholarship program for one year or less;	30518
(g) Economically disadvantaged students.	30519
(3) The department shall post the student performance data required under divisions (G)(1) and (2) of this section on its web site and shall include that data in the information about the scholarship program provided to students under division (A) of this section. In reporting student performance data under this division, the department shall not include any data that is statistically unreliable or that could result in the identification of individual students. For this purpose, the department shall not report performance data for any group that contains less than ten students.	30520
(4) The department shall provide the parent of each scholarship student enrolled in a registered private school with information comparing the student's performance on the assessments administered pursuant to division (A)(11) of section 3313.976 of the Revised Code with the average performance of similar students enrolled in the building operated by the pilot project school	30521
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district that the scholarship student would otherwise attend. In 30541  
calculating the performance of similar students, the department 30542  
shall consider age, grade, race and ethnicity, gender, and 30543  
socioeconomic status. 30544

(H)(1) Except as provided in division (H)(2) of this section, 30545  
for scholarships awarded the 2020-2021 school year and for each 30546  
school year thereafter, the department shall conduct two 30547  
application periods each year for the pilot project scholarship 30548  
program, as follows: 30549

(a) The first application period shall open not sooner than 30550  
the first day of February prior to the first day of July of the 30551  
school year for which a scholarship is sought and run not less 30552  
than seventy-five days. 30553

(b) The second application period shall open not sooner than 30554  
the first day of July of the school year for which the scholarship 30555  
is sought and run not less than thirty days. 30556

(2) If the pilot scholarships awarded in the first 30557  
application period for any school year use the entirety of the 30558  
amount appropriated by the general assembly for such scholarships 30559  
for that school year, the department need not conduct a second 30560  
application period for scholarships. If, after the first 30561  
application period, there are funds remaining to award, the 30562  
department shall conduct a second application period in accordance 30563  
with division (H)(1)(b) of this section. 30564

(3) Not later than the thirty-first day of May of each school 30565  
year, the department shall determine whether funds remain 30566  
available for scholarships under the pilot project scholarship 30567  
program after the first application period. 30568

(4) For scholarships awarded for any school year prior to the 30569  
2020-2021 school year, the state superintendent shall establish a 30570  
deadline for a single application period. 30571

Sec. 3314.016. This section applies to any entity that 30572  
sponsors a community school, regardless of whether section 30573  
3314.021 or 3314.027 of the Revised Code exempts the entity from 30574  
the requirement to be approved for sponsorship under divisions 30575  
(A)(2) and (B)(1) of section 3314.015 of the Revised Code. The 30576  
office of Ohio school sponsorship established under section 30577  
3314.029 of the Revised Code shall be rated under division (B) of 30578  
this section, but divisions (A) and (C) of this section do not 30579  
apply to the office. 30580

(A) An entity that sponsors a community school shall be 30581  
permitted to enter into contracts under section 3314.03 of the 30582  
Revised Code to sponsor additional community schools only if the 30583  
entity meets all of the following criteria: 30584

(1) The entity is in compliance with all provisions of this 30585  
chapter requiring sponsors of community schools to report data or 30586  
information to the department of education. 30587

(2) The entity is not rated as "ineffective" under division 30588  
(B)(6) of this section. 30589

(3) Except as set forth in sections 3314.021 and 3314.027 of 30590  
the Revised Code, the entity has received approval from and 30591  
entered into an agreement with the department of education 30592  
pursuant to section 3314.015 of the Revised Code. 30593

(B)(1) The department shall develop and implement an 30594  
evaluation system that annually rates and assigns an overall 30595  
rating to each entity that sponsors a community school. The 30596  
department, not later than the first day of February of each year, 30597  
shall post on the department's web site the framework for the 30598  
evaluation system, including technical documentation that the 30599  
department intends to use to rate sponsors for the next school 30600  
year. The department shall solicit public comment on the 30601  
evaluation system for thirty consecutive days. Not later than the 30602

first day of April of each year, the department shall compile and 30603  
post on the department's web site all public comments that were 30604  
received during the public comment period. The evaluation system 30605  
shall be posted on the department's web site by the fifteenth day 30606  
of July of each school year. Any changes to the evaluation system 30607  
after that date shall take effect the following year. The 30608  
evaluation system shall be based on the following components: 30609

(a) Academic performance of students enrolled in community 30610  
schools sponsored by the same entity. The academic performance 30611  
component shall be derived from the performance measures 30612  
prescribed for the state report cards under section 3302.03 or 30613  
3314.017 of the Revised Code, and shall be based on the 30614  
performance of the schools for the school year for which the 30615  
evaluation is conducted. In addition to the academic performance 30616  
for a specific school year, the academic performance component 30617  
shall also include year-to-year changes in the overall sponsor 30618  
portfolio. For a community school for which no graded performance 30619  
measures are applicable or available, the department shall use 30620  
nonreport card performance measures specified in the contract 30621  
between the community school and the sponsor under division (A)(4) 30622  
of section 3314.03 of the Revised Code. 30623

(b) Adherence by a sponsor to the quality practices 30624  
prescribed by the department under division (B)(3) of this 30625  
section. For a sponsor that was rated "effective" or "exemplary" 30626  
on its most recent rating, the department may evaluate that 30627  
sponsor's adherence to quality practices once over a period of 30628  
three years. If the department elects to evaluate a sponsor once 30629  
over a period of three years, the most recent rating for a 30630  
sponsor's adherence to quality practices shall be used when 30631  
determining an annual overall rating conducted under this section. 30632

(c) Compliance with all applicable laws and administrative 30633  
rules by an entity that sponsors a community school. 30634

(2) In calculating an academic performance component, the department shall exclude all community schools that have been in operation for not more than two full school years and all community schools described in division (A)(4)(b) of section 3314.35 of the Revised Code. However, the academic performance of the community schools described in division (A)(4)(b) of section 3314.35 of the Revised Code shall be reported, but shall not be used as a factor when determining a sponsoring entity's rating under this section.

(3) The department, in consultation with entities that sponsor community schools, shall prescribe quality practices for community school sponsors and develop an instrument to measure adherence to those quality practices. The quality practices shall be based on standards developed by the national association of charter school authorizers or any other nationally organized community school organization.

(4)(a) The department may permit peer review of a sponsor's adherence to the quality practices prescribed under division (B)(3) of this section. Peer reviewers shall be limited to individuals employed by sponsors rated "effective" or "exemplary" on the most recent ratings conducted under this section.

(b) The department shall require individuals participating in peer review under division (B)(4)(a) of this section to complete training approved or established by the department.

(c) The department may enter into an agreement with another entity to provide training to individuals conducting peer review of sponsors. Prior to entering into an agreement with an entity, the department shall review and approve of the entity's training program.

(5) Not later than July 1, 2013, the state board of education shall adopt rules in accordance with Chapter 119. of the Revised



Code prescribing standards for measuring compliance with 30666  
applicable laws and rules under division (B)(1)(c) of this 30667  
section. 30668

(6) The department annually shall rate all entities that 30669  
sponsor community schools as either "exemplary," "effective," 30670  
"ineffective," or "poor," based on the components prescribed by 30671  
division (B) of this section, where each component is weighted 30672  
equally. A separate rating shall be given by the department for 30673  
each component of the evaluation system. 30674

The department shall publish the ratings between the first 30675  
day of October and the fifteenth day of November. 30676

Prior to the publication of the final ratings, the department 30677  
shall designate and provide notice of a period of at least ten 30678  
business days during which each sponsor may review the information 30679  
used by the department to determine the sponsor's rating on the 30680  
components prescribed by ~~divisions~~ division (B)(1)(~~b~~) and (~~e~~) of 30681  
this section. If the sponsor believes there is an error in the 30682  
department's evaluation, the sponsor may request adjustments to 30683  
the rating of ~~either~~ any of those components based on 30684  
documentation previously submitted as part of an evaluation. The 30685  
sponsor shall provide to the department any necessary evidence or 30686  
information to support the requested adjustments. The department 30687  
shall review the evidence and information, determine whether an 30688  
adjustment is valid, and promptly notify the sponsor of its 30689  
determination and reasons. If any adjustments to the data could 30690  
result in a change to the rating on the applicable component or to 30691  
the overall rating, the department shall recalculate the ratings 30692  
prior to publication. 30693

The department shall provide training on an annual basis 30694  
regarding the evaluation system prescribed under this section. The 30695  
training shall, at a minimum, describe methodology, timelines, and 30696  
data required for the evaluation system. The first training 30697

session shall occur not later than March 2, 2016. Beginning in 30698  
2018, the training shall be made available to each entity that 30699  
sponsors a community school by the fifteenth day of July of each 30700  
year and shall include guidance on any changes made to the 30701  
evaluation system. 30702

(7)(a) Entities with an overall rating of "exemplary" for at 30703  
least two consecutive years may take advantage of the following 30704  
incentives: 30705

(i) Renewal of the written agreement with the department, not 30706  
to exceed ten years, provided that the entity consents to 30707  
continued evaluation of adherence to quality practices as 30708  
described in division (B)(1)(b) of this section; 30709

(ii) The ability to extend the term of the contract between 30710  
the sponsoring entity and the community school beyond the term 30711  
described in the written agreement with the department; 30712

(iii) An exemption from the preliminary agreement and 30713  
contract adoption and execution deadline requirements prescribed 30714  
in division (D) of section 3314.02 of the Revised Code; 30715

(iv) An exemption from the automatic contract expiration 30716  
requirement, should a new community school fail to open by the 30717  
thirtieth day of September of the calendar year in which the 30718  
community school contract is executed; 30719

(v) No limit on the number of community schools the entity 30720  
may sponsor; 30721

(vi) No territorial restrictions on sponsorship. 30722

An entity may continue to sponsor any community schools with 30723  
which it entered into agreements under division (B)(7)(a)(v) or 30724  
(vi) of this section while rated "exemplary," notwithstanding the 30725  
fact that the entity later receives a lower overall rating. 30726

(b) Entities with an overall rating of "exemplary" or 30727

"effective" for at least three consecutive years shall be 30728  
evaluated by the department once every three years. 30729

(c)(i) Entities that receive an overall rating of 30730  
"ineffective" shall be prohibited from sponsoring any new or 30731  
additional community schools during the time in which the sponsor 30732  
is rated as "ineffective" and shall be subject to a quality 30733  
improvement plan based on correcting the deficiencies that led to 30734  
the "ineffective" rating, with timelines and benchmarks that have 30735  
been established by the department. 30736

(ii) Entities that receive an overall rating of "ineffective" 30737  
on their three most recent ratings shall have all sponsorship 30738  
authority revoked. Within thirty days after receiving its third 30739  
rating of "ineffective," the entity may appeal the revocation of 30740  
its sponsorship authority to the superintendent of public 30741  
instruction, who shall appoint an independent hearing officer to 30742  
conduct a hearing in accordance with Chapter 119. of the Revised 30743  
Code. The hearing shall be conducted within thirty days after 30744  
receipt of the notice of appeal. Within forty-five days after the 30745  
hearing is completed, the state board of education shall determine 30746  
whether the revocation is appropriate based on the hearing 30747  
conducted by the independent hearing officer, and if determined 30748  
appropriate, the revocation shall be confirmed. 30749

~~(e)~~(d) Entities that receive an overall rating of "poor" 30750  
shall have all sponsorship authority revoked. Within thirty days 30751  
after receiving a rating of "poor," the entity may appeal the 30752  
revocation of its sponsorship authority to the superintendent of 30753  
public instruction, who shall appoint an independent hearing 30754  
officer to conduct a hearing in accordance with Chapter 119. of 30755  
the Revised Code. The hearing shall be conducted within thirty 30756  
days after receipt of the notice of appeal. Within forty-five days 30757  
after the hearing is completed, the state board of education shall 30758  
determine whether the revocation is appropriate based on the 30759

hearing conducted by the independent hearing officer, and if 30760  
determined appropriate, the revocation shall be confirmed. 30761

(8) For the 2014-2015 school year and each school year 30762  
thereafter, student academic performance prescribed under division 30763  
(B)(1)(a) of this section shall include student academic 30764  
performance data from community schools that primarily serve 30765  
students enrolled in a dropout prevention and recovery program. 30766

(C) If the governing authority of a community school enters 30767  
into a contract with a sponsor prior to the date on which the 30768  
sponsor is prohibited from sponsoring additional schools under 30769  
division (A) of this section and the school has not opened for 30770  
operation as of that date, that contract shall be void and the 30771  
school shall not open until the governing authority secures a new 30772  
sponsor by entering into a contract with the new sponsor under 30773  
section 3314.03 of the Revised Code. However, the department's 30774  
office of Ohio school sponsorship, established under section 30775  
3314.029 of the Revised Code, may assume the sponsorship of the 30776  
school until the earlier of the expiration of two school years or 30777  
until a new sponsor is secured by the school's governing 30778  
authority. A community school sponsored by the department under 30779  
this division shall not be included when calculating the maximum 30780  
number of directly authorized community schools permitted under 30781  
division (A)(3) of section 3314.029 of the Revised Code. 30782

(D) When an entity's authority to sponsor schools is revoked 30783  
pursuant to division (B)(7)(b) or (c) of this section, the office 30784  
of Ohio school sponsorship shall assume sponsorship of any schools 30785  
with which the original sponsor has contracted for the remainder 30786  
of that school year. The office may continue sponsoring those 30787  
schools until the earlier of: 30788

(1) The expiration of two school years from the time that 30789  
sponsorship is revoked; 30790

(2) When a new sponsor is secured by the governing authority 30791  
pursuant to division (C)(1) of section 3314.02 of the Revised 30792  
Code. 30793

Any community school sponsored under this division shall not 30794  
be counted for purposes of directly authorized community schools 30795  
under division (A)(3) of section 3314.029 of the Revised Code. 30796

(E) The department shall recalculate the rating for the 30797  
2017-2018 school year for each sponsor of a community school that 30798  
receives recalculated ratings pursuant to division (I) of section 30799  
3314.017 of the Revised Code. 30800

**Sec. 3314.017.** (A) The state board of education shall 30801  
prescribe by rules, adopted in accordance with Chapter 119. of the 30802  
Revised Code, an academic performance rating and report card 30803  
system that satisfies the requirements of this section for 30804  
community schools that primarily serve students enrolled in 30805  
dropout prevention and recovery programs as described in division 30806  
(A)(4)(a) of section 3314.35 of the Revised Code, to be used in 30807  
lieu of the system prescribed under sections 3302.03 and 3314.012 30808  
of the Revised Code beginning with the 2012-2013 school year. Each 30809  
such school shall comply with the testing and reporting 30810  
requirements of the system as prescribed by the state board. 30811

(B) Nothing in this section shall at any time relieve a 30812  
school from its obligations under the "No Child Left Behind Act of 30813  
2001" to make "adequate yearly progress," as both that act and 30814  
that term are defined in section 3302.01 of the Revised Code, or a 30815  
school's amenability to the provisions of section 3302.04 or 30816  
3302.041 of the Revised Code. The department of education shall 30817  
continue to report each school's performance as required by the 30818  
act and to enforce applicable sanctions under section 3302.04 or 30819  
3302.041 of the Revised Code. 30820

(C) The rules adopted by the state board shall prescribe the 30821

following performance indicators for the rating and report card system required by this section:	30822
	30823
(1) Graduation rate for each of the following student cohorts:	30824
	30825
(a) The number of students who graduate in four years or less with a regular high school diploma divided by the number of students who form the adjusted cohort for the graduating class;	30826
	30827
	30828
(b) The number of students who graduate in five years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate;	30829
	30830
	30831
(c) The number of students who graduate in six years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate;	30832
	30833
	30834
(d) The number of students who graduate in seven years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate;	30835
	30836
	30837
(e) The number of students who graduate in eight years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate.	30838
	30839
	30840
(2) The percentage of twelfth-grade students currently enrolled in the school who have attained the designated passing score on all of the <del>applicable</del> state high school achievement assessments required under division (B)(1) <del>or (2)</del> of section 3301.0710 of the Revised Code <u>or the cumulative performance score on the end-of-course examinations prescribed under division (B)(2) of section 3301.0712 of the Revised Code, whichever applies,</u> and other students enrolled in the school, regardless of grade level, who are within three months of their twenty-second birthday and have attained the designated passing score on all of the <del>applicable</del> state high school achievement assessments <u>or the cumulative performance score on the end-of-course examinations,</u>	30841
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<u>whichever applies</u> , by their twenty-second birthday;	30853
(3) Annual measurable objectives as defined in section 3302.01 of the Revised Code;	30854 30855
(4) Growth in student achievement in reading, or mathematics, or both as measured by separate nationally norm-referenced assessments that have developed appropriate standards for students enrolled in dropout prevention and recovery programs, adopted or approved by the state board.	30856 30857 30858 30859 30860
(D)(1) The state board's rules shall prescribe the expected performance levels and benchmarks for each of the indicators prescribed by division (C) of this section based on the data gathered by the department under division <del>(F)</del> (G) of this section. Based on a school's level of attainment or nonattainment of the expected performance levels and benchmarks for each of the indicators, the department shall rate each school in one of the following categories:	30861 30862 30863 30864 30865 30866 30867 30868
(a) Exceeds standards;	30869
(b) Meets standards;	30870
(c) Does not meet standards.	30871
(2) The state board's rules shall establish all of the following:	30872 30873
(a) Not later than June 30, 2013, performance levels and benchmarks for the indicators described in divisions (C)(1) to (3) of this section;	30874 30875 30876
(b) Not later than December 31, 2014, both of the following:	30877
(i) Performance levels and benchmarks for the indicator described in division (C)(4) of this section;	30878 30879
(ii) Standards for awarding a community school described in division (A)(4)(a) of section 3314.35 of the Revised Code an overall designation, which shall be calculated as follows:	30880 30881 30882

(I) Thirty per cent of the score shall be based on the indicators described in division (C)(1) of this section that are applicable to the school year for which the overall designation is granted.

(II) Thirty per cent of the score shall be based on the indicators described in division (C)(4) of this section.

(III) Twenty per cent of the score shall be based on the indicators described in division (C)(2) of this section.

(IV) Twenty per cent of the score shall be based on the indicators described in division (C)(3) of this section.

(3) If both of the indicators described in divisions (C)(1) and (2) of this section improve by ten per cent for two consecutive years, a school shall be rated not less than "meets standards."

The rating and the relevant performance data for each school shall be posted on the department's web site, and a copy of the rating and data shall be provided to the governing authority of the community school.

(E)(1) For the 2012-2013 school year, the department shall issue a report card including the following performance measures, but without a performance rating as described in divisions (D)(1)(a) to (c) of this section, for each community school described in division (A)(4)(a) of section 3314.35 of the Revised Code:

(a) The graduation rates as described in divisions (C)(1)(a) to (c) of this section;

(b) The percentage of twelfth-grade students and other students who have attained a designated passing score on high school achievement assessments as described in division (C)(2) of this section;



(c) The statewide average for the graduation rates and assessment passage rates described in divisions (C)(1)(a) to (c) and (C)(2) of this section;	30913 30914 30915
(d) Annual measurable objectives described in division (C)(3) of this section.	30916 30917
(2) For the 2013-2014 school year, the department shall issue a report card including the following performance measures for each community school described in division (A)(4)(a) of section 3314.35 of the Revised Code:	30918 30919 30920 30921
(a) The graduation rates described in divisions (C)(1)(a) to (d) of this section, including a performance rating as described in divisions (D)(1)(a) to (c) of this section;	30922 30923 30924
(b) The percentage of twelfth-grade students and other students who have attained a designated passing score on high school achievement assessments as described in division (C)(2) of this section, including a performance rating as described in divisions (D)(1)(a) to (c) of this section;	30925 30926 30927 30928 30929
(c) Annual measurable objectives described in division (C)(3) of this section, including a performance rating as described in divisions (D)(1)(a) to (c) of this section;	30930 30931 30932
(d) Both of the following without an assigned rating:	30933
(i) Growth in annual student achievement in reading and mathematics described in division (C)(4) of this section, if available;	30934 30935 30936
(ii) Student outcome data, including postsecondary credit earned, nationally recognized career or technical certification, military enlistment, job placement, and attendance rate.	30937 30938 30939
(3) Beginning with the 2014-2015 school year, and annually thereafter, the department shall issue a report card for each community school described in division (A)(4)(a) of section	30940 30941 30942

3314.35 of the Revised Code that includes all of the following 30943  
performance measures, including a performance rating for each 30944  
measure as described in divisions (D)(1)(a) to (c) of this 30945  
section: 30946

(a) The graduation rates as described in division (C)(1) of 30947  
this section; 30948

(b) The percentage of twelfth-grade students and other 30949  
students who have attained a designated passing score on high 30950  
school achievement assessments as described in division (C)(2) of 30951  
this section; 30952

(c) Annual measurable objectives described in division (C)(3) 30953  
of this section, including a performance rating as described in 30954  
divisions (D)(1)(a) to (c) of this section; 30955

(d) Growth in annual student achievement in reading and 30956  
mathematics as described in division (C)(4) of this section; 30957

(e) An overall performance designation for the school 30958  
calculated under rules adopted under division (D)(2) of this 30959  
section. 30960

The department shall also include student outcome data, 30961  
including postsecondary credit earned, nationally recognized 30962  
career or technical certification, military enlistment, job 30963  
placement, attendance rate, and progress on closing achievement 30964  
gaps for each school. This information shall not be included in 30965  
the calculation of a school's performance rating. 30966

(F) Not later than the thirty-first day of July of each year, 30967  
the department shall submit preliminary report card data for 30968  
overall academic performance for each performance measure 30969  
prescribed in division (E)(3) of this section for each community 30970  
school to which this section applies. 30971

(G) In developing the rating and report card system required 30972

by this section, during the 2012-2013 and 2013-2014 school years, 30973  
the department shall gather and analyze data as determined 30974  
necessary from each community school described in division 30975  
(A)(4)(a) of section 3314.35 of the Revised Code. Each such school 30976  
shall cooperate with the department by supplying requested data 30977  
and administering required assessments, including sample 30978  
assessments for purposes of measuring student achievement growth 30979  
as described in division (C)(4) of this section. The department 30980  
shall consult with stakeholder groups in performing its duties 30981  
under this division. 30982

The department shall also identify one or more states that 30983  
have established or are in the process of establishing similar 30984  
academic performance rating systems for dropout prevention and 30985  
recovery programs and consult with the departments of education of 30986  
those states in developing the system required by this section. 30987

~~(G)~~(H) Not later than December 31, 2014, the state board 30988  
shall review the performance levels and benchmarks for performance 30989  
indicators in the report card issued under this section and may 30990  
revise them based on the data collected under division ~~(F)~~(G) of 30991  
this section. 30992

(I) For the purposes of division (F) of section 3314.351 of 30993  
the Revised Code, the department shall recalculate the ratings for 30994  
each school under division (E)(3) of this section for the 30995  
2017-2018 school year and calculate the ratings under that 30996  
division for the 2018-2019 school year using the indicators 30997  
prescribed by division (C) of this section, as it exists on and 30998  
after the effective date of this amendment. 30999

(J) The state board shall coordinate a study committee 31000  
consisting of one member of the Ohio senate appointed by the 31001  
president of the senate, one member of the Ohio house of 31002  
representatives appointed by the speaker of the house of 31003  
representatives, one representative of the governor's office, one 31004

school district superintendent appointed by the state board, and 31005  
one chief administrator of a community school appointed by the 31006  
state board. This committee shall conduct a study regarding the 31007  
classification, authorization, and report card ratings of 31008  
community schools that primarily serve students enrolled in 31009  
dropout prevention and recovery programs as described in division 31010  
(A)(4)(a) of section 3314.35 of the Revised Code that offer two or 31011  
more of the following educational models: 31012

(1) Blended learning, as that term is defined in section 31013  
3301.079 of the Revised Code; 31014

(2) Portfolio learning, as defined by the members of the 31015  
committee; 31016

(3) Credit flexibility, which permits credits to be awarded 31017  
based on a student's demonstration of subject area competency. 31018

The state board, on behalf of the committee, shall submit the 31019  
committee's recommendations to the general assembly in accordance 31020  
with section 101.68 of the Revised Code not later than six months 31021  
after the effective date of this amendment. 31022

**Sec. 3314.02.** (A) As used in this chapter: 31023

(1) "Sponsor" means the board of education of a school 31024  
district or the governing board of an educational service center 31025  
that agrees to the conversion of all or part of a school or 31026  
building under division (B) of this section, or an entity listed 31027  
in division (C)(1) of this section, which has been approved by the 31028  
department of education to sponsor community schools or is 31029  
exempted by section 3314.021 or 3314.027 of the Revised Code from 31030  
obtaining approval, and with which the governing authority of a 31031  
community school enters into a contract under section 3314.03 of 31032  
the Revised Code. 31033

(2) "Pilot project area" means the school districts included 31034

in the territory of the former community school pilot project	31035
established by former Section 50.52 of Am. Sub. H.B. No. 215 of	31036
the 122nd general assembly.	31037
(3) "Challenged school district" means any of the following:	31038
(a) A school district that is part of the pilot project area;	31039
(b) A school district that meets one of the following	31040
conditions:	31041
(i) On March 22, 2013, the district was in a state of	31042
academic emergency or in a state of academic watch under section	31043
3302.03 of the Revised Code, as that section existed prior to	31044
March 22, 2013;	31045
(ii) For two of the 2012-2013, 2013-2014, 2014-2015, and	31046
2015-2016 school years, the district received a grade of "D" or	31047
"F" for the performance index score and a grade of "F" for the	31048
value-added progress dimension under section 3302.03 of the	31049
Revised Code;	31050
(iii) For the 2016-2017 school year and for any school year	31051
thereafter, the district has received an overall grade of "D" or	31052
"F" under division (C)(3) of section 3302.03 of the Revised Code,	31053
or, for at least two of the three most recent school years, the	31054
district received a grade of "F" for the value-added progress	31055
dimension under division (C)(1)(e) of that section.	31056
(c) A big eight school district;	31057
(d) A school district ranked in the lowest five per cent of	31058
school districts according to performance index score under	31059
section 3302.21 of the Revised Code.	31060
(4) "Big eight school district" means a school district that	31061
for fiscal year 1997 had both of the following:	31062
(a) A percentage of children residing in the district and	31063
participating in the predecessor of Ohio works first greater than	31064

thirty per cent, as reported pursuant to section 3317.10 of the Revised Code;

(b) An average daily membership greater than twelve thousand, as reported pursuant to former division (A) of section 3317.03 of the Revised Code.

(5) "New start-up school" means a community school other than one created by converting all or part of an existing public school or educational service center building, as designated in the school's contract pursuant to division (A)(17) of section 3314.03 of the Revised Code.

(6) "Urban school district" means one of the state's twenty-one urban school districts as defined in division (O) of section 3317.02 of the Revised Code as that section existed prior to July 1, 1998.

(7) "Internet- or computer-based community school" means a community school established under this chapter in which the enrolled students work primarily from their residences on assignments in nonclassroom-based learning opportunities provided via an internet- or other computer-based instructional method that does not rely on regular classroom instruction or via comprehensive instructional methods that include internet-based, other computer-based, and noncomputer-based learning opportunities unless a student receives career-technical education under section 3314.086 of the Revised Code.

A community school that operates mainly as an internet- or computer-based community school and provides career-technical education under section 3314.086 of the Revised Code shall be considered an internet- or computer-based community school, even if it provides some classroom-based instruction, so long as it provides instruction via the methods described in this division.

(8) "Operator" or "management company" means either of the

following:	31096
(a) An individual or organization that manages the daily operations of a community school pursuant to a contract between the operator or management company and the school's governing authority;	31097 31098 31099 31100
(b) A nonprofit organization that provides programmatic oversight and support to a community school under a contract with the school's governing authority and that retains the right to terminate its affiliation with the school if the school fails to meet the organization's quality standards.	31101 31102 31103 31104 31105
(9) "Alliance municipal school district" has the same meaning as in section 3311.86 of the Revised Code.	31106 31107
(B)(1) Any person or group of individuals may initially propose under this division the conversion of all or a portion of a public school to a community school. The proposal shall be made to the board of education of the city, local, exempted village, or joint vocational school district in which the public school is proposed to be converted.	31108 31109 31110 31111 31112 31113
(2) Any person or group of individuals may initially propose under this division the conversion of all or a portion of a building operated by an educational service center to a community school. The proposal shall be made to the governing board of the service center.	31114 31115 31116 31117 31118
On or after July 1, 2017, except as provided in section 3314.027 of the Revised Code, any educational service center that sponsors a community school shall be approved by and enter into a written agreement with the department as described in section 3314.015 of the Revised Code.	31119 31120 31121 31122 31123
(3) Upon receipt of a proposal, and after an agreement has been entered into pursuant to section 3314.015 of the Revised Code, a board may enter into a preliminary agreement with the	31124 31125 31126

person or group proposing the conversion of the public school or 31127  
service center building, indicating the intention of the board to 31128  
support the conversion to a community school. A proposing person 31129  
or group that has a preliminary agreement under this division may 31130  
proceed to finalize plans for the school, establish a governing 31131  
authority for the school, and negotiate a contract with the board. 31132  
Provided the proposing person or group adheres to the preliminary 31133  
agreement and all provisions of this chapter, the board shall 31134  
negotiate in good faith to enter into a contract in accordance 31135  
with section 3314.03 of the Revised Code and division (C) of this 31136  
section. 31137

(4) The sponsor of a conversion community school proposed to 31138  
open in an alliance municipal school district shall be subject to 31139  
approval by the department of education for sponsorship of that 31140  
school using the criteria established under division (A) of 31141  
section 3311.87 of the Revised Code. 31142

Division (B)(4) of this section does not apply to a sponsor 31143  
that, on or before September 29, 2015, was exempted under section 31144  
3314.021 or 3314.027 of the Revised Code from the requirement to 31145  
be approved for sponsorship under divisions (A)(2) and (B)(1) of 31146  
section 3314.015 of the Revised Code. 31147

(5) A school established in accordance with division (B) of 31148  
this section that later enters into a sponsorship contract with an 31149  
entity that is not a school district or educational service center 31150  
shall, at the time of entering into the new contract, be deemed a 31151  
community school established in accordance with division (C) of 31152  
this section. 31153

(C)(1) Any person or group of individuals may propose under 31154  
this division the establishment of a new start-up school to be 31155  
located in a challenged school district. The proposal may be made 31156  
to any of the following entities: 31157



(a) The board of education of the district in which the school is proposed to be located;	31158 31159
(b) The board of education of any joint vocational school district with territory in the county in which is located the majority of the territory of the district in which the school is proposed to be located;	31160 31161 31162 31163
(c) The board of education of any other city, local, or exempted village school district having territory in the same county where the district in which the school is proposed to be located has the major portion of its territory;	31164 31165 31166 31167
(d) The governing board of any educational service center, regardless of the location of the proposed school, may sponsor a new start-up school in any challenged school district in the state if all of the following are satisfied:	31168 31169 31170 31171
(i) If applicable, it satisfies the requirements of division (E) of section 3311.86 of the Revised Code;	31172 31173
(ii) It is approved to do so by the department;	31174
(iii) It enters into an agreement with the department under section 3314.015 of the Revised Code.	31175 31176
(e) A sponsoring authority designated by the board of trustees of any of the thirteen state universities listed in section 3345.011 of the Revised Code or the board of trustees itself as long as a mission of the proposed school to be specified in the contract under division (A)(2) of section 3314.03 of the Revised Code and as approved by the department under division (B)(3) of section 3314.015 of the Revised Code will be the practical demonstration of teaching methods, educational technology, or other teaching practices that are included in the curriculum of the university's teacher preparation program approved by the state board of education;	31177 31178 31179 31180 31181 31182 31183 31184 31185 31186 31187

(f) Any qualified tax-exempt entity under section 501(c)(3)	31188
of the Internal Revenue Code as long as all of the following	31189
conditions are satisfied:	31190
(i) The entity has been in operation for at least five years	31191
prior to applying to be a community school sponsor.	31192
(ii) The entity has assets of at least five hundred thousand	31193
dollars and a demonstrated record of financial responsibility.	31194
(iii) The department has determined that the entity is an	31195
education-oriented entity under division (B)(4) of section	31196
3314.015 of the Revised Code and the entity has a demonstrated	31197
record of successful implementation of educational programs.	31198
(iv) The entity is not a community school.	31199
(g) The mayor of a city in which the majority of the	31200
territory of a school district to which section 3311.60 of the	31201
Revised Code applies is located, regardless of whether that	31202
district has created the position of independent auditor as	31203
prescribed by that section. The mayor's sponsorship authority	31204
under this division is limited to community schools that are	31205
located in that school district. Such mayor may sponsor community	31206
schools only with the approval of the city council of that city,	31207
after establishing standards with which community schools	31208
sponsored by the mayor must comply, and after entering into a	31209
sponsor agreement with the department as prescribed under section	31210
3314.015 of the Revised Code. The mayor shall establish the	31211
standards for community schools sponsored by the mayor not later	31212
than one hundred eighty days after July 15, 2013, and shall submit	31213
them to the department upon their establishment. The department	31214
shall approve the mayor to sponsor community schools in the	31215
district, upon receipt of an application by the mayor to do so.	31216
Not later than ninety days after the department's approval of the	31217
mayor as a community school sponsor, the department shall enter	31218

into the sponsor agreement with the mayor. 31219

Any entity described in division (C)(1) of this section may 31220  
enter into a preliminary agreement pursuant to division (C)(2) of 31221  
this section with the proposing person or group, provided that 31222  
entity has been approved by and entered into a written agreement 31223  
with the department pursuant to section 3314.015 of the Revised 31224  
Code. 31225

(2) A preliminary agreement indicates the intention of an 31226  
entity described in division (C)(1) of this section to sponsor the 31227  
community school. A proposing person or group that has such a 31228  
preliminary agreement may proceed to finalize plans for the 31229  
school, establish a governing authority as described in division 31230  
(E) of this section for the school, and negotiate a contract with 31231  
the entity. Provided the proposing person or group adheres to the 31232  
preliminary agreement and all provisions of this chapter, the 31233  
entity shall negotiate in good faith to enter into a contract in 31234  
accordance with section 3314.03 of the Revised Code. 31235

(3) A new start-up school that is established in a school 31236  
district described in either division (A)(3)(b) or (d) of this 31237  
section may continue in existence once the school district no 31238  
longer meets the conditions described in either division, provided 31239  
there is a valid contract between the school and a sponsor. 31240

(4) A copy of every preliminary agreement entered into under 31241  
this division shall be filed with the superintendent of public 31242  
instruction. 31243

(D) A majority vote of the board of a sponsoring entity and a 31244  
majority vote of the members of the governing authority of a 31245  
community school shall be required to adopt a contract and convert 31246  
the public school or educational service center building to a 31247  
community school or establish the new start-up school. Beginning 31248  
September 29, 2005, adoption of the contract shall occur not later 31249

than the fifteenth day of March, and signing of the contract shall 31250  
occur not later than the fifteenth day of May, prior to the school 31251  
year in which the school will open. The governing authority shall 31252  
notify the department of education when the contract has been 31253  
signed. Subject to sections 3314.013 and 3314.016 of the Revised 31254  
Code, an unlimited number of community schools may be established 31255  
in any school district provided that a contract is entered into 31256  
for each community school pursuant to this chapter. 31257

(E)(1) As used in this division, "immediate relatives" are 31258  
limited to spouses, children, parents, grandparents, and siblings, 31259  
as well as in-laws residing in the same household as the person 31260  
serving on the governing authority. 31261

Each new start-up community school established under this 31262  
chapter shall be under the direction of a governing authority 31263  
which shall consist of a board of not less than five individuals. 31264

(2)(a) No person shall serve on the governing authority or 31265  
operate the community school under contract with the governing 31266  
authority under any of the following circumstances: 31267

(i) The person owes the state any money or is in a dispute 31268  
over whether the person owes the state any money concerning the 31269  
operation of a community school that has closed. 31270

(ii) The person would otherwise be subject to division (B) of 31271  
section 3319.31 of the Revised Code with respect to refusal, 31272  
limitation, or revocation of a license to teach, if the person 31273  
were a licensed educator. 31274

(iii) The person has pleaded guilty to or been convicted of 31275  
theft in office under section 2921.41 of the Revised Code, or has 31276  
pleaded guilty to or been convicted of a substantially similar 31277  
offense in another state. 31278

(b) No person shall serve on the governing authority or 31279  
engage in the financial day-to-day management of the community 31280

school under contract with the governing authority unless and 31281  
until that person has submitted to a criminal records check in the 31282  
manner prescribed by section 3319.39 of the Revised Code. 31283

(c) Each sponsor of a community school shall annually verify 31284  
that a finding for recovery has not been issued by the auditor of 31285  
state against any individual or individuals who propose to create 31286  
a community school or any member of the governing authority, the 31287  
operator, or any employee of each community school with 31288  
responsibility for fiscal operations or authorization to expend 31289  
money on behalf of the school. 31290

(3) No person shall serve on the governing authorities of 31291  
more than five start-up community schools at the same time. 31292

(4)(a) For a community school established under this chapter 31293  
that is not sponsored by a school district or an educational 31294  
service center, no present or former member, or immediate relative 31295  
of a present or former member, of the governing authority shall be 31296  
an owner, employee, or consultant of the community school's 31297  
sponsor or operator, unless at least one year has elapsed since 31298  
the conclusion of the person's membership on the governing 31299  
authority. 31300

(b) For a community school established under this chapter 31301  
that is sponsored by a school district or an educational service 31302  
center, no present or former member, or immediate relative of a 31303  
present or former member, of the governing authority shall: 31304

(i) Be an officer of the district board or service center 31305  
governing board that serves as the community school's sponsor, 31306  
unless at least one year has elapsed since the conclusion of the 31307  
person's membership on the governing authority; 31308

(ii) Serve as an employee of, or a consultant for, the 31309  
department, division, or section of the sponsoring district or 31310  
service center that is directly responsible for sponsoring 31311

community schools, or have supervisory authority over such a 31312  
department, division, or section, unless at least one year has 31313  
elapsed since the conclusion of the person's membership on the 31314  
governing authority. 31315

(5) The governing authority of a start-up or conversion 31316  
community school may provide by resolution for the compensation of 31317  
its members. However, no individual who serves on the governing 31318  
authority of a start-up or conversion community school shall be 31319  
compensated more than one hundred twenty-five dollars per meeting 31320  
of that governing authority and no such individual shall be 31321  
compensated more than a total amount of five thousand dollars per 31322  
year for all governing authorities upon which the individual 31323  
serves. Each member of the governing authority may be paid 31324  
compensation for attendance at an approved training program, 31325  
provided that such compensation shall not exceed sixty dollars a 31326  
day for attendance at a training program three hours or less in 31327  
length and one hundred twenty-five dollars a day for attendance at 31328  
a training program longer than three hours in length. 31329

(6) No person who is the employee of a school district or 31330  
educational service center shall serve on the governing authority 31331  
of any community school sponsored by that school district or 31332  
service center. 31333

(7) Each member of the governing authority of a community 31334  
school shall annually file a disclosure statement setting forth 31335  
the names of any immediate relatives or business associates 31336  
employed by any of the following within the previous three years: 31337

(a) The sponsor or operator of that community school; 31338

(b) A school district or educational service center that has 31339  
contracted with that community school; 31340

(c) A vendor that is or has engaged in business with that 31341  
community school. 31342

(8) No person who is a member of a school district board of education shall serve on the governing authority of any community school. 31343  
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(F)(1) A new start-up school that is established prior to August 15, 2003, in an urban school district that is not also a big-eight school district may continue to operate after that date and the contract between the school's governing authority and the school's sponsor may be renewed, as provided under this chapter, after that date, but no additional new start-up schools may be established in such a district unless the district is a challenged school district as defined in this section as it exists on and after that date. 31346  
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(2) A community school that was established prior to June 29, 1999, and is located in a county contiguous to the pilot project area and in a school district that is not a challenged school district may continue to operate after that date, provided the school complies with all provisions of this chapter. The contract between the school's governing authority and the school's sponsor may be renewed, but no additional start-up community school may be established in that district unless the district is a challenged school district. 31355  
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(3) Any educational service center that, on June 30, 2007, sponsors a community school that is not located in a county within the territory of the service center or in a county contiguous to such county may continue to sponsor that community school on and after June 30, 2007, and may renew its contract with the school. However, the educational service center shall not enter into a contract with any additional community school, unless the governing board of the service center has entered into an agreement with the department authorizing the service center to sponsor a community school in any challenged school district in the state. 31364  
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<u>Sec. 3314.0211. (A) No community school to which either of</u>	31375
<u>the following applies shall be eligible to merge with one or more</u>	31376
<u>other community schools under this section:</u>	31377
<u>(1) The school has met the performance criteria for required</u>	31378
<u>closure specified in division (A) of section 3314.35 or division</u>	31379
<u>(A) of section 3314.351 of the Revised Code for at least one of</u>	31380
<u>the two most recent school years.</u>	31381
<u>(2) The school has been notified of the sponsor's intent to</u>	31382
<u>terminate or not renew the school's contract pursuant to section</u>	31383
<u>3314.07 of the Revised Code.</u>	31384
<u>(B) Two or more community schools may merge upon the adoption</u>	31385
<u>of a resolution by the governing authority of each school involved</u>	31386
<u>in the merger. Any merger shall take effect on the first day of</u>	31387
<u>July of the year specified in the resolution.</u>	31388
<u>(C) Not less than sixty days prior to the effective date of a</u>	31389
<u>merger under division (B) of this section, each community school</u>	31390
<u>involved in the merger shall do both of the following:</u>	31391
<u>(1) Provide a copy of the resolution to the school's sponsor;</u>	31392
<u>(2) Notify the department of education of all of the</u>	31393
<u>following:</u>	31394
<u>(a) The impending merger;</u>	31395
<u>(b) The effective date of the merger;</u>	31396
<u>(c) The school that will be designated as the surviving</u>	31397
<u>school in accordance with section 1702.41 of the Revised Code;</u>	31398
<u>(d) The entity that will sponsor the surviving school.</u>	31399
<u>(D) Notwithstanding anything to the contrary in the Revised</u>	31400
<u>Code, the governing authority of the surviving community school</u>	31401
<u>shall enter into a new contract with the school's sponsor under</u>	31402
<u>section 3314.03 of the Revised Code.</u>	31403



<u>(E) No sponsor shall do either of the following:</u>	31404
<u>(1) Assign the sponsor's existing contract with a merging community school to the sponsor of the surviving community school;</u>	31405
<u>(2) Assume an existing contract from the sponsor of a community school involved in a merger under division (B) of this section.</u>	31406
<u>(2) Assume an existing contract from the sponsor of a community school involved in a merger under division (B) of this section.</u>	31407
<u>(2) Assume an existing contract from the sponsor of a community school involved in a merger under division (B) of this section.</u>	31408
<u>(2) Assume an existing contract from the sponsor of a community school involved in a merger under division (B) of this section.</u>	31409
<u>Division (E) of this section shall not apply to the office of Ohio school sponsorship established under section 3314.029 of the Revised Code.</u>	31410
<u>Division (E) of this section shall not apply to the office of Ohio school sponsorship established under section 3314.029 of the Revised Code.</u>	31411
<u>Division (E) of this section shall not apply to the office of Ohio school sponsorship established under section 3314.029 of the Revised Code.</u>	31412
<u>(F)(1) The department shall issue a report card under section 3302.03 or 3314.017 of the Revised Code for the surviving community school.</u>	31413
<u>(F)(1) The department shall issue a report card under section 3302.03 or 3314.017 of the Revised Code for the surviving community school.</u>	31414
<u>(F)(1) The department shall issue a report card under section 3302.03 or 3314.017 of the Revised Code for the surviving community school.</u>	31415
<u>(2) Notwithstanding anything to the contrary in division (B) of section 3314.012 of the Revised Code, all report card ratings associated with the surviving school, whether issued before or after the merger, shall be used for purposes of section 3314.35 or 3314.351 of the Revised Code and any other matter that is based on report card ratings or measures.</u>	31416
<u>(2) Notwithstanding anything to the contrary in division (B) of section 3314.012 of the Revised Code, all report card ratings associated with the surviving school, whether issued before or after the merger, shall be used for purposes of section 3314.35 or 3314.351 of the Revised Code and any other matter that is based on report card ratings or measures.</u>	31417
<u>(2) Notwithstanding anything to the contrary in division (B) of section 3314.012 of the Revised Code, all report card ratings associated with the surviving school, whether issued before or after the merger, shall be used for purposes of section 3314.35 or 3314.351 of the Revised Code and any other matter that is based on report card ratings or measures.</u>	31418
<u>(2) Notwithstanding anything to the contrary in division (B) of section 3314.012 of the Revised Code, all report card ratings associated with the surviving school, whether issued before or after the merger, shall be used for purposes of section 3314.35 or 3314.351 of the Revised Code and any other matter that is based on report card ratings or measures.</u>	31419
<u>(2) Notwithstanding anything to the contrary in division (B) of section 3314.012 of the Revised Code, all report card ratings associated with the surviving school, whether issued before or after the merger, shall be used for purposes of section 3314.35 or 3314.351 of the Revised Code and any other matter that is based on report card ratings or measures.</u>	31420
<u>(2) Notwithstanding anything to the contrary in division (B) of section 3314.012 of the Revised Code, all report card ratings associated with the surviving school, whether issued before or after the merger, shall be used for purposes of section 3314.35 or 3314.351 of the Revised Code and any other matter that is based on report card ratings or measures.</u>	31421
<u>(G) Nothing in this section shall exempt a community school from closure under section 3314.35 or 3314.351 of the Revised Code.</u>	31422
<u>(G) Nothing in this section shall exempt a community school from closure under section 3314.35 or 3314.351 of the Revised Code.</u>	31423
<u>(G) Nothing in this section shall exempt a community school from closure under section 3314.35 or 3314.351 of the Revised Code.</u>	31424
<b>Sec. 3314.03.</b> A copy of every contract entered into under this section shall be filed with the superintendent of public instruction. The department of education shall make available on its web site a copy of every approved, executed contract filed with the superintendent under this section.	31425
<b>Sec. 3314.03.</b> A copy of every contract entered into under this section shall be filed with the superintendent of public instruction. The department of education shall make available on its web site a copy of every approved, executed contract filed with the superintendent under this section.	31426
<b>Sec. 3314.03.</b> A copy of every contract entered into under this section shall be filed with the superintendent of public instruction. The department of education shall make available on its web site a copy of every approved, executed contract filed with the superintendent under this section.	31427
<b>Sec. 3314.03.</b> A copy of every contract entered into under this section shall be filed with the superintendent of public instruction. The department of education shall make available on its web site a copy of every approved, executed contract filed with the superintendent under this section.	31428
<b>Sec. 3314.03.</b> A copy of every contract entered into under this section shall be filed with the superintendent of public instruction. The department of education shall make available on its web site a copy of every approved, executed contract filed with the superintendent under this section.	31429
(A) Each contract entered into between a sponsor and the governing authority of a community school shall specify the following:	31430
(A) Each contract entered into between a sponsor and the governing authority of a community school shall specify the following:	31431
(A) Each contract entered into between a sponsor and the governing authority of a community school shall specify the following:	31432
(1) That the school shall be established as either of the	31433

following:	31434
(a) A nonprofit corporation established under Chapter 1702. of the Revised Code, if established prior to April 8, 2003;	31435 31436
(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003.	31437 31438
(2) The education program of the school, including the school's mission, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum;	31439 31440 31441 31442
(3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments;	31443 31444 31445
(4) Performance standards, including but not limited to all applicable report card measures set forth in section 3302.03 or 3314.017 of the Revised Code, by which the success of the school will be evaluated by the sponsor;	31446 31447 31448 31449
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	31450 31451
(6)(a) Dismissal procedures;	31452
(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in seventy-two consecutive hours of the learning opportunities offered to the student.	31453 31454 31455 31456 31457
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	31458 31459
(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state.	31460 31461 31462 31463

Audits shall be conducted in accordance with section 117.10 of the Revised Code. 31464  
31465

(9) An addendum to the contract outlining the facilities to be used that contains at least the following information: 31466  
31467

(a) A detailed description of each facility used for instructional purposes; 31468  
31469

(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school; 31470  
31471

(c) The annual mortgage principal and interest payments that are paid by the school; 31472  
31473

(d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the operator, if any. 31474  
31475  
31476

(10) Qualifications of teachers, including a requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours per week pursuant to section 3319.301 of the Revised Code. 31477  
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31480  
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(11) That the school will comply with the following requirements: 31483  
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(a) The school will provide learning opportunities to a minimum of twenty-five students for a minimum of nine hundred twenty hours per school year. 31485  
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(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school. 31488  
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31490

(c) The school will be nonsectarian in its programs, admission policies, employment practices, and all other operations, and will not be operated by a sectarian school or 31491  
31492  
31493

religious institution. 31494

(d) The school will comply with sections 9.90, 9.91, 109.65, 31495  
121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 31496  
3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472, 3313.50, 31497  
3313.536, 3313.539, 3313.5310, 3313.608, 3313.609, 3313.6012, 31498  
3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6024, 3313.643, 31499  
3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 31500  
3313.667, 3313.668, 3313.67, 3313.671, 3313.672, 3313.673, 31501  
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 31502  
3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 3313.818, 31503  
3313.86, 3313.89, 3313.96, 3319.073, ~~3319.074~~, 3319.321, 3319.39, 31504  
3319.391, 3319.41, 3319.46, 3321.01, 3321.041, 3321.13, 3321.14, 31505  
3321.141, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 31506  
4113.52, and 5705.391 and Chapters 117., 1347., 2744., 3365., 31507  
3742., 4112., 4123., 4141., and 4167. of the Revised Code as if it 31508  
were a school district and will comply with section 3301.0714 of 31509  
the Revised Code in the manner specified in section 3314.17 of the 31510  
Revised Code. 31511

(e) The school shall comply with Chapter 102. and section 31512  
2921.42 of the Revised Code. 31513

(f) The school will comply with sections 3313.61, 3313.611, 31514  
~~and~~ 3313.614, 3313.617, 3313.618, and 3313.6114 of the Revised 31515  
Code, except that for students who enter ninth grade for the first 31516  
time before July 1, 2010, the requirement in sections 3313.61 and 31517  
3313.611 of the Revised Code that a person must successfully 31518  
complete the curriculum in any high school prior to receiving a 31519  
high school diploma may be met by completing the curriculum 31520  
adopted by the governing authority of the community school rather 31521  
than the curriculum specified in Title XXXIII of the Revised Code 31522  
or any rules of the state board of education. Beginning with 31523  
students who enter ninth grade for the first time on or after July 31524  
1, 2010, the requirement in sections 3313.61 and 3313.611 of the 31525

Revised Code that a person must successfully complete the 31526  
curriculum of a high school prior to receiving a high school 31527  
diploma shall be met by completing the requirements prescribed in 31528  
division (C) of section 3313.603 of the Revised Code, unless the 31529  
person qualifies under division (D) or (F) of that section. Each 31530  
school shall comply with the plan for awarding high school credit 31531  
based on demonstration of subject area competency, and beginning 31532  
with the 2017-2018 school year, with the updated plan that permits 31533  
students enrolled in seventh and eighth grade to meet curriculum 31534  
requirements based on subject area competency adopted by the state 31535  
board of education under divisions (J)(1) and (2) of section 31536  
3313.603 of the Revised Code. Beginning with the 2018-2019 school 31537  
year, the school shall comply with the framework for granting 31538  
units of high school credit to students who demonstrate subject 31539  
area competency through work-based learning experiences, 31540  
internships, or cooperative education developed by the department 31541  
under division (J)(3) of section 3313.603 of the Revised Code. 31542

(g) The school governing authority will submit within four 31543  
months after the end of each school year a report of its 31544  
activities and progress in meeting the goals and standards of 31545  
divisions (A)(3) and (4) of this section and its financial status 31546  
to the sponsor and the parents of all students enrolled in the 31547  
school. 31548

(h) The school, unless it is an internet- or computer-based 31549  
community school, will comply with section 3313.801 of the Revised 31550  
Code as if it were a school district. 31551

(i) If the school is the recipient of moneys from a grant 31552  
awarded under the federal race to the top program, Division (A), 31553  
Title XIV, Sections 14005 and 14006 of the "American Recovery and 31554  
Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, the 31555  
school will pay teachers based upon performance in accordance with 31556  
section 3317.141 and will comply with section 3319.111 of the 31557

Revised Code as if it were a school district.	31558
(j) If the school operates a preschool program that is licensed by the department of education under sections 3301.52 to 3301.59 of the Revised Code, the school shall comply with sections 3301.50 to 3301.59 of the Revised Code and the minimum standards for preschool programs prescribed in rules adopted by the state board under section 3301.53 of the Revised Code.	31559 31560 31561 31562 31563 31564
(k) The school will comply with sections 3313.6021 and 3313.6023 of the Revised Code as if it were a school district unless it is either of the following:	31565 31566 31567
(i) An internet- or computer-based community school;	31568
(ii) A community school in which a majority of the enrolled students are children with disabilities as described in division (A)(4)(b) of section 3314.35 of the Revised Code.	31569 31570 31571
(12) Arrangements for providing health and other benefits to employees;	31572 31573
(13) The length of the contract, which shall begin at the beginning of an academic year. No contract shall exceed five years unless such contract has been renewed pursuant to division (E) of this section.	31574 31575 31576 31577
(14) The governing authority of the school, which shall be responsible for carrying out the provisions of the contract;	31578 31579
(15) A financial plan detailing an estimated school budget for each year of the period of the contract and specifying the total estimated per pupil expenditure amount for each such year.	31580 31581 31582
(16) Requirements and procedures regarding the disposition of employees of the school in the event the contract is terminated or not renewed pursuant to section 3314.07 of the Revised Code;	31583 31584 31585
(17) Whether the school is to be created by converting all or part of an existing public school or educational service center	31586 31587

building or is to be a new start-up school, and if it is a 31588  
converted public school or service center building, specification 31589  
of any duties or responsibilities of an employer that the board of 31590  
education or service center governing board that operated the 31591  
school or building before conversion is delegating to the 31592  
governing authority of the community school with respect to all or 31593  
any specified group of employees provided the delegation is not 31594  
prohibited by a collective bargaining agreement applicable to such 31595  
employees; 31596

(18) Provisions establishing procedures for resolving 31597  
disputes or differences of opinion between the sponsor and the 31598  
governing authority of the community school; 31599

(19) A provision requiring the governing authority to adopt a 31600  
policy regarding the admission of students who reside outside the 31601  
district in which the school is located. That policy shall comply 31602  
with the admissions procedures specified in sections 3314.06 and 31603  
3314.061 of the Revised Code and, at the sole discretion of the 31604  
authority, shall do one of the following: 31605

(a) Prohibit the enrollment of students who reside outside 31606  
the district in which the school is located; 31607

(b) Permit the enrollment of students who reside in districts 31608  
adjacent to the district in which the school is located; 31609

(c) Permit the enrollment of students who reside in any other 31610  
district in the state. 31611

(20) A provision recognizing the authority of the department 31612  
of education to take over the sponsorship of the school in 31613  
accordance with the provisions of division (C) of section 3314.015 31614  
of the Revised Code; 31615

(21) A provision recognizing the sponsor's authority to 31616  
assume the operation of a school under the conditions specified in 31617  
division (B) of section 3314.073 of the Revised Code; 31618

(22) A provision recognizing both of the following: 31619

(a) The authority of public health and safety officials to 31620  
inspect the facilities of the school and to order the facilities 31621  
closed if those officials find that the facilities are not in 31622  
compliance with health and safety laws and regulations; 31623

(b) The authority of the department of education as the 31624  
community school oversight body to suspend the operation of the 31625  
school under section 3314.072 of the Revised Code if the 31626  
department has evidence of conditions or violations of law at the 31627  
school that pose an imminent danger to the health and safety of 31628  
the school's students and employees and the sponsor refuses to 31629  
take such action. 31630

(23) A description of the learning opportunities that will be 31631  
offered to students including both classroom-based and 31632  
non-classroom-based learning opportunities that is in compliance 31633  
with criteria for student participation established by the 31634  
department under division (H)(2) of section 3314.08 of the Revised 31635  
Code; 31636

(24) The school will comply with sections 3302.04 and 31637  
3302.041 of the Revised Code, except that any action required to 31638  
be taken by a school district pursuant to those sections shall be 31639  
taken by the sponsor of the school. However, the sponsor shall not 31640  
be required to take any action described in division (F) of 31641  
section 3302.04 of the Revised Code. 31642

(25) Beginning in the 2006-2007 school year, the school will 31643  
open for operation not later than the thirtieth day of September 31644  
each school year, unless the mission of the school as specified 31645  
under division (A)(2) of this section is solely to serve dropouts. 31646  
In its initial year of operation, if the school fails to open by 31647  
the thirtieth day of September, or within one year after the 31648  
adoption of the contract pursuant to division (D) of section 31649



3314.02 of the Revised Code if the mission of the school is solely to serve dropouts, the contract shall be void.

(26) Whether the school's governing authority is planning to seek designation for the school as a STEM school equivalent under section 3326.032 of the Revised Code;

(27) That the school's attendance and participation policies will be available for public inspection;

(28) That the school's attendance and participation records shall be made available to the department of education, auditor of state, and school's sponsor to the extent permitted under and in accordance with the "Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any regulations promulgated under that act, and section 3319.321 of the Revised Code;

(29) If a school operates using the blended learning model, as defined in section 3301.079 of the Revised Code, all of the following information:

(a) An indication of what blended learning model or models will be used;

(b) A description of how student instructional needs will be determined and documented;

(c) The method to be used for determining competency, granting credit, and promoting students to a higher grade level;

(d) The school's attendance requirements, including how the school will document participation in learning opportunities;

(e) A statement describing how student progress will be monitored;

(f) A statement describing how private student data will be protected;

(g) A description of the professional development activities

that will be offered to teachers. 31680

(30) A provision requiring that all moneys the school's 31681  
operator loans to the school, including facilities loans or cash 31682  
flow assistance, must be accounted for, documented, and bear 31683  
interest at a fair market rate; 31684

(31) A provision requiring that, if the governing authority 31685  
contracts with an attorney, accountant, or entity specializing in 31686  
audits, the attorney, accountant, or entity shall be independent 31687  
from the operator with which the school has contracted. 31688

(32) A provision requiring the governing authority to adopt 31689  
an enrollment and attendance policy that requires a student's 31690  
parent to notify the community school in which the student is 31691  
enrolled when there is a change in the location of the parent's or 31692  
student's primary residence. 31693

(33) A provision requiring the governing authority to adopt a 31694  
student residence and address verification policy for students 31695  
enrolling in or attending the school. 31696

(B) The community school shall also submit to the sponsor a 31697  
comprehensive plan for the school. The plan shall specify the 31698  
following: 31699

(1) The process by which the governing authority of the 31700  
school will be selected in the future; 31701

(2) The management and administration of the school; 31702

(3) If the community school is a currently existing public 31703  
school or educational service center building, alternative 31704  
arrangements for current public school students who choose not to 31705  
attend the converted school and for teachers who choose not to 31706  
teach in the school or building after conversion; 31707

(4) The instructional program and educational philosophy of 31708  
the school; 31709

(5) Internal financial controls.	31710
When submitting the plan under this division, the school shall also submit copies of all policies and procedures regarding internal financial controls adopted by the governing authority of the school.	31711 31712 31713 31714
(C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract between the governing authority and the sponsor. The total amount of such payments for monitoring, oversight, and technical assistance of the school shall not exceed three per cent of the total amount of payments for operating expenses that the school receives from the state.	31715 31716 31717 31718 31719 31720 31721 31722 31723 31724
(D) The contract shall specify the duties of the sponsor which shall be in accordance with the written agreement entered into with the department of education under division (B) of section 3314.015 of the Revised Code and shall include the following:	31725 31726 31727 31728 31729
(1) Monitor the community school's compliance with all laws applicable to the school and with the terms of the contract;	31730 31731
(2) Monitor and evaluate the academic and fiscal performance and the organization and operation of the community school on at least an annual basis;	31732 31733 31734
(3) Report on an annual basis the results of the evaluation conducted under division (D)(2) of this section to the department of education and to the parents of students enrolled in the community school;	31735 31736 31737 31738
(4) Provide technical assistance to the community school in complying with laws applicable to the school and terms of the	31739 31740

contract; 31741

(5) Take steps to intervene in the school's operation to 31742  
correct problems in the school's overall performance, declare the 31743  
school to be on probationary status pursuant to section 3314.073 31744  
of the Revised Code, suspend the operation of the school pursuant 31745  
to section 3314.072 of the Revised Code, or terminate the contract 31746  
of the school pursuant to section 3314.07 of the Revised Code as 31747  
determined necessary by the sponsor; 31748

(6) Have in place a plan of action to be undertaken in the 31749  
event the community school experiences financial difficulties or 31750  
closes prior to the end of a school year. 31751

(E) Upon the expiration of a contract entered into under this 31752  
section, the sponsor of a community school may, with the approval 31753  
of the governing authority of the school, renew that contract for 31754  
a period of time determined by the sponsor, but not ending earlier 31755  
than the end of any school year, if the sponsor finds that the 31756  
school's compliance with applicable laws and terms of the contract 31757  
and the school's progress in meeting the academic goals prescribed 31758  
in the contract have been satisfactory. Any contract that is 31759  
renewed under this division remains subject to the provisions of 31760  
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 31761

(F) If a community school fails to open for operation within 31762  
one year after the contract entered into under this section is 31763  
adopted pursuant to division (D) of section 3314.02 of the Revised 31764  
Code or permanently closes prior to the expiration of the 31765  
contract, the contract shall be void and the school shall not 31766  
enter into a contract with any other sponsor. A school shall not 31767  
be considered permanently closed because the operations of the 31768  
school have been suspended pursuant to section 3314.072 of the 31769  
Revised Code. 31770

**Sec. 3314.06.** The governing authority of each community 31771

school established under this chapter shall adopt admission 31772  
procedures that specify the following: 31773

(A) That, except as otherwise provided in this section, 31774  
admission to the school shall be open to any individual age five 31775  
to twenty-two entitled to attend school pursuant to section 31776  
3313.64 or 3313.65 of the Revised Code in a school district in the 31777  
state. 31778

Additionally, except as otherwise provided in this section, 31779  
admission to the school may be open on a tuition basis to any 31780  
individual age five to twenty-two who is not a resident of this 31781  
state. The school shall not receive state funds under section 31782  
3314.08 of the Revised Code for any student who is not a resident 31783  
of this state. 31784

An individual younger than five years of age may be admitted 31785  
to the school in accordance with division (A)(2) of section 31786  
3321.01 of the Revised Code. The school shall receive funds for an 31787  
individual admitted under that division in the manner provided 31788  
under section 3314.08 of the Revised Code. 31789

If the school operates a program that uses the Montessori 31790  
method endorsed by the American Montessori society, the Montessori 31791  
accreditation council for teacher education, or the association 31792  
Montessori internationale as its primary method of instruction, 31793  
admission to the school may be open to individuals younger than 31794  
five years of age, ~~but~~. The department of education shall pay the 31795  
school an amount equal to the formula amount, as defined in 31796  
section 3317.02 of the Revised Code, for each of these students 31797  
younger than four years of age. However, the school shall not 31798  
receive any other funds under this chapter for those individuals. 31799  
Notwithstanding anything to the contrary in this chapter, 31800  
individuals younger than five years of age who are enrolled in a 31801  
Montessori program shall be offered at least four hundred 31802

fifty-five hours of learning opportunities per school year. 31803

If the school operates a preschool program that is licensed 31804  
by the department of education under sections 3301.52 to 3301.59 31805  
of the Revised Code, admission to the school may be open to 31806  
individuals who are younger than five years of age, but the school 31807  
shall not receive funds under this chapter for those individuals. 31808

(B)(1) That admission to the school may be limited to 31809  
students who have attained a specific grade level or are within a 31810  
specific age group; to students that meet a definition of 31811  
"at-risk," as defined in the contract; to residents of a specific 31812  
geographic area within the district, as defined in the contract; 31813  
or to separate groups of autistic students and nondisabled 31814  
students, as authorized in section 3314.061 of the Revised Code 31815  
and as defined in the contract. 31816

(2) For purposes of division (B)(1) of this section, 31817  
"at-risk" students may include those students identified as gifted 31818  
students under section 3324.03 of the Revised Code. 31819

(C) Whether enrollment is limited to students who reside in 31820  
the district in which the school is located or is open to 31821  
residents of other districts, as provided in the policy adopted 31822  
pursuant to the contract. 31823

(D)(1) That there will be no discrimination in the admission 31824  
of students to the school on the basis of race, creed, color, 31825  
disability, or sex except that: 31826

(a) The governing authority may do either of the following 31827  
for the purpose described in division (G) of this section: 31828

(i) Establish a single-gender school for either sex; 31829

(ii) Establish single-gender schools for each sex under the 31830  
same contract, provided substantially equal facilities and 31831  
learning opportunities are offered for both boys and girls. Such 31832

facilities and opportunities may be offered for each sex at 31833  
separate locations. 31834

(b) The governing authority may establish a school that 31835  
simultaneously serves a group of students identified as autistic 31836  
and a group of students who are not disabled, as authorized in 31837  
section 3314.061 of the Revised Code. However, unless the total 31838  
capacity established for the school has been filled, no student 31839  
with any disability shall be denied admission on the basis of that 31840  
disability. 31841

(2) That upon admission of any student with a disability, the 31842  
community school will comply with all federal and state laws 31843  
regarding the education of students with disabilities. 31844

(E) That the school may not limit admission to students on 31845  
the basis of intellectual ability, measures of achievement or 31846  
aptitude, or athletic ability, except that a school may limit its 31847  
enrollment to students as described in division (B) of this 31848  
section. 31849

(F) That the community school will admit the number of 31850  
students that does not exceed the capacity of the school's 31851  
programs, classes, grade levels, or facilities. 31852

(G) That the purpose of single-gender schools that are 31853  
established shall be to take advantage of the academic benefits 31854  
some students realize from single-gender instruction and 31855  
facilities and to offer students and parents residing in the 31856  
district the option of a single-gender education. 31857

(H) That, except as otherwise provided under division (B) of 31858  
this section or section 3314.061 of the Revised Code, if the 31859  
number of applicants exceeds the capacity restrictions of division 31860  
(F) of this section, students shall be admitted by lot from all 31861  
those submitting applications, except preference shall be given to 31862  
students attending the school the previous year and to students 31863

who reside in the district in which the school is located. 31864  
Preference may be given to siblings of students attending the 31865  
school the previous year. Preference also may be given to students 31866  
who are the children of full-time staff members employed by the 31867  
school, provided the total number of students receiving this 31868  
preference is less than five per cent of the school's total 31869  
enrollment. 31870

Notwithstanding divisions (A) to (H) of this section, in the 31871  
event the racial composition of the enrollment of the community 31872  
school is violative of a federal desegregation order, the 31873  
community school shall take any and all corrective measures to 31874  
comply with the desegregation order. 31875

**Sec. 3314.08.** (A) As used in this section: 31876

(1)(a) "Category one career-technical education student" 31877  
means a student who is receiving the career-technical education 31878  
services described in division (A) of section 3317.014 of the 31879  
Revised Code. 31880

(b) "Category two career-technical student" means a student 31881  
who is receiving the career-technical education services described 31882  
in division (B) of section 3317.014 of the Revised Code. 31883

(c) "Category three career-technical student" means a student 31884  
who is receiving the career-technical education services described 31885  
in division (C) of section 3317.014 of the Revised Code. 31886

(d) "Category four career-technical student" means a student 31887  
who is receiving the career-technical education services described 31888  
in division (D) of section 3317.014 of the Revised Code. 31889

(e) "Category five career-technical education student" means 31890  
a student who is receiving the career-technical education services 31891  
described in division (E) of section 3317.014 of the Revised Code. 31892

(2)(a) "Category one ~~limited English proficient student~~ 31893



<u>learner</u> " means a <del>limited</del> <u>an</u> English <del>proficient student</del> <u>learner</u>	31894
described in division (A) of section 3317.016 of the Revised Code.	31895
(b) "Category two <del>limited</del> English <del>proficient student</del> <u>learner</u> "	31896
means a <del>limited</del> <u>an</u> English <del>proficient student</del> <u>learner</u> described in	31897
division (B) of section 3317.016 of the Revised Code.	31898
(c) "Category three <del>limited</del> English <del>proficient student</del>	31899
<u>learner</u> " means a <del>limited</del> <u>an</u> English <del>proficient student</del> <u>learner</u>	31900
described in division (C) of section 3317.016 of the Revised Code.	31901
(3)(a) "Category one special education student" means a	31902
student who is receiving special education services for a	31903
disability specified in division (A) of section 3317.013 of the	31904
Revised Code.	31905
(b) "Category two special education student" means a student	31906
who is receiving special education services for a disability	31907
specified in division (B) of section 3317.013 of the Revised Code.	31908
(c) "Category three special education student" means a	31909
student who is receiving special education services for a	31910
disability specified in division (C) of section 3317.013 of the	31911
Revised Code.	31912
(d) "Category four special education student" means a student	31913
who is receiving special education services for a disability	31914
specified in division (D) of section 3317.013 of the Revised Code.	31915
(e) "Category five special education student" means a student	31916
who is receiving special education services for a disability	31917
specified in division (E) of section 3317.013 of the Revised Code.	31918
(f) "Category six special education student" means a student	31919
who is receiving special education services for a disability	31920
specified in division (F) of section 3317.013 of the Revised Code.	31921
(4) "Formula amount" has the same meaning as in section	31922
3317.02 of the Revised Code.	31923

(5) "IEP" has the same meaning as in section 3323.01 of the Revised Code. 31924  
31925

(6) "Resident district" means the school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code. 31926  
31927  
31928

(7) "State education aid" has the same meaning as in section 5751.20 of the Revised Code. 31929  
31930

(B) The state board of education shall adopt rules requiring both of the following: 31931  
31932

(1) The board of education of each city, exempted village, and local school district to annually report the number of students entitled to attend school in the district who are enrolled in each grade kindergarten through twelve in a community school established under this chapter, and for each child, the community school in which the child is enrolled. 31933  
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(2) The governing authority of each community school established under this chapter to annually report all of the following: 31939  
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31941

(a) The number of students enrolled in grades one through twelve and the full-time equivalent number of students enrolled in kindergarten in the school who are not receiving special education and related services pursuant to an IEP; 31942  
31943  
31944  
31945

(b) The number of enrolled students in grades one through twelve and the full-time equivalent number of enrolled students in kindergarten, who are receiving special education and related services pursuant to an IEP; 31946  
31947  
31948  
31949

(c) The number of students reported under division (B)(2)(b) of this section receiving special education and related services pursuant to an IEP for a disability described in each of divisions (A) to (F) of section 3317.013 of the Revised Code; 31950  
31951  
31952  
31953

(d) The full-time equivalent number of students reported 31954  
under divisions (B)(2)(a) and (b) of this section who are enrolled 31955  
in career-technical education programs or classes described in 31956  
each of divisions (A) to (E) of section 3317.014 of the Revised 31957  
Code that are provided by the community school; 31958

(e) The number of students reported under divisions (B)(2)(a) 31959  
and (b) of this section who are not reported under division 31960  
(B)(2)(d) of this section but who are enrolled in career-technical 31961  
education programs or classes described in each of divisions (A) 31962  
to (E) of section 3317.014 of the Revised Code at a joint 31963  
vocational school district or another district in the 31964  
career-technical planning district to which the school is 31965  
assigned; 31966

(f) The number of students reported under divisions (B)(2)(a) 31967  
and (b) of this section who are category one to three ~~limited~~ 31968  
English ~~proficient students~~ learners described in each of 31969  
divisions (A) to (C) of section 3317.016 of the Revised Code; 31970

(g) The number of students reported under divisions (B)(2)(a) 31971  
and (b) of this section who are economically disadvantaged, as 31972  
defined by the department. A student shall not be categorically 31973  
excluded from the number reported under division (B)(2)(g) of this 31974  
section based on anything other than family income. 31975

(h) For each student, the city, exempted village, or local 31976  
school district in which the student is entitled to attend school 31977  
under section 3313.64 or 3313.65 of the Revised Code. 31978

(i) The number of students enrolled in a preschool program 31979  
operated by the school that is licensed by the department of 31980  
education under sections 3301.52 to 3301.59 of the Revised Code 31981  
who are not receiving special education and related services 31982  
pursuant to an IEP. 31983

A school district board and a community school governing 31984

authority shall include in their respective reports under division 31985  
(B) of this section any child admitted in accordance with division 31986  
(A)(2) of section 3321.01 of the Revised Code. 31987

A governing authority of a community school shall not include 31988  
in its report under divisions (B)(2)(a) to (h) of this section any 31989  
student for whom tuition is charged under division (F) of this 31990  
section. 31991

(C)(1) Except as provided in division (C)(2) of this section, 31992  
and subject to divisions (C)(3), (4), (5), (6), and (7) of this 31993  
section, on a full-time equivalency basis, for each student 31994  
enrolled in a community school established under this chapter, the 31995  
department of education annually shall deduct from the state 31996  
education aid of a student's resident district and, if necessary, 31997  
from the payment made to the district under sections 321.24 and 31998  
323.156 of the Revised Code and pay to the community school the 31999  
sum of the following: 32000

(a) An opportunity grant in an amount equal to the formula 32001  
amount; 32002

(b) The per pupil amount of targeted assistance funds 32003  
calculated under division (A) of section 3317.0217 of the Revised 32004  
Code for the student's resident district, as determined by the 32005  
department, X 0.25; 32006

(c) Additional state aid for special education and related 32007  
services provided under Chapter 3323. of the Revised Code as 32008  
follows: 32009

(i) If the student is a category one special education 32010  
student, the amount specified in division (A) of section 3317.013 32011  
of the Revised Code; 32012

(ii) If the student is a category two special education 32013  
student, the amount specified in division (B) of section 3317.013 32014  
of the Revised Code; 32015

(iii) If the student is a category three special education student, the amount specified in division (C) of section 3317.013 of the Revised Code;	32016 32017 32018
(iv) If the student is a category four special education student, the amount specified in division (D) of section 3317.013 of the Revised Code;	32019 32020 32021
(v) If the student is a category five special education student, the amount specified in division (E) of section 3317.013 of the Revised Code;	32022 32023 32024
(vi) If the student is a category six special education student, the amount specified in division (F) of section 3317.013 of the Revised Code.	32025 32026 32027
(d) If the student is in kindergarten through third grade, an additional amount of \$320;	32028 32029
(e) If the student is economically disadvantaged, an additional amount equal to the following:	32030 32031
\$272 X the resident district's economically disadvantaged index	32032 32033
(f) <del>Limited</del> English <del>proficiency</del> <u>learner</u> funds as follows:	32034
(i) If the student is a category one <del>limited</del> English <del>proficient student</del> <u>learner</u> , the amount specified in division (A) of section 3317.016 of the Revised Code;	32035 32036 32037
(ii) If the student is a category two <del>limited</del> English <del>proficient student</del> <u>learner</u> , the amount specified in division (B) of section 3317.016 of the Revised Code;	32038 32039 32040
(iii) If the student is a category three <del>limited</del> English <del>proficient student</del> <u>learner</u> , the amount specified in division (C) of section 3317.016 of the Revised Code.	32041 32042 32043
(g) If the student is reported under division (B)(2)(d) of this section, career-technical education funds as follows:	32044 32045

(i) If the student is a category one career-technical education student, the amount specified in division (A) of section 3317.014 of the Revised Code;	32046 32047 32048
(ii) If the student is a category two career-technical education student, the amount specified in division (B) of section 3317.014 of the Revised Code;	32049 32050 32051
(iii) If the student is a category three career-technical education student, the amount specified in division (C) of section 3317.014 of the Revised Code;	32052 32053 32054
(iv) If the student is a category four career-technical education student, the amount specified in division (D) of section 3317.014 of the Revised Code;	32055 32056 32057
(v) If the student is a category five career-technical education student, the amount specified in division (E) of section 3317.014 of the Revised Code.	32058 32059 32060
Deduction and payment of funds under division (C)(1)(g) of this section is subject to approval by the lead district of a career-technical planning district or the department of education under section 3317.161 of the Revised Code.	32061 32062 32063 32064
(2) When deducting from the state education aid of a student's resident district for students enrolled in an internet- or computer-based community school and making payments to such school under this section, the department shall make the deductions and payments described in only divisions (C)(1)(a), (c), and (g) of this section.	32065 32066 32067 32068 32069 32070
No deductions or payments shall be made for a student enrolled in such school under division (C)(1)(b), (d), (e), or (f) of this section.	32071 32072 32073
(3)(a) If a community school's costs for a fiscal year for a student receiving special education and related services pursuant	32074 32075

to an IEP for a disability described in divisions (B) to (F) of 32076  
section 3317.013 of the Revised Code exceed the threshold 32077  
catastrophic cost for serving the student as specified in division 32078  
(B) of section 3317.0214 of the Revised Code, the school may 32079  
submit to the superintendent of public instruction documentation, 32080  
as prescribed by the superintendent, of all its costs for that 32081  
student. Upon submission of documentation for a student of the 32082  
type and in the manner prescribed, the department shall pay to the 32083  
community school an amount equal to the school's costs for the 32084  
student in excess of the threshold catastrophic costs. 32085

(b) The community school shall report under division 32086  
(C)(3)(a) of this section, and the department shall pay for, only 32087  
the costs of educational expenses and the related services 32088  
provided to the student in accordance with the student's 32089  
individualized education program. Any legal fees, court costs, or 32090  
other costs associated with any cause of action relating to the 32091  
student may not be included in the amount. 32092

(4) In any fiscal year, a community school receiving funds 32093  
under division (C)(1)(g) of this section shall spend those funds 32094  
only for the purposes that the department designates as approved 32095  
for career-technical education expenses. Career-technical 32096  
education expenses approved by the department shall include only 32097  
expenses connected to the delivery of career-technical programming 32098  
to career-technical students. The department shall require the 32099  
school to report data annually so that the department may monitor 32100  
the school's compliance with the requirements regarding the manner 32101  
in which funding received under division (C)(1)(g) of this section 32102  
may be spent. 32103

(5) Notwithstanding anything to the contrary in section 32104  
3313.90 of the Revised Code, except as provided in division (C)(9) 32105  
of this section, all funds received under division (C)(1)(g) of 32106  
this section shall be spent in the following manner: 32107

(a) At least seventy-five per cent of the funds shall be 32108  
spent on curriculum development, purchase, and implementation; 32109  
instructional resources and supplies; industry-based program 32110  
certification; student assessment, credentialing, and placement; 32111  
curriculum specific equipment purchases and leases; 32112  
career-technical student organization fees and expenses; home and 32113  
agency linkages; work-based learning experiences; professional 32114  
development; and other costs directly associated with 32115  
career-technical education programs including development of new 32116  
programs. 32117

(b) Not more than twenty-five per cent of the funds shall be 32118  
used for personnel expenditures. 32119

(6) A community school shall spend the funds it receives 32120  
under division (C)(1)(e) of this section in accordance with 32121  
section 3317.25 of the Revised Code. 32122

(7) If the sum of the payments computed under divisions 32123  
(C)(1) and (8)(a) of this section for the students entitled to 32124  
attend school in a particular school district under sections 32125  
3313.64 and 3313.65 of the Revised Code exceeds the sum of that 32126  
district's state education aid and its payment under sections 32127  
321.24 and 323.156 of the Revised Code, the department shall 32128  
calculate and apply a proration factor to the payments to all 32129  
community schools under that division for the students entitled to 32130  
attend school in that district. 32131

(8)(a) Subject to division (C)(7) of this section, the 32132  
department annually shall pay to each community school, including 32133  
each internet- or computer-based community school, an amount equal 32134  
to the following: 32135

(The number of students reported by the community school 32136  
under division (B)(2)(e) of this section X the formula amount X 32137  
.20) 32138



(b) For each payment made to a community school under 32139  
division (C)(8)(a) of this section, the department shall deduct 32140  
from the state education aid of each city, local, and exempted 32141  
village school district and, if necessary, from the payment made 32142  
to the district under sections 321.24 and 323.156 of the Revised 32143  
Code an amount equal to the following: 32144

(The number of the district's students reported by the 32145  
community school under division (B)(2)(e) of this section X the 32146  
formula amount X .20) 32147

(9) The department may waive the requirement in division 32148  
(C)(5) of this section for any community school that exclusively 32149  
provides one or more career-technical workforce development 32150  
programs in arts and communications that are not 32151  
equipment-intensive, as determined by the department. 32152

(D) A board of education sponsoring a community school may 32153  
utilize local funds to make enhancement grants to the school or 32154  
may agree, either as part of the contract or separately, to 32155  
provide any specific services to the community school at no cost 32156  
to the school. 32157

(E) A community school may not levy taxes or issue bonds 32158  
secured by tax revenues. 32159

(F) No community school shall charge tuition for the 32160  
enrollment of any student who is a resident of this state. A 32161  
community school may charge tuition for the enrollment of any 32162  
student who is not a resident of this state. 32163

(G)(1)(a) A community school may borrow money to pay any 32164  
necessary and actual expenses of the school in anticipation of the 32165  
receipt of any portion of the payments to be received by the 32166  
school pursuant to division (C) of this section. The school may 32167  
issue notes to evidence such borrowing. The proceeds of the notes 32168  
shall be used only for the purposes for which the anticipated 32169

receipts may be lawfully expended by the school. 32170

(b) A school may also borrow money for a term not to exceed 32171  
fifteen years for the purpose of acquiring facilities. 32172

(2) Except for any amount guaranteed under section 3318.50 of 32173  
the Revised Code, the state is not liable for debt incurred by the 32174  
governing authority of a community school. 32175

(H) The department of education shall adjust the amounts 32176  
subtracted and paid under division (C) of this section to reflect 32177  
any enrollment of students in community schools for less than the 32178  
equivalent of a full school year. The state board of education 32179  
within ninety days after April 8, 2003, shall adopt in accordance 32180  
with Chapter 119. of the Revised Code rules governing the payments 32181  
to community schools under this section including initial payments 32182  
in a school year and adjustments and reductions made in subsequent 32183  
periodic payments to community schools and corresponding 32184  
deductions from school district accounts as provided under 32185  
division (C) of this section. For purposes of this section: 32186

(1) A student shall be considered enrolled in the community 32187  
school for any portion of the school year the student is 32188  
participating at a college under Chapter 3365. of the Revised 32189  
Code. 32190

(2) A student shall be considered to be enrolled in a 32191  
community school for the period of time beginning on the later of 32192  
the date on which the school both has received documentation of 32193  
the student's enrollment from a parent and the student has 32194  
commenced participation in learning opportunities as defined in 32195  
the contract with the sponsor, or thirty days prior to the date on 32196  
which the student is entered into the education management 32197  
information system established under section 3301.0714 of the 32198  
Revised Code. For purposes of applying this division and divisions 32199  
(H)(3) and (4) of this section to a community school student, 32200

"learning opportunities" shall be defined in the contract, which 32201  
shall describe both classroom-based and non-classroom-based 32202  
learning opportunities and shall be in compliance with criteria 32203  
and documentation requirements for student participation which 32204  
shall be established by the department. Any student's instruction 32205  
time in non-classroom-based learning opportunities shall be 32206  
certified by an employee of the community school. A student's 32207  
enrollment shall be considered to cease on the date on which any 32208  
of the following occur: 32209

(a) The community school receives documentation from a parent 32210  
terminating enrollment of the student. 32211

(b) The community school is provided documentation of a 32212  
student's enrollment in another public or private school. 32213

(c) The community school ceases to offer learning 32214  
opportunities to the student pursuant to the terms of the contract 32215  
with the sponsor or the operation of any provision of this 32216  
chapter. 32217

Except as otherwise specified in this paragraph, beginning in 32218  
the 2011-2012 school year, any student who completed the prior 32219  
school year in an internet- or computer-based community school 32220  
shall be considered to be enrolled in the same school in the 32221  
subsequent school year until the student's enrollment has ceased 32222  
as specified in division (H)(2) of this section. The department 32223  
shall continue subtracting and paying amounts for the student 32224  
under division (C) of this section without interruption at the 32225  
start of the subsequent school year. However, if the student 32226  
without a legitimate excuse fails to participate in the first 32227  
seventy-two consecutive hours of learning opportunities offered to 32228  
the student in that subsequent school year, the student shall be 32229  
considered not to have re-enrolled in the school for that school 32230  
year and the department shall recalculate the payments to the 32231  
school for that school year to account for the fact that the 32232

student is not enrolled. 32233

(3) The department shall determine each community school 32234  
student's percentage of full-time equivalency based on the 32235  
percentage of learning opportunities offered by the community 32236  
school to that student, reported either as number of hours or 32237  
number of days, is of the total learning opportunities offered by 32238  
the community school to a student who attends for the school's 32239  
entire school year. However, no internet- or computer-based 32240  
community school shall be credited for any time a student spends 32241  
participating in learning opportunities beyond ten hours within 32242  
any period of twenty-four consecutive hours. Whether it reports 32243  
hours or days of learning opportunities, each community school 32244  
shall offer not less than nine hundred twenty hours of learning 32245  
opportunities during the school year. 32246

(4) With respect to the calculation of full-time equivalency 32247  
under division (H)(3) of this section, the department shall waive 32248  
the number of hours or days of learning opportunities not offered 32249  
to a student because the community school was closed during the 32250  
school year due to disease epidemic, hazardous weather conditions, 32251  
law enforcement emergencies, inoperability of school buses or 32252  
other equipment necessary to the school's operation, damage to a 32253  
school building, or other temporary circumstances due to utility 32254  
failure rendering the school building unfit for school use, so 32255  
long as the school was actually open for instruction with students 32256  
in attendance during that school year for not less than the 32257  
minimum number of hours required by this chapter. The department 32258  
shall treat the school as if it were open for instruction with 32259  
students in attendance during the hours or days waived under this 32260  
division. 32261

(I) The department of education shall reduce the amounts paid 32262  
under this section to reflect payments made to colleges under 32263  
section 3365.07 of the Revised Code. 32264

(J)(1) No student shall be considered enrolled in any internet- or computer-based community school or, if applicable to the student, in any community school that is required to provide the student with a computer pursuant to division (C) of section 3314.22 of the Revised Code, unless both of the following conditions are satisfied:

(a) The student possesses or has been provided with all required hardware and software materials and all such materials are operational so that the student is capable of fully participating in the learning opportunities specified in the contract between the school and the school's sponsor as required by division (A)(23) of section 3314.03 of the Revised Code;

(b) The school is in compliance with division (A) of section 3314.22 of the Revised Code, relative to such student.

(2) In accordance with policies adopted by the superintendent of public instruction, in consultation with the auditor of state, the department shall reduce the amounts otherwise payable under division (C) of this section to any community school that includes in its program the provision of computer hardware and software materials to any student, if such hardware and software materials have not been delivered, installed, and activated for each such student in a timely manner or other educational materials or services have not been provided according to the contract between the individual community school and its sponsor.

The superintendent of public instruction and the auditor of state shall jointly establish a method for auditing any community school to which this division pertains to ensure compliance with this section.

The superintendent, auditor of state, and the governor shall jointly make recommendations to the general assembly for legislative changes that may be required to assure fiscal and

academic accountability for such schools. 32296

(K)(1) If the department determines that a review of a 32297  
community school's enrollment is necessary, such review shall be 32298  
completed and written notice of the findings shall be provided to 32299  
the governing authority of the community school and its sponsor 32300  
within ninety days of the end of the community school's fiscal 32301  
year, unless extended for a period not to exceed thirty additional 32302  
days for one of the following reasons: 32303

(a) The department and the community school mutually agree to 32304  
the extension. 32305

(b) Delays in data submission caused by either a community 32306  
school or its sponsor. 32307

(2) If the review results in a finding that additional 32308  
funding is owed to the school, such payment shall be made within 32309  
thirty days of the written notice. If the review results in a 32310  
finding that the community school owes moneys to the state, the 32311  
following procedure shall apply: 32312

(a) Within ten business days of the receipt of the notice of 32313  
findings, the community school may appeal the department's 32314  
determination to the state board of education or its designee. 32315

(b) The board or its designee shall conduct an informal 32316  
hearing on the matter within thirty days of receipt of such an 32317  
appeal and shall issue a decision within fifteen days of the 32318  
conclusion of the hearing. 32319

(c) If the board has enlisted a designee to conduct the 32320  
hearing, the designee shall certify its decision to the board. The 32321  
board may accept the decision of the designee or may reject the 32322  
decision of the designee and issue its own decision on the matter. 32323

(d) Any decision made by the board under this division is 32324  
final. 32325

(3) If it is decided that the community school owes moneys to the state, the department shall deduct such amount from the school's future payments in accordance with guidelines issued by the superintendent of public instruction.

(L) The department shall not subtract from a school district's state aid account and shall not pay to a community school under division (C) of this section any amount for any of the following:

(1) Any student who has graduated from the twelfth grade of a public or nonpublic high school;

(2) Any student who is not a resident of the state;

(3) Any student who was enrolled in the community school during the previous school year when assessments were administered under section 3301.0711 of the Revised Code but did not take one or more of the assessments required by that section and was not excused pursuant to division (C)(1) or (3) of that section, unless the superintendent of public instruction grants the student a waiver from the requirement to take the assessment and a parent is not paying tuition for the student pursuant to section 3314.26 of the Revised Code. The superintendent may grant a waiver only for good cause in accordance with rules adopted by the state board of education.

(4) Any student who has attained the age of twenty-two years, except for veterans of the armed services whose attendance was interrupted before completing the recognized twelve-year course of the public schools by reason of induction or enlistment in the armed forces and who apply for enrollment in a community school not later than four years after termination of war or their honorable discharge. If, however, any such veteran elects to enroll in special courses organized for veterans for whom tuition is paid under federal law, or otherwise, the department shall not

subtract from a school district's state aid account and shall not 32357  
pay to a community school under division (C) of this section any 32358  
amount for that veteran. 32359

Sec. 3314.088. (A) As used in this section: 32360

(1) "Base per pupil amount" has the same meaning as in 32361  
section 3317.0219 of the Revised Code. 32362

(2) "Eligible school district" has the same meaning as in 32363  
division (C)(1) of section 3317.0219 of the Revised Code. 32364

(3) "Resident district" has the same meaning as in section 32365  
3314.08 of the Revised Code. 32366

(B) Subject to division (E) of this section, for fiscal years 32367  
2020 and 2021, the department of education shall calculate and pay 32368  
to each community school that is not an internet- or 32369  
computer-based community school student wellness and success 32370  
funds, on a full-time equivalency basis, for each student enrolled 32371  
in the school in the immediately preceding fiscal year in an 32372  
amount equal to the following: 32373

(The base per pupil amount of the student's resident district for 32374  
that fiscal year + the scaled amount of the student's resident 32375  
district, if any, computed under division (B)(4) of section 32376  
3317.0219 of the Revised Code) 32377

However, each community school shall receive a minimum 32378  
payment of \$25,000, for fiscal year 2020, or \$36,000, for fiscal 32379  
year 2021. 32380

(C) Subject to division (E) of this section, for fiscal years 32381  
2020 and 2021, the department shall pay student wellness and 32382  
success funds to each internet- or computer-based community school 32383  
in an amount equal to \$25,000, for fiscal year 2020, or \$36,000, 32384  
for fiscal year 2021. 32385

(D) Subject to division (E) of this section, for fiscal years 32386



2020 and 2021, the department shall pay to each community school 32387  
that is not an internet- or computer-based community school 32388  
student wellness and success enhancement funds, on a full-time 32389  
equivalency basis, for each student enrolled in the school in the 32390  
immediately preceding fiscal year whose resident district is an 32391  
eligible school district, in an amount equal to the following: 32392  
The amount paid to the student's resident district under division 32393  
(C)(2) of section 3317.0219 of the Revised Code for that fiscal 32394  
year / the enrolled ADM of the student's resident district for the 32395  
immediately preceding fiscal year 32396

(E) The department shall pay funds under divisions (B), (C), 32397  
and (D) of this section as follows: 32398

(1) One-half of the amount shall be paid not later than the 32399  
thirty-first day of October of the fiscal year for which the 32400  
payment is calculated. 32401

(2) One-half of the amount shall be paid not later than the 32402  
twenty-eighth day of February of the fiscal year for which the 32403  
payment is calculated. 32404

Upon making a payment for a fiscal year under this section, 32405  
the department shall not make any reconciliations or adjustments 32406  
to that payment. 32407

(F) A community school that receives a payment under this 32408  
section shall comply with section 3317.26 of the Revised Code. 32409

**Sec. 3314.18.** (A) Subject to division (C) of this section, 32410  
the governing authority of each community school shall establish a 32411  
breakfast program pursuant to the "National School Lunch Act," 60 32412  
Stat. 230 (1946), 42 U.S.C. 1751, as amended, and the "Child 32413  
Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, as amended, 32414  
if at least one-fifth of the pupils in the school are eligible 32415  
under federal requirements for free breakfasts, and shall 32416

establish a lunch program pursuant to those acts if at least 32417  
one-fifth of the pupils are eligible for free lunches. The 32418  
governing authority required to establish a breakfast program 32419  
under this division may make a charge in accordance with federal 32420  
requirements for each reduced price breakfast or paid breakfast to 32421  
cover the cost incurred in providing that meal. 32422

A breakfast program established under this section shall be 32423  
operated in accordance with section 3313.818 of the Revised Code 32424  
in any community school meeting the conditions prescribed by that 32425  
section. 32426

(B) Subject to division (C) of this section, the governing 32427  
authority of each community school shall establish one of the 32428  
following for summer intervention services described in division 32429  
(D) of section 3301.0711 or provided under section 3313.608 of the 32430  
Revised Code, and any other summer intervention program required 32431  
by law: 32432

(1) An extension of the school breakfast program pursuant to 32433  
the "National School Lunch Act" and the "Child Nutrition Act of 32434  
1966"; 32435

(2) An extension of the school lunch program pursuant to 32436  
those acts; 32437

(3) A summer food service program pursuant to those acts. 32438

(C) If the governing authority of a community school 32439  
determines that, for financial reasons, it cannot comply with 32440  
division (A) or (B) of this section, the governing authority may 32441  
choose not to comply with either or both divisions. In that case, 32442  
the governing authority shall communicate to the parents of its 32443  
students, in the manner it determines appropriate, its decision 32444  
not to comply. 32445

(D) The governing authority of each community school required 32446  
to establish a school breakfast, school lunch, or summer food 32447

service program under this section shall apply for state and 32448  
federal funds allocated by the state board of education under 32449  
division (B) of section 3313.813 of the Revised Code and shall 32450  
comply with the state board's standards adopted under that 32451  
division. 32452

(E) The governing authority of any community school required 32453  
to establish a breakfast program under this section or that elects 32454  
to participate in a breakfast program pursuant to the "National 32455  
School Lunch Act" and the "Child Nutrition Act of 1966" may offer 32456  
breakfast to pupils in their classrooms during the school day. 32457  
However, any community school that is subject to section 3313.818 32458  
of the Revised Code shall offer breakfast to pupils in accordance 32459  
with that section. 32460

(F) Notwithstanding anything in this section to the contrary, 32461  
in each fiscal year in which the general assembly appropriates 32462  
funds for purposes of this division, the governing authority of 32463  
each community school required to establish a breakfast program 32464  
under this section or that elects to participate in a breakfast 32465  
program pursuant to the "National School Lunch Act" and the "Child 32466  
Nutrition Act of 1966" shall provide a breakfast free of charge to 32467  
each pupil who is eligible under federal requirements for a 32468  
reduced price breakfast. 32469

(G) This section does not apply to internet- or 32470  
computer-based community schools. 32471

**Sec. 3314.19.** The sponsor of each community school ~~annually~~ 32472  
shall provide the following assurances in writing to the 32473  
department of education not later than ten business days prior to 32474  
the opening of the ~~school~~ school's first year of operation or, if 32475  
the school is not an internet- or computer-based community school 32476  
and it changes the building from which it operates, the opening of 32477  
the first year it operates from the new building: 32478

(A) That a current copy of the contract between the sponsor 32479  
and the governing authority of the school entered into under 32480  
section 3314.03 of the Revised Code has been filed with the 32481  
department and that any subsequent modifications to that contract 32482  
will be filed with the department; 32483

(B) That the school has submitted to the sponsor a plan for 32484  
providing special education and related services to students with 32485  
disabilities and has demonstrated the capacity to provide those 32486  
services in accordance with Chapter 3323. of the Revised Code and 32487  
federal law; 32488

(C) That the school has a plan and procedures for 32489  
administering the achievement and diagnostic assessments 32490  
prescribed by sections 3301.0710, 3301.0712, and 3301.0715 of the 32491  
Revised Code; 32492

(D) That school personnel have the necessary training, 32493  
knowledge, and resources to properly use and submit information to 32494  
all databases maintained by the department for the collection of 32495  
education data, including the education management information 32496  
system established under section 3301.0714 of the Revised Code in 32497  
accordance with methods and timelines established under section 32498  
3314.17 of the Revised Code; 32499

(E) That all required information about the school has been 32500  
submitted to the Ohio education directory system or any successor 32501  
system; 32502

(F) That the school will enroll at least the minimum number 32503  
of students required by division (A)(11)(a) of section 3314.03 of 32504  
the Revised Code in the school year for which the assurances are 32505  
provided; 32506

(G) That all classroom teachers are licensed in accordance 32507  
with sections 3319.22 to 3319.31 of the Revised Code, except for 32508  
noncertificated persons engaged to teach up to twelve hours per 32509

week pursuant to section 3319.301 of the Revised Code; 32510

(H) That the school's fiscal officer is in compliance with 32511  
section 3314.011 of the Revised Code; 32512

(I) That the school has complied with sections 3319.39 and 32513  
3319.391 of the Revised Code with respect to all employees and 32514  
that the school has conducted a criminal records check of each of 32515  
its governing authority members; 32516

(J) That the school holds all of the following: 32517

(1) Proof of property ownership or a lease for the facilities 32518  
used by the school; 32519

(2) A certificate of occupancy; 32520

(3) Liability insurance for the school, as required by 32521  
division (A)(11)(b) of section 3314.03 of the Revised Code, that 32522  
the sponsor considers sufficient to indemnify the school's 32523  
facilities, staff, and governing authority against risk; 32524

(4) A satisfactory health and safety inspection; 32525

(5) A satisfactory fire inspection; 32526

(6) A valid food permit, if applicable. 32527

(K) That the sponsor has conducted a pre-opening site visit 32528  
to the school for the school year for which the assurances are 32529  
provided; 32530

(L) That the school has designated a date it will open for 32531  
the school year for which the assurances are provided that is in 32532  
compliance with division (A)(25) of section 3314.03 of the Revised 32533  
Code; 32534

(M) That the school has met all of the sponsor's requirements 32535  
for opening and any other requirements of the sponsor. 32536

(N) That, for any school that operates using the blended 32537  
learning model, as defined in section 3301.079 of the Revised 32538

Code, the sponsor has reviewed the following information,	32539
submitted by the school:	32540
(1) An indication of what blended learning model or models will be used;	32541 32542
(2) A description of how student instructional needs will be determined and documented;	32543 32544
(3) The method to be used for determining competency, granting credit, and promoting students to a higher grade level;	32545 32546
(4) The school's attendance requirements, including how the school will document participation in learning opportunities;	32547 32548
(5) A statement describing how student progress will be monitored;	32549 32550
(6) A statement describing how private student data will be protected;	32551 32552
(7) A description of the professional development activities that will be offered to teachers.	32553 32554
<b>Sec. 3314.21.</b> (A) As used in this section:	32555
(1) "Harmful to juveniles" has the same meaning as in section 2907.01 of the Revised Code.	32556 32557
(2) "Obscene" has the same meaning as in division (F) of section 2907.01 of the Revised Code as that division has been construed by the supreme court of this state.	32558 32559 32560
(3) "Teacher of record" means a teacher who is responsible for the overall academic development and achievement of a student and not merely the student's instruction in any single subject.	32561 32562 32563
(B) <del>(1) It</del> (1) <u>It</u> is the intent of the general assembly that teachers employed by internet- or computer-based community schools conduct visits with their students in person throughout the school year.	32564 32565 32566 32567

(2) Each internet- or computer-based community school shall 32568  
retain an affiliation with at least one full-time teacher of 32569  
record licensed in accordance with division (A)(10) of section 32570  
3314.03 of the Revised Code. 32571

(3) Each student enrolled in an internet- or computer-based 32572  
community school shall be assigned to at least one teacher of 32573  
record. No teacher of record shall be primarily responsible for 32574  
the academic development and achievement of more than one hundred 32575  
twenty-five students enrolled in the internet- or computer-based 32576  
community school that has retained that teacher. 32577

(C) For any internet- or computer-based community school, the 32578  
contract between the sponsor and the governing authority of the 32579  
school described in section 3314.03 of the Revised Code shall 32580  
specify each of the following: 32581

(1) A requirement that the school use a filtering device or 32582  
install filtering software that protects against internet access 32583  
to materials that are obscene or harmful to juveniles on each 32584  
computer provided to students for instructional use. The school 32585  
shall provide such device or software at no cost to any student 32586  
who works primarily from the student's residence on a computer 32587  
obtained from a source other than the school. 32588

(2) A plan for fulfilling the intent of the general assembly 32589  
specified in division (B)(1) of this section. The plan shall 32590  
indicate the number of times teachers will visit each student 32591  
throughout the school year and the manner in which those visits 32592  
will be conducted. 32593

(3) That the school will set up a central base of operation 32594  
and the sponsor will maintain a representative within fifty miles 32595  
of that base of operation to provide monitoring and assistance. 32596

(D)(1) Annually, each internet- or computer-based community 32597  
school shall prepare and submit to the department of education, in 32598

<u>a time and manner prescribed by the department, a report that</u>	32599
<u>contains information about all of the following:</u>	32600
<u>(a) Classroom size;</u>	32601
<u>(b) The ratio of teachers to students per classroom;</u>	32602
<u>(c) The number of student-teacher meetings conducted in</u>	32603
<u>person or by video conference;</u>	32604
<u>(d) Any other information determined necessary by the</u>	32605
<u>department.</u>	32606
<u>(2) The department annually shall prepare and submit to the</u>	32607
<u>state board of education a report that contains the information</u>	32608
<u>received under division (D)(1) of this section.</u>	32609
<b>Sec. 3314.35.</b> (A)(1) Except as provided in division (A)(4) of	32610
this section, this section applies to any community school that	32611
meets one of the following criteria after July 1, 2009, but before	32612
July 1, 2011:	32613
(a) The school does not offer a grade level higher than three	32614
and has been declared to be in a state of academic emergency under	32615
section 3302.03 of the Revised Code for three of the four most	32616
recent school years.	32617
(b) The school satisfies all of the following conditions:	32618
(i) The school offers any of grade levels four to eight but	32619
does not offer a grade level higher than nine.	32620
(ii) The school has been declared to be in a state of	32621
academic emergency under section 3302.03 of the Revised Code for	32622
two of the three most recent school years.	32623
(iii) In at least two of the three most recent school years,	32624
the school showed less than one standard year of academic growth	32625
in either reading or mathematics, as determined by the department	32626
of education in accordance with rules adopted under division (A)	32627



of section 3302.021 of the Revised Code. 32628

(c) The school offers any of grade levels ten to twelve and 32629  
has been declared to be in a state of academic emergency under 32630  
section 3302.03 of the Revised Code for three of the four most 32631  
recent school years. 32632

(2) Except as provided in division (A)(4) of this section, 32633  
this section applies to any community school that meets one of the 32634  
following criteria after July 1, 2011, but before July 1, 2013: 32635

(a) The school does not offer a grade level higher than three 32636  
and has been declared to be in a state of academic emergency under 32637  
section 3302.03 of the Revised Code for two of the three most 32638  
recent school years. 32639

(b) The school satisfies all of the following conditions: 32640

(i) The school offers any of grade levels four to eight but 32641  
does not offer a grade level higher than nine. 32642

(ii) The school has been declared to be in a state of 32643  
academic emergency under section 3302.03 of the Revised Code for 32644  
two of the three most recent school years. 32645

(iii) In at least two of the three most recent school years, 32646  
the school showed less than one standard year of academic growth 32647  
in either reading or mathematics, as determined by the department 32648  
in accordance with rules adopted under division (A) of section 32649  
3302.021 of the Revised Code. 32650

(c) The school offers any of grade levels ten to twelve and 32651  
has been declared to be in a state of academic emergency under 32652  
section 3302.03 of the Revised Code for two of the three most 32653  
recent school years. 32654

(3) Except as provided in division (A)(4) of this section, 32655  
this section applies to any community school that meets one of the 32656  
following criteria on or after July 1, 2013: 32657

(a) The school does not offer a grade level higher than three 32658  
and, for ~~two~~ of the three most recent school years, satisfies any 32659  
of the following criteria: 32660

(i) The school has been declared to be in a state of academic 32661  
emergency under section 3302.03 of the Revised Code, as it existed 32662  
prior to March 22, 2013; 32663

(ii) The school has received a grade of "F" in improving 32664  
literacy in grades kindergarten through three under division 32665  
(B)(1)(g) or (C)(1)(g) of section 3302.03 of the Revised Code; 32666

(iii) The school has received an overall grade of "F" under 32667  
division (C) of section 3302.03 of the Revised Code. 32668

(b) The school offers any of grade levels four to eight but 32669  
does not offer a grade level higher than nine and, for ~~two~~ of the 32670  
three most recent school years, satisfies any of the following 32671  
criteria: 32672

(i) The school has been declared to be in a state of academic 32673  
emergency under section 3302.03 of the Revised Code, as it existed 32674  
prior to March 22, 2013, and the school showed less than one 32675  
standard year of academic growth in either reading or mathematics, 32676  
as determined by the department in accordance with rules adopted 32677  
under division (A) of section 3302.021 of the Revised Code; 32678

(ii) The school has received a grade of "F" for the 32679  
performance index score under division (A)(1)(b), (B)(1)(b), or 32680  
(C)(1)(b) and a grade of "F" for the value-added progress 32681  
dimension under division (A)(1)(e), (B)(1)(e), or (C)(1)(e) of 32682  
section 3302.03 of the Revised Code; 32683

(iii) The school has received an overall grade of "F" under 32684  
division (C) and a grade of "F" for the value-added progress 32685  
dimension under division (C)(1)(e) of section 3302.03 of the 32686  
Revised Code. 32687

(c) The school offers any of grade levels ten to twelve and, 32688  
for ~~two~~ of the three most recent school years, satisfies any of 32689  
the following criteria: 32690

(i) The school has been declared to be in a state of academic 32691  
emergency under section 3302.03 of the Revised Code, as it existed 32692  
prior to March 22, 2013; 32693

(ii) The school has received a grade of "F" for the 32694  
performance index score under division (A)(1)(b), (B)(1)(b), or 32695  
(C)(1)(b) and has not met annual measurable objectives under 32696  
division (A)(1)(a), (B)(1)(a), or (C)(1)(a) of section 3302.03 of 32697  
the Revised Code; 32698

(iii) The school has received an overall grade of "F" under 32699  
division (C) and a grade of "F" for the value-added progress 32700  
dimension under division (C)(1)(e) of section 3302.03 of the 32701  
Revised Code. 32702

For purposes of division (A)(3) of this section only, the 32703  
department of education shall calculate the value-added progress 32704  
dimension for a community school using assessment scores for only 32705  
those students to whom the school has administered the achievement 32706  
assessments prescribed by section 3301.0710 of the Revised Code 32707  
for at least the two most recent school years but using 32708  
value-added data from only the most recent school year. 32709

(4) This section does not apply to either of the following: 32710

(a) Any community school in which a majority of the students 32711  
are enrolled in a dropout prevention and recovery program that is 32712  
operated by the school. Rather, such schools shall be subject to 32713  
closure only as provided in section 3314.351 of the Revised Code. 32714  
However, prior to July 1, 2014, a community school in which a 32715  
majority of the students are enrolled in a dropout prevention and 32716  
recovery program shall be exempt from this section only if it has 32717  
been granted a waiver under section 3314.36 of the Revised Code. 32718

(b) Any community school in which a majority of the enrolled students are children with disabilities receiving special education and related services in accordance with Chapter 3323. of the Revised Code.

(B) Any community school to which this section applies shall permanently close at the conclusion of the school year in which the school first becomes subject to this section. The sponsor and governing authority of the school shall comply with all procedures for closing a community school adopted by the department under division (E) of section 3314.015 of the Revised Code. The governing authority of the school shall not enter into a contract with any other sponsor under section 3314.03 of the Revised Code after the school closes.

(C) In accordance with division (B) of section 3314.012 of the Revised Code, the department shall not consider the performance ratings assigned to a community school for its first two years of operation when determining whether the school meets the criteria prescribed by division (A)(1) or (2) of this section.

(D) Nothing in this section or in any other provision of the Revised Code prohibits the sponsor of a community school from exercising its option not to renew a contract for any reason or from terminating a contract prior to its expiration for any of the reasons set forth in section 3314.07 of the Revised Code.

**Sec. 3314.351.** (A) This section applies to any community school in which a majority of the students are enrolled in a dropout prevention and recovery program. ~~Beginning on or after July 1, 2014~~ Except as provided in division (F) of this section, any such community school that has received a designation of "does not meet standards," as described in division (D)(1) of section 3314.017 of the Revised Code on the report card issued under that section, for ~~at least two of~~ the three most recent school years

shall be subject to closure in accordance with this section. 32750

(B) Not later than the first day of September in each school 32751  
year, the department of education shall notify each school subject 32752  
to closure under this section that the school must close not later 32753  
than the thirtieth day of the following June. 32754

A school so notified shall close as required. 32755

(C) A school that opens on or after July 1, 2014, shall not 32756  
be subject to closure under this section for its first two years 32757  
of operation. A school that is in operation prior to July 1, 2014, 32758  
shall not be subject to closure under this section until after 32759  
August 31, 2016. 32760

(D) The sponsor and governing authority of the school shall 32761  
comply with all procedures for closing a community school adopted 32762  
by the department under division (E) of section 3314.015 of the 32763  
Revised Code. The governing authority of the school shall not 32764  
enter into a contract with any other sponsor under section 3314.03 32765  
of the Revised Code after the school closes. 32766

(E) Nothing in this section or in any other provision of the 32767  
Revised Code prohibits the sponsor of a community school from 32768  
exercising its option not to renew a contract for any reason or 32769  
from terminating a contract prior to its expiration for any of the 32770  
reasons set forth in section 3314.07 of the Revised Code. 32771

(F) Beginning in the 2019-2020 school year, no school shall 32772  
be subject to closure under this section based on the report card 32773  
issued for that school for the 2017-2018 or 2018-2019 school year 32774  
if the school received an overall rating of "meets standards" or 32775  
"exceeds standards" for the 2017-2018 or 2018-2019 school year 32776  
pursuant to division (I) of section 3314.017 of the Revised Code. 32777  
However, no school permanently closed under this section prior to 32778  
the 2019-2020 school year shall be eligible to reopen based on the 32779

calculated or recalculated ratings under division (I) of section 3314.017 of the Revised Code. 32780  
32781

Sec. 3314.353. Not later than the thirty-first day of August each year, the department of education shall publish separate lists of the following: 32782  
32783  
32784

(A) Community schools that have become subject to permanent closure under section 3314.35 or 3314.351 of the Revised Code; 32785  
32786

(B) Community schools that are at risk of becoming subject to permanent closure under section 3314.35 or 3314.351 of the Revised Code if their academic performance, as prescribed in those sections, does not improve on the next state report cards issued under section 3302.03 or 3314.017 of the Revised Code; 32787  
32788  
32789  
32790  
32791

(C) All "challenged school districts" in which new start-up community schools may be located, as prescribed in section 3314.02 of the Revised Code. 32792  
32793  
32794

Sec. 3314.354. Not later than the thirty-first day of July of each year, the department of education shall submit preliminary data on community schools at risk of becoming subject to permanent closure under section 3314.35 or 3314.351 of the Revised Code. 32795  
32796  
32797  
32798

Sec. 3317.016. The amounts for ~~limited~~ English ~~proficient~~ ~~students~~ learners shall be as follows: 32799  
32800

(A) An amount of \$1,515 for each student who has been enrolled in schools in the United States for 180 school days or less and was not previously exempted from taking the spring administration of either of the state's English language arts assessments prescribed by section 3301.0710 of the Revised Code (reading or writing). 32801  
32802  
32803  
32804  
32805  
32806

(B) An amount of \$1,136 for each student who has been enrolled in schools in the United States for more than 180 school 32807  
32808

days or was previously exempted from taking the spring 32809  
administration of either of the state's English language arts 32810  
assessments prescribed by section 3301.0710 of the Revised Code 32811  
(reading or writing). 32812

(C) An amount of \$758 for each student who does not qualify 32813  
for inclusion under division (A) or (B) of this section and is in 32814  
a trial-mainstream period, as defined by the department. 32815

**Sec. 3317.02.** As used in this chapter: 32816

(A)(1) "Category one career-technical education ADM" means 32817  
the enrollment of students during the school year on a full-time 32818  
equivalency basis in career-technical education programs described 32819  
in division (A) of section 3317.014 of the Revised Code and 32820  
certified under division (B)(11) or (D)(2)(h) of section 3317.03 32821  
of the Revised Code. 32822

(2) "Category two career-technical education ADM" means the 32823  
enrollment of students during the school year on a full-time 32824  
equivalency basis in career-technical education programs described 32825  
in division (B) of section 3317.014 of the Revised Code and 32826  
certified under division (B)(12) or (D)(2)(i) of section 3317.03 32827  
of the Revised Code. 32828

(3) "Category three career-technical education ADM" means the 32829  
enrollment of students during the school year on a full-time 32830  
equivalency basis in career-technical education programs described 32831  
in division (C) of section 3317.014 of the Revised Code and 32832  
certified under division (B)(13) or (D)(2)(j) of section 3317.03 32833  
of the Revised Code. 32834

(4) "Category four career-technical education ADM" means the 32835  
enrollment of students during the school year on a full-time 32836  
equivalency basis in career-technical education programs described 32837  
in division (D) of section 3317.014 of the Revised Code and 32838

certified under division (B)(14) or (D)(2)(k) of section 3317.03 32839  
of the Revised Code. 32840

(5) "Category five career-technical education ADM" means the 32841  
enrollment of students during the school year on a full-time 32842  
equivalency basis in career-technical education programs described 32843  
in division (E) of section 3317.014 of the Revised Code and 32844  
certified under division (B)(15) or (D)(2)(l) of section 3317.03 32845  
of the Revised Code. 32846

(B)(1) "Category one ~~limited~~ English ~~proficient~~ learner ADM" 32847  
means the full-time equivalent number of ~~limited~~ English 32848  
~~proficient students~~ learners described in division (A) of section 32849  
3317.016 of the Revised Code and certified under division (B)(16) 32850  
or (D)(2)(m) of section 3317.03 of the Revised Code. 32851

(2) "Category two ~~limited~~ English ~~proficient~~ learner ADM" 32852  
means the full-time equivalent number of ~~limited~~ English 32853  
~~proficient students~~ learners described in division (B) of section 32854  
3317.016 of the Revised Code and certified under division (B)(17) 32855  
or (D)(2)(n) of section 3317.03 of the Revised Code. 32856

(3) "Category three ~~limited~~ English ~~proficient~~ learner ADM" 32857  
means the full-time equivalent number of ~~limited~~ English 32858  
~~proficient students~~ learners described in division (C) of section 32859  
3317.016 of the Revised Code and certified under division (B)(18) 32860  
or (D)(2)(o) of section 3317.03 of the Revised Code. 32861

(C)(1) "Category one special education ADM" means the 32862  
full-time equivalent number of children with disabilities 32863  
receiving special education services for the disability specified 32864  
in division (A) of section 3317.013 of the Revised Code and 32865  
certified under division (B)(5) or (D)(2)(b) of section 3317.03 of 32866  
the Revised Code. 32867

(2) "Category two special education ADM" means the full-time 32868  
equivalent number of children with disabilities receiving special 32869



education services for those disabilities specified in division 32870  
(B) of section 3317.013 of the Revised Code and certified under 32871  
division (B)(6) or (D)(2)(c) of section 3317.03 of the Revised 32872  
Code. 32873

(3) "Category three special education ADM" means the 32874  
full-time equivalent number of students receiving special 32875  
education services for those disabilities specified in division 32876  
(C) of section 3317.013 of the Revised Code, and certified under 32877  
division (B)(7) or (D)(2)(d) of section 3317.03 of the Revised 32878  
Code. 32879

(4) "Category four special education ADM" means the full-time 32880  
equivalent number of students receiving special education services 32881  
for those disabilities specified in division (D) of section 32882  
3317.013 of the Revised Code and certified under division (B)(8) 32883  
or (D)(2)(e) of section 3317.03 of the Revised Code. 32884

(5) "Category five special education ADM" means the full-time 32885  
equivalent number of students receiving special education services 32886  
for the disabilities specified in division (E) of section 3317.013 32887  
of the Revised Code and certified under division (B)(9) or 32888  
(D)(2)(f) of section 3317.03 of the Revised Code. 32889

(6) "Category six special education ADM" means the full-time 32890  
equivalent number of students receiving special education services 32891  
for the disabilities specified in division (F) of section 3317.013 32892  
of the Revised Code and certified under division (B)(10) or 32893  
(D)(2)(g) of section 3317.03 of the Revised Code. 32894

(D) "Economically disadvantaged index for a school district" 32895  
means the square of the quotient of that district's percentage of 32896  
students in its total ADM who are identified as economically 32897  
disadvantaged as defined by the department of education, divided 32898  
by the percentage of students in the statewide total ADM 32899  
identified as economically disadvantaged. For purposes of this 32900

calculation: 32901

(1) For a city, local, or exempted village school district, 32902  
the "statewide total ADM" equals the sum of the total ADM for all 32903  
city, local, and exempted village school districts combined. 32904

(2) For a joint vocational school district, the "statewide 32905  
total ADM" equals the sum of the formula ADM for all joint 32906  
vocational school districts combined. 32907

(E)(1) "Formula ADM" means, for a city, local, or exempted 32908  
village school district, the enrollment reported under division 32909  
(A) of section 3317.03 of the Revised Code, as verified by the 32910  
superintendent of public instruction and adjusted if so ordered 32911  
under division (K) of that section, and as further adjusted by the 32912  
department of education, as follows: 32913

(a) Count only twenty per cent of the number of joint 32914  
vocational school district students counted under division (A)(3) 32915  
of section 3317.03 of the Revised Code; 32916

(b) Add twenty per cent of the number of students who are 32917  
entitled to attend school in the district under section 3313.64 or 32918  
3313.65 of the Revised Code and are enrolled in another school 32919  
district under a career-technical education compact. 32920

(2) "Formula ADM" means, for a joint vocational school 32921  
district, the final number verified by the superintendent of 32922  
public instruction, based on the enrollment reported and certified 32923  
under division (D) of section 3317.03 of the Revised Code, as 32924  
adjusted, if so ordered, under division (K) of that section. 32925

(F) "Formula amount" means \$6,010, for fiscal year 2018, and 32926  
\$6,020, for fiscal year 2019. 32927

(G) "FTE basis" means a count of students based on full-time 32928  
equivalency, in accordance with rules adopted by the department of 32929  
education pursuant to section 3317.03 of the Revised Code. In 32930

adopting its rules under this division, the department shall 32931  
provide for counting any student in category one, two, three, 32932  
four, five, or six special education ADM or in category one, two, 32933  
three, four, or five career-technical education ADM in the same 32934  
proportion the student is counted in formula ADM. 32935

(H) "Internet- or computer-based community school" has the 32936  
same meaning as in section 3314.02 of the Revised Code. 32937

(I) "Medically fragile child" means a child to whom all of 32938  
the following apply: 32939

(1) The child requires the services of a doctor of medicine 32940  
or osteopathic medicine at least once a week due to the 32941  
instability of the child's medical condition. 32942

(2) The child requires the services of a registered nurse on 32943  
a daily basis. 32944

(3) The child is at risk of institutionalization in a 32945  
hospital, skilled nursing facility, or intermediate care facility 32946  
for individuals with intellectual disabilities. 32947

(J)(1) A child may be identified as having an "other health 32948  
impairment-major" if the child's condition meets the definition of 32949  
"other health impaired" established in rules previously adopted by 32950  
the state board of education and if either of the following apply: 32951

(a) The child is identified as having a medical condition 32952  
that is among those listed by the superintendent of public 32953  
instruction as conditions where a substantial majority of cases 32954  
fall within the definition of "medically fragile child." 32955

(b) The child is determined by the superintendent of public 32956  
instruction to be a medically fragile child. A school district 32957  
superintendent may petition the superintendent of public 32958  
instruction for a determination that a child is a medically 32959  
fragile child. 32960

(2) A child may be identified as having an "other health impairment-minor" if the child's condition meets the definition of "other health impaired" established in rules previously adopted by the state board of education but the child's condition does not meet either of the conditions specified in division (J)(1)(a) or (b) of this section.

(K) "Preschool child with a disability" means a child with a disability, as defined in section 3323.01 of the Revised Code, who is at least age three but is not of compulsory school age, as defined in section 3321.01 of the Revised Code, and who is not currently enrolled in kindergarten.

(L) "Preschool scholarship ADM" means the number of preschool children with disabilities certified under division (B)(3)(h) of section 3317.03 of the Revised Code.

(M) "Related services" includes:

(1) Child study, special education supervisors and coordinators, speech and hearing services, adaptive physical development services, occupational or physical therapy, teacher assistants for children with disabilities whose disabilities are described in division (B) of section 3317.013 or division (B)(3) of this section, behavioral intervention, interpreter services, work study, nursing services, and specialized integrative services as those terms are defined by the department;

(2) Speech and language services provided to any student with a disability, including any student whose primary or only disability is a speech and language disability;

(3) Any related service not specifically covered by other state funds but specified in federal law, including but not limited to, audiology and school psychological services;

(4) Any service included in units funded under former division (O)(1) of section 3317.024 of the Revised Code;

(5) Any other related service needed by children with disabilities in accordance with their individualized education programs.	32992 32993 32994
(N) "School district," unless otherwise specified, means city, local, and exempted village school districts.	32995 32996
(O) "State education aid" has the same meaning as in section 5751.20 of the Revised Code.	32997 32998
(P) "State share index" means the state share index calculated for a district under section 3317.017 of the Revised Code.	32999 33000 33001
(Q) "Taxes charged and payable" means the taxes charged and payable against real and public utility property after making the reduction required by section 319.301 of the Revised Code, plus the taxes levied against tangible personal property.	33002 33003 33004 33005
(R)(1) For purposes of section 3317.017 of the Revised Code, "three-year average valuation" means the average of total taxable value for tax years 2014, 2015, and 2016.	33006 33007 33008
(2) For purposes of sections 3317.0217, 3317.0218, and 3317.16 of the Revised Code, "three-year average valuation" means the following:	33009 33010 33011
(a) For fiscal year 2018, the average of total taxable value for tax years 2014, 2015, and 2016;	33012 33013
(b) For fiscal year 2019, the average of total taxable value for tax years 2015, 2016, and 2017.	33014 33015
(S) "Total ADM" means, for a city, local, or exempted village school district, the enrollment reported under division (A) of section 3317.03 of the Revised Code, as verified by the superintendent of public instruction and adjusted if so ordered under division (K) of that section.	33016 33017 33018 33019 33020
(T) "Total special education ADM" means the sum of categories	33021

one through six special education ADM. 33022

(U) "Total taxable value" means the sum of the amounts 33023  
certified for a city, local, exempted village, or joint vocational 33024  
school district under divisions (A)(1) and (2) of section 3317.021 33025  
of the Revised Code. 33026

**Sec. 3317.022.** (A) The department of education shall compute 33027  
and distribute state core foundation funding to each eligible 33028  
school district for the fiscal year, using the information 33029  
obtained under section 3317.021 of the Revised Code in the 33030  
calendar year in which the fiscal year begins, as prescribed in 33031  
the following divisions: 33032

(1) An opportunity grant calculated according to the 33033  
following formula: 33034

The formula amount X (formula ADM + preschool scholarship 33035  
ADM) X the district's state share index 33036

(2) Targeted assistance funds calculated under divisions (A) 33037  
and (B) of section 3317.0217 of the Revised Code; 33038

(3) Additional state aid for special education and related 33039  
services provided under Chapter 3323. of the Revised Code 33040  
calculated as the sum of the following: 33041

(a) The district's category one special education ADM X the 33042  
amount specified in division (A) of section 3317.013 of the 33043  
Revised Code X the district's state share index; 33044

(b) The district's category two special education ADM X the 33045  
amount specified in division (B) of section 3317.013 of the 33046  
Revised Code X the district's state share index; 33047

(c) The district's category three special education ADM X the 33048  
amount specified in division (C) of section 3317.013 of the 33049  
Revised Code X the district's state share index; 33050

(d) The district's category four special education ADM X the amount specified in division (D) of section 3317.013 of the Revised Code X the district's state share index;

(e) The district's category five special education ADM X the amount specified in division (E) of section 3317.013 of the Revised Code X the district's state share index;

(f) The district's category six special education ADM X the amount specified in division (F) of section 3317.013 of the Revised Code X the district's state share index.

(4) Kindergarten through third grade literacy funds calculated according to the following formula:

$(\$193 \times \text{formula ADM for grades kindergarten through three} \times \text{the district's state share index}) + (\$127 \times \text{formula ADM for grades kindergarten through three})$

For purposes of this calculation, the department shall subtract from a district's formula ADM for grades kindergarten through three the number of students reported under division (B)(3)(e) of section 3317.03 of the Revised Code as enrolled in an internet- or computer-based community school who are in grades kindergarten through three.

(5) Economically disadvantaged funds calculated according to the following formula:

$\$272 \times (\text{the district's economically disadvantaged index}) \times \text{the number of students who are economically disadvantaged as certified under division (B)(21) of section 3317.03 of the Revised Code}$

(6) ~~Limited English proficiency learner~~ funds calculated as the sum of the following:

(a) The district's category one ~~limited English proficient learner~~ ADM X the amount specified in division (A) of section

3317.016 of the Revised Code X the district's state share index;	33081
(b) The district's category two <del>limited</del> English <del>proficient</del> <u>learner</u> ADM X the amount specified in division (B) of section	33082 33083
3317.016 of the Revised Code X the district's state share index;	33084
(c) The district's category three <del>limited</del> English <del>proficient</del> <u>learner</u> ADM X the amount specified in division (C) of section	33085 33086
3317.016 of the Revised Code X the district's state share index.	33087
(7)(a) Gifted identification funds calculated according to	33088
the following formula:	33089
\$5.05 X the district's formula ADM	33090
(b) Gifted unit funding calculated under section 3317.051 of	33091
the Revised Code.	33092
(8) Career-technical education funds calculated as the sum of	33093
the following:	33094
(a) The district's category one career-technical education	33095
ADM X the amount specified in division (A) of section 3317.014 of	33096
the Revised Code X the district's state share index;	33097
(b) The district's category two career-technical education	33098
ADM X the amount specified in division (B) of section 3317.014 of	33099
the Revised Code X the district's state share index;	33100
(c) The district's category three career-technical education	33101
ADM X the amount specified in division (C) of section 3317.014 of	33102
the Revised Code X the district's state share index;	33103
(d) The district's category four career-technical education	33104
ADM X the amount specified in division (D) of section 3317.014 of	33105
the Revised Code X the district's state share index;	33106
(e) The district's category five career-technical education	33107
ADM X the amount specified in division (E) of section 3317.014 of	33108
the Revised Code X the district's state share index.	33109
Payment of funds under division (A)(8) of this section is	33110



subject to approval under section 3317.161 of the Revised Code.	33111
(9) Career-technical education associated services funds	33112
calculated according to the following formula:	33113
The district's state share index X the amount for career-technical	33114
education associated services specified in section 3317.014 of the	33115
Revised Code X the sum of categories one through five	33116
career-technical education ADM	33117
(10) Capacity aid funds calculated under section 3317.0218 of	33118
the Revised Code;	33119
(11) A graduation bonus calculated under section 3317.0215 of	33120
the Revised Code;	33121
(12) A third-grade reading bonus calculated under section	33122
3317.0216 of the Revised Code.	33123
(B) In any fiscal year, a school district shall spend for	33124
purposes that the department designates as approved for special	33125
education and related services expenses at least the amount	33126
calculated as follows:	33127
(The formula amount X the total special education ADM) + (the	33128
district's category one special education ADM X the amount	33129
specified in division (A) of section 3317.013 of the Revised Code)	33130
+ (the district's category two special education ADM X the amount	33131
specified in division (B) of section 3317.013 of the Revised Code)	33132
+ (the district's category three special education ADM X the	33133
amount specified in division (C) of section 3317.013 of the	33134
Revised Code) + (the district's category four special education	33135
ADM X the amount specified in division (D) of section 3317.013 of	33136
the Revised Code) + (the district's category five special	33137
education ADM X the amount specified in division (E) of section	33138
3317.013 of the Revised Code) + (the district's category six	33139
special education ADM X the amount specified in division (F) of	33140
section 3317.013 of the Revised Code)	33141

The purposes approved by the department for special education 33142  
expenses shall include, but shall not be limited to, 33143  
identification of children with disabilities, compliance with 33144  
state rules governing the education of children with disabilities 33145  
and prescribing the continuum of program options for children with 33146  
disabilities, provision of speech language pathology services, and 33147  
the portion of the school district's overall administrative and 33148  
overhead costs that are attributable to the district's special 33149  
education student population. 33150

The scholarships deducted from the school district's account 33151  
under sections 3310.41 and 3310.55 of the Revised Code shall be 33152  
considered to be an approved special education and related 33153  
services expense for the purpose of the school district's 33154  
compliance with this division. 33155

(C) In any fiscal year, a school district receiving funds 33156  
under division (A)(8) of this section shall spend those funds only 33157  
for the purposes that the department designates as approved for 33158  
career-technical education expenses. Career-technical education 33159  
expenses approved by the department shall include only expenses 33160  
connected to the delivery of career-technical programming to 33161  
career-technical students. The department shall require the school 33162  
district to report data annually so that the department may 33163  
monitor the district's compliance with the requirements regarding 33164  
the manner in which funding received under division (A)(8) of this 33165  
section may be spent. 33166

(D) In any fiscal year, a school district receiving funds 33167  
under division (A)(9) of this section, or through a transfer of 33168  
funds pursuant to division (I) of section 3317.023 of the Revised 33169  
Code, shall spend those funds only for the purposes that the 33170  
department designates as approved for career-technical education 33171  
associated services expenses, which may include such purposes as 33172  
apprenticeship coordinators, coordinators for other 33173

career-technical education services, career-technical evaluation, 33174  
and other purposes designated by the department. The department 33175  
may deny payment under division (A)(9) of this section to any 33176  
district that the department determines is not operating those 33177  
services or is using funds paid under division (A)(9) of this 33178  
section, or through a transfer of funds pursuant to division (I) 33179  
of section 3317.023 of the Revised Code, for other purposes. 33180

(E) All funds received under division (A)(8) of this section 33181  
shall be spent in the following manner: 33182

(1) At least seventy-five per cent of the funds shall be 33183  
spent on curriculum development, purchase, and implementation; 33184  
instructional resources and supplies; industry-based program 33185  
certification; student assessment, credentialing, and placement; 33186  
curriculum specific equipment purchases and leases; 33187  
career-technical student organization fees and expenses; home and 33188  
agency linkages; work-based learning experiences; professional 33189  
development; and other costs directly associated with 33190  
career-technical education programs including development of new 33191  
programs. 33192

(2) Not more than twenty-five per cent of the funds shall be 33193  
used for personnel expenditures. 33194

(F) A school district shall spend the funds it receives under 33195  
division (A)(5) of this section in accordance with section 3317.25 33196  
of the Revised Code. 33197

**Sec. 3317.023.** (A) The amounts required to be paid to a 33198  
district under this chapter shall be adjusted by the amount of the 33199  
computations made under divisions (B) to (K) of this section. 33200

As used in this section: 33201

(1) "Career-technical planning district" or "CTPD" means a 33202  
school district or group of school districts designated by the 33203

department of education as being responsible for the planning for 33204  
and provision of career-technical education services to students 33205  
within the district or group. A community school established under 33206  
Chapter 3314. of the Revised Code or a STEM school established 33207  
under Chapter 3326. of the Revised Code that is serving students 33208  
in any of grades seven through twelve shall be assigned to a 33209  
career-technical planning district by the department. 33210

(2) "Lead district" means a school district, including a 33211  
joint vocational school district, designated by the department as 33212  
a CTPD, or designated to provide primary career-technical 33213  
education leadership within a CTPD composed of a group of 33214  
districts, community schools assigned to the CTPD, and STEM 33215  
schools assigned to the CTPD. 33216

(B) If a local, city, or exempted village school district to 33217  
which a governing board of an educational service center provides 33218  
services pursuant to an agreement entered into under section 33219  
3313.843 of the Revised Code, deduct the amount of the payment 33220  
required for the reimbursement of the governing board under that 33221  
section. 33222

(C)(1) If the district is required to pay to or entitled to 33223  
receive tuition from another school district under division (C)(2) 33224  
or (3) of section 3313.64 or section 3313.65 of the Revised Code, 33225  
or if the superintendent of public instruction is required to 33226  
determine the correct amount of tuition and make a deduction or 33227  
credit under section 3317.08 of the Revised Code, deduct and 33228  
credit such amounts as provided in division (J) of section 3313.64 33229  
or section 3317.08 of the Revised Code. 33230

(2) For each child for whom the district is responsible for 33231  
tuition or payment under division (A)(1) of section 3317.082 or 33232  
section 3323.091 of the Revised Code, deduct the amount of tuition 33233  
or payment for which the district is responsible. 33234

(D) If the district has been certified by the superintendent 33235  
of public instruction under section 3313.90 of the Revised Code as 33236  
not in compliance with the requirements of that section, deduct an 33237  
amount equal to ten per cent of the amount computed for the 33238  
district under this chapter. 33239

(E) If the district has received a loan from a commercial 33240  
lending institution for which payments are made by the 33241  
superintendent of public instruction pursuant to division (E)(3) 33242  
of section 3313.483 of the Revised Code, deduct an amount equal to 33243  
such payments. 33244

(F)(1) If the district is a party to an agreement entered 33245  
into under division (D), (E), or (F) of section 3311.06 or 33246  
division (B) of section 3311.24 of the Revised Code and is 33247  
obligated to make payments to another district under such an 33248  
agreement, deduct an amount equal to such payments if the district 33249  
school board notifies the department in writing that it wishes to 33250  
have such payments deducted. 33251

(2) If the district is entitled to receive payments from 33252  
another district that has notified the department to deduct such 33253  
payments under division (F)(1) of this section, add the amount of 33254  
such payments. 33255

(G) If the district is required to pay an amount of funds to 33256  
a cooperative education district pursuant to a provision described 33257  
by division (B)(4) of section 3311.52 or division (B)(8) of 33258  
section 3311.521 of the Revised Code, deduct such amounts as 33259  
provided under that provision and credit those amounts to the 33260  
cooperative education district for payment to the district under 33261  
division (B)(1) of section 3317.19 of the Revised Code. 33262

(H)(1) If a district is educating a student entitled to 33263  
attend school in another district pursuant to a shared education 33264  
contract, compact, or cooperative education agreement other than 33265

an agreement entered into pursuant to section 3313.842 of the Revised Code, credit to that educating district on an FTE basis both of the following: 33266

(a) An amount equal to the formula amount. 33269

(b) Any amount applicable to the student pursuant to section 3317.013 or 3317.014 of the Revised Code. 33270  
33271

(2) Deduct any amount credited pursuant to division (H)(1) of this section from amounts paid to the school district in which the student is entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code. 33272  
33273  
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(3) If the district is required by a shared education contract, compact, or cooperative education agreement to make payments to an educational service center, deduct the amounts from payments to the district and add them to the amounts paid to the service center pursuant to section 3317.11 of the Revised Code. 33276  
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(I)(1) If a district, including a joint vocational school district, is a lead district of a CTPD, credit to that district the amount calculated for each school district within that CTPD under division (A)(9) of section 3317.022 of the Revised Code or division (A)(6) of section 3317.16 of the Revised Code, as applicable. 33281  
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(2) Deduct from each appropriate district that is not a lead district, the amount attributable to that district that is credited to a lead district under division (I)(1) of this section. 33287  
33288  
33289

(J) If the department pays a joint vocational school district under division (C)(3) of section 3317.16 of the Revised Code for excess costs of providing special education and related services to a student with a disability, as calculated under division (C)(1) of that section, the department shall deduct the amount of that payment from the city, local, or exempted village school district that is responsible as specified in that section for the 33290  
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excess costs. 33297

(K)(1) If the district reports an amount of excess cost for 33298  
special education services for a child under division (C) of 33299  
section 3323.14 of the Revised Code, the department shall pay that 33300  
amount to the district. 33301

(2) If the district reports an amount of excess cost for 33302  
special education services for a child under division (C) of 33303  
section 3323.14 of the Revised Code, the department shall deduct 33304  
that amount from the district of residence of that child. 33305

**Sec. 3317.028.** (A) On or before May 15, 2007, and the 33306  
fifteenth day of May in each calendar year thereafter, the tax 33307  
commissioner shall determine for each school district whether the 33308  
taxable value of all utility tangible personal property subject to 33309  
taxation by the district in the preceding tax year was less ~~or~~ 33310  
~~greater~~ than the taxable value of such property during the second 33311  
preceding tax year. If any decrease exceeds ten per cent of the 33312  
district's tangible personal property taxable value included in 33313  
the total taxable value used in the district's state aid 33314  
computation for the fiscal year that ends in the current calendar 33315  
year, ~~or if any increase exceeds ten per cent of the district's~~ 33316  
~~total taxable value used in the district's state education aid~~ 33317  
~~computation for the fiscal year that ends in the current calendar~~ 33318  
~~year,~~ the tax commissioner shall certify all of the following to 33319  
the department of education and the office of budget and 33320  
management: 33321

(1) The district's total taxable value for the preceding tax 33322  
year; 33323

(2) The ~~decrease or increase~~ change in taxes charged and 33324  
payable on the district's total taxable value for the preceding 33325  
tax year and the second preceding tax year; 33326

(3) The taxable value of the utility tangible personal property ~~increase or~~ decrease, which shall be considered a change in valuation; 33327  
33328  
33329

(4) The ~~decrease or increase~~ change in taxes charged and payable on such change in taxable value calculated in the same manner as in division (A)(3) of section 3317.021 of the Revised Code. 33330  
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~~(B)(1)~~ Upon receipt of a certification specified in this section, the department of education shall replace the three-year average valuations that were used in computing the district's state education aid for the fiscal year that ends in the current calendar year with the taxable value certified under division (A)(1) of this section and shall recompute the state education aid for such fiscal year without applying any funding limitations enacted by the general assembly to the computation. ~~Subject to division (B)(2) of this section, the~~ The department shall pay to ~~or deduct from~~ the district an amount equal to the lesser of the following: 33334  
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~~(a)(1)~~ The positive difference between the district's state education aid prior to the recomputation under this section and the district's recomputed state education aid; 33345  
33346  
33347

~~(b)(2)~~ The ~~increase or decrease~~ absolute value of the amount certified under division (A)(2) of this section. 33348  
33349

The payment date shall be determined by the director of budget and management. The director shall select a payment date that is not earlier than the first day of June of the current fiscal year and not later than the thirty-first day of July of the following fiscal year. The department of education shall not pay the district under this section prior to approval by the director of budget and management to make that payment. 33350  
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~~(2)(a)~~ If an increase in the taxable value of the utility 33357



~~tangible personal property is certified for a district under 33358  
division (A)(2) of this section, the department shall not make a 33359  
payment to the district under division (B)(1) of this section. The 33360  
department may, however, deduct funds from the district under 33361  
division (B)(1) of this section. 33362~~

~~(b) If a decrease in the taxable value of the utility 33363  
tangible personal property is certified for a district under 33364  
division (A)(2) of this section, the department shall not deduct 33365  
funds from the district under division (B)(1) of this section. The 33366  
department may, however, make a payment to the district under 33367  
division (B)(1) of this section. 33368~~

(C) If a school district received a grant from the 33369  
catastrophic expenditures account pursuant to division (C) of 33370  
section 3316.20 of the Revised Code on the basis of the same 33371  
circumstances for which a recomputation is made under this 33372  
section, the amount of the recomputation shall be reduced and 33373  
transferred in accordance with division (C) of section 3316.20 of 33374  
the Revised Code. 33375

**Sec. 3317.0219.** (A) As used in this section: 33376

(1) A district's "base per pupil amount" means the following: 33377

(a) For a district in the highest quintile determined under 33378  
division (B)(2) of this section, \$250, for fiscal year 2020, and 33379  
\$360, for fiscal year 2021. 33380

(b) For a district in the second highest quintile determined 33381  
under division (B)(2) of this section, \$200, for fiscal year 2020, 33382  
and \$290, for fiscal year 2021. 33383

(c) For a district in the third highest quintile determined 33384  
under division (B)(2) of this section, \$110, for fiscal year 2020, 33385  
and \$155, for fiscal year 2021. 33386

(d) For a district in the fourth highest quintile determined 33387

under division (B)(2) of this section, \$50, for fiscal year 2020, 33388  
and \$70, for fiscal year 2021. 33389

(e) For a district in the fifth highest quintile determined 33390  
under division (B)(2) of this section, \$20, for fiscal year 2020, 33391  
and \$30, for fiscal year 2021. 33392

(2) "Base poverty percentage" for a quintile determined under 33393  
division (B)(2) of this section means the poverty percentage of 33394  
the district ranked lowest in that quintile. 33395

(3) "Enrolled ADM" means, for a city, local, or exempted 33396  
village school district, the enrollment reported under division 33397  
(A) of section 3317.03 of the Revised Code, as verified by the 33398  
superintendent of public instruction and adjusted if so ordered 33399  
under division (K) of that section, and as further adjusted by the 33400  
department of education, as follows: 33401

(a) Add the students counted under division (A)(1)(b) of 33402  
section 3317.03 of the Revised Code. 33403

(b) Subtract the students counted under divisions (A)(2)(a), 33404  
(b), (d), (g), (h), (i), and (j) of section 3317.03 of the Revised 33405  
Code. 33406

(c) Subtract the students counted under division (A)(3) of 33407  
section 3317.03 of the Revised Code. 33408

(B) Subject to division (D) of this section, for fiscal years 33409  
2020 and 2021, the department of education shall calculate and pay 33410  
student wellness and success funds to city, local, and exempted 33411  
village school districts as follows: 33412

(1) Using the most recent five-year estimates published by 33413  
the United States census bureau in the American community survey 33414  
or its successor report, compute the poverty percentage for each 33415  
district, which equals the following quotient: 33416  
The number of children younger than eighteen years old residing in 33417

the district who live in a household with a family income below 33418  
one hundred eighty-five per cent of the federal poverty 33419  
guidelines, as defined in section 5101.46 of the Revised Code / 33420  
the total number of children younger than eighteen years old 33421  
residing in the district 33422

(2) Rank all city, local, and exempted village school 33423  
districts in order of poverty percentage calculated under division 33424  
(B)(1) of this section, from the district with the highest 33425  
percentage to the district with the lowest percentage, and group 33426  
the districts into quintiles. 33427

(3) Determine each district's enrolled ADM for the 33428  
immediately preceding fiscal year. If a district's enrolled ADM 33429  
for the immediately preceding fiscal year is determined to be less 33430  
than five, the district's enrolled ADM, for purposes of 33431  
computations under this section, shall be zero. 33432

(4) For each district that is not in the highest quintile 33433  
determined under division (B)(2) of this section, compute the 33434  
district's scaled amount, which is equal to the following 33435  
quotient: 33436

[(The district's poverty percentage computed under division (B)(1) 33437  
of this section - the base poverty percentage of the district's 33438  
quintile) / (the base poverty percentage of the quintile that is 33439  
the next highest quintile compared to the district's quintile - 33440  
the base poverty percentage of the district's quintile)] X (the 33441  
base per pupil amount for a district in the quintile that is the 33442  
next highest quintile compared to the district's quintile - the 33443  
district's base per pupil amount) 33444

(5) Compute a district's payment as follows: 33445

(a) Subject to division (B)(5)(c) of this section, if a 33446  
district is in the highest quintile determined under division 33447  
(B)(2) of this section, the district's payment shall be equal to 33448  
the following amount: 33449

The district's base per pupil amount for that fiscal year X the 33450  
district's enrolled ADM determined under division (B)(3) of this 33451  
section 33452

(b) Subject to division (B)(5)(c) of this section, if a 33453  
district is not in the highest quintile determined under division 33454  
(B)(2) of this section, the district's payment shall be equal to 33455  
the following amount: 33456

(The district's base per pupil amount for that fiscal year + the 33457  
district's scaled amount computed under division (B)(4) of this 33458  
section for that fiscal year) X the district's enrolled ADM 33459  
determined under division (B)(3) of this section 33460

(c) If the computation of a district's payment under division 33461  
(B)(5)(a) or (b) of this section is greater than zero but less 33462  
than \$25,000, for fiscal year 2020, or \$36,000, for fiscal year 33463  
2021, the district's payment shall be equal to \$25,000, for fiscal 33464  
year 2020, or \$36,000, for fiscal year 2021. 33465

If the computation of a district's payment under division 33466  
(B)(5)(a) or (b) of this section is equal to zero, the district's 33467  
payment shall be equal to zero. 33468

(C)(1) As used in division (C) of this section: 33469

(a) "Eligible school district" means a city, local, or 33470  
exempted village school district that received supplemental 33471  
targeted assistance funding under division (B) of section 33472  
3317.0217 of the Revised Code for fiscal year 2019. 33473

(b) A district's "enhancement percentage for a fiscal year" 33474  
means the square of the quotient of the poverty percentage 33475  
calculated for the district for that fiscal year under division 33476  
(B)(1) of this section divided by 0.36. 33477

(2) Subject to division (D) of this section, for fiscal years 33478  
2020 and 2021, the department shall pay student wellness and 33479  
success enhancement funds to each eligible city, local, and 33480

exempted village school district in an amount equal to the 33481  
following product: 33482  
(\$50, for fiscal year 2020, or \$75, for fiscal year 2021) X the 33483  
district's enhancement percentage for that fiscal year X the 33484  
district's enrolled ADM for the immediately preceding fiscal year 33485  
(D) The department shall pay funds under divisions (B) and 33486  
(C) of this section as follows: 33487  
(1) One-half of the amount shall be paid not later than the 33488  
thirty-first day of October of the fiscal year for which the 33489  
payment is calculated. 33490  
(2) One-half of the amount shall be paid not later than the 33491  
twenty-eighth day of February of the fiscal year for which the 33492  
payment is calculated. 33493  
Upon making a payment for a fiscal year under this section, 33494  
the department shall not make any reconciliations or adjustments 33495  
to that payment. 33496  
(E) A city, local, or exempted village school district that 33497  
receives a payment under this section shall comply with section 33498  
3317.26 of the Revised Code. 33499  
**Sec. 3317.03.** (A) The superintendent of each city, local, and 33500  
exempted village school district shall report to the state board 33501  
of education as of the last day of October, March, and June of 33502  
each year the enrollment of students receiving services from 33503  
schools under the superintendent's supervision, and the numbers of 33504  
other students entitled to attend school in the district under 33505  
section 3313.64 or 3313.65 of the Revised Code the superintendent 33506  
is required to report under this section, so that the department 33507  
of education can calculate the district's formula ADM, total ADM, 33508  
category one through five career-technical education ADM, category 33509  
one through three ~~limited~~ English proficient learner ADM, category 33510

one through six special education ADM, preschool scholarship ADM, 33511  
transportation ADM, and, for purposes of provisions of law outside 33512  
of Chapter 3317. of the Revised Code, average daily membership. 33513

(1) The enrollment reported by the superintendent during the 33514  
reporting period shall consist of the number of students in grades 33515  
kindergarten through twelve receiving any educational services 33516  
from the district, except that the following categories of 33517  
students shall not be included in the determination: 33518

(a) Students enrolled in adult education classes; 33519

(b) Adjacent or other district students enrolled in the 33520  
district under an open enrollment policy pursuant to section 33521  
3313.98 of the Revised Code; 33522

(c) Students receiving services in the district pursuant to a 33523  
compact, cooperative education agreement, or a contract, but who 33524  
are entitled to attend school in another district pursuant to 33525  
section 3313.64 or 3313.65 of the Revised Code; 33526

(d) Students for whom tuition is payable pursuant to sections 33527  
3317.081 and 3323.141 of the Revised Code; 33528

(e) Students receiving services in the district through a 33529  
scholarship awarded under either section 3310.41 or sections 33530  
3310.51 to 3310.64 of the Revised Code. 33531

When reporting students under division (A)(1) of this 33532  
section, the superintendent also shall report the district where 33533  
each student is entitled to attend school pursuant to sections 33534  
3313.64 and 3313.65 of the Revised Code. 33535

(2) The department of education shall compile a list of all 33536  
students reported to be enrolled in a district under division 33537  
(A)(1) of this section and of the students entitled to attend 33538  
school in the district pursuant to section 3313.64 or 3313.65 of 33539  
the Revised Code on an FTE basis but receiving educational 33540

services in grades kindergarten through twelve from one or more of 33541  
the following entities: 33542

(a) A community school pursuant to Chapter 3314. of the 33543  
Revised Code, including any participation in a college pursuant to 33544  
Chapter 3365. of the Revised Code while enrolled in such community 33545  
school; 33546

(b) An alternative school pursuant to sections 3313.974 to 33547  
3313.979 of the Revised Code as described in division (I)(2)(a) or 33548  
(b) of this section; 33549

(c) A college pursuant to Chapter 3365. of the Revised Code, 33550  
except when the student is enrolled in the college while also 33551  
enrolled in a community school pursuant to Chapter 3314., a 33552  
science, technology, engineering, and mathematics school 33553  
established under Chapter 3326., or a college-preparatory boarding 33554  
school established under Chapter 3328. of the Revised Code; 33555

(d) An adjacent or other school district under an open 33556  
enrollment policy adopted pursuant to section 3313.98 of the 33557  
Revised Code; 33558

(e) An educational service center or cooperative education 33559  
district; 33560

(f) Another school district under a cooperative education 33561  
agreement, compact, or contract; 33562

(g) A chartered nonpublic school with a scholarship paid 33563  
under section 3310.08 of the Revised Code, if the students 33564  
qualified for the scholarship under section 3310.03 of the Revised 33565  
Code; 33566

(h) An alternative public provider or a registered private 33567  
provider with a scholarship awarded under either section 3310.41 33568  
or sections 3310.51 to 3310.64 of the Revised Code. 33569

As used in this section, "alternative public provider" and 33570

"registered private provider" have the same meanings as in section 3310.41 or 3310.51 of the Revised Code, as applicable.

(i) A science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school;

(j) A college-preparatory boarding school established under Chapter 3328. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school.

(3) The department also shall compile a list of the students entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code who are enrolled in a joint vocational school district or under a career-technical education compact, excluding any students so entitled to attend school in the district who are enrolled in another school district through an open enrollment policy as reported under division (A)(2)(d) of this section and then enroll in a joint vocational school district or under a career-technical education compact.

The department shall provide each city, local, and exempted village school district with an opportunity to review the list of students compiled under divisions (A)(2) and (3) of this section to ensure that the students reported accurately reflect the enrollment of students in the district.

(B) To enable the department of education to obtain the data needed to complete the calculation of payments pursuant to this chapter, each superintendent shall certify from the reports provided by the department under division (A) of this section all of the following:

(1) The total student enrollment in regular learning day classes included in the report under division (A)(1) or (2) of



this section for each of the individual grades kindergarten 33602  
through twelve in schools under the superintendent's supervision; 33603

(2) The unduplicated count of the number of preschool 33604  
children with disabilities enrolled in the district for whom the 33605  
district is eligible to receive funding under section 3317.0213 of 33606  
the Revised Code adjusted for the portion of the year each child 33607  
is so enrolled, in accordance with the disability categories 33608  
prescribed in section 3317.013 of the Revised Code; 33609

(3) The number of children entitled to attend school in the 33610  
district pursuant to section 3313.64 or 3313.65 of the Revised 33611  
Code who are: 33612

(a) Participating in a pilot project scholarship program 33613  
established under sections 3313.974 to 3313.979 of the Revised 33614  
Code as described in division (I)(2)(a) or (b) of this section; 33615

(b) Enrolled in a college under Chapter 3365. of the Revised 33616  
Code, except when the student is enrolled in the college while 33617  
also enrolled in a community school pursuant to Chapter 3314. of 33618  
the Revised Code, a science, technology, engineering, and 33619  
mathematics school established under Chapter 3326., or a 33620  
college-preparatory boarding school established under Chapter 33621  
3328. of the Revised Code; 33622

(c) Enrolled in an adjacent or other school district under 33623  
section 3313.98 of the Revised Code; 33624

(d) Enrolled in a community school established under Chapter 33625  
3314. of the Revised Code that is not an internet- or 33626  
computer-based community school as defined in section 3314.02 of 33627  
the Revised Code, including any participation in a college 33628  
pursuant to Chapter 3365. of the Revised Code while enrolled in 33629  
such community school; 33630

(e) Enrolled in an internet- or computer-based community 33631  
school, as defined in section 3314.02 of the Revised Code, 33632

including any participation in a college pursuant to Chapter 3365. 33633  
of the Revised Code while enrolled in the school; 33634

(f) Enrolled in a chartered nonpublic school with a 33635  
scholarship paid under section 3310.08 of the Revised Code and who 33636  
qualified for the scholarship under section 3310.03 of the Revised 33637  
Code; 33638

(g) Enrolled in kindergarten through grade twelve in an 33639  
alternative public provider or a registered private provider with 33640  
a scholarship awarded under section 3310.41 of the Revised Code; 33641

(h) Enrolled as a preschool child with a disability in an 33642  
alternative public provider or a registered private provider with 33643  
a scholarship awarded under section 3310.41 of the Revised Code; 33644

(i) Participating in a program operated by a county board of 33645  
developmental disabilities or a state institution; 33646

(j) Enrolled in a science, technology, engineering, and 33647  
mathematics school established under Chapter 3326. of the Revised 33648  
Code, including any participation in a college pursuant to Chapter 33649  
3365. of the Revised Code while enrolled in the school; 33650

(k) Enrolled in a college-preparatory boarding school 33651  
established under Chapter 3328. of the Revised Code, including any 33652  
participation in a college pursuant to Chapter 3365. of the 33653  
Revised Code while enrolled in the school; 33654

(l) Enrolled in an alternative public provider or a 33655  
registered private provider with a scholarship awarded under 33656  
sections 3310.51 to 3310.64 of the Revised Code. 33657

(4) The total enrollment of pupils in joint vocational 33658  
schools; 33659

(5) The combined enrollment of children with disabilities 33660  
reported under division (A)(1) or (2) of this section receiving 33661  
special education services for the category one disability 33662

described in division (A) of section 3317.013 of the Revised Code, 33663  
including children attending a special education program operated 33664  
by an alternative public provider or a registered private provider 33665  
with a scholarship awarded under sections 3310.51 to 3310.64 of 33666  
the Revised Code; 33667

(6) The combined enrollment of children with disabilities 33668  
reported under division (A)(1) or (2) of this section receiving 33669  
special education services for category two disabilities described 33670  
in division (B) of section 3317.013 of the Revised Code, including 33671  
children attending a special education program operated by an 33672  
alternative public provider or a registered private provider with 33673  
a scholarship awarded under sections 3310.51 to 3310.64 of the 33674  
Revised Code; 33675

(7) The combined enrollment of children with disabilities 33676  
reported under division (A)(1) or (2) of this section receiving 33677  
special education services for category three disabilities 33678  
described in division (C) of section 3317.013 of the Revised Code, 33679  
including children attending a special education program operated 33680  
by an alternative public provider or a registered private provider 33681  
with a scholarship awarded under sections 3310.51 to 3310.64 of 33682  
the Revised Code; 33683

(8) The combined enrollment of children with disabilities 33684  
reported under division (A)(1) or (2) of this section receiving 33685  
special education services for category four disabilities 33686  
described in division (D) of section 3317.013 of the Revised Code, 33687  
including children attending a special education program operated 33688  
by an alternative public provider or a registered private provider 33689  
with a scholarship awarded under sections 3310.51 to 3310.64 of 33690  
the Revised Code; 33691

(9) The combined enrollment of children with disabilities 33692  
reported under division (A)(1) or (2) of this section receiving 33693  
special education services for the category five disabilities 33694

described in division (E) of section 3317.013 of the Revised Code, 33695  
including children attending a special education program operated 33696  
by an alternative public provider or a registered private provider 33697  
with a scholarship awarded under sections 3310.51 to 3310.64 of 33698  
the Revised Code; 33699

(10) The combined enrollment of children with disabilities 33700  
reported under division (A)(1) or (2) and under division (B)(3)(h) 33701  
of this section receiving special education services for category 33702  
six disabilities described in division (F) of section 3317.013 of 33703  
the Revised Code, including children attending a special education 33704  
program operated by an alternative public provider or a registered 33705  
private provider with a scholarship awarded under either section 33706  
3310.41 or sections 3310.51 to 3310.64 of the Revised Code; 33707

(11) The enrollment of pupils reported under division (A)(1) 33708  
or (2) of this section on a full-time equivalency basis in 33709  
category one career-technical education programs or classes, 33710  
described in division (A) of section 3317.014 of the Revised Code, 33711  
operated by the school district or by another district that is a 33712  
member of the district's career-technical planning district, other 33713  
than a joint vocational school district, or by an educational 33714  
service center, notwithstanding division (G) of section 3317.02 of 33715  
the Revised Code and division (C)(3) of this section; 33716

(12) The enrollment of pupils reported under division (A)(1) 33717  
or (2) of this section on a full-time equivalency basis in 33718  
category two career-technical education programs or services, 33719  
described in division (B) of section 3317.014 of the Revised Code, 33720  
operated by the school district or another school district that is 33721  
a member of the district's career-technical planning district, 33722  
other than a joint vocational school district, or by an 33723  
educational service center, notwithstanding division (G) of 33724  
section 3317.02 of the Revised Code and division (C)(3) of this 33725  
section; 33726

(13) The enrollment of pupils reported under division (A)(1) 33727  
or (2) of this section on a full-time equivalency basis in 33728  
category three career-technical education programs or services, 33729  
described in division (C) of section 3317.014 of the Revised Code, 33730  
operated by the school district or another school district that is 33731  
a member of the district's career-technical planning district, 33732  
other than a joint vocational school district, or by an 33733  
educational service center, notwithstanding division (G) of 33734  
section 3317.02 of the Revised Code and division (C)(3) of this 33735  
section; 33736

(14) The enrollment of pupils reported under division (A)(1) 33737  
or (2) of this section on a full-time equivalency basis in 33738  
category four career-technical education programs or services, 33739  
described in division (D) of section 3317.014 of the Revised Code, 33740  
operated by the school district or another school district that is 33741  
a member of the district's career-technical planning district, 33742  
other than a joint vocational school district, or by an 33743  
educational service center, notwithstanding division (G) of 33744  
section 3317.02 of the Revised Code and division (C)(3) of this 33745  
section; 33746

(15) The enrollment of pupils reported under division (A)(1) 33747  
or (2) of this section on a full-time equivalency basis in 33748  
category five career-technical education programs or services, 33749  
described in division (E) of section 3317.014 of the Revised Code, 33750  
operated by the school district or another school district that is 33751  
a member of the district's career-technical planning district, 33752  
other than a joint vocational school district, or by an 33753  
educational service center, notwithstanding division (G) of 33754  
section 3317.02 of the Revised Code and division (C)(3) of this 33755  
section; 33756

(16) The enrollment of pupils reported under division (A)(1) 33757  
or (2) of this section who are ~~limited English proficient students~~ 33758

<u>learners</u> described in division (A) of section 3317.016 of the Revised Code, excluding any student reported under division (B)(3)(e) of this section as enrolled in an internet- or computer-based community school;	33759 33760 33761 33762
(17) The enrollment of pupils reported under division (A)(1) or (2) of this section who are <del>limited English proficient students</del> <u>learners</u> described in division (B) of section 3317.016 of the Revised Code, excluding any student reported under division (B)(3)(e) of this section as enrolled in an internet- or computer-based community school;	33763 33764 33765 33766 33767 33768
(18) The enrollment of pupils reported under division (A)(1) or (2) of this section who are <del>limited English proficient students</del> <u>learners</u> described in division (C) of section 3317.016 of the Revised Code, excluding any student reported under division (B)(3)(e) of this section as enrolled in an internet- or computer-based community school;	33769 33770 33771 33772 33773 33774
(19) The average number of children transported during the reporting period by the school district on board-owned or contractor-owned and -operated buses, reported in accordance with rules adopted by the department of education;	33775 33776 33777 33778
(20)(a) The number of children, other than preschool children with disabilities, the district placed with a county board of developmental disabilities in fiscal year 1998. Division (B)(20)(a) of this section does not apply after fiscal year 2013.	33779 33780 33781 33782
(b) The number of children with disabilities, other than preschool children with disabilities, placed with a county board of developmental disabilities in the current fiscal year to receive special education services for the category one disability described in division (A) of section 3317.013 of the Revised Code;	33783 33784 33785 33786 33787
(c) The number of children with disabilities, other than preschool children with disabilities, placed with a county board	33788 33789

of developmental disabilities in the current fiscal year to 33790  
receive special education services for category two disabilities 33791  
described in division (B) of section 3317.013 of the Revised Code; 33792

(d) The number of children with disabilities, other than 33793  
preschool children with disabilities, placed with a county board 33794  
of developmental disabilities in the current fiscal year to 33795  
receive special education services for category three disabilities 33796  
described in division (C) of section 3317.013 of the Revised Code; 33797

(e) The number of children with disabilities, other than 33798  
preschool children with disabilities, placed with a county board 33799  
of developmental disabilities in the current fiscal year to 33800  
receive special education services for category four disabilities 33801  
described in division (D) of section 3317.013 of the Revised Code; 33802

(f) The number of children with disabilities, other than 33803  
preschool children with disabilities, placed with a county board 33804  
of developmental disabilities in the current fiscal year to 33805  
receive special education services for the category five 33806  
disabilities described in division (E) of section 3317.013 of the 33807  
Revised Code; 33808

(g) The number of children with disabilities, other than 33809  
preschool children with disabilities, placed with a county board 33810  
of developmental disabilities in the current fiscal year to 33811  
receive special education services for category six disabilities 33812  
described in division (F) of section 3317.013 of the Revised Code. 33813

(21) The enrollment of students who are economically 33814  
disadvantaged, as defined by the department, excluding any student 33815  
reported under division (B)(3)(e) of this section as enrolled in 33816  
an internet- or computer-based community school. A student shall 33817  
not be categorically excluded from the number reported under 33818  
division (B)(21) of this section based on anything other than 33819  
family income. 33820

(C)(1) The state board of education shall adopt rules 33821  
necessary for implementing divisions (A), (B), and (D) of this 33822  
section. 33823

(2) A student enrolled in a community school established 33824  
under Chapter 3314., a science, technology, engineering, and 33825  
mathematics school established under Chapter 3326., or a 33826  
college-preparatory boarding school established under Chapter 33827  
3328. of the Revised Code shall be counted in the formula ADM and, 33828  
if applicable, the category one, two, three, four, five, or six 33829  
special education ADM of the school district in which the student 33830  
is entitled to attend school under section 3313.64 or 3313.65 of 33831  
the Revised Code for the same proportion of the school year that 33832  
the student is counted in the enrollment of the community school, 33833  
the science, technology, engineering, and mathematics school, or 33834  
the college-preparatory boarding school for purposes of section 33835  
3314.08, 3326.33, or 3328.24 of the Revised Code. Notwithstanding 33836  
the enrollment of students certified pursuant to division 33837  
(B)(3)(d), (e), (j), or (k) of this section, the department may 33838  
adjust the formula ADM of a school district to account for 33839  
students entitled to attend school in the district under section 33840  
3313.64 or 3313.65 of the Revised Code who are enrolled in a 33841  
community school, a science, technology, engineering, and 33842  
mathematics school, or a college-preparatory boarding school for 33843  
only a portion of the school year. 33844

(3) No child shall be counted as more than a total of one 33845  
child in the sum of the enrollment of students of a school 33846  
district under division (A), divisions (B)(1) to (22), or division 33847  
(D) of this section, except as follows: 33848

(a) A child with a disability described in section 3317.013 33849  
of the Revised Code may be counted both in formula ADM and in 33850  
category one, two, three, four, five, or six special education ADM 33851  
and, if applicable, in category one, two, three, four, or five 33852



career-technical education ADM. As provided in division (G) of 33853  
section 3317.02 of the Revised Code, such a child shall be counted 33854  
in category one, two, three, four, five, or six special education 33855  
ADM in the same proportion that the child is counted in formula 33856  
ADM. 33857

(b) A child enrolled in career-technical education programs 33858  
or classes described in section 3317.014 of the Revised Code may 33859  
be counted both in formula ADM and category one, two, three, four, 33860  
or five career-technical education ADM and, if applicable, in 33861  
category one, two, three, four, five, or six special education 33862  
ADM. Such a child shall be counted in category one, two, three, 33863  
four, or five career-technical education ADM in the same 33864  
proportion as the percentage of time that the child spends in the 33865  
career-technical education programs or classes. 33866

(4) Based on the information reported under this section, the 33867  
department of education shall determine the total student count, 33868  
as defined in section 3301.011 of the Revised Code, for each 33869  
school district. 33870

(D)(1) The superintendent of each joint vocational school 33871  
district shall report and certify to the superintendent of public 33872  
instruction as of the last day of October, March, and June of each 33873  
year the enrollment of students receiving services from schools 33874  
under the superintendent's supervision so that the department can 33875  
calculate the district's formula ADM, total ADM, category one 33876  
through five career-technical education ADM, category one through 33877  
three ~~limited~~ English ~~proficient~~ learner ADM, category one through 33878  
six special education ADM, and for purposes of provisions of law 33879  
outside of Chapter 3317. of the Revised Code, average daily 33880  
membership. 33881

The enrollment reported and certified by the superintendent, 33882  
except as otherwise provided in this division, shall consist of 33883  
the ~~the~~ number of students in grades six through twelve receiving 33884

any educational services from the district, except that the 33885  
following categories of students shall not be included in the 33886  
determination: 33887

(a) Students enrolled in adult education classes; 33888

(b) Adjacent or other district joint vocational students 33889  
enrolled in the district under an open enrollment policy pursuant 33890  
to section 3313.98 of the Revised Code; 33891

(c) Students receiving services in the district pursuant to a 33892  
compact, cooperative education agreement, or a contract, but who 33893  
are entitled to attend school in a city, local, or exempted 33894  
village school district whose territory is not part of the 33895  
territory of the joint vocational district; 33896

(d) Students for whom tuition is payable pursuant to sections 33897  
3317.081 and 3323.141 of the Revised Code. 33898

(2) To enable the department of education to obtain the data 33899  
needed to complete the calculation of payments pursuant to this 33900  
chapter, each superintendent shall certify from the report 33901  
provided under division (D)(1) of this section the enrollment for 33902  
each of the following categories of students: 33903

(a) Students enrolled in each individual grade included in 33904  
the joint vocational district schools; 33905

(b) Children with disabilities receiving special education 33906  
services for the category one disability described in division (A) 33907  
of section 3317.013 of the Revised Code; 33908

(c) Children with disabilities receiving special education 33909  
services for the category two disabilities described in division 33910  
(B) of section 3317.013 of the Revised Code; 33911

(d) Children with disabilities receiving special education 33912  
services for category three disabilities described in division (C) 33913  
of section 3317.013 of the Revised Code; 33914

(e) Children with disabilities receiving special education services for category four disabilities described in division (D) of section 3317.013 of the Revised Code;	33915 33916 33917
(f) Children with disabilities receiving special education services for the category five disabilities described in division (E) of section 3317.013 of the Revised Code;	33918 33919 33920
(g) Children with disabilities receiving special education services for category six disabilities described in division (F) of section 3317.013 of the Revised Code;	33921 33922 33923
(h) Students receiving category one career-technical education services, described in division (A) of section 3317.014 of the Revised Code;	33924 33925 33926
(i) Students receiving category two career-technical education services, described in division (B) of section 3317.014 of the Revised Code;	33927 33928 33929
(j) Students receiving category three career-technical education services, described in division (C) of section 3317.014 of the Revised Code;	33930 33931 33932
(k) Students receiving category four career-technical education services, described in division (D) of section 3317.014 of the Revised Code;	33933 33934 33935
(l) Students receiving category five career-technical education services, described in division (E) of section 3317.014 of the Revised Code;	33936 33937 33938
(m) <del>Limited English proficient students</del> <u>learners</u> described in division (A) of section 3317.016 of the Revised Code;	33939 33940
(n) <del>Limited English proficient students</del> <u>learners</u> described in division (B) of section 3317.016 of the Revised Code;	33941 33942
(o) <del>Limited English proficient students</del> <u>learners</u> described in division (C) of section 3317.016 of the Revised Code;	33943 33944

(p) Students who are economically disadvantaged, as defined 33945  
by the department. A student shall not be categorically excluded 33946  
from the number reported under division (D)(2)(p) of this section 33947  
based on anything other than family income. 33948

The superintendent of each joint vocational school district 33949  
shall also indicate the city, local, or exempted village school 33950  
district in which each joint vocational district pupil is entitled 33951  
to attend school pursuant to section 3313.64 or 3313.65 of the 33952  
Revised Code. 33953

(E) In each school of each city, local, exempted village, 33954  
joint vocational, and cooperative education school district there 33955  
shall be maintained a record of school enrollment, which record 33956  
shall accurately show, for each day the school is in session, the 33957  
actual enrollment in regular day classes. For the purpose of 33958  
determining the enrollment of students, the enrollment figure of 33959  
any school shall not include any pupils except those pupils 33960  
described by division (A) of this section. The record of 33961  
enrollment for each school shall be maintained in such manner that 33962  
no pupil shall be counted as enrolled prior to the actual date of 33963  
entry in the school and also in such manner that where for any 33964  
cause a pupil permanently withdraws from the school that pupil 33965  
shall not be counted as enrolled from and after the date of such 33966  
withdrawal. There shall not be included in the enrollment of any 33967  
school any of the following: 33968

(1) Any pupil who has graduated from the twelfth grade of a 33969  
public or nonpublic high school; 33970

(2) Any pupil who is not a resident of the state; 33971

(3) Any pupil who was enrolled in the schools of the district 33972  
during the previous school year when assessments were administered 33973  
under section 3301.0711 of the Revised Code but did not take one 33974  
or more of the assessments required by that section and was not 33975

excused pursuant to division (C)(1) or (3) of that section; 33976

(4) Any pupil who has attained the age of twenty-two years, 33977  
except for veterans of the armed services whose attendance was 33978  
interrupted before completing the recognized twelve-year course of 33979  
the public schools by reason of induction or enlistment in the 33980  
armed forces and who apply for reenrollment in the public school 33981  
system of their residence not later than four years after 33982  
termination of war or their honorable discharge; 33983

(5) Any pupil who has a certificate of high school 33984  
equivalence as defined in section 5107.40 of the Revised Code. 33985

If, however, any veteran described by division (E)(4) of this 33986  
section elects to enroll in special courses organized for veterans 33987  
for whom tuition is paid under the provisions of federal laws, or 33988  
otherwise, that veteran shall not be included in the enrollment of 33989  
students determined under this section. 33990

Notwithstanding division (E)(3) of this section, the 33991  
enrollment of any school may include a pupil who did not take an 33992  
assessment required by section 3301.0711 of the Revised Code if 33993  
the superintendent of public instruction grants a waiver from the 33994  
requirement to take the assessment to the specific pupil and a 33995  
parent is not paying tuition for the pupil pursuant to section 33996  
3313.6410 of the Revised Code. The superintendent may grant such a 33997  
waiver only for good cause in accordance with rules adopted by the 33998  
state board of education. 33999

The formula ADM, total ADM, category one through five 34000  
career-technical education ADM, category one through three ~~limited~~ 34001  
English ~~proficient~~ learner ADM, category one through six special 34002  
education ADM, preschool scholarship ADM, transportation ADM, and, 34003  
for purposes of provisions of law outside of Chapter 3317. of the 34004  
Revised Code, average daily membership of any school district 34005  
shall be determined in accordance with rules adopted by the state 34006

board of education. 34007

(F)(1) If a student attending a community school under 34008  
Chapter 3314., a science, technology, engineering, and mathematics 34009  
school established under Chapter 3326., or a college-preparatory 34010  
boarding school established under Chapter 3328. of the Revised 34011  
Code is not included in the formula ADM calculated for the school 34012  
district in which the student is entitled to attend school under 34013  
section 3313.64 or 3313.65 of the Revised Code, the department of 34014  
education shall adjust the formula ADM of that school district to 34015  
include the student in accordance with division (C)(2) of this 34016  
section, and shall recalculate the school district's payments 34017  
under this chapter for the entire fiscal year on the basis of that 34018  
adjusted formula ADM. 34019

(2) If a student awarded an educational choice scholarship is 34020  
not included in the formula ADM of the school district from which 34021  
the department deducts funds for the scholarship under section 34022  
3310.08 of the Revised Code, the department shall adjust the 34023  
formula ADM of that school district to include the student to the 34024  
extent necessary to account for the deduction, and shall 34025  
recalculate the school district's payments under this chapter for 34026  
the entire fiscal year on the basis of that adjusted formula ADM. 34027

(3) If a student awarded a scholarship under the Jon Peterson 34028  
special needs scholarship program is not included in the formula 34029  
ADM of the school district from which the department deducts funds 34030  
for the scholarship under section 3310.55 of the Revised Code, the 34031  
department shall adjust the formula ADM of that school district to 34032  
include the student to the extent necessary to account for the 34033  
deduction, and shall recalculate the school district's payments 34034  
under this chapter for the entire fiscal year on the basis of that 34035  
adjusted formula ADM. 34036

(G)(1)(a) The superintendent of an institution operating a 34037  
special education program pursuant to section 3323.091 of the 34038

Revised Code shall, for the programs under such superintendent's supervision, certify to the state board of education, in the manner prescribed by the superintendent of public instruction, both of the following:

(i) The unduplicated count of the number of all children with disabilities other than preschool children with disabilities receiving services at the institution for each category of disability described in divisions (A) to (F) of section 3317.013 of the Revised Code adjusted for the portion of the year each child is so enrolled;

(ii) The unduplicated count of the number of all preschool children with disabilities in classes or programs for whom the district is eligible to receive funding under section 3317.0213 of the Revised Code adjusted for the portion of the year each child is so enrolled, reported according to the categories prescribed in section 3317.013 of the Revised Code.

(b) The superintendent of an institution with career-technical education units approved under section 3317.05 of the Revised Code shall, for the units under the superintendent's supervision, certify to the state board of education the enrollment in those units, in the manner prescribed by the superintendent of public instruction.

(2) The superintendent of each county board of developmental disabilities that maintains special education classes under section 3317.20 of the Revised Code or provides services to preschool children with disabilities pursuant to an agreement between the county board and the appropriate school district shall do both of the following:

(a) Certify to the state board, in the manner prescribed by the board, the enrollment in classes under section 3317.20 of the Revised Code for each school district that has placed children in

the classes; 34070

(b) Certify to the state board, in the manner prescribed by 34071  
the board, the unduplicated count of the number of all preschool 34072  
children with disabilities enrolled in classes for which the ~~DD~~ 34073  
board is eligible to receive funding under section 3317.0213 of 34074  
the Revised Code adjusted for the portion of the year each child 34075  
is so enrolled, reported according to the categories prescribed in 34076  
section 3317.013 of the Revised Code, and the number of those 34077  
classes. 34078

(H) Except as provided in division (I) of this section, when 34079  
any city, local, or exempted village school district provides 34080  
instruction for a nonresident pupil whose attendance is 34081  
unauthorized attendance as defined in section 3327.06 of the 34082  
Revised Code, that pupil's enrollment shall not be included in 34083  
that district's enrollment figure used in calculating the 34084  
district's payments under this chapter. The reporting official 34085  
shall report separately the enrollment of all pupils whose 34086  
attendance in the district is unauthorized attendance, and the 34087  
enrollment of each such pupil shall be credited to the school 34088  
district in which the pupil is entitled to attend school under 34089  
division (B) of section 3313.64 or section 3313.65 of the Revised 34090  
Code as determined by the department of education. 34091

(I)(1) A city, local, exempted village, or joint vocational 34092  
school district admitting a scholarship student of a pilot project 34093  
district pursuant to division (C) of section 3313.976 of the 34094  
Revised Code may count such student in its enrollment. 34095

(2) In any year for which funds are appropriated for pilot 34096  
project scholarship programs, a school district implementing a 34097  
state-sponsored pilot project scholarship program that year 34098  
pursuant to sections 3313.974 to 3313.979 of the Revised Code may 34099  
count in its enrollment: 34100



(a) All children residing in the district and utilizing a scholarship to attend kindergarten in any alternative school, as defined in section 3313.974 of the Revised Code;

(b) All children who were enrolled in the district in the preceding year who are utilizing a scholarship to attend an alternative school.

(J) The superintendent of each cooperative education school district shall certify to the superintendent of public instruction, in a manner prescribed by the state board of education, the applicable enrollments for all students in the cooperative education district, also indicating the city, local, or exempted village district where each pupil is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

(K) If the superintendent of public instruction determines that a component of the enrollment certified or reported by a district superintendent, or other reporting entity, is not correct, the superintendent of public instruction may order that the formula ADM used for the purposes of payments under any section of Title XXXIII of the Revised Code be adjusted in the amount of the error.

**Sec. 3317.06.** Moneys paid to school districts under division (E)(1) of section 3317.024 of the Revised Code shall be used for the following independent and fully severable purposes:

(A) To purchase such secular textbooks or digital texts as have been approved by the superintendent of public instruction for use in public schools in the state and to loan such textbooks or digital texts to pupils attending nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code or to their parents and to hire clerical personnel to administer such lending program. Such loans shall be based upon

individual requests submitted by such nonpublic school pupils or 34132  
parents. Such requests shall be submitted to the school district 34133  
in which the nonpublic school is located. Such individual requests 34134  
for the loan of textbooks or digital texts shall, for 34135  
administrative convenience, be submitted by the nonpublic school 34136  
pupil or the pupil's parent to the nonpublic school, which shall 34137  
prepare and submit collective summaries of the individual requests 34138  
to the school district. As used in this section: 34139

(1) "Textbook" means any book or book substitute that a pupil 34140  
uses as a consumable or nonconsumable text, text substitute, or 34141  
text supplement in a particular class or program in the school the 34142  
pupil regularly attends. 34143

(2) "Digital text" means a consumable book or book substitute 34144  
that a student accesses through the use of a computer or other 34145  
electronic medium or that is available through an internet-based 34146  
provider of course content, or any other material that contributes 34147  
to the learning process through electronic means. 34148

(B) To provide speech and hearing diagnostic services to 34149  
pupils attending nonpublic schools within the district described 34150  
in division (E)(1) of section 3317.024 of the Revised Code. Such 34151  
service shall be provided in the nonpublic school attended by the 34152  
pupil receiving the service. 34153

(C) To provide physician, nursing, dental, and optometric 34154  
services to pupils attending nonpublic schools within the district 34155  
described in division (E)(1) of section 3317.024 of the Revised 34156  
Code. Such services shall be provided in the school attended by 34157  
the nonpublic school pupil receiving the service. 34158

(D) To provide diagnostic psychological services to pupils 34159  
attending nonpublic schools within the district described in 34160  
division (E)(1) of section 3317.024 of the Revised Code. Such 34161  
services shall be provided in the school attended by the pupil 34162

receiving the service. 34163

(E) To provide therapeutic psychological and speech and 34164  
hearing services to pupils attending nonpublic schools within the 34165  
district described in division (E)(1) of section 3317.024 of the 34166  
Revised Code. Such services shall be provided in the public 34167  
school, in nonpublic schools, in public centers, or in mobile 34168  
units located on or off of the nonpublic premises. If such 34169  
services are provided in the public school or in public centers, 34170  
transportation to and from such facilities shall be provided by 34171  
the school district in which the nonpublic school is located. 34172

(F) To provide guidance, counseling, and social work services 34173  
to pupils attending nonpublic schools within the district 34174  
described in division (E)(1) of section 3317.024 of the Revised 34175  
Code. Such services shall be provided in the public school, in 34176  
nonpublic schools, in public centers, or in mobile units located 34177  
on or off of the nonpublic premises. If such services are provided 34178  
in the public school or in public centers, transportation to and 34179  
from such facilities shall be provided by the school district in 34180  
which the nonpublic school is located. 34181

(G) To provide remedial services to pupils attending 34182  
nonpublic schools within the district described in division (E)(1) 34183  
of section 3317.024 of the Revised Code. Such services shall be 34184  
provided in the public school, in nonpublic schools, in public 34185  
centers, or in mobile units located on or off of the nonpublic 34186  
premises. If such services are provided in the public school or in 34187  
public centers, transportation to and from such facilities shall 34188  
be provided by the school district in which the nonpublic school 34189  
is located. 34190

(H) To supply for use by pupils attending nonpublic schools 34191  
within the district described in division (E)(1) of section 34192  
3317.024 of the Revised Code such standardized tests and scoring 34193  
services as are in use in the public schools of the state; 34194

(I) To provide programs for children who attend nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code and are children with disabilities as defined in section 3323.01 of the Revised Code or gifted children. Such programs shall be provided in the public school, in nonpublic schools, in public centers, or in mobile units located on or off of the nonpublic premises. If such programs are provided in the public school or in public centers, transportation to and from such facilities shall be provided by the school district in which the nonpublic school is located.

(J) To hire clerical personnel to assist in the administration of programs pursuant to divisions (B), (C), (D), (E), (F), (G), and (I) of this section and to hire supervisory personnel to supervise the providing of services and textbooks pursuant to this section.

(K) To purchase or lease any secular, neutral, and nonideological computer application software designed to assist students in performing a single task or multiple related tasks, device management software, learning management software, site-licensing, digital video on demand (DVD), wide area connectivity and related technology as it relates to internet access, mathematics or science equipment and materials, instructional materials, and school library materials that are in general use in the public schools of the state and loan such items to pupils attending nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code or to their parents, and to hire clerical personnel to administer the lending program. Only such items that are incapable of diversion to religious use and that are susceptible of loan to individual pupils and are furnished for the use of individual pupils shall be purchased and loaned under this division. As used in this section, "instructional materials" means prepared learning

materials that are secular, neutral, and nonideological in 34227  
character and are of benefit to the instruction of school 34228  
children. "Instructional materials" includes media content that a 34229  
student may access through the use of a computer or electronic 34230  
device. 34231

Mobile applications that are secular, neutral, and 34232  
nonideological in character and that are purchased for less than 34233  
twenty dollars for instructional use shall be considered to be 34234  
consumable and shall be distributed to students without the 34235  
expectation that the applications must be returned. 34236

(L) To purchase or lease instructional equipment, including 34237  
computer hardware and related equipment in general use in the 34238  
public schools of the state, for use by pupils attending nonpublic 34239  
schools within the district described in division (E)(1) of 34240  
section 3317.024 of the Revised Code and to loan such items to 34241  
pupils attending such nonpublic schools within the district or to 34242  
their parents, and to hire clerical personnel to administer the 34243  
lending program. "Computer hardware and related equipment" 34244  
includes desktop computers and workstations; laptop computers, 34245  
computer tablets, and other mobile handheld devices; their 34246  
operating systems and accessories; and any equipment designed to 34247  
make accessible the environment of a classroom to a student, who 34248  
is physically unable to attend classroom activities due to 34249  
hospitalization or other circumstances, by allowing real-time 34250  
interaction with other students both one-on-one and in group 34251  
discussion. 34252

(M) To purchase mobile units to be used for the provision of 34253  
services pursuant to divisions (E), (F), (G), and (I) of this 34254  
section and to pay for necessary repairs and operating costs 34255  
associated with these units. 34256

(N) To reimburse costs the district incurred to store the 34257  
records of a chartered nonpublic school that closes. 34258

Reimbursements under this division shall be made one time only for 34259  
each chartered nonpublic school described in division (E)(1) of 34260  
section 3317.024 of the Revised Code that closes. 34261

(O) To purchase life-saving medical or other emergency 34262  
equipment for placement in nonpublic schools within the district 34263  
described in division (E)(1) of section 3317.024 of the Revised 34264  
Code or to maintain such equipment. 34265

(P) To procure and pay for security services from a county 34266  
sheriff or a township or municipal police force or from a person 34267  
certified through the Ohio peace officer training commission, in 34268  
accordance with section 109.78 of the Revised Code, as a special 34269  
police, security guard, or as a privately employed person serving 34270  
in a police capacity for nonpublic schools in the district 34271  
described in division (E)(1) of section 3317.024 of the Revised 34272  
Code. 34273

(Q) To provide language and academic support services and 34274  
other accommodations for English ~~language~~ learners attending 34275  
nonpublic schools within the district described in division (E)(1) 34276  
of section 3317.024 of the Revised Code. 34277

Clerical and supervisory personnel hired pursuant to division 34278  
(J) of this section shall perform their services in the public 34279  
schools, in nonpublic schools, public centers, or mobile units 34280  
where the services are provided to the nonpublic school pupil, 34281  
except that such personnel may accompany pupils to and from the 34282  
service sites when necessary to ensure the safety of the children 34283  
receiving the services. 34284

All services provided pursuant to this section may be 34285  
provided under contract with educational service centers, the 34286  
department of health, city or general health districts, or private 34287  
agencies whose personnel are properly licensed by an appropriate 34288  
state board or agency. 34289

Transportation of pupils provided pursuant to divisions (E), 34290  
(F), (G), and (I) of this section shall be provided by the school 34291  
district from its general funds and not from moneys paid to it 34292  
under division (E)(1) of section 3317.024 of the Revised Code 34293  
unless a special transportation request is submitted by the parent 34294  
of the child receiving service pursuant to such divisions. If such 34295  
an application is presented to the school district, it may pay for 34296  
the transportation from moneys paid to it under division (E)(1) of 34297  
section 3317.024 of the Revised Code. 34298

No school district shall provide health or remedial services 34299  
to nonpublic school pupils as authorized by this section unless 34300  
such services are available to pupils attending the public schools 34301  
within the district. 34302

Materials, equipment, computer hardware or software, 34303  
textbooks, digital texts, and health and remedial services 34304  
provided for the benefit of nonpublic school pupils pursuant to 34305  
this section and the admission of pupils to such nonpublic schools 34306  
shall be provided without distinction as to race, creed, color, or 34307  
national origin of such pupils or of their teachers. 34308

No school district shall provide services, materials, or 34309  
equipment that contain religious content for use in religious 34310  
courses, devotional exercises, religious training, or any other 34311  
religious activity. 34312

As used in this section, "parent" includes a person standing 34313  
in loco parentis to a child. 34314

Notwithstanding section 3317.01 of the Revised Code, payments 34315  
shall be made under this section to any city, local, or exempted 34316  
village school district within which is located one or more 34317  
nonpublic elementary or high schools described in division (E)(1) 34318  
of section 3317.024 of the Revised Code and any payments made to 34319  
school districts under division (E)(1) of section 3317.024 of the 34320

Revised Code for purposes of this section may be disbursed without 34321  
submission to and approval of the controlling board. 34322

The allocation of payments for materials, equipment, 34323  
textbooks, digital texts, health services, and remedial services 34324  
to city, local, and exempted village school districts shall be on 34325  
the basis of the state board of education's estimated annual 34326  
average daily membership in nonpublic elementary and high schools 34327  
located in the district described in division (E)(1) of section 34328  
3317.024 of the Revised Code. 34329

Payments made to city, local, and exempted village school 34330  
districts under this section shall be equal to specific 34331  
appropriations made for the purpose. All interest earned by a 34332  
school district on such payments shall be used by the district for 34333  
the same purposes and in the same manner as the payments may be 34334  
used. 34335

The department of education shall adopt guidelines and 34336  
procedures under which such programs and services shall be 34337  
provided, under which districts shall be reimbursed for 34338  
administrative costs incurred in providing such programs and 34339  
services, and under which any unexpended balance of the amounts 34340  
appropriated by the general assembly to implement this section may 34341  
be transferred to the auxiliary services personnel unemployment 34342  
compensation fund established pursuant to section 4141.47 of the 34343  
Revised Code. The department shall also adopt guidelines and 34344  
procedures limiting the purchase and loan of the items described 34345  
in division (K) of this section to items that are in general use 34346  
in the public schools of the state, that are incapable of 34347  
diversion to religious use, and that are susceptible to individual 34348  
use rather than classroom use. Within thirty days after the end of 34349  
each biennium, each board of education shall remit to the 34350  
department all moneys paid to it under division (E)(1) of section 34351  
3317.024 of the Revised Code and any interest earned on those 34352



moneys that are not required to pay expenses incurred under this 34353  
section during the biennium for which the money was appropriated 34354  
and during which the interest was earned. If a board of education 34355  
subsequently determines that the remittal of moneys leaves the 34356  
board with insufficient money to pay all valid expenses incurred 34357  
under this section during the biennium for which the remitted 34358  
money was appropriated, the board may apply to the department of 34359  
education for a refund of money, not to exceed the amount of the 34360  
insufficiency. If the department determines the expenses were 34361  
lawfully incurred and would have been lawful expenditures of the 34362  
refunded money, it shall certify its determination and the amount 34363  
of the refund to be made to the director of job and family 34364  
services who shall make a refund as provided in section 4141.47 of 34365  
the Revised Code. 34366

Each school district shall label materials, equipment, 34367  
computer hardware or software, textbooks, and digital texts 34368  
purchased or leased for loan to a nonpublic school under this 34369  
section, acknowledging that they were purchased or leased with 34370  
state funds under this section. However, a district need not label 34371  
materials, equipment, computer hardware or software, textbooks, or 34372  
digital texts that the district determines are consumable in 34373  
nature or have a value of less than two hundred dollars. 34374

**Sec. 3317.13.** (A) As used in this section and section 3317.14 34375  
of the Revised Code: 34376

(1) "Years of service" includes the following: 34377

(a) All years of teaching service in the same school district 34378  
or educational service center, regardless of training level, with 34379  
each year consisting of at least one hundred twenty days under a 34380  
teacher's contract; 34381

(b) All years of teaching service in a chartered, nonpublic 34382  
school located in Ohio as a teacher licensed pursuant to section 34383

3319.22 of the Revised Code or in another public school, 34384  
regardless of training level, with each year consisting of at 34385  
least one hundred twenty days under a teacher's contract; 34386

(c) All years of teaching service in a chartered school or 34387  
institution or a school or institution that subsequently became 34388  
chartered or a chartered special education program or a special 34389  
education program that subsequently became chartered operated by 34390  
the state or by a subdivision or other local governmental unit of 34391  
this state as a teacher licensed pursuant to section 3319.22 of 34392  
the Revised Code, regardless of training level, with each year 34393  
consisting of at least one hundred twenty days; and 34394

(d) All years of active military service in the armed forces 34395  
of the United States, as defined in section 3307.75 of the Revised 34396  
Code, to a maximum of five years. For purposes of this 34397  
calculation, a partial year of active military service of eight 34398  
continuous months or more in the armed forces shall be counted as 34399  
a full year. 34400

(2) "Teacher" means all teachers employed by the board of 34401  
education of any school district, including any cooperative 34402  
education or joint vocational school district and all teachers 34403  
employed by any educational service center governing board. 34404

(B) No teacher shall be paid a salary less than that provided 34405  
in the schedule set forth in division (C) of this section. In 34406  
calculating the minimum salary any teacher shall be paid pursuant 34407  
to this section, years of service shall include the sum of all 34408  
years of the teacher's teaching service included in divisions 34409  
(A)(1)(a), (b), (c), and (d) of this section; except that any 34410  
school district or educational service center employing a teacher 34411  
new to the district or educational service center shall grant such 34412  
teacher a total of not more than ten years of service pursuant to 34413  
divisions (A)(1)(b), (c), and (d) of this section. 34414

Upon written complaint to the superintendent of public 34415  
instruction that the board of education of a district or the 34416  
governing board of an educational service center governing board 34417  
has failed or refused to annually adopt a salary schedule or to 34418  
pay salaries in accordance with the salary schedule set forth in 34419  
division (C) of this section, the superintendent of public 34420  
instruction shall cause to be made an immediate investigation of 34421  
such complaint. If the superintendent finds that the conditions 34422  
complained of exist, the superintendent shall order the board to 34423  
correct such conditions within ten days from the date of the 34424  
finding. No moneys shall be distributed to the district or 34425  
educational service center under this chapter until the 34426  
superintendent has satisfactory evidence of the board of 34427  
education's full compliance with such order. 34428

Each teacher shall be fully credited with placement in the 34429  
appropriate academic training level column in the district's or 34430  
educational service center's salary schedule with years of service 34431  
properly credited pursuant to this section or section 3317.14 of 34432  
the Revised Code. No rule shall be adopted or exercised by any 34433  
board of education or educational service center governing board 34434  
which restricts the placement or the crediting of annual salary 34435  
increments for any teacher according to the appropriate academic 34436  
training level column. 34437

(C) Minimum salaries exclusive of retirement and sick leave 34438  
for teachers shall be as follows: 34439

	Teachers		Teachers with	Teachers	34440	
Years	with Less	Teachers with	Five Years of	with	34441	
of	than	a Bachelor's	Training, but	a Master's	34442	
Service	Bachelor's	Degree	no Master's	Degree or	34443	
	Degree		Degree	Higher	34444	
Per	Dollar	Per	Dollar	Per	Dollar	34445
Cent*	Amount	Cent*	Amount	Cent*	Amount	34446

0	86.5	<del>\$17,300</del>	100.0	<del>\$20,000</del>	103.8	<del>\$20,760</del>	109.5	<del>\$21,900</del>	34447
		<u>25,950</u>		<u>30,000</u>		<u>31,140</u>		<u>32,850</u>	
1	90.0	<del>18,000</del>	103.8	<del>20,760</del>	108.1	<del>21,620</del>	114.3	<del>22,860</del>	34448
		<u>27,000</u>		<u>31,140</u>		<u>32,430</u>		<u>34,290</u>	
2	93.5	<del>18,700</del>	107.6	<del>21,520</del>	112.4	<del>22,480</del>	119.1	<del>23,820</del>	34449
		<u>28,050</u>		<u>32,280</u>		<u>33,720</u>		<u>35,730</u>	
3	97.0	<del>19,400</del>	111.4	<del>22,280</del>	116.7	<del>23,340</del>	123.9	<del>24,780</del>	34450
		<u>29,100</u>		<u>33,420</u>		<u>35,010</u>		<u>37,170</u>	
4	100.5	<del>20,100</del>	115.2	<del>23,040</del>	121.0	<del>24,200</del>	128.7	<del>25,740</del>	34451
		<u>30,150</u>		<u>34,560</u>		<u>36,300</u>		<u>38,610</u>	
5	104.0	<del>20,800</del>	119.0	<del>23,800</del>	125.3	<del>25,060</del>	133.5	<del>26,700</del>	34452
		<u>31,200</u>		<u>35,700</u>		<u>37,590</u>		<u>40,050</u>	
6	104.0	<del>20,800</del>	122.8	<del>24,560</del>	129.6	<del>25,920</del>	138.3	<del>27,660</del>	34453
		<u>31,200</u>		<u>36,840</u>		<u>38,880</u>		<u>41,490</u>	
7	104.0	<del>20,800</del>	126.6	<del>25,320</del>	133.9	<del>26,780</del>	143.1	<del>28,620</del>	34454
		<u>31,200</u>		<u>37,980</u>		<u>40,170</u>		<u>42,930</u>	
8	104.0	<del>20,800</del>	130.4	<del>26,080</del>	138.2	<del>27,640</del>	147.9	<del>29,580</del>	34455
		<u>31,200</u>		<u>39,120</u>		<u>41,460</u>		<u>44,370</u>	
9	104.0	<del>20,800</del>	134.2	<del>26,840</del>	142.5	<del>28,500</del>	152.7	<del>30,540</del>	34456
		<u>31,200</u>		<u>40,260</u>		<u>42,750</u>		<u>45,810</u>	
10	104.0	<del>20,800</del>	138.0	<del>27,600</del>	146.8	<del>29,360</del>	157.5	<del>31,500</del>	34457
		<u>31,200</u>		<u>41,400</u>		<u>44,040</u>		<u>47,250</u>	
11	104.0	<del>20,800</del>	141.8	<del>28,360</del>	151.1	<del>30,220</del>	162.3	<del>32,460</del>	34458
		<u>31,200</u>		<u>42,540</u>		<u>45,330</u>		<u>48,690</u>	

\* Percentages represent the percentage which each salary is of the base amount. 34459  
of the base amount. 34460

For purposes of determining the minimum salary at any level of training and service, the base of one hundred per cent shall be the base amount. The percentages used in this section show the relationships between the minimum salaries required by this section and the base amount and shall not be construed as requiring any school district or educational service center to adopt a schedule containing salaries in excess of the amounts set 34461  
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forth in this section for corresponding levels of training and experience.	34468 34469
As used in this division:	34470
(1) "Base amount" means <del>twenty</del> <u>thirty</u> thousand dollars.	34471
(2) "Five years of training" means at least one hundred fifty semester hours, or the equivalent, and a bachelor's degree from a recognized college or university.	34472 34473 34474
(D) For purposes of this section, all credited training shall be from a recognized college or university.	34475 34476
<b>Sec. 3317.141.</b> The board of education of any city, exempted village, local, or joint vocational school district that is the recipient of moneys from a grant awarded under the federal race to the top program, Division (A), Title XIV, Sections 14005 and 14006 of the "American Recovery and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, shall comply with this section in accordance with the timeline contained in the board's scope of work, as approved by the superintendent of public instruction, and shall not be subject to sections 3317.13 and 3317.14 of the Revised Code. The board of education of any other school district, and the governing board of each educational service center, shall comply with either this section or sections 3317.13 and 3317.14 of the Revised Code.	34477 34478 34479 34480 34481 34482 34483 34484 34485 34486 34487 34488 34489
(A) The board annually shall adopt a salary schedule for teachers based upon performance as described in division (B) of this section.	34490 34491 34492
(B) For purposes of the schedule, a board shall measure a teacher's performance by considering <del>all</del> <u>both</u> of the following:	34493 34494
(1) The level of license issued under section 3319.22 of the Revised Code that the teacher holds;	34495 34496
(2) <del>Whether the teacher is a properly certified or licensed</del>	34497

~~teacher, as defined in section 3319.074 of the Revised Code;~~ 34498

(3) Ratings received by the teacher on performance 34499  
evaluations conducted under section 3319.111 of the Revised Code. 34500

(C) The schedule shall provide for annual adjustments based 34501  
on performance on the evaluations conducted under section 3319.111 34502  
of the Revised Code. The annual performance-based adjustment for a 34503  
teacher rated as accomplished shall be greater than the annual 34504  
performance-based adjustment for a teacher rated as skilled. 34505

(D) The salary schedule adopted under this section may 34506  
provide for additional compensation for teachers who agree to 34507  
perform duties, not contracted for under a supplemental contract, 34508  
that the employing board determines warrant additional 34509  
compensation. Those duties may include, but are not limited to, 34510  
assignment to a school building eligible for funding under Title I 34511  
of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 34512  
6301 et seq.; assignment to a building in "school improvement" 34513  
status under the "No Child Left Behind Act of 2001," as defined in 34514  
section 3302.01 of the Revised Code; teaching in a grade level or 34515  
subject area in which the board has determined there is a shortage 34516  
within the district or service center; or assignment to a 34517  
hard-to-staff school, as determined by the board. 34518

**Sec. 3317.16.** (A) The department of education shall compute 34519  
and distribute state core foundation funding to each joint 34520  
vocational school district for the fiscal year as prescribed in 34521  
the following divisions: 34522

(1) An opportunity grant calculated according to the 34523  
following formula: 34524

(The formula amount X formula ADM) - (0.0005 X the district's 34525  
three-year average valuation) 34526

However, no district shall receive an opportunity grant that 34527

is less than 0.05 times the formula amount times formula ADM.	34528
(2) Additional state aid for special education and related services provided under Chapter 3323. of the Revised Code calculated as the sum of the following:	34529 34530 34531
(a) The district's category one special education ADM X the amount specified in division (A) of section 3317.013 of the Revised Code X the district's state share percentage;	34532 34533 34534
(b) The district's category two special education ADM X the amount specified in division (B) of section 3317.013 of the Revised Code X the district's state share percentage;	34535 34536 34537
(c) The district's category three special education ADM X the amount specified in division (C) of section 3317.013 of the Revised Code X the district's state share percentage;	34538 34539 34540
(d) The district's category four special education ADM X the amount specified in division (D) of section 3317.013 of the Revised Code X the district's state share percentage;	34541 34542 34543
(e) The district's category five special education ADM X the amount specified in division (E) of section 3317.013 of the Revised Code X the district's state share percentage;	34544 34545 34546
(f) The district's category six special education ADM X the amount specified in division (F) of section 3317.013 of the Revised Code X the district's state share percentage.	34547 34548 34549
(3) Economically disadvantaged funds calculated according to the following formula:	34550 34551
\$272 X the district's economically disadvantaged index X the number of students who are economically disadvantaged as certified under division (D)(2)(p) of section 3317.03 of the Revised Code	34552 34553 34554
(4) <del>Limited</del> English <del>proficiency</del> <u>learner</u> funds calculated as the sum of the following:	34555 34556
(a) The district's category one <del>limited</del> English <del>proficient</del>	34557

<u>learner</u> ADM X the amount specified in division (A) of section	34558
3317.016 of the Revised Code X the district's state share	34559
percentage;	34560
(b) The district's category two <del>limited</del> English <del>proficient</del>	34561
<u>learner</u> ADM X the amount specified in division (B) of section	34562
3317.016 of the Revised Code X the district's state share	34563
percentage;	34564
(c) The district's category three <del>limited</del> English <del>proficient</del>	34565
<u>learner</u> ADM X the amount specified in division (C) of section	34566
3317.016 of the Revised Code X the district's state share	34567
percentage;	34568
(5) Career-technical education funds calculated as the sum of	34569
the following:	34570
(a) The district's category one career-technical education	34571
ADM X the amount specified in division (A) of section 3317.014 of	34572
the Revised Code X the district's state share percentage;	34573
(b) The district's category two career-technical education	34574
ADM X the amount specified in division (B) of section 3317.014 of	34575
the Revised Code X the district's state share percentage;	34576
(c) The district's category three career-technical education	34577
ADM X the amount specified in division (C) of section 3317.014 of	34578
the Revised Code X the district's state share percentage;	34579
(d) The district's category four career-technical education	34580
ADM X the amount specified in division (D) of section 3317.014 of	34581
the Revised Code X the district's state share percentage;	34582
(e) The district's category five career-technical education	34583
ADM X the amount specified in division (E) of section 3317.014 of	34584
the Revised Code X the district's state share percentage.	34585
Payment of funds under division (A)(5) of this section is	34586
subject to approval under section 3317.161 of the Revised Code.	34587



(6) Career-technical education associated services funds	34588
calculated under the following formula:	34589
The district's state share percentage X the	34590
amount for career-technical education associated services	34591
specified in section 3317.014 of the Revised Code X the sum of	34592
categories one through five career-technical	34593
education ADM	34594
(7) A graduation bonus calculated according to the following	34595
formula:	34596
The district's graduation rate as reported on its most recent	34597
report card issued by the department under section 3302.033 of the	34598
Revised Code X 0.075 X the formula amount X the number of the	34599
district's students who received high school or honors high school	34600
diplomas as reported by the district to the department, in	34601
accordance with the guidelines adopted under section 3301.0714 of	34602
the Revised Code, for the same school year for which the most	34603
recent report card was issued X the district's state share	34604
percentage	34605
(B)(1) If a joint vocational school district's costs for a	34606
fiscal year for a student in its categories two through six	34607
special education ADM exceed the threshold catastrophic cost for	34608
serving the student, as specified in division (B) of section	34609
3317.0214 of the Revised Code, the district may submit to the	34610
superintendent of public instruction documentation, as prescribed	34611
by the superintendent, of all of its costs for that student. Upon	34612
submission of documentation for a student of the type and in the	34613
manner prescribed, the department shall pay to the district an	34614
amount equal to the sum of the following:	34615
(a) One-half of the district's costs for the student in	34616
excess of the threshold catastrophic cost;	34617
(b) The product of one-half of the district's costs for the	34618
student in excess of the threshold catastrophic cost multiplied by	34619

the district's state share percentage. 34620

(2) The district shall report under division (B)(1) of this 34621  
section, and the department shall pay for, only the costs of 34622  
educational expenses and the related services provided to the 34623  
student in accordance with the student's individualized education 34624  
program. Any legal fees, court costs, or other costs associated 34625  
with any cause of action relating to the student may not be 34626  
included in the amount. 34627

(C)(1) For each student with a disability receiving special 34628  
education and related services under an individualized education 34629  
program, as defined in section 3323.01 of the Revised Code, at a 34630  
joint vocational school district, the resident district or, if the 34631  
student is enrolled in a community school, the community school 34632  
shall be responsible for the amount of any costs of providing 34633  
those special education and related services to that student that 34634  
exceed the sum of the amount calculated for those services 34635  
attributable to that student under division (A) of this section. 34636

Those excess costs shall be calculated using a formula 34637  
approved by the department. 34638

(2) The board of education of the joint vocational school 34639  
district may report the excess costs calculated under division 34640  
(C)(1) of this section to the department of education. 34641

(3) If the board of education of the joint vocational school 34642  
district reports excess costs under division (C)(2) of this 34643  
section, the department shall pay the amount of excess cost 34644  
calculated under division (C)(2) of this section to the joint 34645  
vocational school district and shall deduct that amount as 34646  
provided in division (C)(3)(a) or (b) of this section, as 34647  
applicable: 34648

(a) If the student is not enrolled in a community school, the 34649  
department shall deduct the amount from the account of the 34650

student's resident district pursuant to division (J) of section 34651  
3317.023 of the Revised Code. 34652

(b) If the student is enrolled in a community school, the 34653  
department shall deduct the amount from the account of the 34654  
community school pursuant to section 3314.083 of the Revised Code. 34655

(D)(1) In any fiscal year, a school district receiving funds 34656  
under division (A)(5) of this section shall spend those funds only 34657  
for the purposes that the department designates as approved for 34658  
career-technical education expenses. Career-technical education 34659  
expenses approved by the department shall include only expenses 34660  
connected to the delivery of career-technical programming to 34661  
career-technical students. The department shall require the school 34662  
district to report data annually so that the department may 34663  
monitor the district's compliance with the requirements regarding 34664  
the manner in which funding received under division (A)(5) of this 34665  
section may be spent. 34666

(2) All funds received under division (A)(5) of this section 34667  
shall be spent in the following manner: 34668

(a) At least seventy-five per cent of the funds shall be 34669  
spent on curriculum development, purchase, and implementation; 34670  
instructional resources and supplies; industry-based program 34671  
certification; student assessment, credentialing, and placement; 34672  
curriculum specific equipment purchases and leases; 34673  
career-technical student organization fees and expenses; home and 34674  
agency linkages; work-based learning experiences; professional 34675  
development; and other costs directly associated with 34676  
career-technical education programs including development of new 34677  
programs. 34678

(b) Not more than twenty-five per cent of the funds shall be 34679  
used for personnel expenditures. 34680

(E) In any fiscal year, a school district receiving funds 34681

under division (A)(6) of this section, or through a transfer of 34682  
funds pursuant to division (I) of section 3317.023 of the Revised 34683  
Code, shall spend those funds only for the purposes that the 34684  
department designates as approved for career-technical education 34685  
associated services expenses, which may include such purposes as 34686  
apprenticeship coordinators, coordinators for other 34687  
career-technical education services, career-technical evaluation, 34688  
and other purposes designated by the department. The department 34689  
may deny payment under division (A)(6) of this section to any 34690  
district that the department determines is not operating those 34691  
services or is using funds paid under division (A)(6) of this 34692  
section, or through a transfer of funds pursuant to division (I) 34693  
of section 3317.023 of the Revised Code, for other purposes. 34694

(F) A joint vocational school district shall spend the funds 34695  
it receives under division (A)(3) of this section in accordance 34696  
with section 3317.25 of the Revised Code. 34697

(G) As used in this section: 34698

(1) "Community school" means a community school established 34699  
under Chapter 3314. of the Revised Code. 34700

(2) "Resident district" means the city, local, or exempted 34701  
village school district in which a student is entitled to attend 34702  
school under section 3313.64 or 3313.65 of the Revised Code. 34703

(3) "State share percentage" is equal to the following: 34704  
The amount computed under division (A)(1) of this section / 34705  
(the formula amount X formula ADM) 34706

**Sec. 3317.163.** (A) As used in this section: 34707

(1) "Base per pupil amount" has the same meaning as in 34708  
section 3317.0219 of the Revised Code. 34709

(2) "Eligible school district" has the same meaning as in 34710  
division (C)(1) of section 3317.0219 of the Revised Code. 34711

(3) "Resident district" means the city, local, or exempted village school district in which a student is entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code.

(B) Subject to division (D) of this section, for fiscal years 2020 and 2021, the department of education shall calculate and pay to each joint vocational school district student wellness and success funds, on a full-time equivalency basis, for each student enrolled in the district in the immediately preceding fiscal year in an amount equal to the following:

(The base per pupil amount of the student's resident district for that fiscal year + the scaled amount of the student's resident district, if any, computed under division (B)(4) of section 3317.0219 of the Revised Code)

However, each joint vocational school district shall receive a minimum payment of \$25,000, for fiscal year 2020, or \$36,000 for fiscal year 2021.

(C) Subject to division (D) of this section, for fiscal years 2020 and 2021, the department shall pay to each joint vocational school district student wellness and success enhancement funds, on a full-time equivalency basis, for each student enrolled in the district in the immediately preceding fiscal year whose resident district is an eligible school district, in an amount equal to the following:

The amount paid to the student's resident district under division (C)(2) of section 3317.0219 of the Revised Code for that fiscal year / the enrolled ADM of the student's resident district for the immediately preceding fiscal year

(D) The department shall pay funds under divisions (B) and (C) of this section as follows:

(1) One-half of the amount shall be paid not later than the thirty-first day of October of the fiscal year for which the

payment is calculated. 34743

(2) One-half of the amount shall be paid not later than the 34744  
twenty-eighth day of February of the fiscal year for which the 34745  
payment is calculated. 34746

Upon making a payment for a fiscal year under this section, 34747  
the department shall not make any reconciliations or adjustments 34748  
to that payment. 34749

(E) A joint vocational school district that receives a 34750  
payment under this section shall comply with section 3317.26 of 34751  
the Revised Code. 34752

**Sec. 3317.25.** (A) As used in this section, "economically 34753  
disadvantaged funds" means the following: 34754

(1) For a city, local, or exempted village school district, 34755  
the funds received under division (A)(5) of section 3317.022 of 34756  
the Revised Code; 34757

(2) For a joint vocational school district, the funds 34758  
received under division (A)(3) of section 3317.16 of the Revised 34759  
Code; 34760

(3) For a community school established under Chapter 3314. of 34761  
the Revised Code, the funds received under division (C)(1)(e) of 34762  
section 3314.08 of the Revised Code; 34763

(4) For a STEM school established under Chapter 3326. of the 34764  
Revised Code, the funds received under division (E) of section 34765  
3326.33 of the Revised Code. 34766

(B) In any fiscal year, a city, local, exempted village, or 34767  
joint vocational school district, community school, or STEM school 34768  
shall spend the economically disadvantaged funds it receives for 34769  
any of the following initiatives or a combination of any of the 34770  
following initiatives: 34771

(1) Extended school day and school year;	34772
(2) Reading improvement and intervention;	34773
(3) Instructional technology or blended learning;	34774
(4) Professional development in reading instruction for teachers of students in kindergarten through third grade;	34775 34776
(5) Dropout prevention;	34777
(6) School safety and security measures;	34778
(7) Community learning centers that address barriers to learning;	34779 34780
(8) Academic interventions for students in any of grades six through twelve;	34781 34782
(9) Employment of an individual who has successfully completed the bright new leaders for Ohio schools program as a principal or an assistant principal. <del>As used in this section,</del> <del>"bright new leaders for Ohio schools program" has the same meaning</del> <del>as in</del> <u>under</u> section <del>3319.271</del> <u>3319.272</u> of the Revised Code.	34783 34784 34785 34786 34787
(C) At the end of each fiscal year, each city, local, exempted village, or joint vocational school district, community school, and STEM school shall submit a report to the department of education describing the initiative or initiatives on which the district's or school's economically disadvantaged funds were spent during that fiscal year.	34788 34789 34790 34791 34792 34793
(D) Starting in 2015, the department shall submit a report of the information it receives under division (C) of this section to the General Assembly not later than the first day of December of each odd-numbered year in accordance with section 101.68 of the Revised Code.	34794 34795 34796 34797 34798
<u>Sec. 3317.26.</u> (A) <u>As used in this section, "student wellness and success funds" means the following:</u>	34799 34800

<u>(1) For a city, local, or exempted village school district,</u>	34801
<u>the funds received under section 3317.0219 of the Revised Code;</u>	34802
<u>(2) For a joint vocational school district, the funds</u>	34803
<u>received under section 3317.163 of the Revised Code.</u>	34804
<u>(3) For a community school established under Chapter 3314. of</u>	34805
<u>the Revised Code, the funds received under section 3314.088 of the</u>	34806
<u>Revised Code.</u>	34807
<u>(4) For a STEM school established under Chapter 3326. of the</u>	34808
<u>Revised Code, the funds received under section 3326.42 of the</u>	34809
<u>Revised Code.</u>	34810
<u>(B) In any fiscal year, a city, local, exempted village, or</u>	34811
<u>joint vocational school district, community school, or STEM school</u>	34812
<u>shall spend the student wellness and success funds it receives for</u>	34813
<u>any of the following initiatives or a combination of any of the</u>	34814
<u>following initiatives:</u>	34815
<u>(1) Mental health services;</u>	34816
<u>(2) Services for homeless youth;</u>	34817
<u>(3) Services for child welfare involved youth;</u>	34818
<u>(4) Community liaisons;</u>	34819
<u>(5) Physical health care services;</u>	34820
<u>(6) Mentoring programs;</u>	34821
<u>(7) Family engagement and support services;</u>	34822
<u>(8) City connects programming;</u>	34823
<u>(9) Professional development regarding the provision of</u>	34824
<u>trauma informed care;</u>	34825
<u>(10) Professional development regarding cultural competence;</u>	34826
<u>(11) Student services provided prior to or after the</u>	34827
<u>regularly scheduled school day or any time school is not in</u>	34828



session. 34829

(C) Each city, local, exempted village, and joint vocational school district, community school, and STEM school that is subject to the requirements of this section shall develop a plan for utilizing the student wellness and success funds it receives in coordination with at least one of the following community partners: 34830  
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(1) A board of alcohol, drug, and mental health services established under Chapter 340. of the Revised Code; 34836  
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(2) An educational service center; 34838

(3) A county board of developmental disabilities; 34839

(4) A community-based mental health treatment provider; 34840

(5) A board of health of a city or general health district; 34841

(6) A county department of job and family services; 34842

(7) A nonprofit organization with experience serving children; 34843  
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(8) A public hospital agency. 34845

(D) After the end of each fiscal year, each city, local, exempted village, or joint vocational school district, community school, and STEM school shall submit a report to the department of education, in a manner prescribed by the department, describing the initiative or initiatives on which the district's or school's student wellness and success funds were spent during that fiscal year. 34846  
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**Sec. 3317.28.** For fiscal year 2022 and for each fiscal year thereafter, the department of education shall pay each city, local, and exempted village school district additional funds computed as follows: 34853  
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34856

(A) The statewide per pupil amount paid for chartered 34857

nonpublic school students - [(the sum of the district's payments under sections 3317.022 and 3317.0212 of the Revised Code and any temporary transitional aid that is authorized by the general assembly minus any reductions due to funding limitations that are authorized by the general assembly/its formula ADM)]; times 34858  
34859  
34860  
34861  
34862

(B) The district's formula ADM. 34863

If the result is a negative number, no payment shall be made under this section. 34864  
34865

As used in this section, the "statewide per pupil amount paid for chartered nonpublic school students" means the statewide per pupil amount paid under sections 3317.06, 3317.062, and 3317.063 of the Revised Code, combined, for the current fiscal year, as calculated by the department. 34866  
34867  
34868  
34869  
34870

**Sec. 3317.40.** (A) As used in this section, "subgroup" means one of the following subsets of the entire student population of a school district or a school building: 34871  
34872  
34873

(1) Students with disabilities; 34874

(2) Economically disadvantaged students; 34875

(3) ~~Limited English proficient students~~ learners; 34876

(4) Students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code. 34877  
34878  
34879

(B) It is the intent of the general assembly that funds provided under this chapter shall be used for the provision of a system of common schools and the advancement of the knowledge of all students. As such, school districts and schools shall be held accountable for those funds to ensure that all students are provided an opportunity to graduate from high school prepared for a career or for post-secondary education. 34880  
34881  
34882  
34883  
34884  
34885  
34886

(C) When funds are provided under this chapter specifically 34887  
for services for a subgroup of students, the general assembly has 34888  
determined that these students experience unique challenges 34889  
requiring additional resources and intends that the funds so 34890  
provided be used for services that will allow students in those 34891  
subgroups to master the knowledge base required for high school 34892  
graduation. 34893

(D) If a district or school fails to show satisfactory 34894  
achievement and progress, as determined by the state board of 34895  
education, for any subgroup of students based on performance 34896  
measures reported or graded under section 3302.03 of the Revised 34897  
Code, the district or school shall submit an improvement plan to 34898  
the department for approval. The plan may be included in any other 34899  
improvement plan required of the district or school under state or 34900  
federal law. The department may require that a plan required under 34901  
division (C) of this section include an agreement to partner with 34902  
another organization that has demonstrated the ability to improve 34903  
the educational outcome for that subgroup of students to provide 34904  
services to those students. The partner organization may be 34905  
another school, district, or other education provider. 34906

Not later than December 31, 2014, the state board of 34907  
education shall establish measures of satisfactory achievement and 34908  
progress, which include, but are not limited to, performance 34909  
measures under section 3302.03 of the Revised Code. The department 34910  
shall make the initial determination of satisfactory achievement 34911  
and progress under this section using those measures not later 34912  
than September 1, 2015, and then make determinations under this 34913  
section annually thereafter. 34914

The department shall publish a list of schools, school 34915  
districts, and other educational providers that have demonstrated 34916  
an ability to serve each subgroup of students. 34917

Sec. 3317.60. (A)(1) The department of education shall 34918  
conduct a study that does both of the following: 34919

(a) Reviews the criteria used in the current school funding 34920  
formula to define "economically disadvantaged students" in order 34921  
to determine the effectiveness of the criteria; 34922

(b) Researches how other states define "economically 34923  
disadvantaged students" and how "economically disadvantaged 34924  
students" are addressed in other states' school funding formulas. 34925

The department shall submit a report of its findings to the 34926  
individuals prescribed in division (B) of this section not later 34927  
than December 31, 2020. 34928

(2) The department of education, in consultation with the 34929  
department of job and family services and stakeholder groups 34930  
determined appropriate by the department, shall prepare a report 34931  
including both of the following: 34932

(a) A review of early child initiatives in Ohio, including 34933  
preschool, head start, and other early learning opportunities for 34934  
young children; 34935

(b) Information regarding how other states support early 34936  
learning opportunities for young children. 34937

The department of education shall submit the report to the 34938  
individuals prescribed in division (B) of this section not later 34939  
than December 31, 2020. 34940

(B) The reports prepared under division (A) of this section 34941  
shall be submitted to all of the following: 34942

(1) The president and minority leader of the senate; 34943

(2) The speaker and minority leader of the house of 34944  
representatives; 34945

(3) The members of the standing committees of the house of 34946

representatives and the senate that consider legislation regarding 34947  
primary and secondary education. 34948

**Sec. 3318.036.** (A) For purposes of this section: 34949

(1) "Eligible school district" is a city, local, or exempted 34950  
village school district that satisfies both of the following 34951  
conditions: 34952

(a) The district is either of the following: 34953

(i) A district that resulted from one of the following that 34954  
became effective between July 1, 2013, and June 30, 2018: 34955

~~(i)~~(I) A transfer of all of the territory of one school 34956  
district to another school district in accordance with section 34957  
3311.22, 3311.231, 3311.24, or 3311.38 of the Revised Code; 34958

~~(ii)~~(II) The merger of two or more districts in accordance 34959  
with section 3311.25 of the Revised Code; 34960

~~(iii)~~(III) The creation of a new local school district from 34961  
all of one or more local school districts in accordance with 34962  
section 3311.26 of the Revised Code; 34963

~~(iv)~~(IV) The consolidation of two or more school districts 34964  
under section 3311.37 of the Revised Code. 34965

(ii) A district that intends to build a new school building 34966  
on land originally owned by a state community college, as that 34967  
term is defined in section 3358.01 of the Revised Code, with the 34968  
intention of collaboratively working with the state community 34969  
college on workforce development programs and curriculum. 34970

(b) The district has demonstrated to the Ohio facilities 34971  
construction commission an efficient use of facility space, 34972  
including a reduction in the number of buildings used by students 34973  
and administrative staff. 34974

(2) "Basic project cost" and "required percentage of the 34975

basic project cost" have the same meanings as in section 3318.01 34976  
of the Revised Code. 34977

(B) Notwithstanding anything to the contrary in this chapter: 34978

(1) If the commission determines that a district is an 34979  
eligible school district, the commission shall give that district 34980  
first priority for funding for a project under sections 3318.01 to 34981  
3318.20 of the Revised Code as such funds become available, 34982  
regardless of the district's percentile rank under section 34983  
3318.011 of the Revised Code. If the district results from a 34984  
transfer, merger, consolidation, or creation of a new local 34985  
district that takes effect prior to April 6, 2017, the district's 34986  
portion of the basic project cost shall be the required percentage 34987  
of the basic project cost based on the percentile ranking of the 34988  
district that was transferred, merged, consolidated, or existed 34989  
prior to the creation of the new district that has the lowest 34990  
three-year average adjusted valuation per pupil, as calculated 34991  
under section 3318.011 of the Revised Code, on the date that the 34992  
transfer, merger, consolidation, or creation of the new district 34993  
became effective. 34994

(2) If an eligible school district is given priority under 34995  
division (B)(1) of this section, the commission may reduce that 34996  
district's portion of the basic project cost by twenty-five 34997  
percentage points from the portion determined under section 34998  
3318.032 of the Revised Code or, if the district results from a 34999  
transfer, merger, consolidation, or creation of a new local 35000  
district that takes effect prior to April 6, 2017, from the 35001  
portion determined under division (B)(1) of this section. At no 35002  
time, however, shall that district's portion of the basic project 35003  
cost be less than five per cent. 35004

(3) If an eligible school district is given priority under 35005  
division (B)(1) of this section, the commission may reduce that 35006  
district's portion of the basic project cost by ten percentage 35007

points from the portion determined under section 3318.032 of the Revised Code or, if the district results from a transfer, merger, consolidation, or creation of a new local district that takes effect prior to April 6, 2017, from the portion determined under division (B)(1) of this section, if the district's project satisfies the following conditions:

(a) The project involves construction of a building on land owned by a state institution of higher education, as that term is defined in section 3345.011 of the Revised Code, or on land originally owned by a state community college, as that term is defined in section 3358.01 of the Revised Code, with the intention of collaboratively working with the state community college on workforce development programs and curriculum, and the commission approves the project.

(b) The district and the state institution of higher education enter into a written agreement regarding the continued use of the institution's land by the district, and the commission approves the agreement. Division (B)(3)(b) of this section does not apply to a district that satisfies the condition described in division (A)(1)(a)(ii) of this section.

(c) On the date that the district and the state institution of higher education enter into the written agreement described in division (B)(3)(b) of this section, the state institution of higher education is participating in the college credit plus program established under Chapter 3365. of the Revised Code. Division (B)(3)(c) of this section does not apply to a district that satisfies the condition described in division (A)(1)(a)(ii) of this section.

At no time, however, shall that district's portion of the basic project cost be less than five per cent.

The reduction of the district's portion of the basic project

cost described in division (B)(3) of this section may be in 35039  
addition to a reduction of the district's portion of the basic 35040  
project cost under division (B)(2) of this section. 35041

(C) Except as provided in division (B) of this section, a 35042  
district's project undertaken pursuant to this section shall be 35043  
subject to all other requirements in sections 3318.01 to 3318.20 35044  
of the Revised Code. 35045

Sec. 3318.037. (A) For purposes of this section: 35046

(1) "Basic project cost," "percentile," and "school 35047  
district's portion of the basic project cost" have the same 35048  
meanings as in section 3318.01 of the Revised Code. 35049

(2) "Eligible school district" is a city, local, or exempted 35050  
village school district that satisfies all of the following 35051  
conditions: 35052

(a) The district intends to build new classroom facilities on 35053  
land originally owned by a state community college, as that term 35054  
is defined in section 3358.01 of the Revised Code, with the 35055  
intention of collaboratively working with the state community 35056  
college on workforce development programs and curriculum. 35057

(b) The district has previously participated in the school 35058  
building assistance expedited local partnership program 35059  
established under section 3318.36 of the Revised Code but did not 35060  
construct any new facilities as part of that program. 35061

(c) The district reapplies for the expedited local 35062  
partnership program between January 1, 2019, and July 1, 2020. 35063

(B) Notwithstanding anything to the contrary in this chapter, 35064  
if an eligible school district reapplies for the expedited local 35065  
partnership program between January 1, 2019, and July 1, 2020, and 35066  
subsequently enters into a new agreement for that program, both of 35067  
the following shall occur: 35068



(1) The district shall retain its percentile ranking that was 35069  
determined at the time the district entered into its initial 35070  
agreement under the expedited local partnership program. 35071

(2) The Ohio facilities construction commission shall give 35072  
that district first priority for funding for a project under 35073  
sections 3318.01 to 3318.20 of the Revised Code as such funds 35074  
become available, regardless of the district's percentile rank 35075  
under section 3318.011 of the Revised Code, and the district's 35076  
portion of the basic project cost under sections 3318.01 to 35077  
3318.20 of the Revised Code shall be the same percentage of the 35078  
basic project cost as under its initial agreement under the 35079  
expedited local partnership program. 35080

**Sec. 3318.05.** The conditional approval of the Ohio facilities 35081  
construction commission for a project shall lapse and the amount 35082  
reserved and encumbered for such project shall be released unless 35083  
the school district board accepts such conditional approval within 35084  
one hundred twenty days following the date of certification of the 35085  
conditional approval to the school district board and the electors 35086  
of the school district vote favorably on both of the propositions 35087  
described in divisions (A) and (B) of this section within thirteen 35088  
months of the date of such certification, except that a school 35089  
district described in division (C) of this section does not need 35090  
to submit the proposition described in division (B) of this 35091  
section. The propositions described in divisions (A) and (B) of 35092  
this section shall be combined in a single proposal. If the 35093  
district board or the district's electors fail to meet such 35094  
requirements and the amount reserved and encumbered for the 35095  
district's project is released, the district shall be given first 35096  
priority for project funding as such funds become available, 35097  
subject to section 3318.054 of the Revised Code. 35098  
35099

(A) On the question of issuing bonds of the school district board, for the school district's portion of the basic project cost, in an amount equal to the school district's portion of the basic project cost less the amount of the proceeds of any securities authorized or to be authorized under division (J) of section 133.06 of the Revised Code and dedicated by the school district board to payment of the district's portion of the basic project cost; and

(B) On the question of levying a tax the proceeds of which shall be used to pay the cost of maintaining or upgrading the classroom facilities included in the project. Such tax shall be at the rate of not less than one-half mill for each dollar of valuation for a period of twenty-three years, subject to any extension approved under section 3318.061 of the Revised Code.

(C) If a school district has in place a tax levied under section 5705.21 of the Revised Code for general permanent improvements for a continuing period of time and the proceeds of such tax can be used for maintenance or upgrades, or if a district agrees to the transfers described in section 3318.051 of the Revised Code, the school district need not levy the additional tax required under division (B) of this section, provided the school district board includes in the agreement entered into under section 3318.08 of the Revised Code provisions either:

(1) Earmarking an amount from the proceeds of that permanent improvement tax for maintenance or upgrades of classroom facilities equivalent to the amount of the additional tax and for the equivalent number of years otherwise required under this section;

(2) Requiring the transfer of money in accordance with section 3318.051 of the Revised Code.

The district board subsequently may rescind the agreement to

make the transfers under section 3318.051 of the Revised Code only 35131  
so long as the electors of the district have approved, in 35132  
accordance with section 3318.063 of the Revised Code, the levy of 35133  
a tax for the maintenance or upgrades of the classroom facilities 35134  
acquired under the district's project and that levy continues to 35135  
be collected as approved by the electors. 35136

(D) Proceeds of the tax to be used for maintenance or upgrade 35137  
of the classroom facilities under either division (B) or (C)(1) of 35138  
this section, and transfers of money in accordance with section 35139  
3318.051 of the Revised Code shall be deposited into a separate 35140  
fund established by the school district for such purpose. 35141

(E) Proceeds of the tax to be used for maintenance or 35142  
upgrades of the classroom facilities under either division (B) or 35143  
(C)(1) of this section shall not be used to upgrade classroom 35144  
facilities, unless the district board submits to the Ohio 35145  
facilities construction commission a proposal regarding the use of 35146  
those proceeds for upgrades and the commission approves the 35147  
proposal. 35148

**Sec. 3318.051.** (A) Any city, exempted village, or local 35149  
school district that commences a project under sections 3318.01 to 35150  
3318.20, 3318.36, 3318.37, or 3318.38 of the Revised Code on or 35151  
after September 5, 2006, need not levy the tax otherwise required 35152  
under division (B) of section 3318.05 of the Revised Code, if the 35153  
district board of education adopts a resolution petitioning the 35154  
Ohio facilities construction commission to approve the transfer of 35155  
money in accordance with this section and the commission approves 35156  
that transfer. If so approved, the commission and the district 35157  
board shall enter into an agreement under which the board, in each 35158  
of twenty-three consecutive years beginning in the year in which 35159  
the board and the commission enter into the project agreement 35160  
under section 3318.08 of the Revised Code, shall transfer into the 35161

maintenance fund required by division (D) of section 3318.05 of 35162  
the Revised Code not less than an amount equal to one-half mill 35163  
for each dollar of the district's valuation unless and until the 35164  
agreement to make those transfers is rescinded by the district 35165  
board pursuant to division (F) of this section. 35166

(B) On the first day of July each year, or on an alternative 35167  
date prescribed by the commission, the district treasurer shall 35168  
certify to the commission and the auditor of state that the amount 35169  
required for the year has been transferred. The auditor of state 35170  
shall include verification of the transfer as part of any audit of 35171  
the district under section 117.11 of the Revised Code. If the 35172  
auditor of state finds that less than the required amount has been 35173  
deposited into a district's maintenance fund, the auditor of state 35174  
shall notify the district board of education in writing of that 35175  
fact and require the board to deposit into the fund, within ninety 35176  
days after the date of the notice, the amount by which the fund is 35177  
deficient for the year. If the district board fails to demonstrate 35178  
to the auditor of state's satisfaction that the board has made the 35179  
deposit required in the notice, the auditor of state shall notify 35180  
the department of education. At that time, the department shall 35181  
withhold an amount equal to ten per cent of the district's funds 35182  
calculated for the current fiscal year under Chapter 3317. of the 35183  
Revised Code until the auditor of state notifies the department 35184  
that the auditor of state is satisfied that the board has made the 35185  
required transfer. 35186

(C) Money transferred to the maintenance fund shall be used 35187  
for the maintenance or, upon approval of the Ohio facilities 35188  
construction commission, upgrade of the facilities acquired under 35189  
the district's project. 35190

(D) The transfers to the maintenance fund under this section 35191  
does not affect a district's obligation to establish and maintain 35192  
a capital and maintenance fund under section 3315.18 of the 35193

Revised Code. 35194

(E) Any decision by the commission to approve or not approve 35195  
the transfer of money under this section is final and not subject 35196  
to appeal. The commission shall not be responsible for errors or 35197  
miscalculations made in deciding whether to approve a petition to 35198  
make transfers under this section. 35199

(F) If the district board determines that it no longer can 35200  
continue making the transfers agreed to under this section, the 35201  
board may rescind the agreement only so long as the electors of 35202  
the district have approved, in accordance with section 3318.063 of 35203  
the Revised Code, the levy of a tax for the maintenance of the 35204  
classroom facilities acquired under the district's project and 35205  
that levy continues to be collected as approved by the electors. 35206  
That levy shall be for a number of years that is equal to the 35207  
difference between twenty-three years and the number of years that 35208  
the district made transfers under this section and shall be at the 35209  
rate of not less than one-half mill for each dollar of the 35210  
district's valuation. The district board shall continue to make 35211  
the transfers agreed to under this section until that levy has 35212  
been approved by the electors. 35213

**Sec. 3318.06.** (A) After receipt of the conditional approval 35214  
of the Ohio facilities construction commission, the school 35215  
district board by a majority of all of its members shall, if it 35216  
desires to proceed with the project, declare all of the following 35217  
by resolution: 35218

(1) That by issuing bonds in an amount equal to the school 35219  
district's portion of the basic project cost the district is 35220  
unable to provide adequate classroom facilities without assistance 35221  
from the state; 35222

(2) Unless the school district board has resolved to transfer 35223  
money in accordance with section 3318.051 of the Revised Code or 35224

to apply the proceeds of a property tax or the proceeds of an 35225  
income tax, or a combination of proceeds from such taxes, as 35226  
authorized under section 3318.052 of the Revised Code, that to 35227  
qualify for such state assistance it is necessary to do either of 35228  
the following: 35229

(a) Levy a tax outside the ten-mill limitation the proceeds 35230  
of which shall be used to pay the cost of maintaining and 35231  
upgrading the classroom facilities included in the project~~r~~. The 35232  
use of the proceeds for upgrades is subject to the approval by the 35233  
commission under division (E) of section 3318.05 of the Revised 35234  
Code. 35235

(b) Earmark for maintenance of classroom facilities from the 35236  
proceeds of an existing permanent improvement tax levied under 35237  
section 5705.21 of the Revised Code, if such tax can be used for 35238  
maintenance, an amount equivalent to the amount of the additional 35239  
tax otherwise required under this section and sections 3318.05 and 35240  
3318.08 of the Revised Code. 35241

(3) That the question of any tax levy specified in a 35242  
resolution described in division (A)(2)(a) of this section, if 35243  
required, shall be submitted to the electors of the school 35244  
district at the next general or primary election, if there be a 35245  
general or primary election not less than ninety and not more than 35246  
one hundred ten days after the day of the adoption of such 35247  
resolution or, if not, at a special election to be held at a time 35248  
specified in the resolution which shall be not less than ninety 35249  
days after the day of the adoption of the resolution and which 35250  
shall be in accordance with the requirements of section 3501.01 of 35251  
the Revised Code. 35252

Such resolution shall also state that the question of issuing 35253  
bonds of the board shall be combined in a single proposal with the 35254  
question of such tax levy. More than one election under this 35255  
section may be held in any one calendar year. Such resolution 35256

shall specify both of the following: 35257

(a) That the rate which it is necessary to levy shall be at 35258  
the rate of not less than one-half mill for each one dollar of 35259  
valuation, and that such tax shall be levied for a period of 35260  
twenty-three years; 35261

(b) That the proceeds of the tax shall be used to pay the 35262  
cost of maintaining the classroom facilities included in the 35263  
project or upgrading those facilities if approved by the 35264  
commission. 35265

(B) A copy of a resolution adopted under division (A) of this 35266  
section shall after its passage and not less than ninety days 35267  
prior to the date set therein for the election be certified to the 35268  
county board of elections. 35269

The resolution of the school district board, in addition to 35270  
meeting other applicable requirements of section 133.18 of the 35271  
Revised Code, shall state that the amount of bonds to be issued 35272  
will be an amount equal to the school district's portion of the 35273  
basic project cost, and state the maximum maturity of the bonds 35274  
which may be any number of years not exceeding the term calculated 35275  
under section 133.20 of the Revised Code as determined by the 35276  
board. In estimating the amount of bonds to be issued, the board 35277  
shall take into consideration the amount of moneys then in the 35278  
bond retirement fund and the amount of moneys to be collected for 35279  
and disbursed from the bond retirement fund during the remainder 35280  
of the year in which the resolution of necessity is adopted. 35281

If the bonds are to be issued in more than one series, the 35282  
resolution may state, in addition to the information required to 35283  
be stated under division (B)(3) of section 133.18 of the Revised 35284  
Code, the number of series, which shall not exceed five, the 35285  
principal amount of each series, and the approximate date each 35286  
series will be issued, and may provide that no series, or any 35287

portion thereof, may be issued before such date. Upon such a 35288  
resolution being certified to the county auditor as required by 35289  
division (C) of section 133.18 of the Revised Code, the county 35290  
auditor, in calculating, advising, and confirming the estimated 35291  
average annual property tax levy under that division, shall also 35292  
calculate, advise, and confirm by certification the estimated 35293  
average property tax levy for each series of bonds to be issued. 35294

Notice of the election shall include the fact that the tax 35295  
levy shall be at the rate of not less than one-half mill for each 35296  
one dollar of valuation for a period of twenty-three years, and 35297  
that the proceeds of the tax shall be used to pay the cost of 35298  
maintaining or upgrading the classroom facilities included in the 35299  
project. 35300

If the bonds are to be issued in more than one series, the 35301  
board of education, when filing copies of the resolution with the 35302  
board of elections as required by division (D) of section 133.18 35303  
of the Revised Code, may direct the board of elections to include 35304  
in the notice of election the principal amount and approximate 35305  
date of each series, the maximum number of years over which the 35306  
principal of each series may be paid, the estimated additional 35307  
average property tax levy for each series, and the first calendar 35308  
year in which the tax is expected to be due for each series, in 35309  
addition to the information required to be stated in the notice 35310  
under divisions (E)(3)(a) to (e) of section 133.18 of the Revised 35311  
Code. 35312

(C)(1) Except as otherwise provided in division (C)(2) of 35313  
this section, the form of the ballot to be used at such election 35314  
shall be: 35315

"A majority affirmative vote is necessary for passage. 35316

Shall bonds be issued by the ..... (here insert name 35317  
of school district) school district to pay the local share of 35318



school construction under the State of Ohio Classroom Facilities 35319  
 Assistance Program in the principal amount of ..... (here 35320  
 insert principal amount of the bond issue), to be repaid annually 35321  
 over a maximum period of ..... (here insert the maximum 35322  
 number of years over which the principal of the bonds may be paid) 35323  
 years, and an annual levy of property taxes be made outside the 35324  
 ten-mill limitation, estimated by the county auditor to average 35325  
 over the repayment period of the bond issue ..... (here 35326  
 insert the number of mills estimated) mills for each one dollar of 35327  
 tax valuation, which amounts to ..... (rate expressed in 35328  
 cents or dollars and cents, such as "thirty-six cents" or "\$0.36") 35329  
 for each one hundred dollars of tax valuation to pay the annual 35330  
 debt charges on the bonds and to pay debt charges on any notes 35331  
 issued in anticipation of the bonds?" 35332

and, unless the additional levy 35333  
 of taxes is not required pursuant 35334  
 to division (C) of section 35335  
 3318.05 of the Revised Code, 35336

"Shall an additional levy of taxes be made for a period of 35337  
 twenty-three years to benefit the ..... (here insert name 35338  
 of school district) school district, the proceeds of which shall 35339  
 be used to pay the cost of maintaining (or upgrading if approved 35340  
by the commission) the classroom facilities included in the 35341  
 project at the rate of ..... (here insert the number of 35342  
 mills, which shall not be less than one-half mill) mills for each 35343  
 one dollar of valuation? 35344

	FOR THE BOND ISSUE AND TAX LEVY
	AGAINST THE BOND ISSUE AND TAX LEVY

"

(2) If authority is sought to issue bonds in more than one 35349  
 series and the board of education so elects, the form of the 35350

ballot shall be as prescribed in section 3318.062 of the Revised Code. If the board of education elects the form of the ballot prescribed in that section, it shall so state in the resolution adopted under this section.

(D) If it is necessary for the school district to acquire a site for the classroom facilities to be acquired pursuant to sections 3318.01 to 3318.20 of the Revised Code, the district board may propose either to issue bonds of the board or to levy a tax to pay for the acquisition of such site, and may combine the question of doing so with the questions specified in division (B) of this section. Bonds issued under this division for the purpose of acquiring a site are a general obligation of the school district and are Chapter 133. securities.

The form of that portion of the ballot to include the question of either issuing bonds or levying a tax for site acquisition purposes shall be one of the following:

(1) "Shall bonds be issued by the ..... (here insert name of the school district) school district to pay costs of acquiring a site for classroom facilities under the State of Ohio Classroom Facilities Assistance Program in the principal amount of ..... (here insert principal amount of the bond issue), to be repaid annually over a maximum period of ..... (here insert maximum number of years over which the principal of the bonds may be paid) years, and an annual levy of property taxes be made outside the ten-mill limitation, estimated by the county auditor to average over the repayment period of the bond issue ..... (here insert number of mills) mills for each one dollar of tax valuation, which amount to ..... (here insert rate expressed in cents or dollars and cents, such as "thirty-six cents" or "\$0.36") for each one hundred dollars of valuation to pay the annual debt charges on the bonds and to pay debt charges on any notes issued in anticipation of the bonds?"

(2) "Shall an additional levy of taxes outside the ten-mill 35383  
limitation be made for the benefit of the ..... (here insert 35384  
name of the school district) school district for the purpose of 35385  
acquiring a site for classroom facilities in the sum of ..... 35386  
(here insert annual amount the levy is to produce) estimated by 35387  
the county auditor to average ..... (here insert number of 35388  
mills) mills for each one hundred dollars of valuation, for a 35389  
period of ..... (here insert number of years the millage is to 35390  
be imposed) years?" 35391

Where it is necessary to combine the question of issuing 35392  
bonds of the school district and levying a tax as described in 35393  
division (B) of this section with the question of issuing bonds of 35394  
the school district for acquisition of a site, the question 35395  
specified in that division to be voted on shall be "For the Bond 35396  
Issues and the Tax Levy" and "Against the Bond Issues and the Tax 35397  
Levy." 35398

Where it is necessary to combine the question of issuing 35399  
bonds of the school district and levying a tax as described in 35400  
division (B) of this section with the question of levying a tax 35401  
for the acquisition of a site, the question specified in that 35402  
division to be voted on shall be "For the Bond Issue and the Tax 35403  
Levies" and "Against the Bond Issue and the Tax Levies." 35404

Where the school district board chooses to combine the 35405  
question in division (B) of this section with any of the 35406  
additional questions described in divisions (A) to (D) of section 35407  
3318.056 of the Revised Code, the question specified in division 35408  
(B) of this section to be voted on shall be "For the Bond Issues 35409  
and the Tax Levies" and "Against the Bond Issues and the Tax 35410  
Levies." 35411

If a majority of those voting upon a proposition hereunder 35412  
which includes the question of issuing bonds vote in favor 35413  
thereof, and if the agreement provided for by section 3318.08 of 35414

the Revised Code has been entered into, the school district board 35415  
may proceed under Chapter 133. of the Revised Code, with the 35416  
issuance of bonds or bond anticipation notes in accordance with 35417  
the terms of the agreement. 35418

**Sec. 3318.061.** This section applies only to school districts 35419  
eligible to receive additional assistance under division (B)(2) of 35420  
section 3318.04 of the Revised Code. 35421

The board of education of a school district in which a tax 35422  
described by division (B) of section 3318.05 and levied under 35423  
section 3318.06 of the Revised Code is in effect, may adopt a 35424  
resolution by vote of a majority of its members to extend the term 35425  
of that tax beyond the expiration of that tax as originally 35426  
approved under that section. The school district board may include 35427  
in the resolution a proposal to extend the term of that tax at the 35428  
rate of not less than one-half mill for each dollar of valuation 35429  
for a period of twenty-three years from the year in which the 35430  
school district board and the Ohio facilities construction 35431  
commission enter into an agreement under division (B)(2) of 35432  
section 3318.04 of the Revised Code or in the following year, as 35433  
specified in the resolution. Such a resolution may be adopted at 35434  
any time before such an agreement is entered into and before the 35435  
tax levied pursuant to section 3318.06 of the Revised Code 35436  
expires. If the resolution is combined with a resolution to issue 35437  
bonds to pay the school district's portion of the basic project 35438  
cost, it shall conform with the requirements of divisions (A)(1), 35439  
(2), and (3) of section 3318.06 of the Revised Code, except that 35440  
the resolution also shall state that the tax levy proposed in the 35441  
resolution is an extension of an existing tax levied under that 35442  
section. A resolution proposing an extension adopted under this 35443  
section does not take effect until it is approved by a majority of 35444  
electors voting in favor of the resolution at a general, primary, 35445  
or special election as provided in this section. 35446

A tax levy extended under this section is subject to the same 35447  
terms and limitations to which the original tax levied under 35448  
section 3318.06 of the Revised Code is subject under that section, 35449  
except the term of the extension shall be as specified in this 35450  
section. 35451

The school district board shall certify a copy of the 35452  
resolution adopted under this section to the proper county board 35453  
of elections not later than ninety days before the date set in the 35454  
resolution as the date of the election at which the question will 35455  
be submitted to electors. The notice of the election shall conform 35456  
with the requirements of division (A)(3) of section 3318.06 of the 35457  
Revised Code, except that the notice also shall state that the 35458  
maintenance tax levy is an extension of an existing tax levy. 35459

The form of the ballot shall be as follows: 35460

"Shall the existing tax levied to pay the cost of maintaining 35461  
(or upgrading if approved by the Ohio facilities construction 35462  
commission) classroom facilities constructed with the proceeds of 35463  
the previously issued bonds at the rate of ..... (here insert 35464  
the number of mills, which shall not be less than one-half mill) 35465  
mills per dollar of tax valuation, be extended until ..... 35466  
(here insert the year that is twenty-three years after the year in 35467  
which the district and commission will enter into an agreement 35468  
under division (B)(2) of section 3318.04 of the Revised Code or 35469  
the following year)? 35470

	FOR EXTENDING THE EXISTING TAX LEVY	
	AGAINST EXTENDING THE EXISTING TAX LEVY	"

35471

35472

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Section 3318.07 of the Revised Code applies to ballot 35475  
questions under this section. 35476

Sec. 3318.062. (A) If authority is sought to issue bonds in 35477  
more than one series to pay the school district's portion of the 35478  
basic project cost under sections 3318.01 to 3318.20 of the 35479  
Revised Code, the form of the ballot shall be: 35480

"Shall bonds be issued by the ..... (here insert name of 35481  
school district) school district to pay the local share of school 35482  
construction under the State of Ohio Classroom Facilities 35483  
Assistance Program in the total principal amount of ..... 35484  
(total principal amount of the bond issue), to be issued in ..... 35485  
(number of series) series, each series to be repaid annually over 35486  
not more than ..... (maximum number of years over which the 35487  
principal of each series may be paid) years, and an annual levy of 35488  
property taxes be made outside the ten-mill limitation to pay the 35489  
annual debt charges on the bonds and on any notes issued in 35490  
anticipation of the bonds, at a rate estimated by the county 35491  
auditor to average over the repayment period of each series as 35492  
follows: ..... (insert the following for each series: "the 35493  
..... series, in a principal amount of ..... dollars, 35494  
requiring ..... mills per dollar of tax valuation, which amounts 35495  
to ..... (rate expressed in cents or dollars and cents, such as 35496  
"36 cents" or "\$1.41") for each one hundred dollars in tax 35497  
valuation, commencing in ..... and first payable in 35498  
.....)?" 35499

and, unless the additional levy 35500  
of taxes is not required pursuant 35501  
to division (C) of section 35502  
3318.05 of the Revised Code, 35503

"Shall an additional levy of taxes be made for a period of 35504  
twenty-three years to benefit the ..... (here insert name of 35505  
school district) school district, the proceeds of which shall be 35506  
used to pay the cost of maintaining (or upgrading if approved by 35507  
the Ohio facilities construction commission) the classroom 35508

facilities included in the project at the rate of ..... (here 35509  
insert the number of mills, which shall not be less than one-half 35510  
mill) mills for each one dollar of valuation? 35511

	For the bond issue
	Against the bond issue

"

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(B) If it is necessary for the school district to acquire a 35516  
site for the classroom facilities to be acquired pursuant to 35517  
sections 3318.01 to 3318.20 of the Revised Code, the district 35518  
board may propose either to issue bonds of the board or to levy a 35519  
tax to pay for the acquisition of such site, and may combine the 35520  
question of doing so with the questions specified in division (A) 35521  
of this section. Bonds issued under this division for the purpose 35522  
of acquiring a site are a general obligation of the school 35523  
district and are Chapter 133. securities. 35524

The form of that portion of the ballot to include the 35525  
question of either issuing bonds or levying a tax for site 35526  
acquisition purposes shall be one of the forms prescribed in 35527  
division (D) of section 3318.06 of the Revised Code. 35528

(C) Where the school district board chooses to combine the 35529  
question in division (A) of this section with any of the 35530  
additional questions described in divisions (A) to (D) of section 35531  
3318.056 of the Revised Code, the question specified in division 35532  
(A) of this section to be voted on shall be "For the Bond Issues 35533  
and the Tax Levies" and "Against the Bond Issues and the Tax 35534  
Levies." 35535

(D) If a majority of those voting upon a proposition 35536  
prescribed in this section which includes the question of issuing 35537  
bonds vote in favor of that issuance, and if the agreement 35538  
prescribed in section 3318.08 of the Revised Code has been entered 35539

into, the school district board may proceed under Chapter 133. of 35540  
the Revised Code with the issuance of bonds or bond anticipation 35541  
notes in accordance with the terms of the agreement. 35542

**Sec. 3318.063.** If the board of education of a city, exempted 35543  
village, or local school district that has entered into an 35544  
agreement under section 3318.051 of the Revised Code to make 35545  
transfers of money in lieu of levying the tax for maintenance or 35546  
upgrade of the classroom facilities included in the district's 35547  
project determines that it no longer can continue making the 35548  
transfers so agreed to and desires to rescind that agreement, the 35549  
board shall adopt the resolution to submit the question of the tax 35550  
levy prescribed in this section. 35551

The resolution shall declare that the question of a tax levy 35552  
specified in division (F) of section 3318.051 of the Revised Code 35553  
shall be submitted to the electors of the school district at the 35554  
next general or primary election, if there be a general or primary 35555  
election not less than seventy-five and not more than ninety-five 35556  
days after the day of the adoption of such resolution or, if not, 35557  
at a special election to be held at a time specified in the 35558  
resolution which shall be not less than seventy-five days after 35559  
the day of the adoption of the resolution and which shall be in 35560  
accordance with the requirements of section 3501.01 of the Revised 35561  
Code. Such resolution shall specify both of the following: 35562

(A) That the rate which it is necessary to levy shall be at 35563  
the rate of not less than one-half mill for each one dollar of 35564  
valuation, and that such tax shall be levied for the number of 35565  
years required by division (F) of section 3318.051 of the Revised 35566  
Code; 35567

(B) That the proceeds of the tax shall be used to pay the 35568  
cost of maintaining the classroom facilities included in the 35569  
project. 35570



A copy of such resolution shall after its passage and not 35571  
less than seventy-five days prior to the date set therein for the 35572  
election be certified to the county board of elections. 35573

Notice of the election shall include the fact that the tax 35574  
levy shall be at the rate of not less than one-half mill for each 35575  
one dollar of valuation for the number of years required by 35576  
division (F) of section 3318.051 of the Revised Code, and that the 35577  
proceeds of the tax shall be used to pay the cost of maintaining 35578  
the classroom facilities included in the project. 35579

The form of the ballot to be used at such election shall be: 35580

"Shall a levy of taxes be made for a period of ..... 35581  
(here insert the number of years, which shall not be less than the 35582  
number required by division (F) of section 3318.051 of the Revised 35583  
Code) years to benefit the ..... (here insert name of 35584  
school district) school district, the proceeds of which shall be 35585  
used to pay the cost of maintaining (or upgrading if approved by 35586  
the Ohio facilities construction commission) the classroom 35587  
facilities included in the project at the rate of ..... (here 35588  
insert the number of mills, which shall not be less than one-half 35589  
mill) mills for each one dollar of valuation? 35590

	FOR THE TAX LEVY	"
	AGAINST THE TAX LEVY	

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**Sec. 3318.36.** (A)(1) As used in this section: 35595

(a) "Ohio facilities construction commission," "classroom 35596  
facilities," "school district," "school district board," "net 35597  
bonded indebtedness," "required percentage of the basic project 35598  
costs," "basic project cost," "valuation," and "percentile" have 35599  
the same meanings as in section 3318.01 of the Revised Code. 35600

(b) "Required level of indebtedness" means five per cent of the school district's valuation for the year preceding the year in which the commission and school district enter into an agreement under division (B) of this section, plus [two one-hundredths of one per cent multiplied by (the percentile in which the district ranks minus one)].

(c) "Local resources" means any moneys generated in any manner permitted for a school district board to raise the school district portion of a project undertaken with assistance under sections 3318.01 to 3318.20 of the Revised Code.

(2) For purposes of determining the required level of indebtedness, the required percentage of the basic project costs under division (C)(1) of this section, and priority for assistance under sections 3318.01 to 3318.20 of the Revised Code, the percentile ranking of a school district with which the commission has entered into an agreement under this section between the first day of July and the thirty-first day of August in each fiscal year is the percentile ranking calculated for that district for the immediately preceding fiscal year, and the percentile ranking of a school district with which the commission has entered into such agreement between the first day of September and the thirtieth day of June in each fiscal year is the percentile ranking calculated for that district for the current fiscal year.

(B)(1) There is hereby established the school building assistance expedited local partnership program. Under the program, the Ohio facilities construction commission may enter into an agreement with the board of any school district under which the board may proceed with the new construction or major repairs of a part of the district's classroom facilities needs, as determined under sections 3318.01 to 3318.20 of the Revised Code, through the expenditure of local resources prior to the school district's eligibility for state assistance under those sections, and may

apply that expenditure toward meeting the school district's 35633  
portion of the basic project cost of the total of the district's 35634  
classroom facilities needs, as recalculated under division (E) of 35635  
this section, when the district becomes eligible for state 35636  
assistance under sections 3318.01 to 3318.20 or section 3318.364 35637  
of the Revised Code. ~~Any~~ 35638

Any school district that is reasonably expected to receive 35639  
assistance under sections 3318.01 to 3318.20 of the Revised Code 35640  
within two fiscal years from the date the school district adopts 35641  
its resolution under division (B) of this section shall not be 35642  
eligible to participate in the program established under this 35643  
section unless that school district divides its project under 35644  
those sections into segments as authorized by section 3318.034 of 35645  
the Revised Code. In the case of a school district that has 35646  
segmented its project as authorized in section 3318.034 of the 35647  
Revised Code, the district shall select a discrete portion of one 35648  
or more future segments of its project, to which the district may 35649  
apply local resources under an agreement under this section prior 35650  
to further state assistance for those future segments under 35651  
sections 3318.01 to 3318.20 of the Revised Code. 35652

(2) To participate in the program, a school district board 35653  
shall first adopt a resolution certifying to the commission the 35654  
board's intent to participate in the program. 35655

The resolution shall specify the approximate date that the 35656  
board intends to seek elector approval of any bond or tax measures 35657  
or to apply other local resources to use to pay the cost of 35658  
classroom facilities to be constructed under this section. The 35659  
resolution may specify the application of local resources or 35660  
elector-approved bond or tax measures after the resolution is 35661  
adopted by the board, and in such case the board may proceed with 35662  
a discrete portion of its project under this section as soon as 35663  
the commission and the controlling board have approved the basic 35664

project cost of the district's classroom facilities needs as 35665  
specified in division (D) of this section. The board shall submit 35666  
its resolution to the commission not later than ten days after the 35667  
date the resolution is adopted by the board. 35668

The commission shall not consider any resolution that is 35669  
submitted pursuant to division (B)(2) of this section, as amended 35670  
by this amendment, sooner than September 14, 2000. 35671

(3) For purposes of determining when a district that enters 35672  
into an agreement under this section becomes eligible for 35673  
assistance under sections 3318.01 to 3318.20 of the Revised Code 35674  
or priority for assistance under section 3318.364 of the Revised 35675  
Code, the commission shall use the district's percentile ranking 35676  
determined at the time the district entered into the agreement 35677  
under this section, as prescribed by division (A)(2) of this 35678  
section. 35679

(4) Any project under this section shall comply with section 35680  
3318.03 of the Revised Code and with any specifications for plans 35681  
and materials for classroom facilities adopted by the commission 35682  
under section 3318.04 of the Revised Code. 35683

(5) If a school district that enters into an agreement under 35684  
this section has not begun a project applying local resources as 35685  
provided for under that agreement at the time the district is 35686  
notified by the commission that it is eligible to receive state 35687  
assistance for its project under sections 3318.01 to 3318.20 of 35688  
the Revised Code or for a segment of its project, if the district 35689  
previously segmented its project as authorized in section 3318.034 35690  
of the Revised Code, all assessment and agreement documents 35691  
entered into under this section are void. 35692

(6) Only construction of or repairs to classroom facilities 35693  
that have been approved by the commission and have been therefore 35694  
included as part of a district's basic project cost qualify for 35695

application of local resources under this section. 35696

(C) Based on the results of on-site visits and assessment, 35697  
the commission shall determine the basic project cost of the 35698  
school district's classroom facilities needs. The commission shall 35699  
determine the school district's portion of such basic project 35700  
cost, which shall be the greater of: 35701

(1) The required percentage of the basic project costs, 35702  
determined based on the school district's percentile ranking; 35703

(2) An amount necessary to raise the school district's net 35704  
bonded indebtedness, as of the fiscal year the commission and the 35705  
school district enter into the agreement under division (B) of 35706  
this section, to within five thousand dollars of the required 35707  
level of indebtedness. 35708

(D)(1) When the commission determines the basic project cost 35709  
of the classroom facilities needs of a school district and the 35710  
school district's portion of that basic project cost under 35711  
division (C) of this section, the project shall be conditionally 35712  
approved. Such conditional approval shall be submitted to the 35713  
controlling board for approval thereof. The controlling board 35714  
shall forthwith approve or reject the commission's determination, 35715  
conditional approval, and the amount of the state's portion of the 35716  
basic project cost; however, no state funds shall be encumbered 35717  
under this section. Upon approval by the controlling board, the 35718  
school district board may identify a discrete part of its 35719  
classroom facilities needs, which shall include only new 35720  
construction of or additions or major repairs to a particular 35721  
building, to address with local resources. Upon identifying a part 35722  
of the school district's basic project cost to address with local 35723  
resources, the school district board may allocate any available 35724  
school district moneys to pay the cost of that identified part, 35725  
including the proceeds of an issuance of bonds if approved by the 35726  
electors of the school district. 35727

All local resources utilized under this division shall first 35728  
be deposited in the project construction account required under 35729  
section 3318.08 of the Revised Code. 35730

(2) Unless the school district board exercises its option 35731  
under division (D)(3) of this section, for a school district to 35732  
qualify for participation in the program authorized under this 35733  
section, one of the following conditions shall be satisfied: 35734

(a) The electors of the school district by a majority vote 35735  
shall approve the levy of taxes outside the ten-mill limitation 35736  
for a period of twenty-three years at the rate of not less than 35737  
one-half mill for each dollar of valuation to be used to pay the 35738  
cost of maintaining or upgrading, if approved by the commission, 35739  
the classroom facilities included in the basic project cost as 35740  
determined by the commission. The form of the ballot to be used to 35741  
submit the question whether to approve the tax required under this 35742  
division to the electors of the school district shall be the form 35743  
for an additional levy of taxes prescribed in section 3318.361 of 35744  
the Revised Code, which may be combined in a single ballot 35745  
question with the questions prescribed under section 5705.218 of 35746  
the Revised Code. 35747

(b) As authorized under division (C) of section 3318.05 of 35748  
the Revised Code, the school district board shall earmark from the 35749  
proceeds of a permanent improvement tax levied under section 35750  
5705.21 of the Revised Code, an amount equivalent to the 35751  
additional tax otherwise required under division (D)(2)(a) of this 35752  
section for the maintenance of the classroom facilities included 35753  
in the basic project cost as determined by the commission. 35754

(c) As authorized under section 3318.051 of the Revised Code, 35755  
the school district board shall, if approved by the commission, 35756  
annually transfer into the maintenance fund required under section 35757  
3318.05 of the Revised Code the amount prescribed in section 35758  
3318.051 of the Revised Code in lieu of the tax otherwise required 35759

under division (D)(2)(a) of this section for the maintenance of 35760  
the classroom facilities included in the basic project cost as 35761  
determined by the commission. 35762

(d) If the school district board has rescinded the agreement 35763  
to make transfers under section 3318.051 of the Revised Code, as 35764  
provided under division (F) of that section, the electors of the 35765  
school district, in accordance with section 3318.063 of the 35766  
Revised Code, first shall approve the levy of taxes outside the 35767  
ten-mill limitation for the period specified in that section at a 35768  
rate of not less than one-half mill for each dollar of valuation. 35769

(e) The school district board shall apply the proceeds of a 35770  
tax to leverage bonds as authorized under section 3318.052 of the 35771  
Revised Code or dedicate a local donated contribution in the 35772  
manner described in division (B) of section 3318.084 of the 35773  
Revised Code in an amount equivalent to the additional tax 35774  
otherwise required under division (D)(2)(a) of this section for 35775  
the maintenance of the classroom facilities included in the basic 35776  
project cost as determined by the commission. 35777

(3) A school district board may opt to delay taking any of 35778  
the actions described in division (D)(2) of this section until the 35779  
school district becomes eligible for state assistance under 35780  
sections 3318.01 to 3318.20 of the Revised Code. In order to 35781  
exercise this option, the board shall certify to the commission a 35782  
resolution indicating the board's intent to do so prior to 35783  
entering into an agreement under division (B) of this section. 35784

(4) If pursuant to division (D)(3) of this section a district 35785  
board opts to delay levying an additional tax until the district 35786  
becomes eligible for state assistance, it shall submit the 35787  
question of levying that tax to the district electors as follows: 35788

(a) In accordance with section 3318.06 of the Revised Code if 35789  
it will also be necessary pursuant to division (E) of this section 35790

to submit a proposal for approval of a bond issue; 35791

(b) In accordance with section 3318.361 of the Revised Code 35792  
if it is not necessary to also submit a proposal for approval of a 35793  
bond issue pursuant to division (E) of this section. 35794

(5) No state assistance under sections 3318.01 to 3318.20 of 35795  
the Revised Code shall be released until a school district board 35796  
that adopts and certifies a resolution under division (D) of this 35797  
section also demonstrates to the satisfaction of the commission 35798  
compliance with the provisions of division (D)(2) of this section. 35799

Any amount required for maintenance under division (D)(2) of 35800  
this section shall be deposited into a separate fund as specified 35801  
in division (B) of section 3318.05 of the Revised Code. 35802

(E)(1) If the school district becomes eligible for state 35803  
assistance under sections 3318.01 to 3318.20 of the Revised Code 35804  
for its entire project or for future segments, if the district 35805  
previously segmented its project as authorized in section 3318.034 35806  
of the Revised Code, based on its percentile ranking under 35807  
division (B)(3) of this section or is offered assistance under 35808  
section 3318.364 of the Revised Code, the commission shall conduct 35809  
a new assessment of the school district's classroom facilities 35810  
needs and shall recalculate the basic project cost based on this 35811  
new assessment. The basic project cost recalculated under this 35812  
division shall include the amount of expenditures made by the 35813  
school district board under division (D)(1) of this section. The 35814  
commission shall then recalculate the school district's portion of 35815  
the new basic project cost, which shall be the percentage of the 35816  
original basic project cost assigned to the school district as its 35817  
portion under division (C) of this section. The commission shall 35818  
deduct the expenditure of school district moneys made under 35819  
division (D)(1) of this section from the school district's portion 35820  
of the basic project cost as recalculated under this division. If 35821  
the amount of school district resources applied by the school 35822



district board to the school district's portion of the basic 35823  
project cost under this section is less than the total amount of 35824  
such portion as recalculated under this division, the school 35825  
district board by a majority vote of all of its members shall, if 35826  
it desires to seek state assistance under sections 3318.01 to 35827  
3318.20 of the Revised Code, adopt a resolution as specified in 35828  
section 3318.06 of the Revised Code to submit to the electors of 35829  
the school district the question of approval of a bond issue in 35830  
order to pay any additional amount of school district portion 35831  
required for state assistance. Any tax levy approved under 35832  
division (D) of this section satisfies the requirements to levy 35833  
the additional tax under section 3318.06 of the Revised Code. 35834

(2) If the amount of school district resources applied by the 35835  
school district board to the school district's portion of the 35836  
basic project cost under this section is more than the total 35837  
amount of such portion as recalculated under this division, within 35838  
one year after the school district's portion is recalculated under 35839  
division (E)(1) of this section the commission may grant to the 35840  
school district the difference between the two calculated 35841  
portions, but at no time shall the commission expend any state 35842  
funds on a project in an amount greater than the state's portion 35843  
of the basic project cost as recalculated under this division. 35844

Any reimbursement under this division shall be only for local 35845  
resources the school district has applied toward construction cost 35846  
expenditures for the classroom facilities approved by the 35847  
commission, which shall not include any financing costs associated 35848  
with that construction. 35849

The school district board shall use any moneys reimbursed to 35850  
the district under this division to pay off any debt service the 35851  
district owes for classroom facilities constructed under its 35852  
project under this section before such moneys are applied to any 35853  
other purpose. However, the district board first may deposit 35854

moneys reimbursed under this division into the district's general 35855  
fund or a permanent improvement fund to replace local resources 35856  
the district withdrew from those funds, as long as, and to the 35857  
extent that, those local resources were used by the district for 35858  
constructing classroom facilities included in the district's basic 35859  
project cost. 35860

**Sec. 3318.361.** A school district board opting to qualify for 35861  
state assistance pursuant to section 3318.36 of the Revised Code 35862  
through levying the tax specified in division (D)(2)(a) or (D)(4) 35863  
of that section shall declare by resolution that the question of a 35864  
tax levy specified in division (D)(2)(a) or (4), as applicable, of 35865  
section 3318.36 of the Revised Code shall be submitted to the 35866  
electors of the school district at the next general or primary 35867  
election, if there be a general or primary election not less than 35868  
ninety and not more than one hundred ten days after the day of the 35869  
adoption of such resolution or, if not, at a special election to 35870  
be held at a time specified in the resolution which shall be not 35871  
less than ninety days after the day of the adoption of the 35872  
resolution and which shall be in accordance with the requirements 35873  
of section 3501.01 of the Revised Code. Such resolution shall 35874  
specify both of the following: 35875

(A) That the rate which it is necessary to levy shall be at 35876  
the rate of not less than one-half mill for each one dollar of 35877  
valuation, and that such tax shall be levied for a period of 35878  
twenty-three years; 35879

(B) That the proceeds of the tax shall be used to pay the 35880  
cost of maintaining the classroom facilities included in the 35881  
project or upgrading those facilities if approved by the Ohio 35882  
facilities construction commission. 35883

A copy of such resolution shall after its passage and not 35884  
less than ninety days prior to the date set therein for the 35885

election be certified to the county board of elections. 35886

Notice of the election shall include the fact that the tax 35887  
levy shall be at the rate of not less than one-half mill for each 35888  
one dollar of valuation for a period of twenty-three years, and 35889  
that the proceeds of the tax shall be used to pay the cost of 35890  
maintaining or upgrading the classroom facilities included in the 35891  
project. 35892

The form of the ballot to be used at such election shall be: 35893

"Shall a levy of taxes be made for a period of twenty-three 35894  
years to benefit the ..... (here insert name of school 35895  
district) school district, the proceeds of which shall be used to 35896  
pay the cost of maintaining (or upgrading if approved by the Ohio 35897  
facilities construction commission) the classroom facilities 35898  
included in the project at the rate of ..... (here insert the 35899  
number of mills, which shall not be less than one-half mill) mills 35900  
for each one dollar of valuation? 35901

	FOR THE TAX LEVY	
	AGAINST THE TAX LEVY	"

35902  
35903  
35904  
35905

**Sec. 3319.26.** (A) The state board of education shall adopt 35906  
rules establishing the standards and requirements for obtaining an 35907  
alternative resident educator license for teaching in grades 35908  
kindergarten to twelve, or the equivalent, in a designated subject 35909  
area or in the area of intervention specialist, as defined by rule 35910  
of the state board. The rules shall also include the reasons for 35911  
which an alternative resident educator license may be renewed 35912  
under division (D) of this section. 35913

(B) The superintendent of public instruction and the 35914  
chancellor of ~~the Ohio board of regents~~ higher education jointly 35915

shall develop an intensive pedagogical training institute to 35916  
provide instruction in the principles and practices of teaching 35917  
for individuals seeking an alternative resident educator license. 35918  
The instruction shall cover such topics as student development and 35919  
learning, pupil assessment procedures, curriculum development, 35920  
classroom management, and teaching methodology. 35921

(C) The rules adopted under this section shall require 35922  
applicants for the alternative resident educator license to 35923  
satisfy the following conditions prior to issuance of the license, 35924  
but they shall not require applicants to have completed a major or 35925  
coursework in the subject area for which application is being 35926  
made: 35927

(1) Hold a minimum of a baccalaureate degree; 35928

(2) Successfully complete the pedagogical training institute 35929  
described in division (B) of this section or ~~a summer~~ the 35930  
preservice training ~~institute~~ provided to participants of a 35931  
teacher preparation program that ~~is operated by a nonprofit~~ 35932  
~~organization and~~ has been approved by the chancellor. The 35933  
chancellor ~~shall~~ may approve any such program that requires 35934  
participants to hold a bachelor's degree; have either a cumulative 35935  
undergraduate grade point average of at least 2.5 out of 4.0, or 35936  
its equivalent or a cumulative graduate school grade point average 35937  
of at least 3.0 out of 4.0; and successfully complete the 35938  
program's ~~summer~~ preservice training ~~institute~~. 35939

(3) Pass an examination in the subject area for which 35940  
application is being made. 35941

(D) An alternative resident educator license shall be valid 35942  
for four years and shall be renewable for reasons specified by 35943  
rules adopted by the state board pursuant to division (A) of this 35944  
section. The state board, on a case-by-case basis, may extend the 35945  
license's duration as necessary to enable the license holder to 35946

complete the Ohio teacher residency program established under 35947  
section 3319.223 of the Revised Code. 35948

(E) The rules shall require the holder of an alternative 35949  
resident educator license, as a condition of continuing to hold 35950  
the license, to do all of the following: 35951

(1) Participate in the Ohio teacher residency program; 35952

(2) Show satisfactory progress in taking and successfully 35953  
completing one of the following: 35954

(a) At least twelve additional semester hours, or the 35955  
equivalent, of college coursework in the principles and practices 35956  
of teaching in such topics as student development and learning, 35957  
pupil assessment procedures, curriculum development, classroom 35958  
management, and teaching methodology; 35959

(b) Professional development provided by a teacher 35960  
preparation program that has been approved by the chancellor under 35961  
division (C)(2) of this section. 35962

(3) Take an assessment of professional knowledge in the 35963  
second year of teaching under the license. 35964

(F) The rules shall provide for the granting of a 35965  
professional educator license to a holder of an alternative 35966  
resident educator license upon successfully completing all of the 35967  
following: 35968

(1) Four years of teaching under the alternative license; 35969

(2) The additional college coursework or professional 35970  
development described in division (E)(2) of this section; 35971

(3) The assessment of professional knowledge described in 35972  
division (E)(3) of this section. The standards for successfully 35973  
completing this assessment and the manner of conducting the 35974  
assessment shall be the same as for any other individual who is 35975  
required to take the assessment pursuant to rules adopted by the 35976

state board under section 3319.22 of the Revised Code. 35977

(4) The Ohio teacher residency program; 35978

(5) All other requirements for a professional educator 35979  
license adopted by the state board under section 3319.22 of the 35980  
Revised Code. 35981

(G) A person who is assigned to teach in this state as a 35982  
participant in the teach for America program or who has completed 35983  
two years of teaching in another state as a participant in that 35984  
program shall be eligible for a license only under section 35985  
3319.227 of the Revised Code and shall not be eligible for a 35986  
license under this section. 35987

**Sec. 3319.272.** (A) ~~As used in this section, the~~ The "bright 35988  
new leaders for Ohio schools program" ~~means the program created~~ 35989  
~~and implemented by the nonprofit corporation incorporated pursuant~~ 35990  
~~to section 3319.271 of the Revised Code to~~ administered by the 35991  
Ohio state university Fisher college of business and college 35992  
education and human ecology shall provide an alternative path for 35993  
individuals to receive training and development in the 35994  
administration of primary and secondary education and leadership, 35995  
enable those individuals to earn degrees and obtain licenses in 35996  
public school administration, and promote the placement of those 35997  
individuals in public schools that have a poverty percentage 35998  
greater than fifty per cent. 35999

(B) The state board of education shall issue ~~an alternative~~ 36000  
~~principal license or an administrator license, as applicable, a~~ 36001  
professional administrator license for grades pre-kindergarten 36002  
through twelve to an individual who successfully completes the 36003  
bright new leaders for Ohio schools program and satisfies the 36004  
requirements in rules adopted by the state board under division 36005  
(C) of this section. 36006

(C) The state board, in consultation with the ~~board of~~ 36007  
~~directors of the~~ bright new leaders for Ohio schools program, 36008  
shall adopt rules that prescribe the requirements for obtaining ~~an~~ 36009  
~~alternative principal license or an~~ a professional administrator 36010  
license for grades pre-kindergarten through twelve under this 36011  
section. The state board shall use the rules adopted under section 36012  
3319.27 of the Revised Code as guidance in developing the rules 36013  
adopted under this division. 36014

**Sec. 3319.283.** (A) The board of education of any school 36015  
district may employ an individual who is not certificated or 36016  
licensed as required by Chapter 3319. of the Revised Code, but who 36017  
meets the following qualifications, as a teacher in the schools of 36018  
the district: 36019

(1) The individual is a veteran of the armed forces of the 36020  
United States and was honorably discharged within three years of 36021  
June 30, 1997; 36022

(2) While in the armed forces the individual had meaningful 36023  
teaching or other instructional experience; 36024

(3) The individual holds at least a baccalaureate degree. 36025

(B) An individual employed under this section shall be deemed 36026  
to hold a teaching certificate or educator license for the 36027  
purposes of state and federal law and rules and regulations and 36028  
school district policies, rules, and regulations. ~~However, an~~ 36029  
~~individual employed under this section is not a properly certified~~ 36030  
~~or licensed teacher for purposes of the school district's~~ 36031  
~~compliance with section 3319.074 of the Revised Code.~~ Each 36032  
individual employed under this section shall meet the requirement 36033  
to successfully complete fifteen hours, or the equivalent, of 36034  
coursework every five years that is approved by the local 36035  
professional development committee as is required of other 36036  
teachers licensed in accordance with Chapter 3319. of the Revised 36037

Code. 36038

(C) The superintendent of public instruction may revoke the 36039  
right of an individual employed under division (A) of this section 36040  
to teach if, after an investigation and an adjudication conducted 36041  
pursuant to Chapter 119. of the Revised Code, the superintendent 36042  
finds that the person is not competent to teach the subject the 36043  
person has been employed to teach or did not fulfill the 36044  
requirements of division (A) of this section. No individual whose 36045  
right to teach has been revoked under this division shall teach in 36046  
a public school, and no board of education may engage such an 36047  
individual to teach in the schools of its district. 36048

Notwithstanding division (B) of this section, a board of 36049  
education is not required to comply with the provisions of 36050  
sections 3311.81, 3311.82, 3319.11, and 3319.16 of the Revised 36051  
Code with regard to termination of employment if the 36052  
superintendent, after an investigation and an adjudication, has 36053  
revoked the individual's right to teach. 36054

**Sec. 3321.191.** (A) Effective beginning with the 2017-2018 36055  
school year, the board of education of each city, exempted 36056  
village, local, joint vocational, and cooperative education school 36057  
district and the governing board of each educational service 36058  
center shall adopt a new or amended policy to guide employees of 36059  
the school district or service center in addressing and 36060  
ameliorating student absences. In developing the policy, the 36061  
appropriate board shall consult with the judge of the juvenile 36062  
court of the county or counties in which the district or service 36063  
center is located, with the parents, guardians, or other persons 36064  
having care of the pupils attending school in the district, and 36065  
with appropriate state and local agencies. 36066

(B) The policy developed under division (A) of this section 36067  
shall include as an intervention strategy all of the following 36068



actions, if applicable:	36069
(1) Providing a truancy intervention plan for any student who is excessively absent from school, as described in the first paragraph of division (C) of this section;	36070 36071 36072
(2) Providing counseling for an habitual truant;	36073
(3) Requesting or requiring a parent, guardian, or other person having care of an habitual truant to attend parental involvement programs, including programs adopted under section 3313.472 or 3313.663 of the Revised Code;	36074 36075 36076 36077
(4) Requesting or requiring a parent, guardian, or other person having care of an habitual truant to attend truancy prevention mediation programs;	36078 36079 36080
(5) Notification of the registrar of motor vehicles under section 3321.13 of the Revised Code;	36081 36082
(6) Taking legal action under section 2919.222, 3321.20, or 3321.38 of the Revised Code.	36083 36084
(C)(1) In the event that a child of compulsory school age is absent with <u>a nonmedical excuse</u> or without legitimate excuse from the public school the child is supposed to attend for thirty-eight or more hours in one school month, or sixty-five or more hours in a school year, the attendance officer of that school shall notify the child's parent, guardian, or custodian of the child's absences, in writing, within seven days after the date after the absence that triggered the notice requirement. At the time notice is given, the school also may take any appropriate action as an intervention strategy contained in the policy developed by the board pursuant to division (A) of this section.	36085 36086 36087 36088 36089 36090 36091 36092 36093 36094 36095
(2)(a) If the absences of a student surpass the threshold for an habitual truant as set forth in section 2151.011 of the Revised Code, the principal or chief administrator of the school or the	36096 36097 36098

superintendent of the school district shall assign the student to 36099  
an absence intervention team. Within fourteen school days after 36100  
the assignment of a student to an absence intervention team, the 36101  
team shall develop an intervention plan for that student in an 36102  
effort to reduce or eliminate further absences. Each intervention 36103  
plan shall vary based on the individual needs of the student, but 36104  
the plan shall state that the attendance officer shall file a 36105  
complaint not later than sixty-one days after the date the plan 36106  
was implemented, if the child has refused to participate in, or 36107  
failed to make satisfactory progress on, the intervention plan or 36108  
an alternative to adjudication under division (C)(2)(b) of section 36109  
3321.191 of the Revised Code. Within seven days after the 36110  
development of the plan, the school district or school shall make 36111  
reasonable efforts to provide the student's parent, guardian, 36112  
custodian, guardian ad litem, or temporary custodian with written 36113  
notice of the plan. 36114

(b) As part of the absence intervention plan described in 36115  
division (C)(2) of this section, the school district or school, in 36116  
its discretion, may contact the appropriate juvenile court and ask 36117  
to have a student informally enrolled in any alternative to 36118  
adjudication described in division (G) of section 2151.27 of the 36119  
Revised Code. If the school district or school chooses to have 36120  
students informally enrolled in an alternative to adjudication, 36121  
the school district or school shall develop a written policy 36122  
regarding the use of, and selection process for, offering 36123  
alternatives to adjudication to ensure fairness. 36124

(c) The superintendent of each school district, or the 36125  
superintendent's designee, shall establish an absence intervention 36126  
team for the district to be used by any schools of the district 36127  
that do not establish their own absence intervention team as 36128  
permitted under division (C)(2)(d) of this section. Membership of 36129  
each absence intervention team may vary based on the needs of each 36130

individual student but shall include a representative from the 36131  
child's school district or school, another representative from the 36132  
child's school district or school who knows the child, and the 36133  
child's parent or parent's designee, or the child's guardian, 36134  
custodian, guardian ad litem, or temporary custodian. The team 36135  
also may include a school psychologist, counselor, social worker, 36136  
or representative of a public or nonprofit agency designed to 36137  
assist students and their families in reducing absences. 36138

(d) The principal or chief administrator of each school may 36139  
establish an absence intervention team or series of teams to be 36140  
used in lieu of the district team established pursuant to division 36141  
(C)(2)(c) of this section. Membership of each absence intervention 36142  
team may vary based on the needs of each individual student but 36143  
shall include a representative from the child's school district or 36144  
school, another representative from the child's school district or 36145  
school who knows the child, and the child's parent or parent's 36146  
designee, or the child's guardian, custodian, guardian ad litem, 36147  
or temporary custodian. The team also may include a school 36148  
psychologist, counselor, social worker, or representative of a 36149  
public or nonprofit agency designed to assist students and their 36150  
families in reducing absences. 36151

(e) A superintendent, as described in division (C)(2)(c) of 36152  
this section, or principal or chief administrator, as described in 36153  
division (C)(2)(d) of this section, shall select the members of an 36154  
absence intervention team within seven school days of the 36155  
triggering event described in division (C)(2)(a) of this section. 36156  
The superintendent, principal, or chief administrator, within the 36157  
same period of seven school days, shall make at least three 36158  
meaningful, good faith attempts to secure the participation of the 36159  
student's parent, guardian, custodian, guardian ad litem, or 36160  
temporary custodian on that team. If the student's parent responds 36161  
to any of those attempts, but is unable to participate for any 36162

reason, the representative of the school district shall inform the parent of the parent's right to appear by designee. If seven school days elapse and the student's parent, guardian, custodian, guardian ad litem, or temporary custodian fails to respond to the attempts to secure participation, the school district or school shall do both of the following:

(i) Investigate whether the failure to respond triggers mandatory reporting to the public children services agency for the county in which the child resides in the manner described in section 2151.421 of the Revised Code;

(ii) Instruct the absence intervention team to develop an intervention plan for the child notwithstanding the absence of the child's parent, guardian, custodian, guardian ad litem, or temporary custodian.

(f) In the event that a student becomes habitually truant within twenty-one school days prior to the last day of instruction of a school year, the school district or school may, in its discretion, assign one school official to work with the child's parent, guardian, custodian, guardian ad litem, or temporary custodian to develop an absence intervention plan during the summer. If the school district or school selects this method, the plan shall be implemented not later than seven days prior to the first day of instruction of the next school year. In the alternative, the school district or school may toll the time periods to accommodate for the summer months and reconvene the absence intervention process upon the first day of instruction of the next school year.

(3) For purposes of divisions (C)(2)(c) and (d) of this section, the state board of education shall develop a format for parental permission to ensure compliance with the "Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any regulations promulgated under

that act, and section 3319.321 of the Revised Code.	36195
(D) Each school district or school may consult or partner	36196
with public and nonprofit agencies to provide assistance as	36197
appropriate to students and their families in reducing absences.	36198
(E) Beginning with the 2017-2018 school year, each school	36199
district shall report to the department of education, as soon as	36200
practicable, and in a format and manner determined by the	36201
department, any of the following occurrences:	36202
(1) When a notice required by division (C)(1) of this section	36203
is submitted to a parent, guardian, or custodian;	36204
(2) When a child of compulsory school age has been absent	36205
without legitimate excuse from the public school the child is	36206
supposed to attend for thirty or more consecutive hours, forty-two	36207
or more hours in one school month, or seventy-two or more hours in	36208
a school year;	36209
(3) When a child of compulsory school age who has been	36210
adjudicated an unruly child for being an habitual truant violates	36211
the court order regarding that adjudication;	36212
(4) When an absence intervention plan has been implemented	36213
for a child under this section.	36214
(F) Nothing in this section shall be construed to limit the	36215
duty or authority of a district board of education or governing	36216
body of an educational service center to develop other policies	36217
related to truancy or to limit the duty or authority of any	36218
employee of the school district or service center to respond to	36219
pupil truancy. However, a board shall be subject to the	36220
prohibition against suspending, expelling, or otherwise preventing	36221
a student from attending school for excessive absences as	36222
prescribed by section 3313.668 of the Revised Code.	36223
<b>Sec. 3326.031.</b> (A) As authorized by the STEM committee, a	36224

single governing body may direct a group of multiple STEM schools 36225  
to operate from multiple facilities located in one or more school 36226  
districts to be organized and operated in the manner prescribed 36227  
under this chapter except as specified by this section. Each 36228  
school within the group shall operate as a separate school but 36229  
under the direction of a common governing body. The governing body 36230  
may employ a single treasurer, licensed in the manner prescribed 36231  
by section 3326.21 of the Revised Code, to manage the fiscal 36232  
affairs of all of the schools within the group. Each school shall 36233  
have a chief administrative officer, as required by section 36234  
3326.08 of the Revised Code, but the governing body may in its 36235  
discretion appoint a single individual to be the chief 36236  
administrative officer of two or more schools in the group. No 36237  
school within the group shall be organized or funded in the manner 36238  
prescribed by section 3326.51 of the Revised Code. 36239

(B) The department shall calculate funds under this chapter 36240  
for each STEM school within a group separately ~~and. It shall pay~~ 36241  
~~those funds directly to each to the governing body of the group.~~ 36242  
The governing body shall distribute to each STEM school within the 36243  
group the full amount determined by the department for that 36244  
school. 36245

(C) In accordance with section 3326.17 of the Revised Code, 36246  
the department shall issue a separate report card for each STEM 36247  
school within a group. The department also shall compute a rating 36248  
for each group of schools and report that rating in a distinct 36249  
report card for the group. 36250

(D) The department shall assign a separate internal retrieval 36251  
number to each STEM school within a group. 36252

**Sec. 3326.11.** Each science, technology, engineering, and 36253  
mathematics school established under this chapter and its 36254

governing body shall comply with sections 9.90, 9.91, 109.65, 36255  
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 36256  
3301.0714, 3301.0715, 3301.0729, 3301.948, 3313.14, 3313.15, 36257  
3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 3313.481, 36258  
3313.482, 3313.50, 3313.536, 3313.539, 3313.5310, 3313.608, 36259  
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6021, 36260  
3313.6024, 3313.61, 3313.611, 3313.614, 3313.615, 3313.617, 36261  
3313.618, 3313.6114, 3313.643, 3313.648, 3313.6411, 3313.66, 36262  
3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 3313.67, 36263  
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 36264  
3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 3313.801, 36265  
3313.814, 3313.816, 3313.817, 3313.818, 3313.86, 3313.89, 3313.96, 36266  
3319.073, 3319.21, 3319.32, 3319.321, 3319.35, 3319.39, 3319.391, 36267  
3319.41, 3319.45, 3319.46, 3321.01, 3321.041, 3321.05, 3321.13, 36268  
3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 36269  
4111.17, 4113.52, and 5705.391 and Chapters 102., 117., 1347., 36270  
2744., 3307., 3309., 3365., 3742., 4112., 4123., 4141., and 4167. 36271  
of the Revised Code as if it were a school district. 36272

**Sec. 3326.13.** (A) Teachers employed by a science, technology, 36273  
engineering, and mathematics school ~~shall be properly certified or~~ 36274  
~~licensed teachers, as defined in section 3319.074 of the Revised~~ 36275  
~~Code, and~~ shall be licensed under sections 3319.22 to 3319.31 of 36276  
the Revised Code and rules of the state board of education 36277  
implementing those sections. 36278

(B) No STEM school shall employ any classroom teacher 36279  
initially hired on or after July 1, 2013, to provide instruction 36280  
in physical education unless the teacher holds a valid license 36281  
issued pursuant to section 3319.22 of the Revised Code for 36282  
teaching physical education. 36283

**Sec. 3326.31.** As used in sections 3326.31 to 3326.50 of the 36284

Revised Code:	36285
(A)(1) "Category one career-technical education student"	36286
means a student who is receiving the career-technical education	36287
services described in division (A) of section 3317.014 of the	36288
Revised Code.	36289
(2) "Category two career-technical student" means a student	36290
who is receiving the career-technical education services described	36291
in division (B) of section 3317.014 of the Revised Code.	36292
(3) "Category three career-technical student" means a student	36293
who is receiving the career-technical education services described	36294
in division (C) of section 3317.014 of the Revised Code.	36295
(4) "Category four career-technical student" means a student	36296
who is receiving the career-technical education services described	36297
in division (D) of section 3317.014 of the Revised Code.	36298
(5) "Category five career-technical education student" means	36299
a student who is receiving the career-technical education services	36300
described in division (E) of section 3317.014 of the Revised Code.	36301
(B)(1) "Category one <del>limited English proficient student</del>	36302
<u>learner</u> " means a <del>limited</del> <u>an English proficient student learner</u>	36303
described in division (A) of section 3317.016 of the Revised Code.	36304
(2) "Category two <del>limited English proficient student learner</del> "	36305
means a <del>limited</del> <u>an English proficient student learner</u> described in	36306
division (B) of section 3317.016 of the Revised Code.	36307
(3) "Category three <del>limited English proficient student</del>	36308
<u>learner</u> " means a <del>limited</del> <u>an English proficient student learner</u>	36309
described in division (C) of section 3317.016 of the Revised Code.	36310
(C)(1) "Category one special education student" means a	36311
student who is receiving special education services for a	36312
disability specified in division (A) of section 3317.013 of the	36313
Revised Code.	36314



(2) "Category two special education student" means a student	36315
who is receiving special education services for a disability	36316
specified in division (B) of section 3317.013 of the Revised Code.	36317
(3) "Category three special education student" means a	36318
student who is receiving special education services for a	36319
disability specified in division (C) of section 3317.013 of the	36320
Revised Code.	36321
(4) "Category four special education student" means a student	36322
who is receiving special education services for a disability	36323
specified in division (D) of section 3317.013 of the Revised Code.	36324
(5) "Category five special education student" means a student	36325
who is receiving special education services for a disability	36326
specified in division (E) of section 3317.013 of the Revised Code.	36327
(6) "Category six special education student" means a student	36328
who is receiving special education services for a disability	36329
specified in division (F) of section 3317.013 of the Revised Code.	36330
(D) "Formula amount" has the same meaning as in section	36331
3317.02 of the Revised Code.	36332
(E) "IEP" means an individualized education program as	36333
defined in section 3323.01 of the Revised Code.	36334
(F) "Resident district" means the school district in which a	36335
student is entitled to attend school under section 3313.64 or	36336
3313.65 of the Revised Code.	36337
(G) "State education aid" has the same meaning as in section	36338
5751.20 of the Revised Code.	36339
<b>Sec. 3326.32.</b> Each science, technology, engineering, and	36340
mathematics school shall report to the department of education, in	36341
the form and manner required by the department, all of the	36342
following information:	36343

(A) The total number of students enrolled in the school who are residents of this state;	36344 36345
(B) The number of students reported under division (A) of this section who are receiving special education and related services pursuant to an IEP;	36346 36347 36348
(C) For each student reported under division (B) of this section, which category specified in divisions (A) to (F) of section 3317.013 of the Revised Code applies to the student;	36349 36350 36351
(D) The full-time equivalent number of students reported under division (A) of this section who are enrolled in career-technical education programs or classes described in each of divisions (A), (B), (C), (D), and (E) of section 3317.014 of the Revised Code that are provided by the STEM school;	36352 36353 36354 36355 36356
(E) The number of students reported under division (A) of this section who are <del>limited English proficient students</del> <u>learners</u> and which category specified in divisions (A) to (C) of section 3317.016 of the Revised Code applies to each student;	36357 36358 36359 36360
(F) The number of students reported under division (A) of this section who are economically disadvantaged, as defined by the department. A student shall not be categorically excluded from the number reported under division (F) of this section based on anything other than family income.	36361 36362 36363 36364 36365
(G) The resident district of each student reported under division (A) of this section;	36366 36367
(H) The total number of students enrolled in the school who are not residents of this state and any additional information regarding these students that the department requires the school to report. The school shall not receive any payments under this chapter for students reported under this division.	36368 36369 36370 36371 36372
(I) Any additional information the department determines	36373

necessary to make payments under this chapter. 36374

**Sec. 3326.33.** For each student enrolled in a science, 36375  
technology, engineering, and mathematics school established under 36376  
this chapter, on a full-time equivalency basis, the department of 36377  
education annually shall deduct from the state education aid of a 36378  
student's resident school district and, if necessary, from the 36379  
payment made to the district under sections 321.24 and 323.156 of 36380  
the Revised Code and pay to the school or, if the student is 36381  
enrolled in a school that is part of a group of STEM schools under 36382  
section 3326.031 of the Revised Code, to the governing body of 36383  
that group the sum of the following: 36384

(A) An opportunity grant in an amount equal to the formula 36385  
amount; 36386

(B) The per pupil amount of targeted assistance funds 36387  
calculated under division (A) of section 3317.0217 of the Revised 36388  
Code for the student's resident district, as determined by the 36389  
department, X 0.25; 36390

(C) Additional state aid for special education and related 36391  
services provided under Chapter 3323. of the Revised Code as 36392  
follows: 36393

(1) If the student is a category one special education 36394  
student, the amount specified in division (A) of section 3317.013 36395  
of the Revised Code; 36396

(2) If the student is a category two special education 36397  
student, the amount specified in division (B) of section 3317.013 36398  
of the Revised Code; 36399

(3) If the student is a category three special education 36400  
student, the amount specified in division (C) of section 3317.013 36401  
of the Revised Code; 36402

(4) If the student is a category four special education 36403

student, the amount specified in division (D) of section 3317.013	36404
of the Revised Code;	36405
(5) If the student is a category five special education	36406
student, the amount specified in division (E) of section 3317.013	36407
of the Revised Code;	36408
(6) If the student is a category six special education	36409
student, the amount specified in division (F) of section 3317.013	36410
of the Revised Code.	36411
(D) If the student is in kindergarten through third grade,	36412
\$320;	36413
(E) If the student is economically disadvantaged, an amount	36414
equal to the following:	36415
\$272 X the resident district's economically disadvantaged index	36416
(F) <del>Limited</del> English <del>proficiency</del> <u>learner</u> funds, as follows:	36417
(1) If the student is a category one <del>limited</del> English	36418
<del>proficient student</del> <u>learner</u> , the amount specified in division (A)	36419
of section 3317.016 of the Revised Code;	36420
(2) If the student is a category two <del>limited</del> English	36421
<del>proficient student</del> <u>learner</u> , the amount specified in division (B)	36422
of section 3317.016 of the Revised Code;	36423
(3) If the student is a category three <del>limited</del> English	36424
<del>proficient student</del> <u>learner</u> , the amount specified in division (C)	36425
of section 3317.016 of the Revised Code.	36426
(G) Career-technical education funds as follows:	36427
(1) If the student is a category one career-technical	36428
education student, the amount specified in division (A) of section	36429
3317.014 of the Revised Code;	36430
(2) If the student is a category two career-technical	36431
education student, the amount specified in division (B) of section	36432
3317.014 of the Revised Code;	36433

(3) If the student is a category three career-technical education student, the amount specified in division (C) of section 3317.014 of the Revised Code; 36434  
36435  
36436

(4) If the student is a category four career-technical education student, the amount specified in division (D) of section 3317.014 of the Revised Code; 36437  
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36439

(5) If the student is a category five career-technical education student, the amount specified in division (E) of section 3317.014 of the Revised Code. 36440  
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Deduction and payment of funds under division (G) of this section is subject to approval under section 3317.161 of the Revised Code. 36443  
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**Sec. 3326.34.** If a science, technology, engineering, and mathematics school established under this chapter incurs costs for a fiscal year for a student receiving special education and related services pursuant to an IEP for a disability described in divisions (B) to (F) of section 3317.013 of the Revised Code that exceed the threshold catastrophic cost for serving the student as specified in division (B) of section 3317.0214 of the Revised Code, the STEM school may submit to the superintendent of public instruction documentation, as prescribed by the superintendent, of all its costs for that student. Upon submission of documentation for a student of the type and in the manner prescribed, the department of education shall pay to the school or, if the school is part of a group of science, technology, engineering, and mathematics schools under section 3326.031 of the Revised Code, to the governing body of that group an amount equal to the school's costs for the student in excess of the threshold catastrophic costs. 36446  
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The school shall only report under this section, and the department shall only pay for, the costs of educational expenses 36463  
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and the related services provided to the student in accordance 36465  
with the student's IEP. Any legal fees, court costs, or other 36466  
costs associated with any cause of action relating to the student 36467  
may not be included in the amount. 36468

**Sec. 3326.36.** The department of education shall reduce the 36469  
amounts paid to a science, technology, engineering, and 36470  
mathematics school or to the governing body of a group of science, 36471  
technology, engineering, and mathematics schools under section 36472  
3326.33 of the Revised Code to reflect payments made to colleges 36473  
under section 3365.07 of the Revised Code. A student shall be 36474  
considered enrolled in the school for any portion of the school 36475  
year the student is attending a college under Chapter 3365. of the 36476  
Revised Code. 36477

**Sec. 3326.37.** The department of education shall not pay to a 36478  
science, technology, engineering, and mathematics school or to the 36479  
governing body of a group of science, technology, engineering, or 36480  
mathematics schools any amount for any of the following: 36481

(A) Any student who has graduated from the twelfth grade of a 36482  
public or nonpublic school; 36483

(B) Any student who is not a resident of the state; 36484

(C) Any student who was enrolled in a STEM school during the 36485  
previous school year when assessments were administered under 36486  
section 3301.0711 of the Revised Code but did not take one or more 36487  
of the assessments required by that section and was not excused 36488  
pursuant to division (C)(1) or (3) of that section, unless the 36489  
superintendent of public instruction grants the student a waiver 36490  
from the requirement to take the assessment. The superintendent 36491  
may grant a waiver only for good cause in accordance with rules 36492  
adopted by the state board of education. 36493

(D) Any student who has attained the age of twenty-two years, 36494

except for veterans of the armed services whose attendance was 36495  
interrupted before completing the recognized twelve-year course of 36496  
the public schools by reason of induction or enlistment in the 36497  
armed forces and who apply for enrollment in a STEM school not 36498  
later than four years after termination of war or their honorable 36499  
discharge. If, however, any such veteran elects to enroll in 36500  
special courses organized for veterans for whom tuition is paid 36501  
under federal law, or otherwise, the department shall not pay to 36502  
the school or to the governing body any amount for that veteran. 36503

**Sec. 3326.41.** (A) For purposes of this section: 36504

(1) "Formula amount" has the same meaning as in section 36505  
3317.02 of the Revised Code. 36506

(2) "Four-year adjusted cohort graduation rate" has the same 36507  
meaning as in section 3302.01 of the Revised Code. 36508

(3) A science, technology, engineering, and mathematics 36509  
school's "third-grade reading proficiency percentage" means the 36510  
percentage of the school's students scoring at a proficient level 36511  
of skill or higher on the third-grade English language arts 36512  
assessment prescribed under division (A)(1)(a) of section 36513  
3301.0710 of the Revised Code for the immediately preceding school 36514  
year, as reported on the school's report card under section 36515  
3302.03 of the Revised Code. 36516

(B) In addition to the payments made under section 3326.33 of 36517  
the Revised Code, the department of education shall annually pay 36518  
to each science, technology, engineering, and mathematics school 36519  
that is not part of a group of science, technology, engineering, 36520  
and mathematics schools and to the governing body of each group of 36521  
science, technology, engineering, and mathematics schools, for 36522  
each school in that group, both of the following: 36523

(1) A graduation bonus calculated according to the following 36524

formula: 36525

The school's four-year adjusted cohort graduation rate on its most 36526  
recent report card issued by the department under section 3302.03 36527  
of the Revised Code X 0.075 X the formula amount X the number of 36528  
the school's graduates reported to the department, in accordance 36529  
with the guidelines adopted under section 3301.0714 of the Revised 36530  
Code, for the same school year for which the most recent report 36531  
card was issued 36532

(2) A third-grade reading bonus calculated according to the 36533  
following formula: 36534

The school's third-grade reading proficiency percentage X 0.075 X 36535  
the formula amount X the number of the school's students scoring 36536  
at a proficient level or higher on the third-grade English 36537  
language arts assessment prescribed under division (A)(1)(a) of 36538  
section 3301.0710 of the Revised Code for the immediately 36539  
preceding school year 36540

**Sec. 3326.42. (A) As used in this section:** 36541

(1) "Base per pupil amount" has the same meaning as in 36542  
section 3317.0219 of the Revised Code. 36543

(2) "Eligible school district" has the same meaning as in 36544  
division (C)(1) of section 3317.0219 of the Revised Code. 36545

(3) "Resident district" has the same meaning as in section 36546  
3326.31 of the Revised Code. 36547

(B) Subject to division (D) of this section, for fiscal years 36548  
2020 and 2021, the department of education shall calculate and pay 36549  
to each science, technology, engineering, and mathematics school 36550  
student wellness and success funds, on a full-time equivalency 36551  
basis, for each student enrolled in the school in the immediately 36552  
preceding fiscal year in an amount equal to the following: 36553

(The base per pupil amount of the student's resident district for 36554



that fiscal year + the scaled amount of the student's resident 36555  
district, if any, computed under division (B)(4) of section 36556  
3317.0219 of the Revised Code) 36557

However, each science, technology, engineering, and 36558  
mathematics school shall receive a minimum payment of \$25,000, for 36559  
fiscal year 2020, or \$36,000 for fiscal year 2021. 36560

(C) Subject to division (D) of this section, for fiscal years 36561  
2020 and 2021, the department shall pay to each science, 36562  
technology, engineering, and mathematics school student wellness 36563  
and success enhancement funds, on a full-time equivalency basis, 36564  
for each student enrolled in the school in the immediately 36565  
preceding fiscal year whose resident district is an eligible 36566  
school district, in an amount equal to the following: 36567

The amount paid to the student's resident district under division 36568  
(C)(2) of section 3317.0219 of the Revised Code for that fiscal 36569  
year / the enrolled ADM of the student's resident district for the 36570  
immediately preceding fiscal year 36571

(D) The department shall pay funds under divisions (B) and 36572  
(C) of this section as follows: 36573

(1) One-half of the amount shall be paid not later than the 36574  
thirty-first day of October of the fiscal year for which the 36575  
payment is calculated. 36576

(2) One-half of the amount shall be paid not later than the 36577  
twenty-eighth day of February of the fiscal year for which the 36578  
payment is calculated. 36579

Upon making a payment for a fiscal year under this section, 36580  
the department shall not make any reconciliations or adjustments 36581  
to that payment. 36582

(E) A science, technology, engineering, and mathematics 36583  
school that receives a payment under this section shall comply 36584  
with section 3317.26 of the Revised Code. 36585

Sec. 3327.015. No board of education of a school district shall reduce the transportation it provides to students the district is not required to transport under section 3327.01 of the Revised Code, but that the district chooses to transport, during a school year after the first day of that school year.

**Sec. 3327.10.** (A) No person shall be employed as driver of a school bus or motor van, owned and operated by any school district or educational service center or privately owned and operated under contract with any school district or service center in this state, who has not received a certificate from either the educational service center governing board that has entered into an agreement with the school district under section 3313.843 or 3313.845 of the Revised Code or the superintendent of the school district, certifying that such person is at least eighteen years of age and is of good moral character and is qualified physically and otherwise for such position. The service center governing board or the superintendent, as the case may be, shall provide for an annual physical examination that conforms with rules adopted by the state board of education of each driver to ascertain the driver's physical fitness for such employment. ~~Any~~ The examination shall be performed by one of the following:

(1) A person licensed under Chapter 4731. or 4734. of the Revised Code or by another state to practice medicine and surgery, osteopathic medicine and surgery, or chiropractic;

(2) A physician assistant;

(3) A certified nurse practitioner;

(4) A clinical nurse specialist;

(5) A certified nurse-midwife;

(6) A medical examiner who is listed on the national registry of certified medical examiners established by the federal motor

carrier safety administration in accordance with 49 C.F.R. part 36616  
390. 36617

Any certificate may be revoked by the authority granting the 36618  
same on proof that the holder has been guilty of failing to comply 36619  
with division (D)(1) of this section, or upon a conviction or a 36620  
guilty plea for a violation, or any other action, that results in 36621  
a loss or suspension of driving rights. Failure to comply with 36622  
such division may be cause for disciplinary action or termination 36623  
of employment under division (C) of section 3319.081, or section 36624  
124.34 of the Revised Code. 36625

(B) No person shall be employed as driver of a school bus or 36626  
motor van not subject to the rules of the department of education 36627  
pursuant to division (A) of this section who has not received a 36628  
certificate from the school administrator or contractor certifying 36629  
that such person is at least eighteen years of age, is of good 36630  
moral character, and is qualified physically and otherwise for 36631  
such position. Each driver shall have an annual physical 36632  
examination which conforms to the state highway patrol rules, 36633  
ascertaining the driver's physical fitness for such employment. 36634  
The examination shall be performed by one of the following: 36635

(1) A person licensed under Chapter 4731. or 4734. of the 36636  
Revised Code or by another state to practice medicine and surgery, 36637  
osteopathic medicine and surgery, or chiropractic; 36638

(2) A physician assistant; 36639

(3) A certified nurse practitioner; 36640

(4) A clinical nurse specialist; 36641

(5) A certified nurse-midwife; 36642

(6) A medical examiner who is listed on the national registry 36643  
of certified medical examiners established by the federal motor 36644  
carrier safety administration in accordance with 49 C.F.R. part 36645

390. 36646

Any written documentation of the physical examination shall 36647  
be completed by the individual who performed the examination. 36648

Any certificate may be revoked by the authority granting the 36649  
same on proof that the holder has been guilty of failing to comply 36650  
with division (D)(2) of this section. 36651

(C) Any person who drives a school bus or motor van must give 36652  
satisfactory and sufficient bond except a driver who is an 36653  
employee of a school district and who drives a bus or motor van 36654  
owned by the school district. 36655

(D) No person employed as driver of a school bus or motor van 36656  
under this section who is convicted of a traffic violation or who 36657  
has had the person's commercial driver's license suspended shall 36658  
drive a school bus or motor van until the person has filed a 36659  
written notice of the conviction or suspension, as follows: 36660

(1) If the person is employed under division (A) of this 36661  
section, the person shall file the notice with the superintendent, 36662  
or a person designated by the superintendent, of the school 36663  
district for which the person drives a school bus or motor van as 36664  
an employee or drives a privately owned and operated school bus or 36665  
motor van under contract. 36666

(2) If employed under division (B) of this section, the 36667  
person shall file the notice with the employing school 36668  
administrator or contractor, or a person designated by the 36669  
administrator or contractor. 36670

(E) In addition to resulting in possible revocation of a 36671  
certificate as authorized by divisions (A) and (B) of this 36672  
section, violation of division (D) of this section is a minor 36673  
misdemeanor. 36674

(F)(1) Not later than thirty days after June 30, 2007, each 36675

owner of a school bus or motor van shall obtain the complete 36676  
driving record for each person who is currently employed or 36677  
otherwise authorized to drive the school bus or motor van. An 36678  
owner of a school bus or motor van shall not permit a person to 36679  
operate the school bus or motor van for the first time before the 36680  
owner has obtained the person's complete driving record. 36681  
Thereafter, the owner of a school bus or motor van shall obtain 36682  
the person's driving record not less frequently than semiannually 36683  
if the person remains employed or otherwise authorized to drive 36684  
the school bus or motor van. An owner of a school bus or motor van 36685  
shall not permit a person to resume operating a school bus or 36686  
motor van, after an interruption of one year or longer, before the 36687  
owner has obtained the person's complete driving record. 36688

(2) The owner of a school bus or motor van shall not permit a 36689  
person to operate the school bus or motor van for ten years after 36690  
the date on which the person pleads guilty to or is convicted of a 36691  
violation of section 4511.19 of the Revised Code or a 36692  
substantially equivalent municipal ordinance. 36693

(3) An owner of a school bus or motor van shall not permit 36694  
any person to operate such a vehicle unless the person meets all 36695  
other requirements contained in rules adopted by the state board 36696  
of education prescribing qualifications of drivers of school buses 36697  
and other student transportation. 36698

(G) No superintendent of a school district, educational 36699  
service center, community school, or public or private employer 36700  
shall permit the operation of a vehicle used for pupil 36701  
transportation within this state by an individual unless both of 36702  
the following apply: 36703

(1) Information pertaining to that driver has been submitted 36704  
to the department of education, pursuant to procedures adopted by 36705  
that department. Information to be reported shall include the name 36706  
of the employer or school district, name of the driver, driver 36707

license number, date of birth, date of hire, status of physical 36708  
evaluation, and status of training. 36709

(2) The most recent criminal records check required by 36710  
division (J) of this section has been completed and received by 36711  
the superintendent or public or private employer. 36712

(H) A person, school district, educational service center, 36713  
community school, nonpublic school, or other public or nonpublic 36714  
entity that owns a school bus or motor van, or that contracts with 36715  
another entity to operate a school bus or motor van, may impose 36716  
more stringent restrictions on drivers than those prescribed in 36717  
this section, in any other section of the Revised Code, and in 36718  
rules adopted by the state board. 36719

(I) For qualified drivers who, on July 1, 2007, are employed 36720  
by the owner of a school bus or motor van to drive the school bus 36721  
or motor van, any instance in which the driver was convicted of or 36722  
pleaded guilty to a violation of section 4511.19 of the Revised 36723  
Code or a substantially equivalent municipal ordinance prior to 36724  
two years prior to July 1, 2007, shall not be considered a 36725  
disqualifying event with respect to division (F) of this section. 36726

(J)(1) This division applies to persons hired by a school 36727  
district, educational service center, community school, chartered 36728  
nonpublic school, or science, technology, engineering, and 36729  
mathematics school established under Chapter 3326. of the Revised 36730  
Code to operate a vehicle used for pupil transportation. 36731

For each person to whom this division applies who is hired on 36732  
or after November 14, 2007, the employer shall request a criminal 36733  
records check in accordance with section 3319.39 of the Revised 36734  
Code and every six years thereafter. For each person to whom this 36735  
division applies who is hired prior to that date, the employer 36736  
shall request a criminal records check by a date prescribed by the 36737  
department of education and every six years thereafter. 36738

(2) This division applies to persons hired by a public or private employer not described in division (J)(1) of this section to operate a vehicle used for pupil transportation.

For each person to whom this division applies who is hired on or after November 14, 2007, the employer shall request a criminal records check prior to the person's hiring and every six years thereafter. For each person to whom this division applies who is hired prior to that date, the employer shall request a criminal records check by a date prescribed by the department and every six years thereafter.

(3) Each request for a criminal records check under division (J) of this section shall be made to the superintendent of the bureau of criminal identification and investigation in the manner prescribed in section 3319.39 of the Revised Code, except that if both of the following conditions apply to the person subject to the records check, the employer shall request the superintendent only to obtain any criminal records that the federal bureau of investigation has on the person:

(a) The employer previously requested the superintendent to determine whether the bureau of criminal identification and investigation has any information, gathered pursuant to division (A) of section 109.57 of the Revised Code, on the person in conjunction with a criminal records check requested under section 3319.39 of the Revised Code or under division (J) of this section.

(b) The person presents proof that the person has been a resident of this state for the five-year period immediately prior to the date upon which the person becomes subject to a criminal records check under this section.

Upon receipt of a request, the superintendent shall conduct the criminal records check in accordance with section 109.572 of the Revised Code as if the request had been made under section

3319.39 of the Revised Code. However, as specified in division 36770  
(B)(2) of section 109.572 of the Revised Code, if the employer 36771  
requests the superintendent only to obtain any criminal records 36772  
that the federal bureau of investigation has on the person for 36773  
whom the request is made, the superintendent shall not conduct the 36774  
review prescribed by division (B)(1) of that section. 36775

(K)(1) Until the effective date of the amendments to rule 36776  
3301-83-23 of the Ohio Administrative Code required by the second 36777  
paragraph of division (E) of section 3319.39 of the Revised Code, 36778  
any person who is the subject of a criminal records check under 36779  
division (J) of this section and has been convicted of or pleaded 36780  
guilty to any offense described in division (B)(1) of section 36781  
3319.39 of the Revised Code shall not be hired or shall be 36782  
released from employment, as applicable, unless the person meets 36783  
the rehabilitation standards prescribed for nonlicensed school 36784  
personnel by rule 3301-20-03 of the Ohio Administrative Code. 36785

(2) Beginning on the effective date of the amendments to rule 36786  
3301-83-23 of the Ohio Administrative Code required by the second 36787  
paragraph of division (E) of section 3319.39 of the Revised Code, 36788  
any person who is the subject of a criminal records check under 36789  
division (J) of this section and has been convicted of or pleaded 36790  
guilty to any offense that, under the rule, disqualifies a person 36791  
for employment to operate a vehicle used for pupil transportation 36792  
shall not be hired or shall be released from employment, as 36793  
applicable, unless the person meets the rehabilitation standards 36794  
prescribed by the rule. 36795

**Sec. 3328.24.** A college-preparatory boarding school 36796  
established under this chapter and its board of trustees shall 36797  
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 36798  
3301.0714, 3301.0729, 3301.948, 3313.536, 3313.6013, 3313.6021, 36799  
3313.6024, 3313.617, 3313.618, 3313.6114, 3313.6411, 3313.668, 36800



3313.7112, 3313.721, 3313.89, 3319.39, 3319.391, and 3319.46 and 36801  
Chapter 3365. of the Revised Code as if the school were a school 36802  
district and the school's board of trustees were a district board 36803  
of education. 36804

Sec. 3333.052. (A) The chancellor of higher education, with 36805  
the assistance of the department of job and family services, shall 36806  
establish the community college acceleration program to enhance 36807  
financial, academic, and personal support services to students in 36808  
need of support from local social service agencies. The program 36809  
shall identify the services and resources available to assist 36810  
eligible students enrolled in a community college established 36811  
under Chapter 3354., a state community college established under 36812  
Chapter 3358., a technical college established under Chapter 36813  
3357., or a university branch campus established under Chapter 36814  
3355. of the Revised Code. 36815

(B) The chancellor shall adopt rules to administer the 36816  
program. The rules shall specify the types of services provided by 36817  
the program, which may include any of the following: 36818

(1) Comprehensive and personalized advisement; 36819

(2) Career counseling; 36820

(3) Tutoring; 36821

(4) Tuition waivers; 36822

(5) Financial assistance to defray the costs of 36823  
transportation and textbooks. 36824

Sec. 3333.167. (A) As used in this section: 36825

(1) "Approved course" means a career-technical education 36826  
course offered by a career-technical planning district to which 36827  
either of the following applies: 36828

<u>(a) The course complies with the criteria, policies, and</u>	36829
<u>procedures established under section 3333.162 of the Revised Code.</u>	36830
<u>(b) The course is approved through an articulation agreement</u>	36831
<u>that a career-technical planning district has entered into with a</u>	36832
<u>state institution of higher education.</u>	36833
<u>(2) "Career-technical planning district" has the same meaning</u>	36834
<u>as in section 3317.023 of the Revised Code.</u>	36835
<u>(3) "State institution of higher education" has the same</u>	36836
<u>meaning as in section 3345.011 of the Revised Code.</u>	36837
<u>(B) The chancellor of higher education, in consultation with</u>	36838
<u>the superintendent of public instruction, shall develop and, if</u>	36839
<u>determined appropriate by the chancellor and the state</u>	36840
<u>superintendent, implement a statewide plan that permits a high</u>	36841
<u>school student enrolled in a career-technical planning district to</u>	36842
<u>receive post-secondary credit on a college transcript in a manner</u>	36843
<u>comparable to the college credit plus program established under</u>	36844
<u>Chapter 3365. of the Revised Code for the completion of an</u>	36845
<u>approved course.</u>	36846
<u>(C) The statewide plan developed under division (B) of this</u>	36847
<u>section shall do all of the following:</u>	36848
<u>(1) Identify and define the criteria, policies, procedures,</u>	36849
<u>and timelines necessary for a high school student to receive</u>	36850
<u>post-secondary credit on a college transcript for completing an</u>	36851
<u>approved course;</u>	36852
<u>(2) Identify any technology solutions or statewide data</u>	36853
<u>information systems necessary to streamline and facilitate the</u>	36854
<u>electronic exchange of student data to improve the credit</u>	36855
<u>verification process for students, career-technical planning</u>	36856
<u>districts, and state institutions of higher education;</u>	36857
<u>(3) Identify any regional or national accreditation</u>	36858

requirements or state policy barriers that currently exist that 36859  
need to be considered in developing the statewide plan; 36860

(4) If the chancellor and the state superintendent determine 36861  
it appropriate to implement the statewide plan, recommend a date 36862  
and the method by which the statewide plan shall be implemented. 36863

(D) The chancellor shall convene a group of stakeholders to 36864  
assist in preparing the plan under division (B) of this section. 36865  
The group shall include a representative from each of the 36866  
following: 36867

(1) The Ohio association of career-technical education; 36868

(2) The Ohio association of career-technical superintendents; 36869

(3) The Ohio association of compact and comprehensive 36870  
career-technical schools; 36871

(4) The Ohio association of community colleges; 36872

(5) The inter-university council of Ohio; 36873

(6) The association of independent colleges and universities 36874  
of Ohio; 36875

(7) Any other stakeholders determined appropriate by the 36876  
chancellor. 36877

(E) Not later than June 30, 2020, the chancellor shall submit 36878  
to the governor, the president and minority leader of the senate, 36879  
and the speaker and minority leader of the house of 36880  
representatives, the completed plan developed under division (B) 36881  
of this section. 36882

**Sec. 3333.26.** (A) Any citizen of this state who has resided 36883  
within the state for one year, who was in the active service of 36884  
the United States as a soldier, sailor, nurse, or marine between 36885  
April 6, 1917, and November 11, 1918, and who has been honorably 36886  
discharged from that service, shall be admitted to any school, 36887

college, or university that receives state funds in support 36888  
thereof, without being required to pay any tuition or 36889  
matriculation fee, but is not relieved from the payment of 36890  
laboratory or similar fees. 36891

(B)(1) As used in this division: 36892

(a) "Volunteer firefighter" has the meaning as in division 36893  
(B)(1) of section 146.01 of the Revised Code. 36894

(b) "Public service officer" means an Ohio firefighter, 36895  
volunteer firefighter, police officer, member of the state highway 36896  
patrol, employee designated to exercise the powers of police 36897  
officers pursuant to section 1545.13 of the Revised Code, or other 36898  
peace officer as defined by division (B) of section 2935.01 of the 36899  
Revised Code, or a person holding any equivalent position in 36900  
another state. 36901

(c) "Qualified former spouse" means the former spouse of a 36902  
public service officer, or of a member of the armed services of 36903  
the United States, who is the custodial parent of a minor child of 36904  
that marriage pursuant to an order allocating the parental rights 36905  
and responsibilities for care of the child issued pursuant to 36906  
section 3109.04 of the Revised Code. 36907

(d) "Operation enduring freedom" means that period of 36908  
conflict which began October 7, 2001, and ends on a date declared 36909  
by the president of the United States or the congress. 36910

(e) "Operation Iraqi freedom" means that period of conflict 36911  
which began March 20, 2003, and ends on a date declared by the 36912  
president of the United States or the congress. 36913

(f) "Combat zone" means an area that the president of the 36914  
United States by executive order designates, for purposes of 26 36915  
U.S.C. 112, as an area in which armed forces of the United States 36916  
are or have engaged in combat. 36917

(2) Any resident of this state who is under twenty-six years 36918  
of age, or under thirty years of age if the resident has been 36919  
honorably discharged from the armed services of the United States, 36920  
who is the child of a public service officer killed in the line of 36921  
duty or of a member of the armed services of the United States 36922  
killed in the line of duty during operation enduring freedom or 36923  
operation Iraqi freedom, and who is admitted to any state 36924  
university or college as defined in division (A)(1) of section 36925  
3345.12 of the Revised Code, community college, state community 36926  
college, university branch, or technical college shall not be 36927  
required to pay any tuition or any student fee for up to four 36928  
academic years of education, which shall be at the undergraduate 36929  
level. 36930

A child of a member of the armed services of the United 36931  
States killed in the line of duty during operation enduring 36932  
freedom or operation Iraqi freedom is eligible for a waiver of 36933  
tuition and student fees under this division only if the student 36934  
is not eligible for a war orphans and severely disabled veterans' 36935  
children scholarship authorized by Chapter 5910. of the Revised 36936  
Code. In any year in which the war orphans and severely disabled 36937  
veterans' children scholarship board reduces the percentage of 36938  
tuition covered by a war orphans and severely disabled veterans' 36939  
children scholarship below one hundred per cent pursuant to 36940  
division (A) of section 5910.04 of the Revised Code, the waiver of 36941  
tuition and student fees under this division for a child of a 36942  
member of the armed services of the United States killed in the 36943  
line of duty during operation enduring freedom or operation Iraqi 36944  
freedom shall be reduced by the same percentage. 36945

(3) Any resident of this state who is the spouse or qualified 36946  
former spouse of a public service officer killed in the line of 36947  
duty, and who is admitted to any state university or college as 36948  
defined in division (A)(1) of section 3345.12 of the Revised Code, 36949

community college, state community college, university branch, or 36950  
technical college, shall not be required to pay any tuition or any 36951  
student fee for up to four academic years of education, which 36952  
shall be at the undergraduate level. 36953

(4) Any resident of this state who is the spouse or qualified 36954  
former spouse of a member of the armed services of the United 36955  
States killed in the line of duty while serving in a combat zone 36956  
after May 7, 1975, and who is admitted to any state university or 36957  
college as defined in division (A)(1) of section 3345.12 of the 36958  
Revised Code, community college, state community college, 36959  
university branch, or technical college, shall not be required to 36960  
pay any tuition or any student fee for up to four years of 36961  
academic education, which shall be at the undergraduate level. In 36962  
order to qualify under division (B)(4) of this section, the spouse 36963  
or qualified former spouse shall have been a resident of this 36964  
state at the time the member was killed in the line of duty. 36965

(C) Any institution that is not subject to division (B) of 36966  
this section and that holds a valid certificate of registration 36967  
issued under Chapter 3332. of the Revised Code, a valid 36968  
certificate issued under Chapter 4709. of the Revised Code, or a 36969  
valid license issued under Chapter 4713. of the Revised Code, or 36970  
that is nonprofit and has a certificate of authorization issued 36971  
under section 1713.02 of the Revised Code, or that is a private 36972  
institution exempt from regulation under Chapter 3332. of the 36973  
Revised Code as prescribed in section 3333.046 of the Revised 36974  
Code, which reduces tuition and student fees of a student who is 36975  
eligible to attend an institution of higher education under the 36976  
provisions of division (B) of this section by an amount indicated 36977  
by the chancellor of higher education shall be eligible to receive 36978  
a grant in that amount from the chancellor. 36979

Each institution that enrolls students under division (B) of 36980  
this section shall report to the chancellor, by the first day of 36981

July of each year, the number of students who were so enrolled and 36982  
the average amount of all such tuition and student fees waived 36983  
during the preceding year. The chancellor shall determine the 36984  
average amount of all such tuition and student fees waived during 36985  
the preceding year. The average amount of the tuition and student 36986  
fees waived under division (B) of this section during the 36987  
preceding year shall be the amount of grants that participating 36988  
institutions shall receive under this division during the current 36989  
year, but no grant under this division shall exceed the tuition 36990  
and student fees due and payable by the student prior to the 36991  
reduction referred to in this division. The grants shall be made 36992  
for four years of undergraduate education of an eligible student. 36993

**Sec. 3333.59.** (A) As used in this section: 36994

(1) "Allocated state share of instruction" means, for any 36995  
fiscal year, the amount of the state share of instruction 36996  
appropriated to the department of higher education by the general 36997  
assembly that is allocated to a community or technical college or 36998  
community or technical college district for such fiscal year. 36999

(2) "Issuing authority" has the same meaning as in section 37000  
154.01 of the Revised Code. 37001

(3) "Bond service charges" has the same meaning as in section 37002  
154.01 of the Revised Code. 37003

(4) "Chancellor" means the chancellor of higher education. 37004

(5) "Community or technical college" or "college" means any 37005  
of the following state-supported or state-assisted institutions of 37006  
higher education: 37007

(a) A community college as defined in section 3354.01 of the 37008  
Revised Code; 37009

(b) A technical college as defined in section 3357.01 of the 37010  
Revised Code; 37011

(c) A state community college as defined in section 3358.01 37012  
of the Revised Code. 37013

(6) "Community or technical college district" or "district" 37014  
means any of the following institutions of higher education that 37015  
are state-supported or state-assisted: 37016

(a) A community college district as defined in section 37017  
3354.01 of the Revised Code; 37018

(b) A technical college district as defined in section 37019  
3357.01 of the Revised Code; 37020

(c) A state community college district as defined in section 37021  
3358.01 of the Revised Code. 37022

(7) "Credit enhancement facilities" has the same meaning as 37023  
in section 133.01 of the Revised Code. 37024

(8) "Obligations" has the meaning as in section 154.01 or 37025  
3345.12 of the Revised Code, as the context requires. 37026

(B) The board of trustees of any community or technical 37027  
college district authorizing the issuance of obligations under 37028  
section 3354.12, 3354.121, 3357.11, 3357.112, ~~or~~ 3358.10, or 37029  
3358.11 of the Revised Code, or for whose benefit and on whose 37030  
behalf the issuing authority proposes to issue obligations under 37031  
section 154.25 of the Revised Code, may adopt a resolution 37032  
requesting the chancellor to enter into an agreement with the 37033  
community or technical college district and the primary paying 37034  
agent or fiscal agent for such obligations, providing for the 37035  
withholding and deposit of funds otherwise due the district or the 37036  
community or technical college it operates in respect of its 37037  
allocated state share of instruction, for the payment of bond 37038  
service charges on such obligations. 37039

The board of trustees shall deliver to the chancellor a copy 37040  
of the resolution and any additional pertinent information the 37041



chancellor may require. 37042

The chancellor and the office of budget and management, and 37043  
the issuing authority in the case of obligations to be issued by 37044  
the issuing authority, shall evaluate each request received from a 37045  
community or technical college district under this section. The 37046  
chancellor, with the advice and consent of the director of budget 37047  
and management and the issuing authority in the case of 37048  
obligations to be issued by the issuing authority, shall approve 37049  
each request if all of the following conditions are met: 37050

(1) Approval of the request will enhance the marketability of 37051  
the obligations for which the request is made; 37052

(2) The chancellor and the office of budget and management, 37053  
and the issuing authority in the case of obligations to be issued 37054  
by the issuing authority, have no reason to believe the requesting 37055  
community or technical college district or the community or 37056  
technical college it operates will be unable to pay when due the 37057  
bond service charges on the obligations for which the request is 37058  
made, and bond service charges on those obligations are therefore 37059  
not anticipated to be paid pursuant to this section from the 37060  
allocated state share of instruction for purposes of Section 17 of 37061  
Article VIII, Ohio Constitution. 37062

(3) Any other pertinent conditions established in rules 37063  
adopted under division (H) of this section. 37064

(C) If the chancellor approves the request of a community or 37065  
technical college district to withhold and deposit funds pursuant 37066  
to this section, the chancellor shall enter into a written 37067  
agreement with the district and the primary paying agent or fiscal 37068  
agent for the obligations, which agreement shall provide for the 37069  
withholding of funds pursuant to this section for the payment of 37070  
bond service charges on those obligations. The agreement may also 37071  
include both of the following: 37072

(1) Provisions for certification by the district to the 37073  
chancellor, prior to the deadline for payment of the applicable 37074  
bond service charges, whether the district and the community or 37075  
technical college it operates are able to pay those bond service 37076  
charges when due; 37077

(2) Requirements that the district or the community or 37078  
technical college it operates deposits amounts for the payment of 37079  
those bond service charges with the primary paying agent or fiscal 37080  
agent for the obligations prior to the date on which the bond 37081  
service charges are due to the owners or holders of the 37082  
obligations. 37083

(D) Whenever a district or the community or technical college 37084  
it operates notifies the chancellor that it will not be able to 37085  
pay the bond service charges when they are due, subject to the 37086  
withholding provisions of this section, or whenever the applicable 37087  
paying agent or fiscal agent notifies the chancellor that it has 37088  
not timely received from a district or from the college it 37089  
operates the full amount needed for payment of the bond service 37090  
charges when due to the holders or owners of such obligations, the 37091  
chancellor shall immediately contact the district or college and 37092  
the paying agent or fiscal agent to confirm that the district and 37093  
the college are not able to make the required payment by the date 37094  
on which it is due. 37095

If the chancellor confirms that the district and the college 37096  
are not able to make the payment and the payment will not be made 37097  
pursuant to a credit enhancement facility, the chancellor shall 37098  
promptly pay to the applicable primary paying agent or fiscal 37099  
agent the lesser of the amount due for bond service charges or the 37100  
amount of the next periodic distribution scheduled to be made to 37101  
the district or to the college in respect of its allocated state 37102  
share of instruction. If this amount is insufficient to pay the 37103  
total amount then due the agent for the payment of bond service 37104

charges, the chancellor shall continue to pay to the agent from 37105  
each periodic distribution thereafter, and until the full amount 37106  
due the agent for unpaid bond service charges is paid in full, the 37107  
lesser of the remaining amount due the agent for bond service 37108  
charges or the amount of the next periodic distribution scheduled 37109  
to be made to the district or college in respect of its allocated 37110  
state share of instruction. 37111

(E) The chancellor may make any payments under this section 37112  
by direct deposit of funds by electronic transfer. 37113

Any amount received by a paying agent or fiscal agent under 37114  
this section shall be applied only to the payment of bond service 37115  
charges on the obligations of the community or technical college 37116  
district or community or technical college subject to this section 37117  
or to the reimbursement of the provider of a credit enhancement 37118  
facility that has paid the bond service charges. 37119

(F) The chancellor may make payments under this section to 37120  
paying agents or fiscal agents during any fiscal biennium of the 37121  
state only from and to the extent that money is appropriated to 37122  
the department by the general assembly for distribution during 37123  
such biennium for the state share of instruction and only to the 37124  
extent that a portion of the state share of instruction has been 37125  
allocated to the community or technical college district or 37126  
community or technical college. Obligations of the issuing 37127  
authority or of a community or technical college district to which 37128  
this section is made applicable do not constitute an obligation or 37129  
a debt or a pledge of the faith, credit, or taxing power of the 37130  
state, and the holders or owners of those obligations have no 37131  
right to have excises or taxes levied or appropriations made by 37132  
the general assembly for the payment of bond service charges on 37133  
the obligations, and the obligations shall contain a statement to 37134  
that effect. The agreement for or the actual withholding and 37135  
payment of money under this section does not constitute the 37136

assumption by the state of any debt of a community or technical college district or a community or technical college, and bond service charges on the related obligations are not anticipated to be paid from the state general revenue fund for purposes of Section 17 of Article VIII, Ohio Constitution.

(G) In the case of obligations subject to the withholding provisions of this section, the issuing community or technical college district, or the issuing authority in the case of obligations issued by the issuing authority, shall appoint a paying agent or fiscal agent who is not an officer or employee of the district or college.

(H) The chancellor, with the advice and consent of the office of budget and management, may adopt reasonable rules not inconsistent with this section for the implementation of this section to secure payment of bond service charges on obligations issued by a community or technical college district or by the issuing authority for the benefit of a community or technical college district or the community or technical college it operates. Those rules shall include criteria for the evaluation and approval or denial of community or technical college district requests for withholding under this section.

(I) The authority granted by this section is in addition to and not a limitation on any other authorizations granted by or pursuant to law for the same or similar purposes.

**Sec. 3333.61.** The chancellor of higher education shall establish and administer the Ohio innovation partnership, which shall consist of the choose Ohio first scholarship program and the Ohio research scholars program. Under the programs, the chancellor, subject to approval by the controlling board, shall make awards to state universities or colleges for programs and initiatives that recruit students and scientists in the fields of

science, technology, engineering, mathematics, medicine, and 37168  
dentistry to state universities or colleges, in order to enhance 37169  
regional educational and economic strengths and meet the needs of 37170  
the state's regional economies. Awards may be granted for programs 37171  
and initiatives to be implemented by a state university or college 37172  
alone or in collaboration with other state institutions of higher 37173  
education, nonpublic Ohio universities and colleges, or other 37174  
public or private Ohio entities. If the chancellor makes an award 37175  
to a program or initiative that is intended to be implemented by a 37176  
state university or college in collaboration with other state 37177  
institutions of higher education or nonpublic Ohio universities or 37178  
colleges, the chancellor may provide that some portion of the 37179  
award be received directly by the collaborating universities or 37180  
colleges consistent with all terms of the Ohio innovation 37181  
partnership. 37182

The choose Ohio first scholarship program shall assign a 37183  
number of scholarships to state universities and colleges to 37184  
recruit Ohio residents as undergraduate, or as provided in section 37185  
3333.66 of the Revised Code graduate, students in the fields of 37186  
science, technology, engineering, mathematics, medicine, and 37187  
dentistry, or in science, technology, engineering, mathematics, 37188  
medical, or dental education. The chancellor also may assign a 37189  
number of choose Ohio first scholarships to state universities and 37190  
colleges to recruit Ohio residents to enroll in certificate 37191  
programs in the fields of science, technology, engineering, 37192  
mathematics, medicine, and dentistry. Choose Ohio first 37193  
scholarships shall be awarded to each participating eligible 37194  
student as a grant to the state university or college the student 37195  
is attending and shall be reflected on the student's tuition bill. 37196  
Choose Ohio first scholarships are student-centered grants from 37197  
the state to students to use to attend a university or college and 37198  
are not grants from the state to universities or colleges. 37199

Notwithstanding any other provision of this section or 37200  
sections 3333.62 to 3333.69 of the Revised Code, a nonpublic 37201  
four-year Ohio institution of higher education may submit a 37202  
proposal for choose Ohio first scholarships or Ohio research 37203  
scholars grants. If the chancellor awards a nonpublic institution 37204  
scholarships or grants, the nonpublic institution shall comply 37205  
with all requirements of this section, sections 3333.62 to 3333.69 37206  
of the Revised Code, and the rules adopted under this section that 37207  
apply to state universities or colleges awarded choose Ohio first 37208  
scholarships or Ohio research scholars grants. 37209

The Ohio research scholars program shall award grants to use 37210  
in recruiting scientists to the faculties of state universities or 37211  
colleges. 37212

The chancellor shall adopt rules in accordance with Chapter 37213  
119. of the Revised Code to administer the programs. 37214

**Sec. 3333.62.** The chancellor of higher education shall 37215  
establish a competitive process for making awards under the choose 37216  
Ohio first scholarship program and the Ohio research scholars 37217  
program. The chancellor, on completion of that process, shall make 37218  
a recommendation to the controlling board asking for approval of 37219  
each award selected by the chancellor. 37220

Any state university or college may apply for one or more 37221  
awards under one or both programs. The state university or college 37222  
shall submit a proposal and other documentation required by the 37223  
chancellor, in the form and manner prescribed by the chancellor, 37224  
for each award it seeks. A proposal may propose an initiative to 37225  
be implemented solely by the state university or college or in 37226  
collaboration with other state institutions of higher education, 37227  
nonpublic Ohio universities or colleges, or other public or 37228  
nonpublic Ohio entities. A single proposal may seek an award under 37229  
one or both programs. 37230

The chancellor shall determine which proposals will receive awards each fiscal year, and the amount of each award, on the basis of the merit of each proposal, which the chancellor, subject to approval by the controlling board, shall determine based on one or more of the following criteria:

(A) The quality of the program that is the subject of the proposal and the extent to which additional resources will enhance its quality;

(B) The extent to which the proposal is integrated with the strengths of the regional economy;

(C) The extent to which the proposal is integrated with centers of research excellence within the private sector;

(D) The amount of other institutional, public, or private resources, whether monetary or nonmonetary, that the proposal pledges to leverage;

(E) The extent to which the proposal is collaborative with other public or nonpublic Ohio institutions of higher education;

(F) The extent to which the proposal is integrated with the university's or college's mission and does not displace existing resources already committed to the mission;

(G) The extent to which the proposal facilitates a more efficient utilization of existing faculty and programs;

(H) The extent to which the proposal meets a statewide educational need;

(I) The demonstrated productivity or future capacity of the students or scientists to be recruited;

(J) The extent to which the proposal will create additional capacity in educational or economic areas of need;

(K) The extent to which the proposal will encourage students who received degrees in the fields of science, technology,

engineering, mathematics, or medicine from two-year institutions 37261  
to transfer to state universities or colleges to pursue 37262  
baccalaureate degrees in science, technology, engineering, 37263  
mathematics, or medicine; 37264

(L) The extent to which the proposal encourages students 37265  
enrolled in state universities to transfer into science, 37266  
technology, engineering, mathematics, or medicine programs; 37267

(M) The extent to which the proposal facilitates the 37268  
completion of a baccalaureate degree in a cost-effective manner, 37269  
for example, by facilitating students' completing two years at a 37270  
two-year institution and two years at a state university or 37271  
college; 37272

(N) The extent to which the proposal allows attendance at a 37273  
state university or college of students who otherwise could not 37274  
afford to attend; 37275

(O) The extent to which other institutional, public, or 37276  
private resources pledged to the proposal will be deployed to 37277  
assist in sustaining students' scholarships over their academic 37278  
careers; 37279

(P) The extent to which the proposal increases the likelihood 37280  
that students will successfully complete their degree programs in 37281  
science, technology, engineering, mathematics, or medicine or in 37282  
science, technology, engineering, mathematics, or medical 37283  
education; 37284

(Q) The extent to which the proposal ensures that a student 37285  
who is awarded a scholarship is appropriately qualified and 37286  
prepared to successfully complete a degree program in science, 37287  
technology, engineering, mathematics, or medicine or in science, 37288  
technology, engineering, mathematics, or medical education; 37289

(R) The extent to which the proposal will increase the number 37290  
of women participating in the choose Ohio first scholarship 37291



program; 37292

(S) The extent to which the proposal encourages students to 37293

complete a certificate program at a state university or college. 37294

**Sec. 3333.65.** The chancellor of higher education shall 37295

require each state university or college, and any nonpublic Ohio 37296

university or college with which the state university or college 37297

is collaborating, that the controlling board approves to receive 37298

an award under the Ohio innovation partnership to enter into an 37299

agreement governing the use of the award. The agreement shall 37300

contain terms the chancellor determines to be necessary, which 37301

shall include performance measures, reporting requirements, and an 37302

obligation to fulfill pledges of other institutional, public, or 37303

nonpublic resources for the proposal. 37304

The chancellor may require a state university or college or a 37305

nonpublic Ohio university or college that violates the terms of 37306

~~its~~ the agreement to repay the award plus interest at the rate 37307

required by section 5703.47 of the Revised Code to the chancellor, 37308

except that the chancellor shall not hold a state or nonpublic 37309

university or college responsible for a repayment due to a student 37310

obligation under section 3333.611 of the Revised Code, until the 37311

state or nonpublic university or college is able to obtain 37312

repayment from the student or if the state or nonpublic university 37313

or college has certified collection of the repayment to the 37314

attorney general and has sent a copy of the certification to the 37315

chancellor. 37316

If the chancellor makes an award to a program or initiative 37317

that is intended to be implemented by a state university or 37318

college in collaboration with other state institutions of higher 37319

education or nonpublic Ohio universities or colleges, the 37320

chancellor may enter into an agreement with the collaborating 37321

universities or colleges that permits awards to be received 37322

directly by the collaborating universities or colleges consistent 37323  
with the terms of the program or initiative. In that case, the 37324  
chancellor shall incorporate into the agreement terms consistent 37325  
with the requirements of this section. 37326

**Sec. 3333.66.** (A)(1) Except as provided in ~~division~~ divisions 37327  
(A)(2), (3), and (4) of this section, in each academic year, no 37328  
student who receives a choose Ohio first scholarship shall receive 37329  
less than one thousand five hundred dollars or more than one-half 37330  
of the highest in-state undergraduate instructional and general 37331  
fees charged by all state universities. For this purpose, if Miami 37332  
university is implementing the pilot tuition restructuring plan 37333  
originally recognized in Am. Sub. H.B. 95 of the 125th general 37334  
assembly, that university's instructional and general fees shall 37335  
be considered to be the average full-time in-state undergraduate 37336  
instructional and general fee amount after taking into account the 37337  
Ohio resident and Ohio leader scholarships and any other credit 37338  
provided to all Ohio residents. 37339

(2) The chancellor of higher education may authorize a state 37340  
university or college or a nonpublic Ohio institution of higher 37341  
education to award a choose Ohio first scholarship in an amount 37342  
greater than one-half of the highest in-state undergraduate 37343  
instructional and general fees charged by all state universities 37344  
to either of the following: 37345

(a) Any undergraduate student who qualifies for a scholarship 37346  
and is enrolled in a program leading to a teaching profession in 37347  
science, technology, engineering, mathematics, or medicine; 37348

(b) Any graduate student who qualifies for a scholarship, if 37349  
any initiatives are selected for award under division (B) of this 37350  
section. 37351

(3) The chancellor may authorize a state university or 37352  
college or a nonpublic Ohio institution of higher education to 37353

award a choose Ohio first scholarship in the amount of not less 37354  
than five hundred dollars but not more than one-half of the 37355  
highest in-state undergraduate instructional and general fees 37356  
charged by all state universities to a student enrolled in a 37357  
certificate program designated as an eligible program by the 37358  
chancellor. 37359

(4) A student receiving multiple awards under division (A) of 37360  
this section may exceed the maximum permitted provided that each 37361  
award is within its permitted amount. 37362

(B) The chancellor shall encourage state universities and 37363  
colleges, alone or in collaboration with other state institutions 37364  
of higher education, nonpublic Ohio universities and colleges, or 37365  
other public or private Ohio entities, to submit proposals under 37366  
the choose Ohio first scholarship program for initiatives that 37367  
recruit either of the following: 37368

(1) Ohio residents who enrolled in colleges and universities 37369  
in other states or other countries to return to Ohio and enroll in 37370  
state universities or colleges as graduate students in the fields 37371  
of science, technology, engineering, mathematics, and medicine, or 37372  
in the fields of science, technology, engineering, mathematics, or 37373  
medical education. If such proposals are submitted and meet the 37374  
chancellor's competitive criteria for awards, the chancellor, 37375  
subject to approval by the controlling board, shall give at least 37376  
one of the proposals preference for an award. 37377

(2) Graduates, or undergraduates who will graduate in time to 37378  
participate in the program described in this division by the 37379  
subsequent school year, from an Ohio college or university who 37380  
received, or will receive, a degree in science, technology, 37381  
engineering, mathematics, or medicine to participate in a 37382  
graduate-level teacher education masters program in one of those 37383  
fields that requires the student to establish a domicile in the 37384  
state and to commit to teach for a minimum of three years in a 37385

hard-to-staff school district in the state upon completion of the 37386  
master's degree program. The chancellor may require a college or 37387  
university to give priority to qualified candidates who graduated 37388  
from a high school in this state. 37389

"Hard-to-staff" shall be as defined by the department of 37390  
education. 37391

(C) The general assembly intends that money appropriated for 37392  
the choose Ohio first scholarship program in each fiscal year be 37393  
used for scholarships in the following academic year. 37394

**Sec. 3345.48.** (A) As used in this section: 37395

(1) "Cohort" means a group of students who will complete 37396  
their bachelor's degree requirements and graduate from a state 37397  
university at the same time. A cohort may include transfer 37398  
students and other selected undergraduate student academic 37399  
programs as determined by the board of trustees of a state 37400  
university. 37401

(2) "Eligible student" means an undergraduate student who: 37402

(a) Is enrolled full-time in a bachelor's degree program at a 37403  
state university; 37404

(b) Is a resident of this state, as defined by the chancellor 37405  
of higher education under section 3333.31 of the Revised Code. 37406

(3) "State university" has the same meaning as in section 37407  
3345.011 of the Revised Code. 37408

(B) The board of trustees of a each state university ~~may~~ 37409  
shall establish an undergraduate tuition guarantee program that 37410  
allows eligible students in the same cohort to pay a fixed rate 37411  
for general and instructional fees for four years. A board of 37412  
trustees may include room and board and any additional fees in the 37413  
program. 37414

~~If the board of trustees chooses to establish such a program,~~ 37415  
the The board shall adopt rules for the program that include, but 37416  
are not limited to, all of the following: 37417

(1) The number of credit hours required to earn an 37418  
undergraduate degree in each major; 37419

(2) A guarantee that the general and instructional fees for 37420  
each student in the cohort shall remain constant for four years so 37421  
long as the student complies with the requirements of the program, 37422  
except that, notwithstanding any law to the contrary, the board 37423  
may increase the guaranteed amount by up to six per cent above 37424  
what has been charged in the previous academic year one time for 37425  
the first cohort enrolled under the tuition guarantee program. If 37426  
the board of trustees determines that economic conditions or other 37427  
circumstances require an increase for the first cohort of above 37428  
six per cent, the board shall submit a request to increase the 37429  
amount by a specified percentage to the chancellor. The 37430  
chancellor, based on information the chancellor requires from the 37431  
board of trustees, shall approve or disapprove such a request. 37432  
Thereafter, the board of trustees may increase the guaranteed 37433  
amount by up to the sum of the following above what has been 37434  
charged in the previous academic year one time per subsequent 37435  
cohort: 37436

(a) The average rate of inflation, as measured by the 37437  
consumer price index prepared by the bureau of labor statistics of 37438  
the United States department of labor (all urban consumers, all 37439  
items), for the previous ~~sixty-month~~ thirty-six-month period; and 37440

(b) The percentage amount the general assembly restrains 37441  
increases on in-state undergraduate instructional and general fees 37442  
for the applicable fiscal year. If the general assembly does not 37443  
enact a limit on the increase of in-state undergraduate 37444  
instructional and general fees, then no limit shall apply under 37445  
this division for the cohort that first enrolls in any academic 37446

year for which the general assembly does not prescribe a limit. 37447

If, beginning with the academic year that starts four years 37448  
after September 29, 2013, the board of trustees determines that 37449  
the general and instructional fees charged under the tuition 37450  
guarantee have fallen significantly lower than those of other 37451  
state universities, the board of trustees may submit a request to 37452  
increase the amount charged to a cohort by a specified percentage 37453  
to the chancellor, who shall approve or disapprove such a request. 37454

(3) A benchmark by which the board sets annual increases in 37455  
general and instructional fees. This benchmark and any subsequent 37456  
change to the benchmark shall be subject to approval of the 37457  
chancellor. 37458

(4) Eligibility requirements for students to participate in 37459  
the program; 37460

(5) Student rights and privileges under the program; 37461

(6) Consequences to the university for students unable to 37462  
complete a degree program within four years, as follows: 37463

(a) For a student who could not complete the program in four 37464  
years due to a lack of available classes or space in classes 37465  
provided by the university, the university shall provide the 37466  
necessary course or courses for completion to the student free of 37467  
charge. 37468

(b) For a student who could not complete the program in four 37469  
years due to military service or other circumstances beyond a 37470  
student's control, as determined by the board of trustees, the 37471  
university shall provide the necessary course or courses for 37472  
completion to the student at the student's initial cohort rate. 37473

(c) For a student who did not complete the program in four 37474  
years for any other reason, as determined by the board of 37475  
trustees, the university shall provide the necessary course or 37476

courses for completion to the student at a rate determined through 37477  
a method established by the board under division (B)(7) of this 37478  
section. 37479

(7) Guidelines for adjusting a student's annual charges if 37480  
the student, due to circumstances under the student's control, is 37481  
unable to complete a degree program within four years; 37482

(8) A requirement that the rules adopted under division (B) 37483  
of this section be published or posted in the university handbook, 37484  
course catalog, and web site. 37485

~~(C) If a board of trustees implements a program under this~~ 37486  
~~section, the~~ The board shall submit the rules adopted under 37487  
division (B) of this section to the chancellor for approval before 37488  
beginning implementation of the program. 37489

The chancellor shall not unreasonably withhold approval of a 37490  
program if the program conforms in principle with the parameters 37491  
and guidelines of this section. 37492

(D) A board of trustees of a state university may establish 37493  
an undergraduate tuition guarantee program for nonresident 37494  
students. 37495

~~(E) Within five years after September 29, 2013, the~~ 37496  
~~chancellor shall publish on the chancellor's web site a report~~ 37497  
~~that includes all of the following:~~ 37498

~~(1) The state universities that have adopted an undergraduate~~ 37499  
~~tuition guarantee program under this section;~~ 37500

~~(2) The details of each undergraduate tuition guarantee~~ 37501  
~~program established under this section;~~ 37502

~~(3) Comparative data, including general and instructional~~ 37503  
~~fees, room and board, graduation rates, and retention rates, from~~ 37504  
~~all state universities.~~ 37505

~~(F)~~ Except as provided in this section, no other limitation 37506

on the increase of in-state undergraduate instructional and 37507  
general fees shall apply to a state university that has 37508  
established an undergraduate tuition guarantee program under this 37509  
section. 37510

**Sec. 3345.57.** (A) As used in this section, "state institution 37511  
of higher education" has the same meaning as in section 3345.011 37512  
of the Revised Code. 37513

(B) A state institution of higher education may establish a 37514  
program under which an employee of the institution may donate that 37515  
employee's accrued but unused paid leave to another employee of 37516  
the institution who has no accrued but unused paid leave and who 37517  
has a critical need for it because of circumstances such as a 37518  
serious illness or the serious illness of a member of the 37519  
employee's immediate family. If a state institution of higher 37520  
education establishes a leave donation program under this section, 37521  
the institution shall adopt rules in accordance with ~~Chapter 119-~~ 37522  
section 111.15 of the Revised Code to provide for the 37523  
administration of the program. These rules shall include, but not 37524  
be limited to, provisions that identify the circumstances under 37525  
which leave may be donated and that specify the amount, types, and 37526  
value of leave that may be donated. 37527

**Sec. 3353.07.** (A) There is hereby created the Ohio government 37528  
telecommunications service. The Ohio government telecommunications 37529  
service shall provide the state government and affiliated 37530  
organizations with multimedia support including audio, visual, and 37531  
internet services, multimedia streaming, and hosting multimedia 37532  
programs. 37533

Services relating to the official activities of the general 37534  
assembly and the executive offices provided by the Ohio government 37535  
telecommunications service shall be funded through grants to an 37536



educational television broadcasting station that will manage the 37537  
staff and provide the services of the Ohio government 37538  
telecommunications service. The Ohio educational television 37539  
stations shall select a member station to manage the Ohio 37540  
government telecommunications service. The Ohio government 37541  
telecommunications service shall receive grants from, or contract 37542  
with, any of the three branches of Ohio government, and their 37543  
affiliates, to provide additional services. Services provided by 37544  
the Ohio government telecommunications service shall not be used 37545  
for political purposes included in campaign materials, or 37546  
otherwise used to influence an election, legislation, issue, 37547  
judicial decision, or other policy of state government. 37548

(B)(1) There is hereby created the legislative programming 37549  
committee of the Ohio government telecommunications service that 37550  
shall consist of the president of the senate, speaker of the house 37551  
of representatives, minority leader of the senate, and minority 37552  
leader of the house of representatives, or their designees, and 37553  
the clerks of the senate and house of representatives as 37554  
nonvoting, ex officio members. By a vote of a majority of its 37555  
members, the program committee may add additional members to the 37556  
committee. 37557

(2) The legislative programming committee shall adopt rules 37558  
that govern the operation of the Ohio government 37559  
telecommunications service relating to the general assembly and 37560  
any affiliated organizations. 37561

(C) The Ohio government telecommunications service is 37562  
authorized to broadcast and record any committee meeting of the 37563  
senate or house of representatives as directed by the presiding 37564  
officer of the senate or house of representatives. 37565

As used in this division, "committee" and "meeting" have the 37566  
same meanings as in section 101.15 of the Revised Code. 37567

Sec. 3358.02. (A) A state community college district may be 37568  
created to take the place of a technical college or a university 37569  
branch with the approval of the ~~Ohio board of regents~~ chancellor 37570  
of higher education upon the proposal of the board of trustees of 37571  
a technical college district, or upon the proposal of the board of 37572  
trustees of a state university, or upon the joint proposal of both 37573  
such boards, and pursuant to an agreement entered into under 37574  
section 3358.05 of the Revised Code. A state community college 37575  
district may not be created to take the place of both a technical 37576  
college district and a university branch without the consent of 37577  
both boards of trustees. 37578

The attorney general shall be the attorney for each state 37579  
community college district and shall provide legal advice in all 37580  
matters relating to its powers and duties. 37581

(B)(1) Qualified electors residing in a county, or in two or 37582  
more contiguous counties, with a total population of at least one 37583  
hundred fifty thousand may, in the manner prescribed in division 37584  
(C) of section 3354.02 of the Revised Code, execute a petition 37585  
proposing the creation of a state community college district 37586  
within the territory of the county or counties. Upon the 37587  
certification to the ~~board of regents~~ chancellor that a majority 37588  
of the electors voting on the proposition in the territory in 37589  
which the proposed college is to be located voted in favor 37590  
thereof, the ~~board~~ chancellor may create a state community college 37591  
district comprising the territory included in the petition. 37592

(2) The board of county commissioners of a county in which 37594  
there is no university branch or technical college and which has a 37595  
population of not less than one hundred fifty thousand may, by 37596  
resolution approved by two-thirds of its members, propose the 37597  
creation of a state community college district within the county. 37598

Upon certification to the ~~board of regents~~ chancellor of a copy of 37599  
such resolution, the ~~board~~ chancellor may create a state community 37600  
college district comprising a county. 37601

(3) The boards of county commissioners of any two or more 37602  
contiguous counties in which there is no university branch or 37603  
technical college and which have a combined population of not less 37604  
than one hundred fifty thousand may, by a resolution approved by 37605  
two-thirds of the members of each such board, jointly propose the 37606  
creation of a state community college district within the 37607  
territory of the counties. Upon certification to the ~~board of~~ 37608  
~~regents~~ chancellor of a copy of the resolution, the ~~board~~ 37609  
chancellor may create a state community college district 37610  
comprising the counties. 37611

(C) A state community college district may be expanded to 37612  
include one or more counties, by a majority vote of the board of 37613  
trustees and upon approval by the ~~board of regents~~ chancellor. 37614

(D) Upon a proposal of the board of trustees of a state 37615  
community college district, the ~~board of regents~~ chancellor may 37616  
amend the charter of a state community college to change it into a 37617  
community college as defined in section 3354.01 of the Revised 37618  
Code, in order to permit the college to seek a local levy. Such 37619  
amendment of the charter is effective immediately upon its 37620  
acceptance by the ~~board of regents~~ chancellor, and the state 37621  
community college district shall thereupon become a community 37622  
college district. If a levy is defeated by the voters or if no 37623  
levy is approved by the electors within one year after the date 37624  
the amendment takes effect, such amendment becomes void, and the 37625  
college shall thereupon become a a state community college, and 37626  
the district operating such college shall become a state community 37627  
college district. On the effective date of a charter amendment the 37628  
board of trustees of the state community college district shall 37629  
become the initial board of trustees for the community college 37630

district to serve for the balance of their existing terms, and the 37631  
board or boards of county commissioners from the counties involved 37632  
shall fill the first six vacancies occurring on the community 37633  
college board, and thereafter board members shall be appointed 37634  
under section 3354.05 of the Revised Code. If such an amendment 37635  
takes effect and is subsequently voided under this section, any 37636  
persons appointed to the board during the period the amendment was 37637  
in effect shall be considered members of the state community 37638  
college district board, and thereafter trustees shall be appointed 37639  
in accordance with section 3358.03 of the Revised Code. 37640

Within thirty days after approval by the ~~board of regents~~ 37641  
chancellor of a state community college district proposed under 37642  
this section, the ~~board of regents~~ chancellor shall file with the 37643  
secretary of state a copy of ~~its~~ the chancellor's certification ~~or~~ 37644  
~~resolution~~ creating the district. This copy shall be recorded in 37645  
the office of the secretary of state, who shall then declare the 37646  
district to be established. 37647

In addition to the process described in this division, a 37648  
state community college may seek a local levy in accordance with 37649  
section 3358.11 of the Revised Code for the purposes prescribed in 37650  
that section. 37651

**Sec. 3358.06.** (A)(1) The treasurer of each state community 37652  
college district shall be its fiscal officer, and the treasurer 37653  
shall receive and disburse all funds under the direction of the 37654  
college president. No contract of the college's board of trustees 37655  
involving the expenditure of money shall become effective until 37656  
the treasurer certifies that there are funds of the board 37657  
otherwise uncommitted and sufficient to provide therefor, subject 37658  
to division (A)(2) of this section. 37659

When the treasurer ceases to hold the office, the treasurer 37660  
or the treasurer's legal representative shall deliver to the 37661

treasurer's successor or the president all moneys, books, papers, 37662  
and other property of the college. 37663

Before entering upon the discharge of official duties, the 37664  
treasurer shall give bond to the state or be insured for the 37665  
faithful performance of official duties and the proper accounting 37666  
for all moneys coming into the treasurer's care. The amount of the 37667  
bond or insurance shall be determined by the board but shall not 37668  
be for a sum less than the estimated amount that may come into the 37669  
treasurer's control at any time, less any reasonable deductible. 37670

(2) If the board of trustees levies a tax under section 37671  
3358.11 of the Revised Code, the board and the treasurer are 37672  
subject to and shall comply with division (D) of section 5705.41 37673  
of the Revised Code. 37674

(B) The board of trustees may provide for the investment of 37675  
district funds. Investments may be made in securities of the 37676  
United States government or of its agencies or instrumentalities, 37677  
the treasurer of state's pooled investment program, obligations of 37678  
this state or any political subdivision of this state, 37679  
certificates of deposit of any national bank located in this 37680  
state, written repurchase agreements with any eligible Ohio 37681  
financial institution that is a member of the federal reserve 37682  
system or federal home loan bank, money market funds, or bankers 37683  
acceptances maturing in two hundred seventy days or less which are 37684  
eligible for purchase by the federal reserve system, as a reserve. 37685  
Notwithstanding the foregoing or any provision of the Revised Code 37686  
to the contrary, the board of trustees of a state community 37687  
college district may provide for the investment of district funds 37688  
in any manner authorized under section 3345.05 of the Revised 37689  
Code. 37690

Sec. 3358.11. (A) In the same manner as a tax may be proposed 37691  
by a board of trustees of a community college district under 37692

section 3354.12 of the Revised Code, the board of trustees of a 37693  
state community college district may adopt and certify a 37694  
resolution to the board of elections of one or more of the 37695  
counties comprising the state community college district directing 37696  
the board of elections to place on the ballot at any general or 37697  
special election the question of levying a tax in excess of the 37698  
ten-mill limitation on all the taxable property in that county or 37699  
those counties. The tax may be for any of the following purposes, 37700  
as stated in the resolution: 37701

(1) The acquisition of sites in that county or those 37702  
counties; 37703

(2) The erection, furnishing, and equipment of buildings in 37704  
that county or those counties; 37705

(3) The acquisition, construction, or improvement of any 37706  
property in that county or those counties which the board of 37707  
trustees of a state community college is authorized to acquire, 37708  
construct, or improve and which has an estimated life or 37709  
usefulness of five years or more as certified by the treasurer of 37710  
the board of trustees. 37711

The resolution shall declare that the proceeds of the levy or 37712  
issue may be used solely within the county or counties in which 37713  
the tax is levied and state the term of the tax, which may be for 37714  
any term authorized for a tax levied under section 3354.12 of the 37715  
Revised Code. The question of such a tax may not be submitted at 37716  
more than two special elections held in any one calendar year. 37717  
Levies for a continuing period of time adopted under this section 37718  
may be reduced in accordance with section 5705.261 of the Revised 37719  
Code. 37720

The election shall be held, canvassed, and certified in the 37721  
manner provided for the submission of a tax levy under section 37722  
3354.12 of the Revised Code. A tax levied under this section may 37723

be renewed in the same manner as a tax levied under section 37724  
3354.12 of the Revised Code or replaced in accordance with section 37725  
5705.192 of the Revised Code. 37726

If electors approve the levy, the board of trustees may 37727  
anticipate a fraction of the proceeds of the levy and may, from 37728  
time to time, issue anticipation notes in the same manner and 37729  
subject to the same limitations provided under section 3354.12 of 37730  
the Revised Code. 37731

(B) In accordance with Chapter 133. of the Revised Code, the 37732  
board of trustees of a state community college district may adopt 37733  
and certify a resolution to the board of elections of one or more 37734  
of the counties comprising the district directing the board of 37735  
elections to place on the ballot at any election authorized under 37736  
section 133.18 of the Revised Code both of the following 37737  
questions: 37738

(1) The question of issuing bonds for paying all or part of 37739  
the cost of the following: 37740

(a) The purchase of sites in that county or those counties; 37741

(b) The erection, furnishings, and equipment of buildings in 37742  
that county or those counties; 37743

(c) The acquisition or construction of any property in that 37744  
county or those counties which the board of trustees is authorized 37745  
to acquire or construct and which has an estimated life or 37746  
usefulness of five years or more as certified by the treasurer of 37747  
the board of trustees. 37748

(2) The question of levying a tax in excess of the ten-mill 37749  
limitation on all the taxable property in that county or those 37750  
counties to pay the interest on and retire any bonds approved by 37751  
the electors under division (B)(1) of this section. 37752

The election shall be held, canvassed, and certified in the 37753

manner provided for the submission of a bond issuance and tax levy 37754  
under section 3354.11 of the Revised Code. Bonds approved by 37755  
electors under division (B)(1) of this section may be issued for 37756  
one or more improvements which the district is authorized to 37757  
acquire or construct, notwithstanding the fact that such 37758  
improvements may not be for more than one purpose under Chapter 37759  
133. of the Revised Code. 37760

Notes may be issued in anticipation of any bonds that may be 37761  
approved by the electors under division (B)(1) of this section in 37762  
the manner provided under section 133.22 of the Revised Code. 37763

For the purpose of applying Chapter 133. of the Revised Code 37764  
to division (B) of this section, the treasurer of the state 37765  
community college district shall be considered to be the 37766  
district's fiscal officer, and the board of trustees of the state 37767  
community college district shall be considered to be the taxing 37768  
authority. 37769

(C) The board of trustees of a state community college 37770  
district that levies a tax or proposes to levy a tax under 37771  
division (A) or (B) of this section shall be considered to be a 37772  
taxing authority, the county or counties in which the tax is 37773  
levied shall be considered to be a subdivision, and the treasurer 37774  
of the board of trustees shall be considered to be a fiscal 37775  
officer for the purposes of Chapter 5705. of the Revised Code, 37776  
except for section 5705.19 of the Revised Code. 37777

**Sec. 3501.01.** As used in the sections of the Revised Code 37778  
relating to elections and political communications: 37779

(A) "General election" means the election held on the first 37780  
Tuesday after the first Monday in each November. 37781

(B) "Regular municipal election" means the election held on 37782  
the first Tuesday after the first Monday in November in each 37783



odd-numbered year. 37784

(C) "Regular state election" means the election held on the 37785  
first Tuesday after the first Monday in November in each 37786  
even-numbered year. 37787

(D) "Special election" means any election other than those 37788  
elections defined in other divisions of this section. A special 37789  
election may be held only on the first Tuesday after the first 37790  
Monday in May, August, or November, or on the day authorized by a 37791  
particular municipal or county charter for the holding of a 37792  
primary election, except that in any year in which a presidential 37793  
primary election is held, no special election shall be held in 37794  
May, except as authorized by a municipal or county charter, but 37795  
may be held on the ~~second~~ third Tuesday after the first Monday in 37796  
March. 37797

(E)(1) "Primary" or "primary election" means an election held 37798  
for the purpose of nominating persons as candidates of political 37799  
parties for election to offices, and for the purpose of electing 37800  
persons as members of the controlling committees of political 37801  
parties and as delegates and alternates to the conventions of 37802  
political parties. Primary elections shall be held on the first 37803  
Tuesday after the first Monday in May of each year except in years 37804  
in which a presidential primary election is held. 37805

(2) "Presidential primary election" means a primary election 37806  
as defined by division (E)(1) of this section at which an election 37807  
is held for the purpose of choosing delegates and alternates to 37808  
the national conventions of the major political parties pursuant 37809  
to section 3513.12 of the Revised Code. Unless otherwise 37810  
specified, presidential primary elections are included in 37811  
references to primary elections. In years in which a presidential 37812  
primary election is held, all primary elections shall be held on 37813  
the ~~second~~ third Tuesday after the first Monday in March except as 37814  
otherwise authorized by a municipal or county charter. 37815

(F) "Political party" means any group of voters meeting the requirements set forth in section 3517.01 of the Revised Code for the formation and existence of a political party.

(1) "Major political party" means any political party organized under the laws of this state whose candidate for governor or nominees for presidential electors received not less than twenty per cent of the total vote cast for such office at the most recent regular state election.

(2) "Minor political party" means any political party organized under the laws of this state that meets either of the following requirements:

(a) Except as otherwise provided in this division, the political party's candidate for governor or nominees for presidential electors received less than twenty per cent but not less than three per cent of the total vote cast for such office at the most recent regular state election. A political party that meets the requirements of this division remains a political party for a period of four years after meeting those requirements.

(b) The political party has filed with the secretary of state, subsequent to its failure to meet the requirements of division (F)(2)(a) of this section, a petition that meets the requirements of section 3517.01 of the Revised Code.

A newly formed political party shall be known as a minor political party until the time of the first election for governor or president which occurs not less than twelve months subsequent to the formation of such party, after which election the status of such party shall be determined by the vote for the office of governor or president.

(G) "Dominant party in a precinct" or "dominant political party in a precinct" means that political party whose candidate for election to the office of governor at the most recent regular

state election at which a governor was elected received more votes 37847  
than any other person received for election to that office in such 37848  
precinct at such election. 37849

(H) "Candidate" means any qualified person certified in 37850  
accordance with the provisions of the Revised Code for placement 37851  
on the official ballot of a primary, general, or special election 37852  
to be held in this state, or any qualified person who claims to be 37853  
a write-in candidate, or who knowingly assents to being 37854  
represented as a write-in candidate by another at either a 37855  
primary, general, or special election to be held in this state. 37856

(I) "Independent candidate" means any candidate who claims 37857  
not to be affiliated with a political party, and whose name has 37858  
been certified on the office-type ballot at a general or special 37859  
election through the filing of a statement of candidacy and 37860  
nominating petition, as prescribed in section 3513.257 of the 37861  
Revised Code. 37862

(J) "Nonpartisan candidate" means any candidate whose name is 37863  
required, pursuant to section 3505.04 of the Revised Code, to be 37864  
listed on the nonpartisan ballot, including all candidates for 37865  
judicial office, for member of any board of education, for 37866  
municipal or township offices in which primary elections are not 37867  
held for nominating candidates by political parties, and for 37868  
offices of municipal corporations having charters that provide for 37869  
separate ballots for elections for these offices. 37870

(K) "Party candidate" means any candidate who claims to be a 37871  
member of a political party and who has been certified to appear 37872  
on the office-type ballot at a general or special election as the 37873  
nominee of a political party because the candidate has won the 37874  
primary election of the candidate's party for the public office 37875  
the candidate seeks, has been nominated under section 3517.012, or 37876  
is selected by party committee in accordance with section 3513.31 37877  
of the Revised Code. 37878

(L) "Officer of a political party" includes, but is not limited to, any member, elected or appointed, of a controlling committee, whether representing the territory of the state, a district therein, a county, township, a city, a ward, a precinct, or other territory, of a major or minor political party.

(M) "Question or issue" means any question or issue certified in accordance with the Revised Code for placement on an official ballot at a general or special election to be held in this state.

(N) "Elector" or "qualified elector" means a person having the qualifications provided by law to be entitled to vote.

(O) "Voter" means an elector who votes at an election.

(P) "Voting residence" means that place of residence of an elector which shall determine the precinct in which the elector may vote.

(Q) "Precinct" means a district within a county established by the board of elections of such county within which all qualified electors having a voting residence therein may vote at the same polling place.

(R) "Polling place" means that place provided for each precinct at which the electors having a voting residence in such precinct may vote.

(S) "Board" or "board of elections" means the board of elections appointed in a county pursuant to section 3501.06 of the Revised Code.

(T) "Political subdivision" means a county, township, city, village, or school district.

(U) "Election officer" or "election official" means any of the following:

(1) Secretary of state;

(2) Employees of the secretary of state serving the division

of elections in the capacity of attorney, administrative officer,	37909
administrative assistant, elections administrator, office manager,	37910
or clerical supervisor;	37911
(3) Director of a board of elections;	37912
(4) Deputy director of a board of elections;	37913
(5) Member of a board of elections;	37914
(6) Employees of a board of elections;	37915
(7) Precinct election officials;	37916
(8) Employees appointed by the boards of elections on a	37917
temporary or part-time basis.	37918
(V) "Acknowledgment notice" means a notice sent by a board of	37919
elections, on a form prescribed by the secretary of state,	37920
informing a voter registration applicant or an applicant who	37921
wishes to change the applicant's residence or name of the status	37922
of the application; the information necessary to complete or	37923
update the application, if any; and if the application is	37924
complete, the precinct in which the applicant is to vote.	37925
(W) "Confirmation notice" means a notice sent by a board of	37926
elections, on a form prescribed by the secretary of state, to a	37927
registered elector to confirm the registered elector's current	37928
address.	37929
(X) "Designated agency" means an office or agency in the	37930
state that provides public assistance or that provides	37931
state-funded programs primarily engaged in providing services to	37932
persons with disabilities and that is required by the National	37933
Voter Registration Act of 1993 to implement a program designed and	37934
administered by the secretary of state for registering voters, or	37935
any other public or government office or agency that implements a	37936
program designed and administered by the secretary of state for	37937
registering voters, including the department of job and family	37938

services, the program administered under section 3701.132 of the Revised Code by the department of health, the department of mental health and addiction services, the department of developmental disabilities, the opportunities for Ohioans with disabilities agency, and any other agency the secretary of state designates. "Designated agency" does not include public high schools and vocational schools, public libraries, or the office of a county treasurer.

(Y) "National Voter Registration Act of 1993" means the "National Voter Registration Act of 1993," 107 Stat. 77, 42 U.S.C.A. 1973gg.

(Z) "Voting Rights Act of 1965" means the "Voting Rights Act of 1965," 79 Stat. 437, 42 U.S.C.A. 1973, as amended.

(AA) "Photo identification" means a document that meets each of the following requirements:

(1) It shows the name of the individual to whom it was issued, which shall conform to the name in the poll list or signature pollbook.

(2) It shows the current address of the individual to whom it was issued, which shall conform to the address in the poll list or signature pollbook, except for a driver's license or a state identification card issued under section 4507.50 of the Revised Code, which may show either the current or former address of the individual to whom it was issued, regardless of whether that address conforms to the address in the poll list or signature pollbook.

(3) It shows a photograph of the individual to whom it was issued.

(4) It includes an expiration date that has not passed.

(5) It was issued by the government of the United States or

this state.	37969
<b>Sec. 3501.05.</b> The secretary of state shall do all of the	37970
following:	37971
(A) Appoint all members of boards of elections;	37972
(B) Issue instructions by directives and advisories in	37973
accordance with section 3501.053 of the Revised Code to members of	37974
the boards as to the proper methods of conducting elections.	37975
(C) Prepare rules and instructions for the conduct of	37976
elections;	37977
(D) Publish and furnish to the boards from time to time a	37978
sufficient number of indexed copies of all election laws then in	37979
force;	37980
(E) Edit and issue all pamphlets concerning proposed laws or	37981
amendments required by law to be submitted to the voters;	37982
(F) Prescribe the form of registration cards, blanks, and	37983
records;	37984
(G) Determine and prescribe the forms of ballots and the	37985
forms of all blanks, cards of instructions, pollbooks, tally	37986
sheets, certificates of election, and forms and blanks required by	37987
law for use by candidates, committees, and boards;	37988
(H) Prepare the ballot title or statement to be placed on the	37989
ballot for any proposed law or amendment to the constitution to be	37990
submitted to the voters of the state;	37991
(I) Except as otherwise provided in section 3519.08 of the	37992
Revised Code, certify to the several boards the forms of ballots	37993
and names of candidates for state offices, and the form and	37994
wording of state referendum questions and issues, as they shall	37995
appear on the ballot;	37996
(J) Except as otherwise provided in division (I)(2)(b) of	37997

section 3501.38 of the Revised Code, give final approval to ballot 37998  
language for any local question or issue approved and transmitted 37999  
by boards of elections under section 3501.11 of the Revised Code; 38000

(K) Receive all initiative and referendum petitions on state 38001  
questions and issues and determine and certify to the sufficiency 38002  
of those petitions; 38003

(L) Require such reports from the several boards as are 38004  
provided by law, or as the secretary of state considers necessary; 38005

(M) Compel the observance by election officers in the several 38006  
counties of the requirements of the election laws; 38007

(N)(1) Except as otherwise provided in division (N)(2) of 38008  
this section, investigate the administration of election laws, 38009  
frauds, and irregularities in elections in any county, and report 38010  
violations of election laws to the attorney general or prosecuting 38011  
attorney, or both, for prosecution; 38012

(2) On and after August 24, 1995, report a failure to comply 38013  
with or a violation of a provision in sections 3517.08 to 3517.13, 38014  
~~3517.17, 3517.18,~~ 3517.20 to 3517.22, 3599.03, or 3599.031 of the 38015  
Revised Code, whenever the secretary of state has or should have 38016  
knowledge of a failure to comply with or a violation of a 38017  
provision in one of those sections, by filing a complaint with the 38018  
Ohio elections commission under section 3517.153 of the Revised 38019  
Code. 38020

(O) Make an annual report to the governor containing the 38021  
results of elections, the cost of elections in the various 38022  
counties, a tabulation of the votes in the several political 38023  
subdivisions, and other information and recommendations relative 38024  
to elections the secretary of state considers desirable; 38025

(P) Prescribe and distribute to boards of elections a list of 38026  
instructions indicating all legal steps necessary to petition 38027  
successfully for local option elections under sections 4301.32 to 38028



4301.41, 4303.29, 4305.14, and 4305.15 of the Revised Code; 38029

(Q) Adopt rules pursuant to Chapter 119. of the Revised Code 38030  
for the removal by boards of elections of ineligible voters from 38031  
the statewide voter registration database and, if applicable, from 38032  
the poll list or signature pollbook used in each precinct, which 38033  
rules shall provide for all of the following: 38034

(1) A process for the removal of voters who have changed 38035  
residence, which shall be uniform, nondiscriminatory, and in 38036  
compliance with the Voting Rights Act of 1965 and the National 38037  
Voter Registration Act of 1993, including a program that uses the 38038  
national change of address service provided by the United States 38039  
postal system through its licensees; 38040

(2) A process for the removal of ineligible voters under 38041  
section 3503.21 of the Revised Code; 38042

(3) A uniform system for marking or removing the name of a 38043  
voter who is ineligible to vote from the statewide voter 38044  
registration database and, if applicable, from the poll list or 38045  
signature pollbook used in each precinct and noting the reason for 38046  
that mark or removal. 38047

(R) Prescribe a general program for registering voters or 38048  
updating voter registration information, such as name and 38049  
residence changes, by boards of elections, designated agencies, 38050  
offices of deputy registrars of motor vehicles, public high 38051  
schools and vocational schools, public libraries, and offices of 38052  
county treasurers consistent with the requirements of section 38053  
3503.09 of the Revised Code; 38054

(S) Prescribe a program of distribution of voter registration 38055  
forms through boards of elections, designated agencies, offices of 38056  
the registrar and deputy registrars of motor vehicles, public high 38057  
schools and vocational schools, public libraries, and offices of 38058  
county treasurers; 38059

(T) To the extent feasible, provide copies, at no cost and upon request, of the voter registration form in post offices in this state;

(U) Adopt rules pursuant to section 111.15 of the Revised Code for the purpose of implementing the program for registering voters through boards of elections, designated agencies, and the offices of the registrar and deputy registrars of motor vehicles consistent with this chapter;

(V) Establish the full-time position of Americans with Disabilities Act coordinator within the office of the secretary of state to do all of the following:

(1) Assist the secretary of state with ensuring that there is equal access to polling places for persons with disabilities;

(2) Assist the secretary of state with ensuring that each voter may cast the voter's ballot in a manner that provides the same opportunity for access and participation, including privacy and independence, as for other voters;

(3) Advise the secretary of state in the development of standards for the certification of voting machines, marking devices, and automatic tabulating equipment.

(W) Establish and maintain a computerized statewide database of all legally registered voters under section 3503.15 of the Revised Code that complies with the requirements of the "Help America Vote Act of 2002," Pub. L. No. 107-252, 116 Stat. 1666, and provide training in the operation of that system;

(X) Ensure that all directives, advisories, other instructions, or decisions issued or made during or as a result of any conference or teleconference call with a board of elections to discuss the proper methods and procedures for conducting elections, to answer questions regarding elections, or to discuss the interpretation of directives, advisories, or other

instructions issued by the secretary of state are posted on a web 38091  
site of the office of the secretary of state as soon as is 38092  
practicable after the completion of the conference or 38093  
teleconference call, but not later than the close of business on 38094  
the same day as the conference or teleconference call takes place. 38095

(Y) Publish a report on a web site of the office of the 38096  
secretary of state not later than one month after the completion 38097  
of the canvass of the election returns for each primary and 38098  
general election, identifying, by county, the number of absent 38099  
voter's ballots cast and the number of those ballots that were 38100  
counted, and the number of provisional ballots cast and the number 38101  
of those ballots that were counted, for that election. The 38102  
secretary of state shall maintain the information on the web site 38103  
in an archive format for each subsequent election. 38104

(Z) Conduct voter education outlining voter identification, 38105  
absent voters ballot, provisional ballot, and other voting 38106  
requirements; 38107

(AA) Establish a procedure by which a registered elector may 38108  
make available to a board of elections a more recent signature to 38109  
be used in the poll list or signature pollbook produced by the 38110  
board of elections of the county in which the elector resides; 38111

(BB) Disseminate information, which may include all or part 38112  
of the official explanations and arguments, by means of direct 38113  
mail or other written publication, broadcast, or other means or 38114  
combination of means, as directed by the Ohio ballot board under 38115  
division (F) of section 3505.062 of the Revised Code, in order to 38116  
inform the voters as fully as possible concerning each proposed 38117  
constitutional amendment, proposed law, or referendum; 38118

(CC) Be the single state office responsible for the 38119  
implementation of the "Uniformed and Overseas Citizens Absentee 38120  
Voting Act," Pub. L. No. 99-410, 100 Stat. 924, 42 U.S.C. 1973ff, 38121

et seq., as amended, in this state. The secretary of state may 38122  
delegate to the boards of elections responsibilities for the 38123  
implementation of that act, including responsibilities arising 38124  
from amendments to that act made by the "Military and Overseas 38125  
Voter Empowerment Act," Subtitle H of the "National Defense 38126  
Authorization Act for Fiscal Year 2010," Pub. L. No. 111-84, 123 38127  
Stat. 3190. 38128

(DD) Adopt rules, under Chapter 119. of the Revised Code, to 38129  
establish procedures and standards for determining when a board of 38130  
elections shall be placed under the official oversight of the 38131  
secretary of state, placing a board of elections under the 38132  
official oversight of the secretary of state, a board that is 38133  
under official oversight to transition out of official oversight, 38134  
and the secretary of state to supervise a board of elections that 38135  
is under official oversight of the secretary of state. 38136

(EE) Perform other duties required by law. 38137

Whenever a primary election is held under section 3513.32 of 38138  
the Revised Code or a special election is held under section 38139  
3521.03 of the Revised Code to fill a vacancy in the office of 38140  
representative to congress, the secretary of state shall establish 38141  
a deadline, notwithstanding any other deadline required under the 38142  
Revised Code, by which any or all of the following shall occur: 38143  
the filing of a declaration of candidacy and petitions or a 38144  
statement of candidacy and nominating petition together with the 38145  
applicable filing fee; the filing of protests against the 38146  
candidacy of any person filing a declaration of candidacy or 38147  
nominating petition; the filing of a declaration of intent to be a 38148  
write-in candidate; the filing of campaign finance reports; the 38149  
preparation of, and the making of corrections or challenges to, 38150  
precinct voter registration lists; the receipt of applications for 38151  
absent voter's ballots or uniformed services or overseas absent 38152  
voter's ballots; the supplying of election materials to precincts 38153

by boards of elections; the holding of hearings by boards of 38154  
elections to consider challenges to the right of a person to 38155  
appear on a voter registration list; and the scheduling of 38156  
programs to instruct or reinstruct election officers. 38157

In the performance of the secretary of state's duties as the 38158  
chief election officer, the secretary of state may administer 38159  
oaths, issue subpoenas, summon witnesses, compel the production of 38160  
books, papers, records, and other evidence, and fix the time and 38161  
place for hearing any matters relating to the administration and 38162  
enforcement of the election laws. 38163

In any controversy involving or arising out of the adoption 38164  
of registration or the appropriation of funds for registration, 38165  
the secretary of state may, through the attorney general, bring an 38166  
action in the name of the state in the court of common pleas of 38167  
the county where the cause of action arose or in an adjoining 38168  
county, to adjudicate the question. 38169

In any action involving the laws in Title XXXV of the Revised 38170  
Code wherein the interpretation of those laws is in issue in such 38171  
a manner that the result of the action will affect the lawful 38172  
duties of the secretary of state or of any board of elections, the 38173  
secretary of state may, on the secretary of state's motion, be 38174  
made a party. 38175

The secretary of state may apply to any court that is hearing 38176  
a case in which the secretary of state is a party, for a change of 38177  
venue as a substantive right, and the change of venue shall be 38178  
allowed, and the case removed to the court of common pleas of an 38179  
adjoining county named in the application or, if there are cases 38180  
pending in more than one jurisdiction that involve the same or 38181  
similar issues, the court of common pleas of Franklin county. 38182

Public high schools and vocational schools, public libraries, 38183  
and the office of a county treasurer shall implement voter 38184

registration programs as directed by the secretary of state 38185  
pursuant to this section. 38186

The secretary of state may mail unsolicited applications for 38187  
absent voter's ballots to individuals only for a general election 38188  
and only if the general assembly has made an appropriation for 38189  
that particular mailing. Under no other circumstance shall a 38190  
public office, or a public official or employee who is acting in 38191  
an official capacity, mail unsolicited applications for absent 38192  
voter's ballots to any individuals. 38193

**Sec. 3501.12.** (A) The annual compensation of members of the 38194  
board of elections shall be determined on the basis of the 38195  
population of the county according to the next preceding federal 38196  
census, and shall be paid monthly out of the appropriations made 38197  
to the board and upon vouchers or payrolls certified by the 38198  
chairperson, or a member of the board designated by it, and 38199  
countersigned by the director or in the director's absence by the 38200  
deputy director. Upon presentation of any such voucher or payroll, 38201  
the county auditor shall issue a warrant upon the county treasurer 38202  
for the amount thereof as in the case of vouchers or payrolls for 38203  
county offices and the treasurer shall pay such warrant. 38204

(B) In calendar year 2018, the amount of annual compensation 38205  
of each member of the board of elections shall be ~~as follows~~ the 38206  
greater of the following: 38207

(1) ~~One~~ The sum of the following: 38208

(a) One hundred two dollars and forty-one cents for each full 38209  
one thousand of the first one hundred thousand population; 38210

~~(2)~~ (b) Forty-eight dollars and seventy-nine cents for each 38211  
full one thousand of the second one hundred thousand population; 38212

~~(3)~~ (c) Twenty-six dollars and fifty cents for each full one 38213  
thousand of the third one hundred thousand population; 38214

~~(4)(d)~~ Eight dollars and thirteen cents for each full one thousand above three hundred thousand population. 38215  
38216

(2) Six thousand dollars. 38217

(C) In calendar year 2019 and in each calendar year 38218  
thereafter through calendar year 2028, the annual compensation of 38219  
each member of the board shall be computed after increasing the 38220  
dollar amounts specified in ~~division~~ divisions (B)(1) and (2) of 38221  
this section by one and three-quarters per cent. 38222

~~Such compensation shall not be less than six thousand 38223  
dollars.~~ 38224

(D) For the purposes of this section, members of boards of 38225  
elections shall be deemed to be appointed and not elected, and 38226  
therefore not subject to Section 20 of Article II of the Ohio 38227  
Constitution. 38228

**Sec. 3501.22.** (A)(1) ~~On~~ Except as otherwise provided in 38229  
division (A)(2) of this section, on or before the fifteenth day of 38230  
September in each year, the board of elections by a majority vote 38231  
shall, after careful examination and investigation as to their 38232  
qualifications, appoint for each election precinct four residents 38233  
of the county in which the precinct is located, as precinct 38234  
election officials. Except as otherwise provided in division (C) 38235  
of this section, all precinct election officials shall be 38236  
qualified electors. The precinct election officials shall 38237  
constitute the election officers of the precinct. Not more than 38238  
one-half of the total number of precinct election officials shall 38239  
be members of the same political party. The term of such precinct 38240  
officers shall be for one year. The board may, at any time, 38241  
designate any number of election officers, not more than one-half 38242  
of whom shall be members of the same political party, to perform 38243  
their duties at any precinct in any election. The board may 38244  
appoint additional officials, equally divided between the two 38245

major political parties, when necessary to expedite voting. If the 38246  
board of elections determines that four precinct election 38247  
officials are not required in a precinct for a special election, 38248  
the board of elections may select two of the precinct's election 38249  
officers, who are not members of the same political party, to 38250  
serve as the precinct election officials for that precinct in that 38251  
special election. 38252

Vacancies for unexpired terms shall be filled by the board. 38253  
When new precincts have been created, the board shall appoint 38254  
precinct election officials for those precincts for the unexpired 38255  
term. Any precinct election official may be summarily removed from 38256  
office at any time by the board for neglect of duty, malfeasance, 38257  
or misconduct in office or for any other good and sufficient 38258  
reason. 38259

Precinct election officials shall perform all of the duties 38260  
provided by law for receiving the ballots and supplies, opening 38261  
and closing the polls, and overseeing the casting of ballots 38262  
during the time the polls are open, and any other duties required 38263  
by section 3501.26 of the Revised Code. 38264

A board of elections may designate two precinct election 38265  
officials as counting officials to count and tally the votes cast 38266  
and certify the results of the election at each precinct, and 38267  
perform other duties as provided by law. To expedite the counting 38268  
of votes at each precinct, the board may appoint additional 38269  
officials, not more than one-half of whom shall be members of the 38270  
same political party. 38271

Except as otherwise provided in division (A)(2) of this 38272  
section, the board shall designate one of the precinct election 38273  
officials who is a member of the dominant political party to serve 38274  
as a voting location manager, whose duty it is to deliver the 38275  
returns of the election and all supplies to the office of the 38276  
board. For these services, the voting location manager shall 38277



receive additional compensation in an amount, consistent with 38278  
section 3501.28 of the Revised Code, determined by the board of 38279  
elections. 38280

The board shall issue to each precinct election official a 38281  
certificate of appointment, which the official shall present to 38282  
the voting location manager at the time the polls are opened. 38283

(2) If the board of elections, by a vote of at least three 38284  
members of the board, opts to have a single voting location serve 38285  
more than one precinct, the board may do ~~both~~ any of the 38286  
following: 38287

(a) Designate a single ~~presiding judge voting location~~ 38288  
manager for the voting location. The ~~presiding judge voting~~ 38289  
location manager shall be a member of the political party whose 38290  
candidate received the highest number of votes for governor at the 38291  
most recent general election for that office in the precincts 38292  
whose polling places are located at the applicable voting 38293  
location, when tallying the combined vote for governor in all such 38294  
precincts. 38295

(b) Combine the pollbooks for those precincts to create a 38296  
single pollbook for the voting location; 38297

(c) If electronic pollbooks are being used in the voting 38298  
location, as described in section 3506.021 of the Revised Code, 38299  
appoint not less than two precinct election officials for each 38300  
precinct, so long as the board approves the decision to reduce the 38301  
number of precinct election officials by the affirmative vote of 38302  
at least three of its members. 38303

(B) If the board of elections determines that not enough 38304  
qualified electors in a precinct are available to serve as 38305  
precinct officers, it may appoint persons to serve as precinct 38306  
officers at a primary, special, or general election who are at 38307  
least seventeen years of age and are registered to vote in 38308

accordance with section 3503.07 of the Revised Code. 38309

(C)(1) A board of elections, in conjunction with the board of 38310  
education of a city, local, or exempted village school district, 38311  
the governing authority of a community school established under 38312  
Chapter 3314. of the Revised Code, or the chief administrator of a 38313  
nonpublic school may establish a program permitting certain high 38314  
school students to apply and, if appointed by the board of 38315  
elections, to serve as precinct officers at a primary, special, or 38316  
general election. 38317

In addition to the requirements established by division 38318  
(C)(2) of this section, a board of education, governing authority, 38319  
or chief administrator that establishes a program under this 38320  
division in conjunction with a board of elections may establish 38321  
additional criteria that students shall meet to be eligible to 38322  
participate in that program. 38323

(2)(a) To be eligible to participate in a program established 38324  
under division (C)(1) of this section, a student shall be a United 38325  
States citizen, a resident of the county, at least seventeen years 38326  
of age, and enrolled in the senior year of high school. 38327

(b) Any student applying to participate in a program 38328  
established under division (C)(1) of this section, as part of the 38329  
student's application process, shall declare the student's 38330  
political party affiliation with the board of elections. 38331

(3) No student appointed as a precinct officer pursuant to a 38332  
program established under division (C)(1) of this section shall be 38333  
designated as a voting location manager. 38334

(4) Any student participating in a program established under 38335  
division (C)(1) of this section shall be excused for that 38336  
student's absence from school on the day of an election at which 38337  
the student is serving as a precinct officer. 38338

(D) In any precinct with six or more precinct officers, up to 38339

two students participating in a program established under division 38340  
(C)(1) of this section who are under eighteen years of age may 38341  
serve as precinct officers. Not more than one precinct officer in 38342  
any given precinct with fewer than six precinct officers shall be 38343  
under eighteen years of age. 38344

**Sec. 3513.01.** (A) Except as otherwise provided in this 38345  
section and section 3517.012 of the Revised Code, ~~on the second~~ 38346  
~~Tuesday after the first Monday in March of 2016 and every fourth~~ 38347  
~~year thereafter, and on the first Tuesday after the first Monday~~ 38348  
~~in May of every other year,~~ primary elections shall be held as 38349  
provided in division (E) of section 3501.01 of the Revised Code 38350  
for the purpose of nominating persons as candidates of political 38351  
parties for election to offices to be voted for at the succeeding 38352  
general election. 38353

(B) The manner of nominating persons as candidates for 38354  
election as officers of a municipal corporation having a 38355  
population of two thousand or more, as ascertained by the most 38356  
recent federal census, shall be the same as the manner in which 38357  
candidates were nominated for election as officers in the 38358  
municipal corporation in 1989 unless the manner of nominating such 38359  
candidates is changed under division (C), (D), or (E) of this 38360  
section. 38361

(C) Primary elections shall not be held for the nomination of 38362  
candidates for election as officers of any township, or any 38363  
municipal corporation having a population of less than two 38364  
thousand, unless a majority of the electors of any such township 38365  
or municipal corporation, as determined by the total number of 38366  
votes cast in such township or municipal corporation for the 38367  
office of governor at the most recent regular state election, 38368  
files with the board of elections of the county within which such 38369  
township or municipal corporation is located, or within which the 38370

major portion of the population thereof is located, if the 38371  
municipal corporation is situated in more than one county, not 38372  
later than one hundred twenty days before the day of a primary 38373  
election, a petition signed by such electors asking that 38374  
candidates for election as officers of such township or municipal 38375  
corporation be nominated as candidates of political parties, in 38376  
which event primary elections shall be held in such township or 38377  
municipal corporation for the purpose of nominating persons as 38378  
candidates of political parties for election as officers of such 38379  
township or municipal corporation to be voted for at the 38380  
succeeding regular municipal election. In a township or municipal 38381  
corporation where a majority of the electors have filed a petition 38382  
asking that candidates for election as officers of the township or 38383  
municipal corporation be nominated as candidates of political 38384  
parties, the nomination of candidates for a nonpartisan election 38385  
may be reestablished in the manner prescribed in division (E) of 38386  
this section. 38387

(D)(1) The electors in a municipal corporation having a 38388  
population of two thousand or more, in which municipal officers 38389  
were nominated in the most recent election by nominating petition 38390  
and elected by nonpartisan election, may place on the ballot in 38391  
the manner prescribed in division (D)(2) of this section the 38392  
question of changing to the primary-election method of nominating 38393  
persons as candidates for election as officers of the municipal 38394  
corporation. 38395

(2) The board of elections of the county within which the 38396  
municipal corporation is located, or, if the municipal corporation 38397  
is located in more than one county, of the county within which the 38398  
major portion of the population of the municipal corporation is 38399  
located, shall, upon receipt of a petition signed by electors of 38400  
the municipal corporation equal in number to at least ten per cent 38401  
of the vote cast at the most recent regular municipal election, 38402

submit to the electors of the municipal corporation the question 38403  
of changing to the primary-election method of nominating persons 38404  
as candidates for election as officers of the municipal 38405  
corporation. The ballot language shall be substantially as 38406  
follows: 38407

"Shall candidates for election as officers of ..... 38408  
(name of municipal corporation) in the county of ..... 38409  
(name of county) be nominated as candidates of political parties? 38410  
..... yes 38411  
..... no" 38412

The question shall be placed on the ballot at the next 38413  
general election in an even-numbered year occurring at least 38414  
ninety days after the petition is filed with the board. If a 38415  
majority of the electors voting on the question vote in the 38416  
affirmative, candidates for election as officers of the municipal 38417  
corporation shall thereafter be nominated as candidates of 38418  
political parties in primary elections, under division (A) of this 38419  
section, unless a change in the manner of nominating persons as 38420  
candidates for election as officers of the municipal corporation 38421  
is made under division (E) of this section. 38422

(E)(1) The electors in a township or municipal corporation in 38423  
which the township or municipal officers are nominated as 38424  
candidates of political parties in a primary election may place on 38425  
the ballot, in the manner prescribed in division (E)(2) of this 38426  
section, the question of changing to the nonpartisan method of 38427  
nominating persons as candidates for election as officers of the 38428  
township or municipal corporation. 38429

(2) The board of elections of the county within which the 38430  
township or municipal corporation is located, or, if the municipal 38431  
corporation is located in more than one county, of the county 38432  
within which the major portion of the population of the municipal 38433

corporation is located, shall, upon receipt of a petition signed 38434  
by electors of the township or municipal corporation equal in 38435  
number to at least ten per cent of the vote cast at the most 38436  
recent regular township or municipal election, as appropriate, 38437  
submit to the electors of the township or municipal corporation, 38438  
as appropriate, the question of changing to the nonpartisan method 38439  
of nominating persons as candidates for election as officers of 38440  
the township or municipal corporation. The ballot language shall 38441  
be substantially as follows: 38442

"Shall candidates for election as officers of ..... 38443  
(name of the township or municipal corporation) in the county of 38444  
..... (name of county) be nominated as candidates by 38445  
nominating petition and be elected only in a nonpartisan election? 38446  
..... yes 38447  
..... no" 38448

The question shall appear on the ballot at the next general 38449  
election in an even-numbered year occurring at least ninety days 38450  
after the petition is filed with the board. If a majority of 38451  
electors voting on the question vote in the affirmative, 38452  
candidates for officer of the township or municipal corporation 38453  
shall thereafter be nominated by nominating petition and be 38454  
elected only in a nonpartisan election, unless a change in the 38455  
manner of nominating persons as candidates for election as 38456  
officers of the township or municipal corporation is made under 38457  
division (C) or (D) of this section. 38458

**Sec. 3513.12.** At a presidential primary election, which shall 38459  
~~be held on the second Tuesday after the first Monday in March in~~ 38460  
~~the year 2016, and similarly in every fourth year thereafter~~ as 38461  
provided in division (E)(2) of section 3501.01 of the Revised 38462  
Code, delegates and alternates to the national conventions of the 38463  
different major political parties shall be chosen by direct vote 38464

of the electors as provided in this chapter. Candidates for 38465  
delegate and alternate shall be qualified and the election shall 38466  
be conducted in the manner prescribed in this chapter for the 38467  
nomination of candidates for state and district offices, except as 38468  
provided in section 3513.151 of the Revised Code and except that 38469  
whenever any group of candidates for delegate at large or 38470  
alternate at large, or any group of candidates for delegates or 38471  
alternates from districts, file with the secretary of state 38472  
statements as provided by this section, designating the same 38473  
persons as their first and second choices for president of the 38474  
United States, such a group of candidates may submit a group 38475  
petition containing a declaration of candidacy for each of such 38476  
candidates. The group petition need be signed only by the number 38477  
of electors required for the petition of a single candidate. No 38478  
group petition shall be submitted except by a group of candidates 38479  
equal in number to the whole number of delegates at large or 38480  
alternates at large to be elected or equal in number to the whole 38481  
number of delegates or alternates from a district to be elected. 38482

Each person seeking to be elected as delegate or alternate to 38483  
the national convention of the person's political party shall file 38484  
with the person's declaration of candidacy and certificate a 38485  
statement in writing signed by the person in which the person 38486  
shall state the person's first and second choices for nomination 38487  
as the candidate of the person's party for the presidency of the 38488  
United States. The secretary of state shall not permit any 38489  
declaration of candidacy and certificate of a candidate for 38490  
election as such delegate or alternate to be filed unless 38491  
accompanied by such statement in writing. The name of a candidate 38492  
for the presidency shall not be so used without the candidate's 38493  
written consent. 38494

A person who is a first choice for president of candidates 38495  
seeking election as delegates and alternates shall file with the 38496

secretary of state, prior to the day of the election, a list 38497  
indicating the order in which certificates of election are to be 38498  
issued to delegate or alternate candidates to whose candidacy the 38499  
person has consented, if fewer than all of such candidates are 38500  
entitled under party rules to be certified as elected. Each 38501  
candidate for election as such delegate or alternate may also file 38502  
along with the candidate's declaration of candidacy and 38503  
certificate a statement in writing signed by the candidate in the 38504  
following form: 38505

"Statement of Candidate 38506

For Election as ..... (Delegate) (Alternate) to the 38507

..... (name of political party) National Convention 38508

I hereby declare to the voters of my political party in the 38509  
State of Ohio that, if elected as ..... (delegate) 38510  
(alternate) to their national party convention, I shall, to the 38511  
best of my judgment and ability, support that candidate for 38512  
President of the United States who shall have been selected at 38513  
this primary by the voters of my party in the manner provided in 38514  
Chapter 3513. of the Ohio Revised Code, as their candidate for 38515  
such office. 38516

..... (name), 38517

Candidate for ..... 38518

(Delegate) (Alternate)" 38519

The procedures for the selection of candidates for delegate 38520  
and alternate to the national convention of a political party set 38521  
forth in this section and in section 3513.121 of the Revised Code 38522  
are alternative procedures, and if the procedures of this section 38523  
are followed, the procedures of section 3513.121 of the Revised 38524  
Code need not be followed. 38525

**Sec. 3517.01.** (A)(1) A political party within the meaning of 38526



Title XXXV of the Revised Code is any group of voters that meets 38527  
either of the following requirements: 38528

(a) Except as otherwise provided in this division, at the 38529  
most recent regular state election, the group polled for its 38530  
candidate for governor in the state or nominees for presidential 38531  
electors at least three per cent of the entire vote cast for that 38532  
office. A group that meets the requirements of this division 38533  
remains a political party for a period of four years after meeting 38534  
those requirements. 38535

(b) The group filed with the secretary of state, subsequent 38536  
to its failure to meet the requirements of division (A)(1)(a) of 38537  
this section, a party formation petition that meets all of the 38538  
following requirements: 38539

(i) The petition is signed by qualified electors equal in 38540  
number to at least one per cent of the total vote for governor or 38541  
nominees for presidential electors at the most recent election for 38542  
such office. 38543

(ii) The petition is signed by not fewer than five hundred 38544  
qualified electors from each of at least a minimum of one-half of 38545  
the congressional districts in this state. If an odd number of 38546  
congressional districts exists in this state, the number of 38547  
districts that results from dividing the number of congressional 38548  
districts by two shall be rounded up to the next whole number. 38549

(iii) The petition declares the petitioners' intention of 38550  
organizing a political party, the name of which shall be stated in 38551  
the declaration, and of participating in the succeeding general 38552  
election, held in even-numbered years, that occurs more than one 38553  
hundred twenty-five days after the date of filing. 38554

(iv) The petition designates a committee of not less than 38555  
three nor more than five individuals of the petitioners, who shall 38556

represent the petitioners in all matters relating to the petition. 38557  
Notice of all matters or proceedings pertaining to the petition 38558  
may be served on the committee, or any of them, either personally 38559  
or by registered mail, or by leaving such notice at the usual 38560  
place of residence of each of them. 38561

(2) No such group of electors shall assume a name or 38562  
designation that is similar, in the opinion of the secretary of 38563  
state, to that of an existing political party as to confuse or 38564  
mislead the voters at an election. 38565

(B) A campaign committee shall be legally liable for any 38566  
debts, contracts, or expenditures incurred or executed in its 38567  
name. 38568

(C) Notwithstanding the definitions found in section 3501.01 38569  
of the Revised Code, as used in this section and sections 3517.08 38570  
to 3517.14, 3517.99, and 3517.992 of the Revised Code: 38571

(1) "Campaign committee" means a candidate or a combination 38572  
of two or more persons authorized by a candidate under section 38573  
3517.081 of the Revised Code to receive contributions and make 38574  
expenditures. 38575

(2) "Campaign treasurer" means an individual appointed by a 38576  
candidate under section 3517.081 of the Revised Code. 38577

(3) "Candidate" has the same meaning as in division (H) of 38578  
section 3501.01 of the Revised Code and also includes any person 38579  
who, at any time before or after an election, receives 38580  
contributions or makes expenditures or other use of contributions, 38581  
has given consent for another to receive contributions or make 38582  
expenditures or other use of contributions, or appoints a campaign 38583  
treasurer, for the purpose of bringing about the person's 38584  
nomination or election to public office. When two persons jointly 38585  
seek the offices of governor and lieutenant governor, "candidate" 38586  
means the pair of candidates jointly. "Candidate" does not include 38587

candidates for election to the offices of member of a county or 38588  
state central committee, presidential elector, and delegate to a 38589  
national convention or conference of a political party. 38590

(4) "Continuing association" means an association, other than 38591  
a campaign committee, political party, legislative campaign fund, 38592  
political contributing entity, or labor organization, that is 38593  
intended to be a permanent organization that has a primary purpose 38594  
other than supporting or opposing specific candidates, political 38595  
parties, or ballot issues, and that functions on a regular basis 38596  
throughout the year. "Continuing association" includes 38597  
organizations that are determined to be not organized for profit 38598  
under subsection 501 and that are described in subsection 38599  
501(c)(3), 501(c)(4), or 501(c)(6) of the Internal Revenue Code. 38600

(5) "Contribution" means a loan, gift, deposit, forgiveness 38601  
of indebtedness, donation, advance, payment, or transfer of funds 38602  
or anything of value, including a transfer of funds from an inter 38603  
vivos or testamentary trust or decedent's estate, and the payment 38604  
by any person other than the person to whom the services are 38605  
rendered for the personal services of another person, which 38606  
contribution is made, received, or used for the purpose of 38607  
influencing the results of an election. Any loan, gift, deposit, 38608  
forgiveness of indebtedness, donation, advance, payment, or 38609  
transfer of funds or of anything of value, including a transfer of 38610  
funds from an inter vivos or testamentary trust or decedent's 38611  
estate, and the payment by any campaign committee, political 38612  
action committee, legislative campaign fund, political party, 38613  
political contributing entity, or person other than the person to 38614  
whom the services are rendered for the personal services of 38615  
another person, that is made, received, or used by a state or 38616  
county political party, other than moneys a state or county 38617  
~~political party receives from the Ohio political party fund~~ 38618  
~~pursuant to section 3517.17 of the Revised Code and the moneys an~~ 38619

entity may receive under sections 3517.101, 3517.1012, and 38620  
3517.1013 of the Revised Code, shall be considered to be a 38621  
"contribution" for the purpose of section 3517.10 of the Revised 38622  
Code and shall be included on a statement of contributions filed 38623  
under that section. 38624

"Contribution" does not include any of the following: 38625

(a) Services provided without compensation by individuals 38626  
volunteering a portion or all of their time on behalf of a person; 38627

(b) Ordinary home hospitality; 38628

(c) The personal expenses of a volunteer paid for by that 38629  
volunteer campaign worker; 38630

(d) Any gift given to an entity pursuant to section 3517.101 38631  
of the Revised Code; 38632

(e) Any contribution as defined in section 3517.1011 of the 38633  
Revised Code that is made, received, or used to pay the direct 38634  
costs of producing or airing an electioneering communication; 38635

(f) Any gift given to a state or county political party for 38636  
the party's restricted fund under division (A)(2) of section 38637  
3517.1012 of the Revised Code; 38638

(g) Any gift given to a state political party for deposit in 38639  
a Levin account pursuant to section 3517.1013 of the Revised Code. 38640  
As used in this division, "Levin account" has the same meaning as 38641  
in that section. 38642

(h) Any donation given to a transition fund under section 38643  
3517.1014 of the Revised Code. 38644

(6) "Expenditure" means the disbursement or use of a 38645  
contribution for the purpose of influencing the results of an 38646  
election or of making a charitable donation under division (G) of 38647  
section 3517.08 of the Revised Code. Any disbursement or use of a 38648  
contribution by a state or county political party is an 38649

expenditure and shall be considered either to be made for the 38650  
purpose of influencing the results of an election or to be made as 38651  
a charitable donation under division (G) of section 3517.08 of the 38652  
Revised Code and shall be reported on a statement of expenditures 38653  
filed under section 3517.10 of the Revised Code. During the thirty 38654  
days preceding a primary or general election, any disbursement to 38655  
pay the direct costs of producing or airing a broadcast, cable, or 38656  
satellite communication that refers to a clearly identified 38657  
candidate shall be considered to be made for the purpose of 38658  
influencing the results of that election and shall be reported as 38659  
an expenditure or as an independent expenditure under section 38660  
3517.10 or 3517.105 of the Revised Code, as applicable, except 38661  
that the information required to be reported regarding 38662  
contributors for those expenditures or independent expenditures 38663  
shall be the same as the information required to be reported under 38664  
divisions (D)(1) and (2) of section 3517.1011 of the Revised Code. 38665

As used in this division, "broadcast, cable, or satellite 38666  
communication" and "refers to a clearly identified candidate" have 38667  
the same meanings as in section 3517.1011 of the Revised Code. 38668

(7) "Personal expenses" includes, but is not limited to, 38669  
ordinary expenses for accommodations, clothing, food, personal 38670  
motor vehicle or airplane, and home telephone. 38671

(8) "Political action committee" means a combination of two 38672  
or more persons, the primary or major purpose of which is to 38673  
support or oppose any candidate, political party, or issue, or to 38674  
influence the result of any election through express advocacy, and 38675  
that is not a political party, a campaign committee, a political 38676  
contributing entity, or a legislative campaign fund. "Political 38677  
action committee" does not include either of the following: 38678

(a) A continuing association that makes disbursements for the 38679  
direct costs of producing or airing electioneering communications 38680  
and that does not engage in express advocacy; 38681

(b) A political club that is formed primarily for social purposes and that consists of one hundred members or less, has officers and periodic meetings, has less than two thousand five hundred dollars in its treasury at all times, and makes an aggregate total contribution of one thousand dollars or less per calendar year.

(9) "Public office" means any state, county, municipal, township, or district office, except an office of a political party, that is filled by an election and the offices of United States senator and representative.

(10) "Anything of value" has the same meaning as in section 1.03 of the Revised Code.

(11) "Beneficiary of a campaign fund" means a candidate, a public official or employee for whose benefit a campaign fund exists, and any other person who has ever been a candidate or public official or employee and for whose benefit a campaign fund exists.

(12) "Campaign fund" means money or other property, including contributions.

(13) "Public official or employee" has the same meaning as in section 102.01 of the Revised Code.

(14) "Caucus" means all of the members of the house of representatives or all of the members of the senate of the general assembly who are members of the same political party.

(15) "Legislative campaign fund" means a fund that is established as an auxiliary of a state political party and associated with one of the houses of the general assembly.

(16) "In-kind contribution" means anything of value other than money that is used to influence the results of an election or is transferred to or used in support of or in opposition to a

candidate, campaign committee, legislative campaign fund, 38712  
political party, political action committee, or political 38713  
contributing entity and that is made with the consent of, in 38714  
coordination, cooperation, or consultation with, or at the request 38715  
or suggestion of the benefited candidate, committee, fund, party, 38716  
or entity. The financing of the dissemination, distribution, or 38717  
republication, in whole or part, of any broadcast or of any 38718  
written, graphic, or other form of campaign materials prepared by 38719  
the candidate, the candidate's campaign committee, or their 38720  
authorized agents is an in-kind contribution to the candidate and 38721  
an expenditure by the candidate. 38722

(17) "Independent expenditure" means an expenditure by a 38723  
person advocating the election or defeat of an identified 38724  
candidate or candidates, that is not made with the consent of, in 38725  
coordination, cooperation, or consultation with, or at the request 38726  
or suggestion of any candidate or candidates or of the campaign 38727  
committee or agent of the candidate or candidates. As used in 38728  
division (C)(17) of this section: 38729

(a) "Person" means an individual, partnership, unincorporated 38730  
business organization or association, political action committee, 38731  
political contributing entity, separate segregated fund, 38732  
association, or other organization or group of persons, but not a 38733  
labor organization or a corporation unless the labor organization 38734  
or corporation is a political contributing entity. 38735

(b) "Advocating" means any communication containing a message 38736  
advocating election or defeat. 38737

(c) "Identified candidate" means that the name of the 38738  
candidate appears, a photograph or drawing of the candidate 38739  
appears, or the identity of the candidate is otherwise apparent by 38740  
unambiguous reference. 38741

(d) "Made in coordination, cooperation, or consultation with, 38742

or at the request or suggestion of, any candidate or the campaign committee or agent of the candidate" means made pursuant to any arrangement, coordination, or direction by the candidate, the candidate's campaign committee, or the candidate's agent prior to the publication, distribution, display, or broadcast of the communication. An expenditure is presumed to be so made when it is any of the following:

(i) Based on information about the candidate's plans, projects, or needs provided to the person making the expenditure by the candidate, or by the candidate's campaign committee or agent, with a view toward having an expenditure made;

(ii) Made by or through any person who is, or has been, authorized to raise or expend funds, who is, or has been, an officer of the candidate's campaign committee, or who is, or has been, receiving any form of compensation or reimbursement from the candidate or the candidate's campaign committee or agent;

(iii) Except as otherwise provided in division (D) of section 3517.105 of the Revised Code, made by a political party in support of a candidate, unless the expenditure is made by a political party to conduct voter registration or voter education efforts.

(e) "Agent" means any person who has actual oral or written authority, either express or implied, to make or to authorize the making of expenditures on behalf of a candidate, or means any person who has been placed in a position with the candidate's campaign committee or organization such that it would reasonably appear that in the ordinary course of campaign-related activities the person may authorize expenditures.

(18) "Labor organization" means a labor union; an employee organization; a federation of labor unions, groups, locals, or other employee organizations; an auxiliary of a labor union, employee organization, or federation of labor unions, groups,



locals, or other employee organizations; or any other bona fide 38774  
organization in which employees participate and that exists for 38775  
the purpose, in whole or in part, of dealing with employers 38776  
concerning grievances, labor disputes, wages, hours, and other 38777  
terms and conditions of employment. 38778

(19) "Separate segregated fund" means a separate segregated 38779  
fund established pursuant to the Federal Election Campaign Act. 38780

(20) "Federal Election Campaign Act" means the "Federal 38781  
Election Campaign Act of 1971," 86 Stat. 11, 2 U.S.C.A. 431, et 38782  
seq., as amended. 38783

(21) "Restricted fund" means the fund a state or county 38784  
political party must establish under division (A)(1) of section 38785  
3517.1012 of the Revised Code. 38786

(22) "Electioneering communication" has the same meaning as 38787  
in section 3517.1011 of the Revised Code. 38788

(23) "Express advocacy" means a communication that contains 38789  
express words advocating the nomination, election, or defeat of a 38790  
candidate or that contains express words advocating the adoption 38791  
or defeat of a question or issue, as determined by a final 38792  
judgment of a court of competent jurisdiction. 38793

(24) "Political committee" has the same meaning as in section 38794  
3517.1011 of the Revised Code. 38795

(25) "Political contributing entity" means any entity, 38796  
including a corporation or labor organization, that may lawfully 38797  
make contributions and expenditures and that is not an individual 38798  
or a political action committee, continuing association, campaign 38799  
committee, political party, legislative campaign fund, designated 38800  
state campaign committee, or state candidate fund. For purposes of 38801  
this division, "lawfully" means not prohibited by any section of 38802  
the Revised Code, or authorized by a final judgment of a court of 38803  
competent jurisdiction. 38804

(26) "Internet identifier of record" has the same meaning as 38805  
in section 9.312 of the Revised Code. 38806

**Sec. 3517.10.** (A) Except as otherwise provided in this 38807  
division, every campaign committee, political action committee, 38808  
legislative campaign fund, political party, and political 38809  
contributing entity that made or received a contribution or made 38810  
an expenditure in connection with the nomination or election of 38811  
any candidate or in connection with any ballot issue or question 38812  
at any election held or to be held in this state shall file, on a 38813  
form prescribed under this section or by electronic means of 38814  
transmission as provided in this section and section 3517.106 of 38815  
the Revised Code, a full, true, and itemized statement, made under 38816  
penalty of election falsification, setting forth in detail the 38817  
contributions and expenditures, not later than four p.m. of the 38818  
following dates: 38819

(1) The twelfth day before the election to reflect 38820  
contributions received and expenditures made from the close of 38821  
business on the last day reflected in the last previously filed 38822  
statement, if any, to the close of business on the twentieth day 38823  
before the election; 38824

(2) The thirty-eighth day after the election to reflect the 38825  
contributions received and expenditures made from the close of 38826  
business on the last day reflected in the last previously filed 38827  
statement, if any, to the close of business on the seventh day 38828  
before the filing of the statement; 38829

(3) The last business day of January of every year to reflect 38830  
the contributions received and expenditures made from the close of 38831  
business on the last day reflected in the last previously filed 38832  
statement, if any, to the close of business on the last day of 38833  
December of the previous year; 38834

(4) The last business day of July of every year to reflect 38835

the contributions received and expenditures made from the close of 38836  
business on the last day reflected in the last previously filed 38837  
statement, if any, to the close of business on the last day of 38838  
June of that year. 38839

A campaign committee shall only be required to file the 38840  
statements prescribed under divisions (A)(1) and (2) of this 38841  
section in connection with the nomination or election of the 38842  
committee's candidate. 38843

The statement required under division (A)(1) of this section 38844  
shall not be required of any campaign committee, political action 38845  
committee, legislative campaign fund, political party, or 38846  
political contributing entity that has received contributions of 38847  
less than one thousand dollars and has made expenditures of less 38848  
than one thousand dollars at the close of business on the 38849  
twentieth day before the election. Those contributions and 38850  
expenditures shall be reported in the statement required under 38851  
division (A)(2) of this section. 38852

If an election to select candidates to appear on the general 38853  
election ballot is held within sixty days before a general 38854  
election, the campaign committee of a successful candidate in the 38855  
earlier election may file the statement required by division 38856  
(A)(1) of this section for the general election instead of the 38857  
statement required by division (A)(2) of this section for the 38858  
earlier election if the pregeneral election statement reflects the 38859  
status of contributions and expenditures for the period twenty 38860  
days before the earlier election to twenty days before the general 38861  
election. 38862

If a person becomes a candidate less than twenty days before 38863  
an election, the candidate's campaign committee is not required to 38864  
file the statement required by division (A)(1) of this section. 38865

No statement under division (A)(3) of this section shall be 38866

required for any year in which a campaign committee, political 38867  
action committee, legislative campaign fund, political party, or 38868  
political contributing entity is required to file a postgeneral 38869  
election statement under division (A)(2) of this section. However, 38870  
a statement under division (A)(3) of this section may be filed, at 38871  
the option of the campaign committee, political action committee, 38872  
legislative campaign fund, political party, or political 38873  
contributing entity. 38874

No campaign committee of a candidate for the office of chief 38875  
justice or justice of the supreme court, and no campaign committee 38876  
of a candidate for the office of judge of any court in this state, 38877  
shall be required to file a statement under division (A)(4) of 38878  
this section. 38879

Except as otherwise provided in this paragraph and in the 38880  
next paragraph of this section, the only campaign committees 38881  
required to file a statement under division (A)(4) of this section 38882  
are the campaign committee of a statewide candidate and the 38883  
campaign committee of a candidate for county office. The campaign 38884  
committee of a candidate for any other nonjudicial office is 38885  
required to file a statement under division (A)(4) of this section 38886  
if that campaign committee receives, during that period, 38887  
contributions exceeding ten thousand dollars. 38888

No statement under division (A)(4) of this section shall be 38889  
required of a campaign committee, a political action committee, a 38890  
legislative campaign fund, a political party, or a political 38891  
contributing entity for any year in which the campaign committee, 38892  
political action committee, legislative campaign fund, political 38893  
party, or political contributing entity is required to file a 38894  
postprimary election statement under division (A)(2) of this 38895  
section. However, a statement under division (A)(4) of this 38896  
section may be filed at the option of the campaign committee, 38897  
political action committee, legislative campaign fund, political 38898

party, or political contributing entity. 38899

No statement under division (A)(3) or (4) of this section 38900  
shall be required if the campaign committee, political action 38901  
committee, legislative campaign fund, political party, or 38902  
political contributing entity has no contributions that it has 38903  
received and no expenditures that it has made since the last date 38904  
reflected in its last previously filed statement. However, the 38905  
campaign committee, political action committee, legislative 38906  
campaign fund, political party, or political contributing entity 38907  
shall file a statement to that effect, on a form prescribed under 38908  
this section and made under penalty of election falsification, on 38909  
the date required in division (A)(3) or (4) of this section, as 38910  
applicable. 38911

The campaign committee of a statewide candidate shall file a 38912  
monthly statement of contributions received during each of the 38913  
months of July, August, and September in the year of the general 38914  
election in which the candidate seeks office. The campaign 38915  
committee of a statewide candidate shall file the monthly 38916  
statement not later than three business days after the last day of 38917  
the month covered by the statement. During the period beginning on 38918  
the nineteenth day before the general election in which a 38919  
statewide candidate seeks election to office and extending through 38920  
the day of that general election, each time the campaign committee 38921  
of the joint candidates for the offices of governor and lieutenant 38922  
governor or of a candidate for the office of secretary of state, 38923  
auditor of state, treasurer of state, or attorney general receives 38924  
a contribution from a contributor that causes the aggregate amount 38925  
of contributions received from that contributor during that period 38926  
to equal or exceed ten thousand dollars and each time the campaign 38927  
committee of a candidate for the office of chief justice or 38928  
justice of the supreme court receives a contribution from a 38929  
contributor that causes the aggregate amount of contributions 38930

received from that contributor during that period to exceed ten 38931  
thousand dollars, the campaign committee shall file a 38932  
two-business-day statement reflecting that contribution. 38933  
Contributions reported on a two-business-day statement required to 38934  
be filed by a campaign committee of a statewide candidate in a 38935  
primary election shall also be included in the postprimary 38936  
election statement required to be filed by that campaign committee 38937  
under division (A)(2) of this section. A two-business-day 38938  
statement required by this paragraph shall be filed not later than 38939  
two business days after receipt of the contribution. The 38940  
statements required by this paragraph shall be filed in addition 38941  
to any other statements required by this section. 38942

Subject to the secretary of state having implemented, tested, 38943  
and verified the successful operation of any system the secretary 38944  
of state prescribes pursuant to divisions (C)(6)(b) and (D)(6) of 38945  
this section and division (H)(1) of section 3517.106 of the 38946  
Revised Code for the filing of campaign finance statements by 38947  
electronic means of transmission, a campaign committee of a 38948  
statewide candidate shall file a two-business-day statement under 38949  
the preceding paragraph by electronic means of transmission if the 38950  
campaign committee is required to file a pre-election, 38951  
postelection, or monthly statement of contributions and 38952  
expenditures by electronic means of transmission under this 38953  
section or section 3517.106 of the Revised Code. 38954

If a campaign committee or political action committee has no 38955  
balance on hand and no outstanding obligations and desires to 38956  
terminate itself, it shall file a statement to that effect, on a 38957  
form prescribed under this section and made under penalty of 38958  
election falsification, with the official with whom it files a 38959  
statement under division (A) of this section after filing a final 38960  
statement of contributions and a final statement of expenditures, 38961  
if contributions have been received or expenditures made since the 38962

period reflected in its last previously filed statement. 38963

(B) Except as otherwise provided in division (C)(7) of this 38964  
section, each statement required by division (A) of this section 38965  
shall contain the following information: 38966

(1) The full name and address of each campaign committee, 38967  
political action committee, legislative campaign fund, political 38968  
party, or political contributing entity, including any treasurer 38969  
of the committee, fund, party, or entity, filing a contribution 38970  
and expenditure statement; 38971

(2)(a) In the case of a campaign committee, the candidate's 38972  
full name and address; 38973

(b) In the case of a political action committee, the 38974  
registration number assigned to the committee under division 38975  
(D)(1) of this section. 38976

(3) The date of the election and whether it was or will be a 38977  
general, primary, or special election; 38978

(4) A statement of contributions received, which shall 38979  
include the following information: 38980

(a) The month, day, and year of the contribution; 38981

(b)(i) The full name and address of each person, political 38982  
party, campaign committee, legislative campaign fund, political 38983  
action committee, or political contributing entity from whom 38984  
contributions are received and the registration number assigned to 38985  
the political action committee under division (D)(1) of this 38986  
section. The requirement of filing the full address does not apply 38987  
to any statement filed by a state or local committee of a 38988  
political party, to a finance committee of such committee, or to a 38989  
committee recognized by a state or local committee as its 38990  
fund-raising auxiliary. Notwithstanding division (F) of this 38991  
section, the requirement of filing the full address shall be 38992

considered as being met if the address filed is the same address 38993  
the contributor provided under division (E)(1) of this section. 38994

(ii) If a political action committee, political contributing 38995  
entity, legislative campaign fund, or political party that is 38996  
required to file campaign finance statements by electronic means 38997  
of transmission under section 3517.106 of the Revised Code or a 38998  
campaign committee of a statewide candidate or candidate for the 38999  
office of member of the general assembly receives a contribution 39000  
from an individual that exceeds one hundred dollars, the name of 39001  
the individual's current employer, if any, or, if the individual 39002  
is self-employed, the individual's occupation and the name of the 39003  
individual's business, if any; 39004

(iii) If a campaign committee of a statewide candidate or 39005  
candidate for the office of member of the general assembly 39006  
receives a contribution transmitted pursuant to section 3599.031 39007  
of the Revised Code from amounts deducted from the wages and 39008  
salaries of two or more employees that exceeds in the aggregate 39009  
one hundred dollars during any one filing period under division 39010  
(A)(1), (2), (3), or (4) of this section, the full name of the 39011  
employees' employer and the full name of the labor organization of 39012  
which the employees are members, if any. 39013

(c) A description of the contribution received, if other than 39014  
money; 39015

(d) The value in dollars and cents of the contribution; 39016

(e) A separately itemized account of all contributions and 39017  
expenditures regardless of the amount, except a receipt of a 39018  
contribution from a person in the sum of twenty-five dollars or 39019  
less at one social or fund-raising activity and a receipt of a 39020  
contribution transmitted pursuant to section 3599.031 of the 39021  
Revised Code from amounts deducted from the wages and salaries of 39022  
employees if the contribution from the amount deducted from the 39023



wages and salary of any one employee is twenty-five dollars or 39024  
less aggregated in a calendar year. An account of the total 39025  
contributions from each social or fund-raising activity shall 39026  
include a description of and the value of each in-kind 39027  
contribution received at that activity from any person who made 39028  
one or more such contributions whose aggregate value exceeded two 39029  
hundred fifty dollars and shall be listed separately, together 39030  
with the expenses incurred and paid in connection with that 39031  
activity. A campaign committee, political action committee, 39032  
legislative campaign fund, political party, or political 39033  
contributing entity shall keep records of contributions from each 39034  
person in the amount of twenty-five dollars or less at one social 39035  
or fund-raising activity and contributions from amounts deducted 39036  
under section 3599.031 of the Revised Code from the wages and 39037  
salary of each employee in the amount of twenty-five dollars or 39038  
less aggregated in a calendar year. No continuing association that 39039  
is recognized by a state or local committee of a political party 39040  
as an auxiliary of the party and that makes a contribution from 39041  
funds derived solely from regular dues paid by members of the 39042  
auxiliary shall be required to list the name or address of any 39043  
members who paid those dues. 39044

Contributions that are other income shall be itemized 39045  
separately from all other contributions. The information required 39046  
under division (B)(4) of this section shall be provided for all 39047  
other income itemized. As used in this paragraph, "other income" 39048  
means a loan, investment income, or interest income. 39049

(f) In the case of a campaign committee of a state elected 39050  
officer, if a person doing business with the state elected officer 39051  
in the officer's official capacity makes a contribution to the 39052  
campaign committee of that officer, the information required under 39053  
division (B)(4) of this section in regard to that contribution, 39054  
which shall be filed together with and considered a part of the 39055

committee's statement of contributions as required under division 39056  
(A) of this section but shall be filed on a separate form provided 39057  
by the secretary of state. As used in this division: 39058

(i) "State elected officer" has the same meaning as in 39059  
section 3517.092 of the Revised Code. 39060

(ii) "Person doing business" means a person or an officer of 39061  
an entity who enters into one or more contracts with a state 39062  
elected officer or anyone authorized to enter into contracts on 39063  
behalf of that officer to receive payments for goods or services, 39064  
if the payments total, in the aggregate, more than five thousand 39065  
dollars during a calendar year. 39066

(5) A statement of expenditures which shall include the 39067  
following information: 39068

(a) The month, day, and year of the expenditure; 39069

(b) The full name and address of each person, political 39070  
party, campaign committee, legislative campaign fund, political 39071  
action committee, or political contributing entity to whom the 39072  
expenditure was made and the registration number assigned to the 39073  
political action committee under division (D)(1) of this section; 39074

(c) The object or purpose for which the expenditure was made; 39075

(d) The amount of each expenditure. 39076

(C)(1) The statement of contributions and expenditures shall 39077  
be signed by the person completing the form. If a statement of 39078  
contributions and expenditures is filed by electronic means of 39079  
transmission pursuant to this section or section 3517.106 of the 39080  
Revised Code, the electronic signature of the person who executes 39081  
the statement and transmits the statement by electronic means of 39082  
transmission, as provided in division (H) of section 3517.106 of 39083  
the Revised Code, shall be attached to or associated with the 39084  
statement and shall be binding on all persons and for all purposes 39085

under the campaign finance reporting law as if the signature had 39086  
been handwritten in ink on a printed form. 39087

(2) The person filing the statement, under penalty of 39088  
election falsification, shall include with it a list of each 39089  
anonymous contribution, the circumstances under which it was 39090  
received, and the reason it cannot be attributed to a specific 39091  
donor. 39092

(3) Each statement of a campaign committee of a candidate who 39093  
holds public office shall contain a designation of each 39094  
contributor who is an employee in any unit or department under the 39095  
candidate's direct supervision and control. In a space provided in 39096  
the statement, the person filing the statement shall affirm that 39097  
each such contribution was voluntarily made. 39098

(4) A campaign committee that did not receive contributions 39099  
or make expenditures in connection with the nomination or election 39100  
of its candidate shall file a statement to that effect, on a form 39101  
prescribed under this section and made under penalty of election 39102  
falsification, on the date required in division (A)(2) of this 39103  
section. 39104

(5) The campaign committee of any person who attempts to 39105  
become a candidate and who, for any reason, does not become 39106  
certified in accordance with Title XXXV of the Revised Code for 39107  
placement on the official ballot of a primary, general, or special 39108  
election to be held in this state, and who, at any time prior to 39109  
or after an election, receives contributions or makes 39110  
expenditures, or has given consent for another to receive 39111  
contributions or make expenditures, for the purpose of bringing 39112  
about the person's nomination or election to public office, shall 39113  
file the statement or statements prescribed by this section and a 39114  
termination statement, if applicable. Division (C)(5) of this 39115  
section does not apply to any person with respect to an election 39116  
to the offices of member of a county or state central committee, 39117

presidential elector, or delegate to a national convention or 39118  
conference of a political party. 39119

(6)(a) The statements required to be filed under this section 39120  
shall specify the balance in the hands of the campaign committee, 39121  
political action committee, legislative campaign fund, political 39122  
party, or political contributing entity and the disposition 39123  
intended to be made of that balance. 39124

(b) The secretary of state shall prescribe the form for all 39125  
statements required to be filed under this section and shall 39126  
furnish the forms to the boards of elections in the several 39127  
counties. The boards of elections shall supply printed copies of 39128  
those forms without charge. The secretary of state shall prescribe 39129  
the appropriate methodology, protocol, and data file structure for 39130  
statements required or permitted to be filed by electronic means 39131  
of transmission under division (A) of this section, divisions (E), 39132  
(F), and (G) of section 3517.106, division (D) of section 39133  
3517.1011, division (B) of section 3517.1012, division (C) of 39134  
section 3517.1013, and divisions (D) and (I) of section 3517.1014 39135  
of the Revised Code. Subject to division (A) of this section, 39136  
divisions (E), (F), and (G) of section 3517.106, division (D) of 39137  
section 3517.1011, division (B) of section 3517.1012, division (C) 39138  
of section 3517.1013, and divisions (D) and (I) of section 39139  
3517.1014 of the Revised Code, the statements required to be 39140  
stored on computer by the secretary of state under division (B) of 39141  
section 3517.106 of the Revised Code shall be filed in whatever 39142  
format the secretary of state considers necessary to enable the 39143  
secretary of state to store the information contained in the 39144  
statements on computer. Any such format shall be of a type and 39145  
nature that is readily available to whoever is required to file 39146  
the statements in that format. 39147

(c) The secretary of state shall assess the need for training 39148  
regarding the filing of campaign finance statements by electronic 39149

means of transmission and regarding associated technologies for 39150  
candidates, campaign committees, political action committees, 39151  
legislative campaign funds, political parties, or political 39152  
contributing entities, for individuals, partnerships, or other 39153  
entities, for persons making disbursements to pay the direct costs 39154  
of producing or airing electioneering communications, or for 39155  
treasurers of transition funds, required or permitted to file 39156  
statements by electronic means of transmission under this section 39157  
or section 3517.105, 3517.106, 3517.1011, 3517.1012, 3517.1013, or 39158  
3517.1014 of the Revised Code. If, in the opinion of the secretary 39159  
of state, training in these areas is necessary, the secretary of 39160  
state shall arrange for the provision of voluntary training 39161  
programs for candidates, campaign committees, political action 39162  
committees, legislative campaign funds, political parties, or 39163  
political contributing entities, for individuals, partnerships, 39164  
and other entities, for persons making disbursements to pay the 39165  
direct costs of producing or airing electioneering communications, 39166  
or for treasurers of transition funds, as appropriate. 39167

(7) Each monthly statement and each two-business-day 39168  
statement required by division (A) of this section shall contain 39169  
the information required by divisions (B)(1) to (4), (C)(2), and, 39170  
if appropriate, (C)(3) of this section. Each statement shall be 39171  
signed as required by division (C)(1) of this section. 39172

(D)(1) Prior to receiving a contribution or making an 39173  
expenditure, every campaign committee, political action committee, 39174  
legislative campaign fund, political party, or political 39175  
contributing entity shall appoint a treasurer and shall file, on a 39176  
form prescribed by the secretary of state, a designation of that 39177  
appointment, including the full name and address of the treasurer 39178  
and of the campaign committee, political action committee, 39179  
legislative campaign fund, political party, or political 39180  
contributing entity. That designation shall be filed with the 39181

official with whom the campaign committee, political action 39182  
committee, legislative campaign fund, political party, or 39183  
political contributing entity is required to file statements under 39184  
section 3517.11 of the Revised Code. The name of a campaign 39185  
committee shall include at least the last name of the campaign 39186  
committee's candidate. If two or more candidates are the 39187  
beneficiaries of a single campaign committee under division (B) of 39188  
section 3517.081 of the Revised Code, the name of the campaign 39189  
committee shall include at least the last name of each candidate 39190  
who is a beneficiary of that campaign committee. The secretary of 39191  
state shall assign a registration number to each political action 39192  
committee that files a designation of the appointment of a 39193  
treasurer under this division if the political action committee is 39194  
required by division (A)(1) of section 3517.11 of the Revised Code 39195  
to file the statements prescribed by this section with the 39196  
secretary of state. 39197

(2) The treasurer appointed under division (D)(1) of this 39198  
section shall keep a strict account of all contributions, from 39199  
whom received and the purpose for which they were disbursed. 39200

(3)(a) Except as otherwise provided in section 3517.108 of 39201  
the Revised Code, a campaign committee shall deposit all monetary 39202  
contributions received by the committee into an account separate 39203  
from a personal or business account of the candidate or campaign 39204  
committee. 39205

(b) A political action committee shall deposit all monetary 39206  
contributions received by the committee into an account separate 39207  
from all other funds. 39208

(c) A state or county political party may establish a state 39209  
candidate fund that is separate from ~~an account that contains the~~ 39210  
~~public moneys received from the Ohio political party fund under~~ 39211  
~~section 3517.17 of the Revised Code and from~~ all other funds. A 39212  
state or county political party may deposit into its state 39213

candidate fund any amounts of monetary contributions that are made 39214  
to or accepted by the political party subject to the applicable 39215  
limitations, if any, prescribed in section 3517.102 of the Revised 39216  
Code. A state or county political party shall deposit all other 39217  
monetary contributions received by the party into one or more 39218  
accounts that are separate from its state candidate fund ~~and from~~ 39219  
~~its account that contains the public moneys received from the Ohio~~ 39220  
~~political party fund under section 3517.17 of the Revised Code.~~ 39221

(d) Each state political party shall have only one 39222  
legislative campaign fund for each house of the general assembly. 39223  
Each such fund shall be separate from any other funds or accounts 39224  
of that state party. A legislative campaign fund is authorized to 39225  
receive contributions and make expenditures for the primary 39226  
purpose of furthering the election of candidates who are members 39227  
of that political party to the house of the general assembly with 39228  
which that legislative campaign fund is associated. Each 39229  
legislative campaign fund shall be administered and controlled in 39230  
a manner designated by the caucus. As used in this division, 39231  
"caucus" has the same meaning as in section 3517.01 of the Revised 39232  
Code and includes, as an ex officio member, the chairperson of the 39233  
state political party with which the caucus is associated or that 39234  
chairperson's designee. 39235

(4) Every expenditure in excess of twenty-five dollars shall 39236  
be vouched for by a receipted bill, stating the purpose of the 39237  
expenditure, that shall be filed with the statement of 39238  
expenditures. A canceled check with a notation of the purpose of 39239  
the expenditure is a receipted bill for purposes of division 39240  
(D)(4) of this section. 39241

(5) The secretary of state or the board of elections, as the 39242  
case may be, shall issue a receipt for each statement filed under 39243  
this section and shall preserve a copy of the receipt for a period 39244  
of at least six years. All statements filed under this section 39245

shall be open to public inspection in the office where they are 39246  
filed and shall be carefully preserved for a period of at least 39247  
six years after the year in which they are filed. 39248

(6) The secretary of state, by rule adopted pursuant to 39249  
section 3517.23 of the Revised Code, shall prescribe both of the 39250  
following: 39251

(a) The manner of immediately acknowledging, with date and 39252  
time received, and preserving the receipt of statements that are 39253  
transmitted by electronic means of transmission to the secretary 39254  
of state pursuant to this section or section 3517.106, 3517.1011, 39255  
3517.1012, 3517.1013, or 3517.1014 of the Revised Code; 39256

(b) The manner of preserving the contribution and 39257  
expenditure, contribution and disbursement, deposit and 39258  
disbursement, gift and disbursement, or donation and disbursement 39259  
information in the statements described in division (D)(6)(a) of 39260  
this section. The secretary of state shall preserve the 39261  
contribution and expenditure, contribution and disbursement, 39262  
deposit and disbursement, gift and disbursement, or donation and 39263  
disbursement information in those statements for at least ten 39264  
years after the year in which they are filed by electronic means 39265  
of transmission. 39266

(7) The secretary of state, pursuant to division (I) of 39267  
section 3517.106 of the Revised Code, shall make available online 39268  
to the public through the internet the contribution and 39269  
expenditure, contribution and disbursement, deposit and 39270  
disbursement, gift and disbursement, or donation and disbursement 39271  
information in all statements, all addenda, amendments, or other 39272  
corrections to statements, and all amended statements filed with 39273  
the secretary of state by electronic or other means of 39274  
transmission under this section, division (B)(2)(b) or (C)(2)(b) 39275  
of section 3517.105, or section 3517.106, 3517.1011, 3517.1012, 39276  
3517.1013, 3517.1014, or 3517.11 of the Revised Code. The 39277



secretary of state may remove the information from the internet 39278  
after a reasonable period of time. 39279

(E)(1) Any person, political party, campaign committee, 39280  
legislative campaign fund, political action committee, or 39281  
political contributing entity that makes a contribution in 39282  
connection with the nomination or election of any candidate or in 39283  
connection with any ballot issue or question at any election held 39284  
or to be held in this state shall provide its full name and 39285  
address to the recipient of the contribution at the time the 39286  
contribution is made. The political action committee also shall 39287  
provide the registration number assigned to the committee under 39288  
division (D)(1) of this section to the recipient of the 39289  
contribution at the time the contribution is made. 39290

(2) Any individual who makes a contribution that exceeds one 39291  
hundred dollars to a political action committee, political 39292  
contributing entity, legislative campaign fund, or political party 39293  
or to a campaign committee of a statewide candidate or candidate 39294  
for the office of member of the general assembly shall provide the 39295  
name of the individual's current employer, if any, or, if the 39296  
individual is self-employed, the individual's occupation and the 39297  
name of the individual's business, if any, to the recipient of the 39298  
contribution at the time the contribution is made. Sections 39299  
3599.39 and 3599.40 of the Revised Code do not apply to division 39300  
(E)(2) of this section. 39301

(3) If a campaign committee shows that it has exercised its 39302  
best efforts to obtain, maintain, and submit the information 39303  
required under divisions (B)(4)(b)(ii) and (iii) of this section, 39304  
that committee is considered to have met the requirements of those 39305  
divisions. A campaign committee shall not be considered to have 39306  
exercised its best efforts unless, in connection with written 39307  
solicitations, it regularly includes a written request for the 39308  
information required under division (B)(4)(b)(ii) of this section 39309

from the contributor or the information required under division 39310  
(B)(4)(b)(iii) of this section from whoever transmits the 39311  
contribution. 39312

(4) Any check that a political action committee uses to make 39313  
a contribution or an expenditure shall contain the full name and 39314  
address of the committee and the registration number assigned to 39315  
the committee under division (D)(1) of this section. 39316

(F) As used in this section: 39317

(1)(a) Except as otherwise provided in division (F)(1) of 39318  
this section, "address" means all of the following if they exist: 39319  
apartment number, street, road, or highway name and number, rural 39320  
delivery route number, city or village, state, and zip code as 39321  
used in a person's post-office address, but not post-office box. 39322

(b) Except as otherwise provided in division (F)(1) of this 39323  
section, if an address is required in this section, a post-office 39324  
box and office, room, or suite number may be included in addition 39325  
to, but not in lieu of, an apartment, street, road, or highway 39326  
name and number. 39327

(c) If an address is required in this section, a campaign 39328  
committee, political action committee, legislative campaign fund, 39329  
political party, or political contributing entity may use the 39330  
business or residence address of its treasurer or deputy 39331  
treasurer. The post-office box number of the campaign committee, 39332  
political action committee, legislative campaign fund, political 39333  
party, or political contributing entity may be used in addition to 39334  
that address. 39335

(d) For the sole purpose of a campaign committee's reporting 39336  
of contributions on a statement of contributions received under 39337  
division (B)(4) of this section, "address" has one of the 39338  
following meanings at the option of the campaign committee: 39339

(i) The same meaning as in division (F)(1)(a) of this 39340

section; 39341

(ii) All of the following, if they exist: the contributor's 39342  
post-office box number and city or village, state, and zip code as 39343  
used in the contributor's post-office address. 39344

(e) As used with regard to the reporting under this section 39345  
of any expenditure, "address" means all of the following if they 39346  
exist: apartment number, street, road, or highway name and number, 39347  
rural delivery route number, city or village, state, and zip code 39348  
as used in a person's post-office address, or post-office box. If 39349  
an address concerning any expenditure is required in this section, 39350  
a campaign committee, political action committee, legislative 39351  
campaign fund, political party, or political contributing entity 39352  
may use the business or residence address of its treasurer or 39353  
deputy treasurer or its post-office box number. 39354

(2) "Statewide candidate" means the joint candidates for the 39355  
offices of governor and lieutenant governor or a candidate for the 39356  
office of secretary of state, auditor of state, treasurer of 39357  
state, attorney general, member of the state board of education, 39358  
chief justice of the supreme court, or justice of the supreme 39359  
court. 39360

(3) "Candidate for county office" means a candidate for the 39361  
office of county auditor, county treasurer, clerk of the court of 39362  
common pleas, judge of the court of common pleas, sheriff, county 39363  
recorder, county engineer, county commissioner, prosecuting 39364  
attorney, or coroner. 39365

(G) An independent expenditure shall be reported whenever and 39366  
in the same manner that an expenditure is required to be reported 39367  
under this section and shall be reported pursuant to division 39368  
(B)(2)(a) or (C)(2)(a) of section 3517.105 of the Revised Code. 39369

(H)(1) Except as otherwise provided in division (H)(2) of 39370  
this section, if, during the combined pre-election and 39371

postelection reporting periods for an election, a campaign 39372  
committee has received contributions of five hundred dollars or 39373  
less and has made expenditures in the total amount of five hundred 39374  
dollars or less, it may file a statement to that effect, under 39375  
penalty of election falsification, in lieu of the statement 39376  
required by division (A)(2) of this section. The statement shall 39377  
indicate the total amount of contributions received and the total 39378  
amount of expenditures made during those combined reporting 39379  
periods. 39380

(2) In the case of a successful candidate at a primary 39381  
election, if either the total contributions received by or the 39382  
total expenditures made by the candidate's campaign committee 39383  
during the preprimary, postprimary, pregeneral, and postgeneral 39384  
election periods combined equal more than five hundred dollars, 39385  
the campaign committee may file the statement under division 39386  
(H)(1) of this section only for the primary election. The first 39387  
statement that the campaign committee files in regard to the 39388  
general election shall reflect all contributions received and all 39389  
expenditures made during the preprimary and postprimary election 39390  
periods. 39391

(3) Divisions (H)(1) and (2) of this section do not apply if 39392  
a campaign committee receives contributions or makes expenditures 39393  
prior to the first day of January of the year of the election at 39394  
which the candidate seeks nomination or election to office or if 39395  
the campaign committee does not file a termination statement with 39396  
its postprimary election statement in the case of an unsuccessful 39397  
primary election candidate or with its postgeneral election 39398  
statement in the case of other candidates. 39399

(I) In the case of a contribution made by a partner of a 39400  
partnership or an owner or a member of another unincorporated 39401  
business from any funds of the partnership or other unincorporated 39402  
business, all of the following apply: 39403

(1) The recipient of the contribution shall report the 39404  
contribution by listing both the partnership or other 39405  
unincorporated business and the name of the partner, owner, or 39406  
member making the contribution. 39407

(2) In reporting the contribution, the recipient of the 39408  
contribution shall be entitled to conclusively rely upon the 39409  
information provided by the partnership or other unincorporated 39410  
business, provided that the information includes one of the 39411  
following: 39412

(a) The name of each partner, owner, or member as of the date 39413  
of the contribution or contributions, and a statement that the 39414  
total contributions are to be allocated equally among all of the 39415  
partners, owners, or members; or 39416

(b) The name of each partner, owner, or member as of the date 39417  
of the contribution or contributions who is participating in the 39418  
contribution or contributions, and a statement that the 39419  
contribution or contributions are to be allocated to those 39420  
individuals in accordance with the information provided by the 39421  
partnership or other unincorporated business to the recipient of 39422  
the contribution. 39423

(3) For purposes of section 3517.102 of the Revised Code, the 39424  
contribution shall be considered to have been made by the partner, 39425  
owner, or member reported under division (I)(1) of this section. 39426

(4) No contribution from a partner of a partnership or an 39427  
owner or a member of another unincorporated business shall be 39428  
accepted from any funds of the partnership or other unincorporated 39429  
business unless the recipient reports the contribution under 39430  
division (I)(1) of this section together with the information 39431  
provided under division (I)(2) of this section. 39432

(5) No partnership or other unincorporated business shall 39433  
make a contribution or contributions solely in the name of the 39434

partnership or other unincorporated business. 39435

(6) As used in division (I) of this section, "partnership or 39436  
other unincorporated business" includes, but is not limited to, a 39437  
cooperative, a sole proprietorship, a general partnership, a 39438  
limited partnership, a limited partnership association, a limited 39439  
liability partnership, and a limited liability company. 39440

(J) A candidate shall have only one campaign committee at any 39441  
given time for all of the offices for which the person is a 39442  
candidate or holds office. 39443

(K)(1) In addition to filing a designation of appointment of 39444  
a treasurer under division (D)(1) of this section, the campaign 39445  
committee of any candidate for an elected municipal office that 39446  
pays an annual amount of compensation of five thousand dollars or 39447  
less, the campaign committee of any candidate for member of a 39448  
board of education except member of the state board of education, 39449  
or the campaign committee of any candidate for township trustee or 39450  
township fiscal officer may sign, under penalty of election 39451  
falsification, a certificate attesting that the committee will not 39452  
accept contributions during an election period that exceed in the 39453  
aggregate two thousand dollars from all contributors and one 39454  
hundred dollars from any one individual, and that the campaign 39455  
committee will not make expenditures during an election period 39456  
that exceed in the aggregate two thousand dollars. 39457

The certificate shall be on a form prescribed by the 39458  
secretary of state and shall be filed not later than ten days 39459  
after the candidate files a declaration of candidacy and petition, 39460  
a nominating petition, or a declaration of intent to be a write-in 39461  
candidate. 39462

(2) Except as otherwise provided in division (K)(3) of this 39463  
section, a campaign committee that files a certificate under 39464  
division (K)(1) of this section is not required to file the 39465

statements required by division (A) of this section. 39466

(3) If, after filing a certificate under division (K)(1) of 39467  
this section, a campaign committee exceeds any of the limitations 39468  
described in that division during an election period, the 39469  
certificate is void and thereafter the campaign committee shall 39470  
file the statements required by division (A) of this section. If 39471  
the campaign committee has not previously filed a statement, then 39472  
on the first statement the campaign committee is required to file 39473  
under division (A) of this section after the committee's 39474  
certificate is void, the committee shall report all contributions 39475  
received and expenditures made from the time the candidate filed 39476  
the candidate's declaration of candidacy and petition, nominating 39477  
petition, or declaration of intent to be a write-in candidate. 39478

(4) As used in division (K) of this section, "election 39479  
period" means the period of time beginning on the day a person 39480  
files a declaration of candidacy and petition, nominating 39481  
petition, or declaration of intent to be a write-in candidate 39482  
through the day of the election at which the person seeks 39483  
nomination to office if the person is not elected to office, or, 39484  
if the candidate was nominated in a primary election, the day of 39485  
the election at which the candidate seeks office. 39486

(L) A political contributing entity that receives 39487  
contributions from the dues, membership fees, or other assessments 39488  
of its members or from its officers, shareholders, and employees 39489  
may report the aggregate amount of contributions received from 39490  
those contributors and the number of individuals making those 39491  
contributions, for each filing period under divisions (A)(1), (2), 39492  
(3), and (4) of this section, rather than reporting information as 39493  
required under division (B)(4) of this section, including, when 39494  
applicable, the name of the current employer, if any, of a 39495  
contributor whose contribution exceeds one hundred dollars or, if 39496  
such a contributor is self-employed, the contributor's occupation 39497

and the name of the contributor's business, if any. Division 39498  
(B)(4) of this section applies to a political contributing entity 39499  
with regard to contributions it receives from all other 39500  
contributors. 39501

**Sec. 3517.102.** (A) Except as otherwise provided in section 39502  
3517.103 of the Revised Code, as used in this section and sections 39503  
3517.103 and 3517.104 of the Revised Code: 39504

(1) "Candidate" has the same meaning as in section 3517.01 of 39505  
the Revised Code but includes only candidates for the offices of 39506  
governor, lieutenant governor, secretary of state, auditor of 39507  
state, treasurer of state, attorney general, member of the state 39508  
board of education, member of the general assembly, chief justice 39509  
of the supreme court, and justice of the supreme court. 39510

(2) "Statewide candidate" or "any one statewide candidate" 39511  
means the joint candidates for the offices of governor and 39512  
lieutenant governor or a candidate for the office of secretary of 39513  
state, auditor of state, treasurer of state, attorney general, 39514  
member of the state board of education, chief justice of the 39515  
supreme court, or justice of the supreme court. 39516

(3) "Senate candidate" means a candidate for the office of 39517  
state senator. 39518

(4) "House candidate" means a candidate for the office of 39519  
state representative. 39520

(5)(a) "Primary election period" for a candidate begins on 39521  
the beginning date of the candidate's pre-filing period specified 39522  
in division (A)(9) of section 3517.109 of the Revised Code and 39523  
ends on the day of the primary election. 39524

(b) In regard to any candidate, the "general election period" 39525  
begins on the day after the primary election immediately preceding 39526  
the general election at which the candidate seeks an office 39527



specified in division (A)(1) of this section and ends on the 39528  
thirty-first day of December following that general election. 39529

(6) "State candidate fund" means the state candidate fund 39530  
established by a state or county political party under division 39531  
(D)(3)(c) of section 3517.10 of the Revised Code. 39532

(7) "Postgeneral election statement" means the statement 39533  
filed under division (A)(2) of section 3517.10 of the Revised Code 39534  
by the campaign committee of a candidate after the general 39535  
election in which the candidate ran for office or filed by 39536  
legislative campaign fund after the general election in an 39537  
even-numbered year. 39538

(8) "Contribution" means any contribution that is required to 39539  
be reported in the statement of contributions under section 39540  
3517.10 of the Revised Code. 39541

(9)(a) Except as otherwise provided in division (A)(9)(b) of 39542  
this section, "designated state campaign committee" means: 39543

(i) In the case of contributions to or from a state political 39544  
party, a campaign committee of a statewide candidate, statewide 39545  
officeholder, senate candidate, house candidate, or member of the 39546  
general assembly. 39547

(ii) In the case of contributions to or from a county 39548  
political party, a campaign committee of a senate candidate or 39549  
house candidate whose candidacy is to be submitted to some or all 39550  
of the electors in that county, or member of the general assembly 39551  
whose district contains all or part of that county. 39552

(iii) In the case of contributions to or from a legislative 39553  
campaign fund, a campaign committee of any of the following: 39554

(I) A senate or house candidate who, if elected, will be a 39555  
member of the same party that established the legislative campaign 39556  
fund and the same house with which the legislative campaign fund 39557

is associated; 39558

(II) A state senator or state representative who is a member 39559  
of the same party that established the legislative campaign fund 39560  
and the same house with which the legislative campaign fund is 39561  
associated. 39562

(b) A campaign committee is no longer a "designated state 39563  
campaign committee" after the campaign committee's candidate 39564  
changes the designation of treasurer required to be filed under 39565  
division (D)(1) of section 3517.10 of the Revised Code to indicate 39566  
that the person intends to be a candidate for, or becomes a 39567  
candidate for nomination or election to, any office that, if 39568  
elected, would not qualify that candidate's campaign committee as 39569  
a "designated state campaign committee" under division (A)(9)(a) 39570  
of this section. 39571

(B)(1)(a) No individual who is seven years of age or older 39572  
shall make a contribution or contributions aggregating more than: 39573

(i) Ten thousand dollars to the campaign committee of any one 39574  
statewide candidate in a primary election period or in a general 39575  
election period; 39576

(ii) Ten thousand dollars to the campaign committee of any 39577  
one senate candidate in a primary election period or in a general 39578  
election period; 39579

(iii) Ten thousand dollars to the campaign committee of any 39580  
one house candidate in a primary election period or in a general 39581  
election period; 39582

(iv) Ten thousand dollars to a county political party of the 39583  
county in which the individual's designated Ohio residence is 39584  
located for the party's state candidate fund in a calendar year; 39585

(v) Fifteen thousand dollars to any one legislative campaign 39586  
fund in a calendar year; 39587

(vi) Thirty thousand dollars to any one state political party	39588
for the party's state candidate fund in a calendar year;	39589
(vii) Ten thousand dollars to any one political action	39590
committee in a calendar year;	39591
(viii) Ten thousand dollars to any one political contributing	39592
entity in a calendar year.	39593
(b) No individual shall make a contribution or contributions	39594
to the state candidate fund of a county political party of any	39595
county other than the county in which the individual's designated	39596
Ohio residence is located.	39597
(c) No individual who is under seven years of age shall make	39598
any contribution.	39599
(2)(a) Subject to division (D)(1) of this section, no	39600
political action committee shall make a contribution or	39601
contributions aggregating more than:	39602
(i) Ten thousand dollars to the campaign committee of any one	39603
statewide candidate in a primary election period or in a general	39604
election period;	39605
(ii) Ten thousand dollars to the campaign committee of any	39606
one senate candidate in a primary election period or in a general	39607
election period;	39608
(iii) Ten thousand dollars to the campaign committee of any	39609
one house candidate in a primary election period or in a general	39610
election period;	39611
(iv) Fifteen thousand dollars to any one legislative campaign	39612
fund in a calendar year;	39613
(v) Thirty thousand dollars to any one state political party	39614
for the party's state candidate fund in a calendar year;	39615
(vi) Ten thousand dollars to another political action	39616
committee or to a political contributing entity in a calendar	39617

year. This division does not apply to a political action committee 39618  
that makes a contribution to a political action committee or a 39619  
political contributing entity affiliated with it. For purposes of 39620  
this division, a political action committee is affiliated with 39621  
another political action committee or with a political 39622  
contributing entity if they are both established, financed, 39623  
maintained, or controlled by, or if they are, the same 39624  
corporation, organization, labor organization, continuing 39625  
association, or other person, including any parent, subsidiary, 39626  
division, or department of that corporation, organization, labor 39627  
organization, continuing association, or other person. 39628

(b) No political action committee shall make a contribution 39629  
or contributions to a county political party for the party's state 39630  
candidate fund. 39631

(3) No campaign committee shall make a contribution or 39632  
contributions aggregating more than: 39633

(a) Ten thousand dollars to the campaign committee of any one 39634  
statewide candidate in a primary election period or in a general 39635  
election period; 39636

(b) Ten thousand dollars to the campaign committee of any one 39637  
senate candidate in a primary election period or in a general 39638  
election period; 39639

(c) Ten thousand dollars to the campaign committee of any one 39640  
house candidate in a primary election period or in a general 39641  
election period; 39642

(d) Ten thousand dollars to any one political action 39643  
committee in a calendar year; 39644

(e) Ten thousand dollars to any one political contributing 39645  
entity in a calendar year. 39646

(4)(a) Subject to division (D)(3) of this section, no 39647

political party shall make a contribution or contributions 39648  
aggregating more than ten thousand dollars to any one political 39649  
action committee or to any one political contributing entity in a 39650  
calendar year. 39651

(b) No county political party shall make a contribution or 39652  
contributions to another county political party. 39653

(5)(a) Subject to division (B)(5)(b) of this section, no 39654  
campaign committee, other than a designated state campaign 39655  
committee, shall make a contribution or contributions aggregating 39656  
in a calendar year more than: 39657

(i) Thirty thousand dollars to any one state political party 39658  
for the party's state candidate fund; 39659

(ii) Fifteen thousand dollars to any one legislative campaign 39660  
fund; 39661

(iii) Ten thousand dollars to any one county political party 39662  
for the party's state candidate fund. 39663

(b) No campaign committee shall make a contribution or 39664  
contributions to a county political party for the party's state 39665  
candidate fund unless one of the following applies: 39666

(i) The campaign committee's candidate will appear on a 39667  
ballot in that county. 39668

(ii) The campaign committee's candidate is the holder of an 39669  
elected public office that represents all or part of the 39670  
population of that county at the time the contribution is made. 39671

(6)(a) No state candidate fund of a county political party 39672  
shall make a contribution or contributions, except a contribution 39673  
or contributions to a designated state campaign committee, in a 39674  
primary election period or a general election period, aggregating 39675  
more than: 39676

(i) Two hundred fifty thousand dollars to the campaign 39677

committee of any one statewide candidate;	39678
(ii) Ten thousand dollars to the campaign committee of any one senate candidate;	39679 39680
(iii) Ten thousand dollars to the campaign committee of any one house candidate.	39681 39682
(b)(i) No state candidate fund of a state or county political party shall make a transfer or a contribution or transfers or contributions of cash or cash equivalents to a designated state campaign committee in a primary election period or in a general election period aggregating more than:	39683 39684 39685 39686 39687
(I) Five hundred thousand dollars to the campaign committee of any one statewide candidate;	39688 39689
(II) One hundred thousand dollars to the campaign committee of any one senate candidate;	39690 39691
(III) Fifty thousand dollars to the campaign committee of any one house candidate.	39692 39693
(ii) No legislative campaign fund shall make a transfer or a contribution or transfers or contributions of cash or cash equivalents to a designated state campaign committee aggregating more than:	39694 39695 39696 39697
(I) Fifty thousand dollars in a primary election period or one hundred thousand dollars in a general election period to the campaign committee of any one senate candidate;	39698 39699 39700
(II) Twenty-five thousand dollars in a primary election period or fifty thousand dollars in a general election period to the campaign committee of any one house candidate.	39701 39702 39703
(iii) As used in divisions (B)(6)(b) and (C)(6) of this section, "transfer or contribution of cash or cash equivalents" does not include any in-kind contributions.	39704 39705 39706
(c) A county political party that has no state candidate fund	39707

and that is located in a county having a population of less than 39708  
one hundred fifty thousand may make one or more contributions from 39709  
other accounts to any one statewide candidate or to any one 39710  
designated state campaign committee that do not exceed, in the 39711  
aggregate, two thousand five hundred dollars in any primary 39712  
election period or general election period. ~~As used in this~~ 39713  
~~division, "other accounts" does not include an account that~~ 39714  
~~contains the public moneys received from the Ohio political party~~ 39715  
~~fund under section 3517.17 of the Revised Code.~~ 39716

(d) No legislative campaign fund shall make a contribution, 39717  
other than to a designated state campaign committee or to the 39718  
state candidate fund of a political party. 39719

(7)(a) Subject to division (D)(1) of this section, no 39720  
political contributing entity shall make a contribution or 39721  
contributions aggregating more than: 39722

(i) Ten thousand dollars to the campaign committee of any one 39723  
statewide candidate in a primary election period or in a general 39724  
election period; 39725

(ii) Ten thousand dollars to the campaign committee of any 39726  
one senate candidate in a primary election period or in a general 39727  
election period; 39728

(iii) Ten thousand dollars to the campaign committee of any 39729  
one house candidate in a primary election period or in a general 39730  
election period; 39731

(iv) Fifteen thousand dollars to any one legislative campaign 39732  
fund in a calendar year; 39733

(v) Thirty thousand dollars to any one state political party 39734  
for the party's state candidate fund in a calendar year; 39735

(vi) Ten thousand dollars to another political contributing 39736  
entity or to a political action committee in a calendar year. This 39737

division does not apply to a political contributing entity that 39738  
makes a contribution to a political contributing entity or a 39739  
political action committee affiliated with it. For purposes of 39740  
this division, a political contributing entity is affiliated with 39741  
another political contributing entity or with a political action 39742  
committee if they are both established, financed, maintained, or 39743  
controlled by, or if they are, the same corporation, organization, 39744  
labor organization, continuing association, or other person, 39745  
including any parent, subsidiary, division, or department of that 39746  
corporation, organization, labor organization, continuing 39747  
association, or other person. 39748

(b) No political contributing entity shall make a 39749  
contribution or contributions to a county political party for the 39750  
party's state candidate fund. 39751

(C)(1)(a) Subject to division (D)(1) of this section, no 39752  
campaign committee of a statewide candidate shall do any of the 39753  
following: 39754

(i) Knowingly accept a contribution or contributions from any 39755  
individual who is under seven years of age; 39756

(ii) Accept a contribution or contributions aggregating more 39757  
than ten thousand dollars from any one individual who is seven 39758  
years of age or older, from any one political action committee, 39759  
from any one political contributing entity, or from any one other 39760  
campaign committee in a primary election period or in a general 39761  
election period; 39762

(iii) Accept a contribution or contributions aggregating more 39763  
than two hundred fifty thousand dollars from any one or 39764  
combination of state candidate funds of county political parties 39765  
in a primary election period or in a general election period. 39766

(b) No campaign committee of a statewide candidate shall 39767  
accept a contribution or contributions aggregating more than two 39768



thousand five hundred dollars in a primary election period or in a 39769  
general election period from a county political party that has no 39770  
state candidate fund and that is located in a county having a 39771  
population of less than one hundred fifty thousand. 39772

(2)(a) Subject to division (D)(1) of this section and except 39773  
for a designated state campaign committee, no campaign committee 39774  
of a senate candidate shall do either of the following: 39775

(i) Knowingly accept a contribution or contributions from any 39776  
individual who is under seven years of age; 39777

(ii) Accept a contribution or contributions aggregating more 39778  
than ten thousand dollars from any one individual who is seven 39779  
years of age or older, from any one political action committee, 39780  
from any one political contributing entity, from any one state 39781  
candidate fund of a county political party, or from any one other 39782  
campaign committee in a primary election period or in a general 39783  
election period. 39784

(b) No campaign committee of a senate candidate shall accept 39785  
a contribution or contributions aggregating more than two thousand 39786  
five hundred dollars in a primary election period or in a general 39787  
election period from a county political party that has no state 39788  
candidate fund and that is located in a county having a population 39789  
of less than one hundred fifty thousand. 39790

(3)(a) Subject to division (D)(1) of this section and except 39791  
for a designated state campaign committee, no campaign committee 39792  
of a house candidate shall do either of the following: 39793

(i) Knowingly accept a contribution or contributions from any 39794  
individual who is under seven years of age; 39795

(ii) Accept a contribution or contributions aggregating more 39796  
than ten thousand dollars from any one individual who is seven 39797  
years of age or older, from any one political action committee, 39798  
from any one political contributing entity, from any one state 39799

candidate fund of a county political party, or from any one other 39800  
campaign committee in a primary election period or in a general 39801  
election period. 39802

(b) No campaign committee of a house candidate shall accept a 39803  
contribution or contributions aggregating more than two thousand 39804  
five hundred dollars in a primary election period or in a general 39805  
election period from a county political party that has no state 39806  
candidate fund and that is located in a county having a population 39807  
of less than one hundred fifty thousand. 39808

(4)(a)(i) Subject to division (C)(4)(a)(ii) of this section 39809  
and except for a designated state campaign committee, no county 39810  
political party shall knowingly accept a contribution or 39811  
contributions from any individual who is under seven years of age, 39812  
or accept a contribution or contributions for the party's state 39813  
candidate fund aggregating more than ten thousand dollars from any 39814  
one individual whose designated Ohio residence is located within 39815  
that county and who is seven years of age or older or from any one 39816  
campaign committee in a calendar year. 39817

(ii) Subject to division (D)(1) of this section, no county 39818  
political party shall accept a contribution or contributions for 39819  
the party's state candidate fund from any individual whose 39820  
designated Ohio residence is located outside of that county and 39821  
who is seven years of age or older, from any campaign committee 39822  
unless the campaign committee's candidate will appear on a ballot 39823  
in that county or unless the campaign committee's candidate is the 39824  
holder of an elected public office that represents all or part of 39825  
the population of that county at the time the contribution is 39826  
accepted, or from any political action committee or any political 39827  
contributing entity. 39828

(iii) No county political party shall accept a contribution 39829  
or contributions from any other county political party. 39830

(b) Subject to division (D)(1) of this section, no state	39831
political party shall do either of the following:	39832
(i) Knowingly accept a contribution or contributions from any	39833
individual who is under seven years of age;	39834
(ii) Accept a contribution or contributions for the party's	39835
state candidate fund aggregating more than thirty thousand dollars	39836
from any one individual who is seven years of age or older, from	39837
any one political action committee, from any one political	39838
contributing entity, or from any one campaign committee, other	39839
than a designated state campaign committee, in a calendar year.	39840
(5) Subject to division (D)(1) of this section, no	39841
legislative campaign fund shall do either of the following:	39842
(a) Knowingly accept a contribution or contributions from any	39843
individual who is under seven years of age;	39844
(b) Accept a contribution or contributions aggregating more	39845
than fifteen thousand dollars from any one individual who is seven	39846
years of age or older, from any one political action committee,	39847
from any one political contributing entity, or from any one	39848
campaign committee, other than a designated state campaign	39849
committee, in a calendar year.	39850
(6)(a) No designated state campaign committee shall accept a	39851
transfer or contribution of cash or cash equivalents from a state	39852
candidate fund of a state political party aggregating in a primary	39853
election period or a general election period more than:	39854
(i) Five hundred thousand dollars, in the case of a campaign	39855
committee of a statewide candidate;	39856
(ii) One hundred thousand dollars, in the case of a campaign	39857
committee of a senate candidate;	39858
(iii) Fifty thousand dollars, in the case of a campaign	39859
committee of a house candidate.	39860

(b) No designated state campaign committee shall accept a 39861  
transfer or contribution of cash or cash equivalents from a 39862  
legislative campaign fund aggregating more than: 39863

(i) Fifty thousand dollars in a primary election period or 39864  
one hundred thousand dollars in a general election period, in the 39865  
case of a campaign committee of a senate candidate; 39866

(ii) Twenty-five thousand dollars in a primary election 39867  
period or fifty thousand dollars in a general election period, in 39868  
the case of a campaign committee of a house candidate. 39869

(c) No campaign committee of a candidate for the office of 39870  
member of the general assembly, including a designated state 39871  
campaign committee, shall accept a transfer or contribution of 39872  
cash or cash equivalents from any one or combination of state 39873  
candidate funds of county political parties aggregating in a 39874  
primary election period or a general election period more than: 39875

(i) One hundred thousand dollars, in the case of a campaign 39876  
committee of a senate candidate; 39877

(ii) Fifty thousand dollars, in the case of a campaign 39878  
committee of a house candidate. 39879

(7)(a) Subject to division (D)(3) of this section, no 39880  
political action committee and no political contributing entity 39881  
shall do either of the following: 39882

(i) Knowingly accept a contribution or contributions from any 39883  
individual who is under seven years of age; 39884

(ii) Accept a contribution or contributions aggregating more 39885  
than ten thousand dollars from any one individual who is seven 39886  
years of age or older, from any one campaign committee, or from 39887  
any one political party in a calendar year. 39888

(b) Subject to division (D)(1) of this section, no political 39889  
action committee shall accept a contribution or contributions 39890

aggregating more than ten thousand dollars from another political 39891  
action committee or from a political contributing entity in a 39892  
calendar year. Subject to division (D)(1) of this section, no 39893  
political contributing entity shall accept a contribution or 39894  
contributions aggregating more than ten thousand dollars from 39895  
another political contributing entity or from a political action 39896  
committee in a calendar year. This division does not apply to a 39897  
political action committee or political contributing entity that 39898  
accepts a contribution from a political action committee or 39899  
political contributing entity affiliated with it. For purposes of 39900  
this division, a political action committee is affiliated with 39901  
another political action committee or with a political 39902  
contributing entity if they are both established, financed, 39903  
maintained, or controlled by the same corporation, organization, 39904  
labor organization, continuing association, or other person, 39905  
including any parent, subsidiary, division, or department of that 39906  
corporation, organization, labor organization, continuing 39907  
association, or other person. 39908

(D)(1)(a) For purposes of the limitations prescribed in 39909  
division (B)(2) of this section and the limitations prescribed in 39910  
divisions (C)(1), (2), (3), (4), (5), and (7)(b) of this section, 39911  
whichever is applicable, all contributions made by and all 39912  
contributions accepted from political action committees that are 39913  
established, financed, maintained, or controlled by, or that are, 39914  
the same corporation, organization, labor organization, continuing 39915  
association, or other person, including any parent, subsidiary, 39916  
division, or department of that corporation, organization, labor 39917  
organization, continuing association, or other person, are 39918  
considered to have been made by or accepted from a single 39919  
political action committee. 39920

(b) For purposes of the limitations prescribed in division 39921  
(B)(7) of this section and the limitations prescribed in divisions 39922

(C)(1), (2), (3), (4), (5), and (7)(b) of this section, whichever 39923  
is applicable, all contributions made by and all contributions 39924  
accepted from political contributing entities that are 39925  
established, financed, maintained, or controlled by, or that are, 39926  
the same corporation, organization, labor organization, continuing 39927  
association, or other person, including any parent, subsidiary, 39928  
division, or department of that corporation, organization, labor 39929  
organization, continuing association, or other person, are 39930  
considered to have been made by or accepted from a single 39931  
political contributing entity. 39932

(2) As used in divisions (B)(1)(a)(vii), (B)(3)(d), 39933  
(B)(4)(a), and (C)(7) of this section, "political action 39934  
committee" does not include a political action committee that is 39935  
organized to support or oppose a ballot issue or question and that 39936  
makes no contributions to or expenditures on behalf of a political 39937  
party, campaign committee, legislative campaign fund, political 39938  
action committee, or political contributing entity. As used in 39939  
divisions (B)(1)(a)(viii), (B)(3)(e), (B)(4)(a), and (C)(7) of 39940  
this section, "political contributing entity" does not include a 39941  
political contributing entity that is organized to support or 39942  
oppose a ballot issue or question and that makes no contributions 39943  
to or expenditures on behalf of a political party, campaign 39944  
committee, legislative campaign fund, political action committee, 39945  
or political contributing entity. 39946

(3) For purposes of the limitations prescribed in divisions 39947  
(B)(4) and (C)(7)(a) of this section, all contributions made by 39948  
and all contributions accepted from a national political party, a 39949  
state political party, and a county political party are considered 39950  
to have been made by or accepted from a single political party and 39951  
shall be combined with each other to determine whether the 39952  
limitations have been exceeded. 39953

(E)(1) If a legislative campaign fund has kept a total amount 39954

of contributions exceeding one hundred fifty thousand dollars at 39955  
the close of business on the seventh day before the postgeneral 39956  
election statement is required to be filed under section 3517.10 39957  
of the Revised Code, the legislative campaign fund shall comply 39958  
with division (E)(2) of this section. 39959

(2)(a) Any legislative campaign fund that has kept a total 39960  
amount of contributions in excess of the amount specified in 39961  
division (E)(1) of this section at the close of business on the 39962  
seventh day before the postgeneral election statement is required 39963  
to be filed under section 3517.10 of the Revised Code shall 39964  
dispose of the excess amount in the manner prescribed in division 39965  
(E)(2)(b)(i), (ii), or (iii) of this section not later than ninety 39966  
days after the day the postgeneral election statement is required 39967  
to be filed under section 3517.10 of the Revised Code. Any 39968  
legislative campaign fund that is required to dispose of an excess 39969  
amount of contributions under this division shall file a statement 39970  
on the ninetieth day after the postgeneral election statement is 39971  
required to be filed under section 3517.10 of the Revised Code 39972  
indicating the total amount of contributions the fund has at the 39973  
close of business on the seventh day before the postgeneral 39974  
election statement is required to be filed under section 3517.10 39975  
of the Revised Code and that the excess contributions were 39976  
disposed of pursuant to this division and division (E)(2)(b) of 39977  
this section. The statement shall be on a form prescribed by the 39978  
secretary of state and shall contain any additional information 39979  
the secretary of state considers necessary. 39980

(b) Any legislative campaign fund that is required to dispose 39981  
of an excess amount of contributions under division (E)(2) of this 39982  
section shall dispose of that excess amount by doing any of the 39983  
following: 39984

(i) Giving the amount to the treasurer of state for deposit 39985  
into the state treasury to the credit of the Ohio elections 39986

commission fund created by division (I) of section 3517.152 of the Revised Code; 39987  
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(ii) Giving the amount to individuals who made contributions to that legislative campaign fund as a refund of all or part of their contributions; 39989  
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(iii) Giving the amount to a corporation that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c) of the Internal Revenue Code. 39992  
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(F)(1) No legislative campaign fund shall fail to file a statement required by division (E) of this section. 39995  
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(2) No legislative campaign fund shall fail to dispose of excess contributions as required by division (E) of this section. 39997  
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(G) Nothing in this section shall affect, be used in determining, or supersede a limitation on campaign contributions as provided for in the Federal Election Campaign Act. 39999  
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**Sec. 3517.1012.** (A)(1) Each state and county political party shall establish a restricted fund that is separate from all other accounts of the political party. 40002  
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(2) A state or county political party shall deposit into its restricted fund all ~~public moneys received from the Ohio political party fund under section 3517.17 of the Revised Code and all~~ gifts that are made to or accepted by the political party from a corporation or labor organization subject to the applicable limitations prescribed in division (X) of section 3517.13 of the Revised Code. A state or county political party may deposit into its restricted fund any gifts that are made to or accepted by the political party from a source other than a corporation or labor organization. 40005  
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(3) Moneys in a state or county political party's restricted fund may be disbursed to pay costs incurred for any of the 40015  
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purposes specified in division (A) of section 3517.18 of the Revised Code. 40017  
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(B) Except as otherwise provided in this division, a state or county political party shall file deposit and disbursement statements, in the same manner as the party is required to file statements of contributions and expenditures under section 3517.10 of the Revised Code, regarding all deposits made into, and all disbursements made from, the party's restricted fund. Deposit and disbursement statements filed in accordance with this division by a county political party shall be filed by electronic means of transmission to the office of the secretary of state at the times specified in division (A) of section 3517.10 of the Revised Code for the filing of statements of contributions and expenditures if the county political party accepts gifts from a corporation or labor organization under division (A)(2) of this section. 40019  
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**Sec. 3517.11.** (A)(1) Campaign committees of candidates for statewide office or the state board of education, political action committees or political contributing entities that make contributions to campaign committees of candidates that are required to file the statements prescribed by section 3517.10 of the Revised Code with the secretary of state, political action committees or political contributing entities that make contributions to campaign committees of candidates for member of the general assembly, political action committees or political contributing entities that make contributions to state and national political parties and to legislative campaign funds, political action committees or political contributing entities that receive contributions or make expenditures in connection with a statewide ballot issue, political action committees or political contributing entities that make contributions to other political action committees or political contributing entities, political parties, and campaign committees, except as set forth in division 40032  
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(A)(3) of this section, legislative campaign funds, and state and national political parties shall file the statements prescribed by section 3517.10 of the Revised Code with the secretary of state.

(2)(a) Except as otherwise provided in division (F) of section 3517.106 of the Revised Code, campaign committees of candidates for all other offices shall file the statements prescribed by section 3517.10 of the Revised Code with the board of elections where their candidates are required to file their petitions or other papers for nomination or election.

(b) A campaign committee of a candidate for office of member of the general assembly or a campaign committee of a candidate for the office of judge of a court of appeals shall file two copies of the printed version of any statement, addendum, or amended statement if the committee does not file pursuant to division (F)(1) or (L) of section 3517.106 of the Revised Code but files by printed version only with the appropriate board of elections. The board of elections shall send one of those copies by certified mail or an electronic copy to the secretary of state before the close of business on the day the board of elections receives the statement, addendum, or amended statement.

(3) Political action committees or political contributing entities that only contribute to a county political party, contribute to campaign committees of candidates whose nomination or election is to be submitted only to electors within a county, subdivision, or district, excluding candidates for member of the general assembly, and receive contributions or make expenditures in connection with ballot questions or issues to be submitted only to electors within a county, subdivision, or district shall file the statements prescribed by section 3517.10 of the Revised Code with the board of elections in that county or in the county contained in whole or part within the subdivision or district

having a population greater than that of any other county 40080  
contained in whole or part within that subdivision or district, as 40081  
the case may be. 40082

(4) Except as otherwise provided in division (E)(3) of 40083  
section 3517.106 of the Revised Code with respect to state 40084  
candidate funds, county political parties shall file the 40085  
statements prescribed by section 3517.10 of the Revised Code with 40086  
the board of elections of their respective counties. 40087

(B)(1) The official with whom petitions and other papers for 40088  
nomination or election to public office are filed shall furnish 40089  
each candidate at the time of that filing a copy of sections 40090  
3517.01, 3517.08 to 3517.11, 3517.13 to 3517.993, 3599.03, and 40091  
3599.031 of the Revised Code and any other materials that the 40092  
secretary of state may require. Each candidate receiving the 40093  
materials shall acknowledge their receipt in writing. 40094

(2) On or before the tenth day before the dates on which 40095  
statements are required to be filed by section 3517.10 of the 40096  
Revised Code, the secretary of state shall notify every candidate 40097  
subject to the provisions of this section and sections 3517.10 and 40098  
3517.106 of the Revised Code of the requirements and applicable 40099  
penalties of those sections. The secretary of state shall notify 40100  
all candidates required to file those statements with the 40101  
secretary of state's office either by certified mail, or, if the 40102  
secretary of state has record of an internet identifier of record 40103  
associated with the candidate, by ordinary mail and by that 40104  
internet identifier of record. The board of elections of every 40105  
county shall notify by first class mail any candidate who has 40106  
personally appeared at the office of the board on or before the 40107  
tenth day before the statements are required to be filed and 40108  
signed a form, to be provided by the secretary of state, attesting 40109  
that the candidate has been notified of the candidate's 40110  
obligations under the campaign finance law. The board shall 40111

forward the completed form to the secretary of state. The board 40112  
shall notify all other candidates required to file those 40113  
statements with it either by certified mail, or, if the secretary 40114  
of state has record of an internet identifier of record associated 40115  
with the candidate, by ordinary mail and by that internet 40116  
identifier of record. 40117

(3)(a) Any statement required to be filed under sections 40118  
3517.081 to ~~3517.17~~ 3517.14 of the Revised Code that is found to 40119  
be incomplete or inaccurate by the officer to whom it is submitted 40120  
shall be accepted on a conditional basis, and the person who filed 40121  
it shall be notified by certified mail as to the incomplete or 40122  
inaccurate nature of the statement. The secretary of state may 40123  
examine statements filed for candidates for the office of member 40124  
of the general assembly and candidates for the office of judge of 40125  
a court of appeals for completeness and accuracy. The secretary of 40126  
state shall examine for completeness and accuracy statements that 40127  
campaign committees of candidates for the office of member of the 40128  
general assembly and campaign committees of candidates for the 40129  
office of judge of a court of appeals file pursuant to division 40130  
(F) or (L) of section 3517.106 of the Revised Code. If an officer 40131  
at the board of elections where a statement filed for a candidate 40132  
for the office of member of the general assembly or for a 40133  
candidate for the office of judge of a court of appeals was 40134  
submitted finds the statement to be incomplete or inaccurate, the 40135  
officer shall immediately notify the secretary of state of its 40136  
incomplete or inaccurate nature. If either an officer at the board 40137  
of elections or the secretary of state finds a statement filed for 40138  
a candidate for the office of member of the general assembly or 40139  
for a candidate for the office of judge of a court of appeals to 40140  
be incomplete or inaccurate, only the secretary of state shall 40141  
send the notification as to the incomplete or inaccurate nature of 40142  
the statement. 40143

Within twenty-one days after receipt of the notice, in the case of a pre-election statement, a postelection statement, a monthly statement, an annual statement, or a semiannual statement prescribed by section 3517.10, an annual statement prescribed by section 3517.101, or a statement prescribed by division (B)(2)(b) or (C)(2)(b) of section 3517.105 or section 3517.107 of the Revised Code, the recipient shall file an addendum, amendment, or other correction to the statement providing the information necessary to complete or correct the statement. The secretary of state may require that, in lieu of filing an addendum, amendment, or other correction to a statement that is filed by electronic means of transmission to the office of the secretary of state pursuant to section 3517.106 of the Revised Code, the recipient of the notice described in this division file by electronic means of transmission an amended statement that incorporates the information necessary to complete or correct the statement.

The secretary of state shall determine by rule when an addendum, amendment, or other correction to any of the following or when an amended statement of any of the following shall be filed:

(i) A two-business-day statement prescribed by section 3517.10 of the Revised Code;

(ii) A disclosure of electioneering communications statement prescribed by division (D) of section 3517.1011 of the Revised Code;

(iii) A deposit and disbursement statement prescribed under division (B) of section 3517.1012 of the Revised Code;

(iv) A gift and disbursement statement prescribed under section 3517.1013 of the Revised Code;

(v) A donation and disbursement statement prescribed under section 3517.1014 of the Revised Code.

An addendum, amendment, or other correction to a statement 40175  
that is filed by electronic means of transmission pursuant to 40176  
section 3517.106 of the Revised Code shall be filed in the same 40177  
manner as the statement. 40178

The provisions of sections 3517.10, 3517.106, 3517.1011, 40179  
3517.1012, 3517.1013, and 3517.1014 of the Revised Code pertaining 40180  
to the filing of statements of contributions and expenditures, 40181  
statements of independent expenditures, disclosure of 40182  
electioneering communications statements, deposit and disbursement 40183  
statements, gift and disbursement statements, and donation and 40184  
disbursement statements by electronic means of transmission apply 40185  
to the filing of addenda, amendments, or other corrections to 40186  
those statements by electronic means of transmission and the 40187  
filing of amended statements by electronic means of transmission. 40188

(b) Within five business days after the secretary of state 40189  
receives, by electronic or other means of transmission, an 40190  
addendum, amendment, or other correction to a statement or an 40191  
amended statement under division (B)(3)(a) of this section, the 40192  
secretary of state, pursuant to divisions (E), (F), (G), and (I) 40193  
of section 3517.106 or division (D) of section 3517.1011 of the 40194  
Revised Code, shall make the contribution and expenditure, 40195  
contribution and disbursement, deposit and disbursement, gift and 40196  
disbursement, or donation and disbursement information in that 40197  
addendum, amendment, correction, or amended statement available 40198  
online to the public through the internet. 40199

(4)(a) The secretary of state or the board of elections shall 40200  
examine all statements for compliance with sections 3517.08 to 40201  
~~3517.17~~ 3517.14 of the Revised Code. 40202

(b) The secretary of state may contract with an individual or 40203  
entity not associated with the secretary of state and experienced 40204  
in interpreting the campaign finance law of this state to conduct 40205  
examinations of statements filed by any statewide candidate, as 40206

defined in section 3517.103 of the Revised Code. 40207

(c) The examination shall be conducted by a person or entity 40208  
qualified to conduct it. The results of the examination shall be 40209  
available to the public, and, when the examination is conducted by 40210  
an individual or entity not associated with the secretary of 40211  
state, the results of the examination shall be reported to the 40212  
secretary of state. 40213

(C)(1) In the event of a failure to file or a late filing of 40214  
a statement required to be filed under sections 3517.081 to 40215  
~~3517.17~~ 3517.14 of the Revised Code, or if a filed statement or 40216  
any addendum, amendment, or other correction to a statement or any 40217  
amended statement, if an addendum, amendment, or other correction 40218  
or an amended statement is required to be filed, is incomplete or 40219  
inaccurate or appears to disclose a failure to comply with or a 40220  
violation of law, the official whose duty it is to examine the 40221  
statement shall promptly file a complaint with the Ohio elections 40222  
commission under section 3517.153 of the Revised Code if the law 40223  
is one over which the commission has jurisdiction to hear 40224  
complaints, or the official shall promptly report the failure or 40225  
violation to the board of elections and the board shall promptly 40226  
report it to the prosecuting attorney in accordance with division 40227  
(J) of section 3501.11 of the Revised Code. If the official files 40228  
a complaint with the commission, the commission shall proceed in 40229  
accordance with sections 3517.154 to 3517.157 of the Revised Code. 40230

(2) For purposes of division (C)(1) of this section, a 40231  
statement or an addendum, amendment, or other correction to a 40232  
statement or an amended statement required to be filed under 40233  
sections 3517.081 to ~~3517.17~~ 3517.14 of the Revised Code is 40234  
incomplete or inaccurate under this section if the statement, 40235  
addendum, amendment, other correction, or amended statement fails 40236  
to disclose substantially all contributions, gifts, or donations 40237  
that are received or deposits that are made that are required to 40238

be reported under sections 3517.10, 3517.107, 3517.108, 3517.1011, 40239  
3517.1012, 3517.1013, and 3517.1014 of the Revised Code or if the 40240  
statement, addendum, amendment, other correction, or amended 40241  
statement fails to disclose at least ninety per cent of the total 40242  
contributions, gifts, or donations received or deposits made or of 40243  
the total expenditures or disbursements made during the reporting 40244  
period. 40245

(D) No certificate of nomination or election shall be issued 40246  
to a person, and no person elected to an office shall enter upon 40247  
the performance of the duties of that office, until that person or 40248  
that person's campaign committee, as appropriate, has fully 40249  
complied with this section and sections 3517.08, 3517.081, 40250  
3517.10, and 3517.13 of the Revised Code. 40251

**Sec. 3517.13.** (A)(1) No campaign committee of a statewide 40252  
candidate shall fail to file a complete and accurate statement 40253  
required under division (A)(1) of section 3517.10 of the Revised 40254  
Code. 40255

(2) No campaign committee of a statewide candidate shall fail 40256  
to file a complete and accurate monthly statement, and no campaign 40257  
committee of a statewide candidate or a candidate for the office 40258  
of chief justice or justice of the supreme court shall fail to 40259  
file a complete and accurate two-business-day statement, as 40260  
required under section 3517.10 of the Revised Code. 40261

As used in this division, "statewide candidate" has the same 40262  
meaning as in division (F)(2) of section 3517.10 of the Revised 40263  
Code. 40264

(B) No campaign committee shall fail to file a complete and 40265  
accurate statement required under division (A)(1) of section 40266  
3517.10 of the Revised Code. 40267

(C) No campaign committee shall fail to file a complete and 40268



accurate statement required under division (A)(2) of section 40269  
3517.10 of the Revised Code. 40270

(D) No campaign committee shall fail to file a complete and 40271  
accurate statement required under division (A)(3) or (4) of 40272  
section 3517.10 of the Revised Code. 40273

(E) No person other than a campaign committee shall knowingly 40274  
fail to file a statement required under section 3517.10 or 40275  
3517.107 of the Revised Code. 40276

(F) No person shall make cash contributions to any person 40277  
totaling more than one hundred dollars in each primary, special, 40278  
or general election. 40279

(G)(1) No person shall knowingly conceal or misrepresent 40280  
contributions given or received, expenditures made, or any other 40281  
information required to be reported by a provision in sections 40282  
3517.08 to 3517.13 and ~~3517.17~~ of the Revised Code. 40283

(2)(a) No person shall make a contribution to a campaign 40284  
committee, political action committee, political contributing 40285  
entity, legislative campaign fund, political party, or person 40286  
making disbursements to pay the direct costs of producing or 40287  
airing electioneering communications in the name of another 40288  
person. 40289

(b) A person does not make a contribution in the name of 40290  
another when either of the following applies: 40291

(i) An individual makes a contribution from a partnership or 40292  
other unincorporated business account, if the contribution is 40293  
reported by listing both the name of the partnership or other 40294  
unincorporated business and the name of the partner or owner 40295  
making the contribution as required under division (I) of section 40296  
3517.10 of the Revised Code. 40297

(ii) A person makes a contribution in that person's spouse's 40298

name or in both of their names. 40299

(H) No person within this state, publishing a newspaper or 40300  
other periodical, shall charge a campaign committee for political 40301  
advertising a rate in excess of the rate such person would charge 40302  
if the campaign committee were a general rate advertiser whose 40303  
advertising was directed to promoting its business within the same 40304  
area as that encompassed by the particular office that the 40305  
candidate of the campaign committee is seeking. The rate shall 40306  
take into account the amount of space used, as well as the type of 40307  
advertising copy submitted by or on behalf of the campaign 40308  
committee. All discount privileges otherwise offered by a 40309  
newspaper or periodical to general rate advertisers shall be 40310  
available upon equal terms to all campaign committees. 40311

No person within this state, operating a radio or television 40312  
station or network of stations in this state, shall charge a 40313  
campaign committee for political broadcasts a rate that exceeds: 40314

(1) During the forty-five days preceding the date of a 40315  
primary election and during the sixty days preceding the date of a 40316  
general or special election in which the candidate of the campaign 40317  
committee is seeking office, the lowest unit charge of the station 40318  
for the same class and amount of time for the same period; 40319

(2) At any other time, the charges made for comparable use of 40320  
that station by its other users. 40321

(I) Subject to divisions (K), (L), (M), and (N) of this 40322  
section, no agency or department of this state or any political 40323  
subdivision shall award any contract, other than one let by 40324  
competitive bidding or a contract incidental to such contract or 40325  
which is by force account, for the purchase of goods costing more 40326  
than five hundred dollars or services costing more than five 40327  
hundred dollars to any individual, partnership, association, 40328  
including, without limitation, a professional association 40329

organized under Chapter 1785. of the Revised Code, estate, or 40330  
trust if the individual has made or the individual's spouse has 40331  
made, or any partner, shareholder, administrator, executor, or 40332  
trustee or the spouse of any of them has made, as an individual, 40333  
within the two previous calendar years, one or more contributions 40334  
totaling in excess of one thousand dollars to the holder of the 40335  
public office having ultimate responsibility for the award of the 40336  
contract or to the public officer's campaign committee. 40337

(J) Subject to divisions (K), (L), (M), and (N) of this 40338  
section, no agency or department of this state or any political 40339  
subdivision shall award any contract, other than one let by 40340  
competitive bidding or a contract incidental to such contract or 40341  
which is by force account, for the purchase of goods costing more 40342  
than five hundred dollars or services costing more than five 40343  
hundred dollars to a corporation or business trust, except a 40344  
professional association organized under Chapter 1785. of the 40345  
Revised Code, if an owner of more than twenty per cent of the 40346  
corporation or business trust or the spouse of that person has 40347  
made, as an individual, within the two previous calendar years, 40348  
taking into consideration only owners for all of that period, one 40349  
or more contributions totaling in excess of one thousand dollars 40350  
to the holder of a public office having ultimate responsibility 40351  
for the award of the contract or to the public officer's campaign 40352  
committee. 40353

(K) For purposes of divisions (I) and (J) of this section, if 40354  
a public officer who is responsible for the award of a contract is 40355  
appointed by the governor, whether or not the appointment is 40356  
subject to the advice and consent of the senate, excluding members 40357  
of boards, commissions, committees, authorities, councils, boards 40358  
of trustees, task forces, and other such entities appointed by the 40359  
governor, the office of the governor is considered to have 40360  
ultimate responsibility for the award of the contract. 40361

(L) For purposes of divisions (I) and (J) of this section, if a public officer who is responsible for the award of a contract is appointed by the elected chief executive officer of a municipal corporation, or appointed by the elected chief executive officer of a county operating under an alternative form of county government or county charter, excluding members of boards, commissions, committees, authorities, councils, boards of trustees, task forces, and other such entities appointed by the chief executive officer, the office of the chief executive officer is considered to have ultimate responsibility for the award of the contract.

(M)(1) Divisions (I) and (J) of this section do not apply to contracts awarded by the board of commissioners of the sinking fund, municipal legislative authorities, boards of education, boards of county commissioners, boards of township trustees, or other boards, commissions, committees, authorities, councils, boards of trustees, task forces, and other such entities created by law, by the supreme court or courts of appeals, by county courts consisting of more than one judge, courts of common pleas consisting of more than one judge, or municipal courts consisting of more than one judge, or by a division of any court if the division consists of more than one judge. This division shall apply to the specified entity only if the members of the entity act collectively in the award of a contract for goods or services.

(2) Divisions (I) and (J) of this section do not apply to actions of the controlling board.

(N)(1) Divisions (I) and (J) of this section apply to contributions made to the holder of a public office having ultimate responsibility for the award of a contract, or to the public officer's campaign committee, during the time the person holds the office and during any time such person was a candidate for the office. Those divisions do not apply to contributions made

to, or to the campaign committee of, a candidate for or holder of 40394  
the office other than the holder of the office at the time of the 40395  
award of the contract. 40396

(2) Divisions (I) and (J) of this section do not apply to 40397  
contributions of a partner, shareholder, administrator, executor, 40398  
trustee, or owner of more than twenty per cent of a corporation or 40399  
business trust made before the person held any of those positions 40400  
or after the person ceased to hold any of those positions in the 40401  
partnership, association, estate, trust, corporation, or business 40402  
trust whose eligibility to be awarded a contract is being 40403  
determined, nor to contributions of the person's spouse made 40404  
before the person held any of those positions, after the person 40405  
ceased to hold any of those positions, before the two were 40406  
married, after the granting of a decree of divorce, dissolution of 40407  
marriage, or annulment, or after the granting of an order in an 40408  
action brought solely for legal separation. Those divisions do not 40409  
apply to contributions of the spouse of an individual whose 40410  
eligibility to be awarded a contract is being determined made 40411  
before the two were married, after the granting of a decree of 40412  
divorce, dissolution of marriage, or annulment, or after the 40413  
granting of an order in an action brought solely for legal 40414  
separation. 40415

(O) No beneficiary of a campaign fund or other person shall 40416  
convert for personal use, and no person shall knowingly give to a 40417  
beneficiary of a campaign fund or any other person, for the 40418  
beneficiary's or any other person's personal use, anything of 40419  
value from the beneficiary's campaign fund, including, without 40420  
limitation, payments to a beneficiary for services the beneficiary 40421  
personally performs, except as reimbursement for any of the 40422  
following: 40423

(1) Legitimate and verifiable prior campaign expenses 40424  
incurred by the beneficiary; 40425

(2) Legitimate and verifiable ordinary and necessary prior 40426  
expenses incurred by the beneficiary in connection with duties as 40427  
the holder of a public office, including, without limitation, 40428  
expenses incurred through participation in nonpartisan or 40429  
bipartisan events if the participation of the holder of a public 40430  
office would normally be expected; 40431

(3) Legitimate and verifiable ordinary and necessary prior 40432  
expenses incurred by the beneficiary while doing any of the 40433  
following: 40434

(a) Engaging in activities in support of or opposition to a 40435  
candidate other than the beneficiary, political party, or ballot 40436  
issue; 40437

(b) Raising funds for a political party, political action 40438  
committee, political contributing entity, legislative campaign 40439  
fund, campaign committee, or other candidate; 40440

(c) Participating in the activities of a political party, 40441  
political action committee, political contributing entity, 40442  
legislative campaign fund, or campaign committee; 40443

(d) Attending a political party convention or other political 40444  
meeting. 40445

For purposes of this division, an expense is incurred 40446  
whenever a beneficiary has either made payment or is obligated to 40447  
make payment, as by the use of a credit card or other credit 40448  
procedure or by the use of goods or services received on account. 40449

(P) No beneficiary of a campaign fund shall knowingly accept, 40450  
and no person shall knowingly give to the beneficiary of a 40451  
campaign fund, reimbursement for an expense under division (O) of 40452  
this section to the extent that the expense previously was 40453  
reimbursed or paid from another source of funds. If an expense is 40454  
reimbursed under division (O) of this section and is later paid or 40455  
reimbursed, wholly or in part, from another source of funds, the 40456

beneficiary shall repay the reimbursement received under division 40457  
(O) of this section to the extent of the payment made or 40458  
reimbursement received from the other source. 40459

(Q) No candidate or public official or employee shall accept 40460  
for personal or business use anything of value from a political 40461  
party, political action committee, political contributing entity, 40462  
legislative campaign fund, or campaign committee other than the 40463  
candidate's or public official's or employee's own campaign 40464  
committee, and no person shall knowingly give to a candidate or 40465  
public official or employee anything of value from a political 40466  
party, political action committee, political contributing entity, 40467  
legislative campaign fund, or such a campaign committee, except 40468  
for the following: 40469

(1) Reimbursement for legitimate and verifiable ordinary and 40470  
necessary prior expenses not otherwise prohibited by law incurred 40471  
by the candidate or public official or employee while engaged in 40472  
any legitimate activity of the political party, political action 40473  
committee, political contributing entity, legislative campaign 40474  
fund, or such campaign committee. Without limitation, reimbursable 40475  
expenses under this division include those incurred while doing 40476  
any of the following: 40477

(a) Engaging in activities in support of or opposition to 40478  
another candidate, political party, or ballot issue; 40479

(b) Raising funds for a political party, legislative campaign 40480  
fund, campaign committee, or another candidate; 40481

(c) Attending a political party convention or other political 40482  
meeting. 40483

(2) Compensation not otherwise prohibited by law for actual 40484  
and valuable personal services rendered under a written contract 40485  
to the political party, political action committee, political 40486  
contributing entity, legislative campaign fund, or such campaign 40487

committee for any legitimate activity of the political party, 40488  
political action committee, political contributing entity, 40489  
legislative campaign fund, or such campaign committee. 40490

Reimbursable expenses under this division do not include, and 40491  
it is a violation of this division for a candidate or public 40492  
official or employee to accept, or for any person to knowingly 40493  
give to a candidate or public official or employee from a 40494  
political party, political action committee, political 40495  
contributing entity, legislative campaign fund, or campaign 40496  
committee other than the candidate's or public official's or 40497  
employee's own campaign committee, anything of value for 40498  
activities primarily related to the candidate's or public 40499  
official's or employee's own campaign for election, except for 40500  
contributions to the candidate's or public official's or 40501  
employee's campaign committee. 40502

For purposes of this division, an expense is incurred 40503  
whenever a candidate or public official or employee has either 40504  
made payment or is obligated to make payment, as by the use of a 40505  
credit card or other credit procedure, or by the use of goods or 40506  
services on account. 40507

(R)(1) Division (O) or (P) of this section does not prohibit 40508  
a campaign committee from making direct advance or post payment 40509  
from contributions to vendors for goods and services for which 40510  
reimbursement is permitted under division (O) of this section, 40511  
except that no campaign committee shall pay its candidate or other 40512  
beneficiary for services personally performed by the candidate or 40513  
other beneficiary. 40514

(2) If any expense that may be reimbursed under division (O), 40515  
(P), or (Q) of this section is part of other expenses that may not 40516  
be paid or reimbursed, the separation of the two types of expenses 40517  
for the purpose of allocating for payment or reimbursement those 40518  
expenses that may be paid or reimbursed may be by any reasonable 40519



accounting method, considering all of the surrounding 40520  
circumstances. 40521

(3) For purposes of divisions (O), (P), and (Q) of this 40522  
section, mileage allowance at a rate not greater than that allowed 40523  
by the internal revenue service at the time the travel occurs may 40524  
be paid instead of reimbursement for actual travel expenses 40525  
allowable. 40526

(S)(1) As used in division (S) of this section: 40527

(a) "State elective office" has the same meaning as in 40528  
section 3517.092 of the Revised Code. 40529

(b) "Federal office" means a federal office as defined in the 40530  
Federal Election Campaign Act. 40531

(c) "Federal campaign committee" means a principal campaign 40532  
committee or authorized committee as defined in the Federal 40533  
Election Campaign Act. 40534

(2) No person who is a candidate for state elective office 40535  
and who previously sought nomination or election to a federal 40536  
office shall transfer any funds or assets from that person's 40537  
federal campaign committee for nomination or election to the 40538  
federal office to that person's campaign committee as a candidate 40539  
for state elective office. 40540

(3) No campaign committee of a person who is a candidate for 40541  
state elective office and who previously sought nomination or 40542  
election to a federal office shall accept any funds or assets from 40543  
that person's federal campaign committee for that person's 40544  
nomination or election to the federal office. 40545

(T)(1) Except as otherwise provided in division (B)(6)(c) of 40546  
section 3517.102 of the Revised Code, a state or county political 40547  
party shall not disburse moneys from any account other than a 40548  
state candidate fund to make contributions to any of the 40549

following:	40550
(a) A state candidate fund;	40551
(b) A legislative campaign fund;	40552
(c) A campaign committee of a candidate for the office of	40553
governor, lieutenant governor, secretary of state, auditor of	40554
state, treasurer of state, attorney general, member of the state	40555
board of education, or member of the general assembly.	40556
(2) No state candidate fund, legislative campaign fund, or	40557
campaign committee of a candidate for any office described in	40558
division (T)(1)(c) of this section shall knowingly accept a	40559
contribution in violation of division (T)(1) of this section.	40560
(U) No person shall fail to file a statement required under	40561
section 3517.12 of the Revised Code.	40562
(V) No campaign committee shall fail to file a statement	40563
required under division (K)(3) of section 3517.10 of the Revised	40564
Code.	40565
(W)(1) No foreign national shall, directly or indirectly	40566
through any other person or entity, make a contribution,	40567
expenditure, or independent expenditure or promise, either	40568
expressly or implicitly, to make a contribution, expenditure, or	40569
independent expenditure in support of or opposition to a candidate	40570
for any elective office in this state, including an office of a	40571
political party.	40572
(2) No candidate, campaign committee, political action	40573
committee, political contributing entity, legislative campaign	40574
fund, state candidate fund, political party, or separate	40575
segregated fund shall solicit or accept a contribution,	40576
expenditure, or independent expenditure from a foreign national.	40577
The secretary of state may direct any candidate, committee,	40578
entity, fund, or party that accepts a contribution, expenditure,	40579

or independent expenditure in violation of this division to return 40580  
the contribution, expenditure, or independent expenditure or, if 40581  
it is not possible to return the contribution, expenditure, or 40582  
independent expenditure, then to return instead the value of it, 40583  
to the contributor. 40584

(3) As used in division (W) of this section, "foreign 40585  
national" has the same meaning as in section 441e(b) of the 40586  
Federal Election Campaign Act. 40587

(X)(1) No state or county political party shall transfer any 40588  
moneys from its restricted fund to any account of the political 40589  
party into which contributions may be made or from which 40590  
contributions or expenditures may be made. 40591

(2)(a) No state or county political party shall deposit a 40592  
contribution or contributions that it receives into its restricted 40593  
fund. 40594

(b) No state or county political party shall make a 40595  
contribution or an expenditure from its restricted fund. 40596

(3)(a) No corporation or labor organization shall make a gift 40597  
or gifts from the corporation's or labor organization's money or 40598  
property aggregating more than ten thousand dollars to any one 40599  
state or county political party for the party's restricted fund in 40600  
a calendar year. 40601

(b) No state or county political party shall accept a gift or 40602  
gifts for the party's restricted fund aggregating more than ten 40603  
thousand dollars from any one corporation or labor organization in 40604  
a calendar year. 40605

(4) No state or county political party shall transfer any 40606  
moneys in the party's restricted fund to any other state or county 40607  
political party. 40608

(5) No state or county political party shall knowingly fail 40609

to file a statement required under section 3517.1012 of the Revised Code. 40610  
40611

(Y) The administrator of workers' compensation and the employees of the bureau of workers' compensation shall not conduct any business with or award any contract, other than one awarded by competitive bidding, for the purchase of goods costing more than five hundred dollars or services costing more than five hundred dollars to any individual, partnership, association, including, without limitation, a professional association organized under Chapter 1785. of the Revised Code, estate, or trust, if the individual has made, or the individual's spouse has made, or any partner, shareholder, administrator, executor, or trustee, or the spouses of any of those individuals has made, as an individual, within the two previous calendar years, one or more contributions totaling in excess of one thousand dollars to the campaign committee of the governor or lieutenant governor or to the campaign committee of any candidate for the office of governor or lieutenant governor. 40612  
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(Z) The administrator of workers' compensation and the employees of the bureau of workers' compensation shall not conduct business with or award any contract, other than one awarded by competitive bidding, for the purchase of goods costing more than five hundred dollars or services costing more than five hundred dollars to a corporation or business trust, except a professional association organized under Chapter 1785. of the Revised Code, if an owner of more than twenty per cent of the corporation or business trust, or the spouse of the owner, has made, as an individual, within the two previous calendar years, taking into consideration only owners for all of such period, one or more contributions totaling in excess of one thousand dollars to the campaign committee of the governor or lieutenant governor or to the campaign committee of any candidate for the office of governor 40628  
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or lieutenant governor. 40642

**Sec. 3517.153.** (A) Upon the filing of a complaint with the 40643  
Ohio elections commission, which shall be made by affidavit of any 40644  
person, on personal knowledge, and subject to the penalties for 40645  
perjury, or upon the filing of a complaint made by the secretary 40646  
of state or an official at the board of elections, setting forth a 40647  
failure to comply with or a violation of any provision in sections 40648  
3517.08 to 3517.13, ~~3517.17, 3517.18,~~ 3517.20 to 3517.22, 3599.03, 40649  
or 3599.031 of the Revised Code, the commission shall proceed in 40650  
accordance with sections 3517.154 to 3517.157 of the Revised Code. 40651

(B) The commission shall prescribe the form for complaints 40652  
made under division (A) of this section. The secretary of state 40653  
and boards of elections shall furnish the information that the 40654  
commission requests. The commission or a member of the commission 40655  
may administer oaths, and the commission may issue subpoenas to 40656  
any person in the state compelling the attendance of witnesses and 40657  
the production of relevant papers, books, accounts, and reports. 40658  
Section 101.42 of the Revised Code governs the issuance of 40659  
subpoenas insofar as applicable. Upon the refusal of any person to 40660  
obey a subpoena or to be sworn or to answer as a witness, the 40661  
commission may apply to the court of common pleas of Franklin 40662  
county under section 2705.03 of the Revised Code. The court shall 40663  
hold proceedings in accordance with Chapter 2705. of the Revised 40664  
Code. 40665

(C) No prosecution shall commence for a violation of a 40666  
provision in sections 3517.08 to 3517.13, 3517.17, 3517.18, 40667  
3517.20 to 3517.22, 3599.03, or 3599.031 of the Revised Code 40668  
unless a complaint has been filed with the commission under this 40669  
section and all proceedings of the commission or a panel of the 40670  
commission, as appropriate, under sections 3517.154 to 3517.157 of 40671  
the Revised Code are completed. 40672

(D) The commission may recommend legislation and render 40673  
advisory opinions concerning sections 3517.08, 3517.082, 3517.092, 40674  
3517.102, 3517.105, 3517.1014, 3517.13, ~~3517.18~~, 3517.20 to 40675  
3517.22, 3599.03, and 3599.031 of the Revised Code for persons 40676  
over whose acts it has or may have jurisdiction. When the 40677  
commission renders an advisory opinion relating to a specific set 40678  
of circumstances involving any of those sections stating that 40679  
there is no violation of a provision in those sections, the person 40680  
to whom the opinion is directed or a person who is similarly 40681  
situated may reasonably rely on the opinion and is immune from 40682  
criminal prosecution and a civil action, including, without 40683  
limitation, a civil action for removal from public office or 40684  
employment, based on facts and circumstances covered by the 40685  
opinion. 40686

(E) The commission shall establish a web site on which it 40687  
shall post, at a minimum, all decisions and advisory opinions 40688  
issued by the commission and copies of each election law as it is 40689  
amended by the general assembly. The commission shall update the 40690  
web site regularly to reflect any changes to those decisions and 40691  
advisory opinions and any new decisions and advisory opinions. 40692

**Sec. 3517.23.** The secretary of state shall adopt rules in 40693  
accordance with Chapter 119. of the Revised Code that are 40694  
necessary for the administration and enforcement of sections 40695  
3517.08 to 3517.13, 3517.18, 3517.20 to 3517.22, 3599.03, and 40696  
3599.031 of the Revised Code and shall provide each candidate, 40697  
political action committee, political contributing entity, 40698  
legislative campaign fund, political party, and person making 40699  
disbursements to pay the direct costs of producing or airing 40700  
electioneering communications with written instructions and 40701  
explanations in order to ensure compliance with sections 3517.08 40702  
to 3517.13, ~~3517.17~~, ~~3517.18~~, 3517.20 to 3517.22, 3599.03, and 40703  
3599.031 of the Revised Code. 40704

Sec. 3517.99. This section establishes penalties only with 40705  
respect to acts or failures to act that occur before ~~the effective~~ 40706  
~~date of this amendment~~ August 24, 1995. 40707

(A) Any candidate whose campaign committee violates division 40708  
(A)(1) or (2) of section 3517.13 of the Revised Code shall be 40709  
fined one thousand dollars for each day of violation. 40710

(B) Any candidate whose campaign committee violates division 40711  
(B) of section 3517.13 of the Revised Code, any political party 40712  
that violates division (F)(1) of section 3517.101 of the Revised 40713  
Code, or any person who violates division (E) of section 3517.13 40714  
of the Revised Code shall be fined one hundred dollars for each 40715  
day of violation. 40716

(C) Any candidate whose campaign committee violates division 40717  
(C) or (D) of section 3517.13 of the Revised Code shall be fined 40718  
twenty-five dollars for each day of violation. 40719

(D) Whoever violates division (F)(2) of section 3517.101 or 40720  
division (G) of section 3517.13 of the Revised Code shall be fined 40721  
not more than ten thousand dollars, or if the offender is a person 40722  
who was nominated or elected to public office, the offender shall 40723  
forfeit the nomination or the office to which the offender was 40724  
nominated, elected, or both. 40725

(E) Whoever violates division (F) of section 3517.13 of the 40726  
Revised Code shall be fined an amount equal to three times the 40727  
amount contributed. 40728

(F) Whoever violates division (H) of section 3517.13 of the 40729  
Revised Code is guilty of a minor misdemeanor. 40730

(G) Whoever violates division (O), (P), or (Q) of section 40731  
3517.13 of the Revised Code is guilty of a misdemeanor of the 40732  
first degree. 40733

(H) Any state or county committee of a political party that 40734

violates division (B)(1) of section 3517.18 of the Revised Code as 40735  
that section existed before its repeal by H.B. 166 of the 133rd 40736  
general assembly shall be fined an amount equal to twice the 40737  
amount of the improper expenditure. 40738

(I) Any state or county political party that violates 40739  
division (G) of section 3517.101 of the Revised Code shall be 40740  
fined an amount equal to twice the amount of the improper 40741  
expenditure or use. 40742

(J)(1) Any individual who violates division (B)(1) of section 40743  
3517.102 of the Revised Code and knows that the contribution the 40744  
individual makes violates that division shall be fined an amount 40745  
equal to three times the amount contributed in excess of the 40746  
amount permitted by that division. 40747

(2) Any political action committee that violates division 40748  
(B)(2) of section 3517.102 of the Revised Code shall be fined an 40749  
amount equal to three times the amount contributed in excess of 40750  
the amount permitted by that division. 40751

(3) Any campaign committee that violates division (B)(3) or 40752  
(5) of section 3517.102 of the Revised Code shall be fined an 40753  
amount equal to three times the amount contributed in excess of 40754  
the amount permitted by that division. 40755

(4) Any legislative campaign fund that violates division 40756  
(B)(6) of section 3517.102 of the Revised Code, and any state 40757  
political party, county political party, or state candidate fund 40758  
of a state political party or county political party that violates 40759  
division (B)(6) of that section, shall be fined an amount equal to 40760  
three times the amount transferred or contributed in excess of the 40761  
amount permitted by those divisions, as applicable. 40762

(5) A political party that violates division (B)(4) of 40763  
section 3517.102 of the Revised Code shall be fined an amount 40764  
equal to three times the amount contributed in excess of the 40765



amount permitted by that division. 40766

(6) Notwithstanding divisions (J)(1), (2), (3), (4), and (5) 40767  
of this section, no fine shall be imposed if the excess amount 40768  
contributed meets either of the following conditions: 40769

(a) It is completely refunded within five business days after 40770  
it is accepted. 40771

(b) It is less than or equal to the amount permitted under 40772  
division (B)(1), (2), (3), (4), (5), or (6) of section 3517.102 of 40773  
the Revised Code, whichever is applicable, and the excess is 40774  
completely refunded within ten business days after notification to 40775  
the recipient of the contribution by the board of elections or the 40776  
secretary of state that a contribution in excess of the permitted 40777  
amount has been received. 40778

(K)(1) Any campaign committee that violates division (C)(1), 40779  
(2), (3), or (6) of section 3517.102 of the Revised Code shall be 40780  
fined an amount equal to three times the amount accepted in excess 40781  
of the amount permitted by that division. 40782

(2) Any state or county political party that violates 40783  
division (C)(4) of section 3517.102 of the Revised Code shall be 40784  
fined an amount from its state candidate fund equal to three times 40785  
the amount accepted in excess of the amount permitted by that 40786  
division. 40787

(3) Any legislative campaign fund that violates division 40788  
(C)(5) of section 3517.102 of the Revised Code shall be fined an 40789  
amount equal to three times the amount accepted in excess of the 40790  
amount permitted by that division. 40791

(4) Any political action committee that violates division 40792  
(C)(7) of section 3517.102 of the Revised Code shall be fined an 40793  
amount equal to three times the amount accepted in excess of the 40794  
amount permitted by that division. 40795

(5) Notwithstanding divisions (K)(1), (2), (3), and (4) of 40796  
this section, no fine shall be imposed if the excess accepted 40797  
meets either of the following conditions: 40798

(a) It is completely refunded within five business days after 40799  
its acceptance. 40800

(b) It is less than or equal to the amount permitted under 40801  
division (C)(1), (2), (3), (4), (5), (6), or (7) of section 40802  
3517.102 of the Revised Code, whichever is applicable, and the 40803  
excess is completely refunded within ten business days after 40804  
notification to the recipient of the contribution by the board of 40805  
elections or the secretary of state that a contribution in excess 40806  
of the permitted amount has been received. 40807

(L)(1) Any legislative campaign fund that violates division 40808  
(F)(1) of section 3517.102 of the Revised Code shall be fined 40809  
twenty-five dollars for each day of violation. 40810

(2) Any legislative campaign fund that violates division 40811  
(F)(2) of section 3517.102 of the Revised Code shall give to the 40812  
treasurer of state for deposit into the state treasury to the 40813  
credit of the Ohio elections commission fund all excess 40814  
contributions not disposed of as required by division (E) of 40815  
section 3517.102 of the Revised Code. 40816

(M) Whoever violates section 3517.105 of the Revised Code 40817  
shall be fined one thousand dollars. 40818

(N)(1) Whoever solicits a contribution in violation of 40819  
section 3517.092 or violates division (B) of section 3517.09 of 40820  
the Revised Code is guilty of a misdemeanor of the first degree. 40821

(2) Whoever knowingly accepts a contribution in violation of 40822  
division (B) or (C) of section 3517.092 of the Revised Code shall 40823  
be fined an amount equal to three times the amount accepted in 40824  
violation of either of those divisions and shall return to the 40825  
contributor any amount so accepted. Whoever unknowingly accepts a 40826

contribution in violation of division (B) or (C) of section 40827  
3517.092 of the Revised Code shall return to the contributor any 40828  
amount so accepted. 40829

(O) Whoever violates division (S) of section 3517.13 of the 40830  
Revised Code shall be fined an amount equal to three times the 40831  
amount of funds transferred or three times the value of the assets 40832  
transferred in violation of that division. 40833

(P) Any campaign committee that accepts a contribution or 40834  
contributions in violation of section 3517.108 of the Revised 40835  
Code, uses a contribution in violation of that section, or fails 40836  
to dispose of excess contributions in violation of that section 40837  
shall be fined an amount equal to three times the amount accepted, 40838  
used, or kept in violation of that section. 40839

(Q) Any political party, state candidate fund, legislative 40840  
candidate fund, or campaign committee that violates division (T) 40841  
of section 3517.13 of the Revised Code shall be fined an amount 40842  
equal to three times the amount contributed or accepted in 40843  
violation of that section. 40844

(R) Any campaign committee that fails to file the declaration 40845  
of filing-day finances required by division (F) of section 40846  
3517.109 of the Revised Code shall be fined twenty-five dollars 40847  
for each day of violation. 40848

(S) Any campaign committee that fails to dispose of 40849  
contributions under divisions (B) and (C) of section 3517.109 of 40850  
the Revised Code shall give to the treasurer of state for deposit 40851  
to the credit of the Ohio elections commission fund created under 40852  
division (E)(2) of section 3517.102 of the Revised Code all 40853  
contributions not disposed of pursuant to those divisions. 40854

**Sec. 3517.992.** This section establishes penalties only with 40855  
respect to acts or failures to act that occur on and after August 40856

24, 1995. 40857

(A)(1) A candidate whose campaign committee violates division 40858  
(A), (B), (C), (D), or (V) of section 3517.13 of the Revised Code, 40859  
or a treasurer of a campaign committee who violates any of those 40860  
divisions, shall be fined not more than one hundred dollars for 40861  
each day of violation. 40862

(2) Whoever violates division (E) or (X)(5) of section 40863  
3517.13 or division (E)(1) of section 3517.1014 of the Revised 40864  
Code shall be fined not more than one hundred dollars for each day 40865  
of violation. 40866

(B) An entity that violates division (G)(1) of section 40867  
3517.101 of the Revised Code shall be fined not more than one 40868  
hundred dollars for each day of violation. 40869

(C) Whoever violates division (G)(2) of section 3517.101, 40870  
division (G) of section 3517.13, or division (E)(2) or (3) of 40871  
section 3517.1014 of the Revised Code shall be fined not more than 40872  
ten thousand dollars or, if the offender is a person who was 40873  
nominated or elected to public office, shall forfeit the 40874  
nomination or the office to which the offender was elected, or 40875  
both. 40876

(D) Whoever violates division (F) of section 3517.13 of the 40877  
Revised Code shall be fined not more than three times the amount 40878  
contributed. 40879

(E) Whoever violates division (H) of section 3517.13 of the 40880  
Revised Code shall be fined not more than one hundred dollars. 40881

(F) Whoever violates division (O), (P), or (Q) of section 40882  
3517.13 of the Revised Code is guilty of a misdemeanor of the 40883  
first degree. 40884

(G) A state or county committee of a political party that 40885  
violates division (B)(1) of section 3517.18 of the Revised Code as 40886

that section existed before its repeal by H.B. 166 of the 133rd 40887  
general assembly shall be fined not more than twice the amount of 40888  
the improper expenditure. 40889

(H) An entity that violates division (H) of section 3517.101 40890  
of the Revised Code shall be fined not more than twice the amount 40891  
of the improper expenditure or use. 40892

(I)(1) Any individual who violates division (B)(1) of section 40893  
3517.102 of the Revised Code and knows that the contribution the 40894  
individual makes violates that division shall be fined an amount 40895  
equal to three times the amount contributed in excess of the 40896  
amount permitted by that division. 40897

(2) Any political action committee that violates division 40898  
(B)(2) of section 3517.102 of the Revised Code shall be fined an 40899  
amount equal to three times the amount contributed in excess of 40900  
the amount permitted by that division. 40901

(3) Any campaign committee that violates division (B)(3) or 40902  
(5) of section 3517.102 of the Revised Code shall be fined an 40903  
amount equal to three times the amount contributed in excess of 40904  
the amount permitted by that division. 40905

(4)(a) Any legislative campaign fund that violates division 40906  
(B)(6) of section 3517.102 of the Revised Code shall be fined an 40907  
amount equal to three times the amount transferred or contributed 40908  
in excess of the amount permitted by that division, as applicable. 40909

(b) Any state political party, county political party, or 40910  
state candidate fund of a state political party or county 40911  
political party that violates division (B)(6) of section 3517.102 40912  
of the Revised Code shall be fined an amount equal to three times 40913  
the amount transferred or contributed in excess of the amount 40914  
permitted by that division, as applicable. 40915

(c) Any political contributing entity that violates division 40916  
(B)(7) of section 3517.102 of the Revised Code shall be fined an 40917

amount equal to three times the amount contributed in excess of 40918  
the amount permitted by that division. 40919

(5) Any political party that violates division (B)(4) of 40920  
section 3517.102 of the Revised Code shall be fined an amount 40921  
equal to three times the amount contributed in excess of the 40922  
amount permitted by that division. 40923

(6) Notwithstanding divisions (I)(1), (2), (3), (4), and (5) 40924  
of this section, no violation of division (B) of section 3517.102 40925  
of the Revised Code occurs, and the secretary of state shall not 40926  
refer parties to the Ohio elections commission, if the amount 40927  
transferred or contributed in excess of the amount permitted by 40928  
that division meets either of the following conditions: 40929

(a) It is completely refunded within five business days after 40930  
it is accepted. 40931

(b) It is completely refunded on or before the tenth business 40932  
day after notification to the recipient of the excess transfer or 40933  
contribution by the board of elections or the secretary of state 40934  
that a transfer or contribution in excess of the permitted amount 40935  
has been received. 40936

(J)(1) Any campaign committee that violates division (C)(1), 40937  
(2), (3), or (6) of section 3517.102 of the Revised Code shall be 40938  
fined an amount equal to three times the amount accepted in excess 40939  
of the amount permitted by that division. 40940

(2)(a) Any county political party that violates division 40941  
(C)(4)(a)(ii) or (iii) of section 3517.102 of the Revised Code 40942  
shall be fined an amount equal to three times the amount accepted. 40943

(b) Any county political party that violates division 40944  
(C)(4)(a)(i) of section 3517.102 of the Revised Code shall be 40945  
fined an amount from its state candidate fund equal to three times 40946  
the amount accepted in excess of the amount permitted by that 40947  
division. 40948

(c) Any state political party that violates division 40949  
(C)(4)(b) of section 3517.102 of the Revised Code shall be fined 40950  
an amount from its state candidate fund equal to three times the 40951  
amount accepted in excess of the amount permitted by that 40952  
division. 40953

(3) Any legislative campaign fund that violates division 40954  
(C)(5) of section 3517.102 of the Revised Code shall be fined an 40955  
amount equal to three times the amount accepted in excess of the 40956  
amount permitted by that division. 40957

(4) Any political action committee or political contributing 40958  
entity that violates division (C)(7) of section 3517.102 of the 40959  
Revised Code shall be fined an amount equal to three times the 40960  
amount accepted in excess of the amount permitted by that 40961  
division. 40962

(5) Notwithstanding divisions (J)(1), (2), (3), and (4) of 40963  
this section, no violation of division (C) of section 3517.102 of 40964  
the Revised Code occurs, and the secretary of state shall not 40965  
refer parties to the Ohio elections commission, if the amount 40966  
transferred or contributed in excess of the amount permitted to be 40967  
accepted by that division meets either of the following 40968  
conditions: 40969

(a) It is completely refunded within five business days after 40970  
its acceptance. 40971

(b) It is completely refunded on or before the tenth business 40972  
day after notification to the recipient of the excess transfer or 40973  
contribution by the board of elections or the secretary of state 40974  
that a transfer or contribution in excess of the permitted amount 40975  
has been received. 40976

(K)(1) Any legislative campaign fund that violates division 40977  
(F)(1) of section 3517.102 of the Revised Code shall be fined 40978  
twenty-five dollars for each day of violation. 40979

(2) Any legislative campaign fund that violates division 40980  
(F)(2) of section 3517.102 of the Revised Code shall give to the 40981  
treasurer of state for deposit into the state treasury to the 40982  
credit of the Ohio elections commission fund all excess 40983  
contributions not disposed of as required by division (E) of 40984  
section 3517.102 of the Revised Code. 40985

(L) Whoever violates section 3517.105 of the Revised Code 40986  
shall be fined one thousand dollars. 40987

(M)(1) Whoever solicits a contribution in violation of 40988  
section 3517.092 or violates division (B) of section 3517.09 of 40989  
the Revised Code is guilty of a misdemeanor of the first degree. 40990

(2) Whoever knowingly accepts a contribution in violation of 40991  
division (B) or (C) of section 3517.092 of the Revised Code shall 40992  
be fined an amount equal to three times the amount accepted in 40993  
violation of either of those divisions and shall return to the 40994  
contributor any amount so accepted. Whoever unknowingly accepts a 40995  
contribution in violation of division (B) or (C) of section 40996  
3517.092 of the Revised Code shall return to the contributor any 40997  
amount so accepted. 40998

(N) Whoever violates division (S) of section 3517.13 of the 40999  
Revised Code shall be fined an amount equal to three times the 41000  
amount of funds transferred or three times the value of the assets 41001  
transferred in violation of that division. 41002

(O) Any campaign committee that accepts a contribution or 41003  
contributions in violation of section 3517.108 of the Revised 41004  
Code, uses a contribution in violation of that section, or fails 41005  
to dispose of excess contributions in violation of that section 41006  
shall be fined an amount equal to three times the amount accepted, 41007  
used, or kept in violation of that section. 41008

(P) Any political party, state candidate fund, legislative 41009  
candidate fund, or campaign committee that violates division (T) 41010



of section 3517.13 of the Revised Code shall be fined an amount 41011  
equal to three times the amount contributed or accepted in 41012  
violation of that section. 41013

(Q) A treasurer of a committee or another person who violates 41014  
division (U) of section 3517.13 of the Revised Code shall be fined 41015  
not more than two hundred fifty dollars. 41016

(R) Whoever violates division (I) or (J) of section 3517.13 41017  
of the Revised Code shall be fined not more than one thousand 41018  
dollars. Whenever a person is found guilty of violating division 41019  
(I) or (J) of section 3517.13 of the Revised Code, the contract 41020  
awarded in violation of either of those divisions shall be 41021  
rescinded if its terms have not yet been performed. 41022

(S) A candidate whose campaign committee violates or a 41023  
treasurer of a campaign committee who violates section 3517.081 of 41024  
the Revised Code, and a candidate whose campaign committee 41025  
violates or a treasurer of a campaign committee or another person 41026  
who violates division (C) of section 3517.10 of the Revised Code, 41027  
shall be fined not more than five hundred dollars. 41028

(T) A candidate whose campaign committee violates or a 41029  
treasurer of a committee who violates division (B) of section 41030  
3517.09 of the Revised Code, or a candidate whose campaign 41031  
committee violates or a treasurer of a campaign committee or 41032  
another person who violates division (C) of section 3517.09 of the 41033  
Revised Code shall be fined not more than one thousand dollars. 41034

(U) Whoever violates section 3517.20 of the Revised Code 41035  
shall be fined not more than five hundred dollars. 41036

(V) Whoever violates section 3517.21 or 3517.22 of the 41037  
Revised Code shall be imprisoned for not more than six months or 41038  
fined not more than five thousand dollars, or both. 41039

(W) A campaign committee that is required to file a 41040  
declaration of no limits under division (D)(2) of section 3517.103 41041

of the Revised Code that, before filing that declaration, accepts 41042  
a contribution or contributions that exceed the limitations 41043  
prescribed in section 3517.102 of the Revised Code, shall return 41044  
that contribution or those contributions to the contributor. 41045

(X) Any campaign committee that fails to file the declaration 41046  
of filing-day finances required by division (F) of section 41047  
3517.109 of the Revised Code shall be fined twenty-five dollars 41048  
for each day of violation. 41049

(Y)(1) Any campaign committee that fails to dispose of excess 41050  
funds or excess aggregate contributions under division (B) of 41051  
section 3517.109 of the Revised Code in the manner required by 41052  
division (C) of that section shall give to the treasurer of state 41053  
for deposit into the Ohio elections commission fund created under 41054  
division (I) of section 3517.152 of the Revised Code all funds not 41055  
disposed of pursuant to that division. 41056

(2) Any treasurer of a transition fund that fails to dispose 41057  
of assets remaining in the transition fund as required under 41058  
division (H)(1) or (2) of section 3517.1014 of the Revised Code 41059  
shall give to the treasurer of state for deposit into the Ohio 41060  
elections commission fund all assets not disposed of pursuant to 41061  
that division. 41062

(Z) Any individual, campaign committee, political action 41063  
committee, political contributing entity, legislative campaign 41064  
fund, political party, treasurer of a transition fund, or other 41065  
entity that violates any provision of sections 3517.09 to 3517.12 41066  
of the Revised Code for which no penalty is provided for under any 41067  
other division of this section shall be fined not more than one 41068  
thousand dollars. 41069

(AA)(1) Whoever knowingly violates division (W)(1) of section 41070  
3517.13 of the Revised Code shall be fined an amount equal to 41071  
three times the amount contributed, expended, or promised in 41072

violation of that division or ten thousand dollars, whichever amount is greater. 41073  
41074

(2) Whoever knowingly violates division (W)(2) of section 3517.13 of the Revised Code shall be fined an amount equal to three times the amount solicited or accepted in violation of that division or ten thousand dollars, whichever amount is greater. 41075  
41076  
41077  
41078

(BB) Whoever knowingly violates division (C) or (D) of section 3517.1011 of the Revised Code shall be fined not more than ten thousand dollars plus not more than one thousand dollars for each day of violation. 41079  
41080  
41081  
41082

(CC)(1) Subject to division (CC)(2) of this section, whoever violates division (H) of section 3517.1011 of the Revised Code shall be fined an amount up to three times the amount disbursed for the direct costs of airing the communication made in violation of that division. 41083  
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41085  
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(2) Whoever has been ordered by the Ohio elections commission or by a court of competent jurisdiction to cease making communications in violation of division (H) of section 3517.1011 of the Revised Code who again violates that division shall be fined an amount equal to three times the amount disbursed for the direct costs of airing the communication made in violation of that division. 41088  
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(DD)(1) Any corporation or labor organization that violates division (X)(3)(a) of section 3517.13 of the Revised Code shall be fined an amount equal to three times the amount given in excess of the amount permitted by that division. 41095  
41096  
41097  
41098

(2) Any state or county political party that violates division (X)(3)(b) of section 3517.13 of the Revised Code shall be fined an amount equal to three times the amount accepted in excess of the amount permitted by that division. 41099  
41100  
41101  
41102

(EE)(1) Any campaign committee or person who violates 41103

division (C)(1)(b) or (c) of section 3517.1014 of the Revised Code 41104  
shall be fined an amount equal to three times the amount donated 41105  
in excess of the amount permitted by that division. 41106

(2) Any officeholder or treasurer of a transition fund who 41107  
violates division (C)(3)(a) or (b) of section 3517.1014 of the 41108  
Revised Code shall be fined an amount equal to three times the 41109  
amount accepted in excess of the amount permitted by that 41110  
division. 41111

**Sec. 3701.044.** When ~~the director of health or department of~~ 41112  
~~health is~~ required or authorized to conduct or administer an 41113  
examination or evaluation of ~~individuals~~ an individual for the 41114  
purpose of determining competency or ~~for the purpose of~~ issuing a 41115  
license, certificate, registration, or other authority to practice 41116  
or perform duties, the director of health or department of health 41117  
may ~~provide for the examination or evaluation by contracting~~ 41118  
contract with ~~any public or private~~ an entity to conduct or 41119  
administer the examination or evaluation. The contract may 41120  
authorize the entity to collect and retain, as all or part of the 41121  
entity's compensation under the contract, any fee paid by an 41122  
individual for the examination or evaluation. ~~An~~ The entity 41123  
~~authorized to collect and retain a fee~~ is not required to deposit 41124  
the fee into the state treasury. 41125

The director or department shall post to the department's web 41126  
site the dollar amounts for fees described in this section. Any 41127  
changes in fee amounts shall be posted to the web site not later 41128  
than thirty days before such changes are effective. 41129

Except when considered to be necessary by the director or 41130  
department, the director or department shall not disclose test 41131  
materials, examinations, or evaluation tools used in any 41132  
examination or evaluation the director or department conducts, 41133  
administers, or provides for by contract. The test materials, 41134

examinations, and evaluation tools are not public records for the 41135  
purpose of section 149.43 of the Revised Code and are not subject 41136  
to inspection or copying under section 1347.08 of the Revised 41137  
Code. 41138

Sec. 3701.049. (A) As used in this section, "board of health" 41139  
has the same meaning as in section 3707.70 of the Revised Code. 41140

(B) The director of health shall adopt rules in accordance 41141  
with Chapter 119. of the Revised Code that establish a procedure 41142  
for fetal-infant mortality review boards to follow in conducting a 41143  
review of a fetal or infant death. The rules shall do all of the 41144  
following: 41145

(1) Specify the procedures a board of health must use to 41146  
establish and operate a fetal-infant mortality review board under 41147  
section 3707.71 of the Revised Code; 41148

(2) Specify the data and other relevant information a review 41149  
board must use when conducting the reviews described in section 41150  
3707.71 of the Revised Code; 41151

(3) Establish guidelines for a review board to follow so that 41152  
information presented to the review board does not include 41153  
anything that would permit any person's identity to be 41154  
ascertained; 41155

(4) Specify the standards and procedures a review board must 41156  
use when reporting fetal-infant mortality data to the fetal-infant 41157  
mortality database maintained by the department of health or the 41158  
national infant death review database. 41159

Sec. 3701.139. (A) Subject to division (B) of this section, 41160  
the director of health shall convene meetings with staff of the 41161  
department of health, department of medicaid, department of 41162  
administrative services, and commission on minority health to do 41163  
all of the following: 41164

(1) Assess the prevalence of all types of diabetes in this state, including disparities in that prevalence among various demographic populations and local jurisdictions;	41165 41166 41167
(2) Establish and reevaluate goals for each of the agencies to reduce that prevalence;	41168 41169
(3) Identify how to measure the progress achieved toward attaining the goals established under division (A)(2) of this section;	41170 41171 41172
(4) Establish and monitor the implementation of plans for each agency to reduce the prevalence of all types of diabetes, improve diabetes care, and control complications associated with diabetes among the populations of concern to each agency;	41173 41174 41175 41176
(5) Consider any other matter associated with reducing the prevalence of all types of diabetes in this state that the director considers appropriate;	41177 41178 41179
(6) Collect the information needed to prepare the reports required by division (C) of this section.	41180 41181
(B) The director shall convene the meetings required by division (A) of this section at the director's discretion, but not less than twice each calendar year.	41182 41183 41184
(C) Not later than the thirty-first day of January of <del>each even-numbered</del> <u>every third</u> year beginning in <del>2018</del> <u>2021</u> , the director shall submit a report to the general assembly in accordance with section 101.68 of the Revised Code that addresses or contains all of the following for the <del>two-year</del> <u>three-year</u> period preceding the report's submission:	41185 41186 41187 41188 41189 41190
(1) The results of the assessment required by division (A)(1) of this section;	41191 41192
(2) The progress each agency has made toward achieving the goals established under division (A)(2) of this section and	41193 41194

implementing the plans required by division (A)(4) of this	41195
section;	41196
(3) An assessment of the health and financial impacts that	41197
all types of diabetes have had on the state and local	41198
jurisdictions, and, subject to division (D) of this section, each	41199
agency specified in division (A) of this section;	41200
(4) A description of the efforts the agencies specified in	41201
division (A) of this section have taken to coordinate programs	41202
intended to prevent, treat, and manage all types of diabetes and	41203
associated complications;	41204
(5) Recommendations for legislative policies to reduce the	41205
impact that diabetes, pre-diabetes, and complications from	41206
diabetes have on the citizens of this state, including specific	41207
action steps that could be taken, the expected outcomes of the	41208
action steps, and benchmarks for measuring progress toward	41209
achieving the outcomes;	41210
(6) A budget proposal that identifies the needs and resources	41211
required to implement the recommendations described in division	41212
(C)(5) of this section, as well as estimates of the costs to	41213
implement the recommendations;	41214
(7) Any other information concerning diabetes prevention,	41215
treatment, or management in this state that the director considers	41216
appropriate.	41217
(D) An agency-specific assessment required by division (C) of	41218
this section shall include all of the following:	41219
(1) A list and description of each diabetes prevention or	41220
control program the agency administers, the number of individuals	41221
with each type of diabetes and their dependents who are impacted	41222
by each program, the expenses associated with administering each	41223
program, and the funds appropriated for each program, along with	41224
each funding source;	41225

(2) A comparison of the expenses described in division (D)(1) 41226  
of this section with the expenses the agency incurs in 41227  
administering programs to reduce the prevalence of other chronic 41228  
diseases and conditions; 41229

(3) An evaluation of the benefits that have resulted from 41230  
each program listed pursuant to division (D)(1) of this section. 41231

(E) Nothing in this section requires the agencies specified 41232  
in division (A) of this section to establish programs for diabetes 41233  
prevention, treatment, and management that had not been initiated 41234  
or funded prior to ~~the effective date of this section~~ April 6, 41235  
2017. 41236

**Sec. 3701.144.** (A) As used in this section, "cost sharing" 41237  
has the same meaning as in section 3923.85 of the Revised Code. 41238

(B) The department of health shall administer the state's 41239  
participation in the national breast and cervical cancer early 41240  
detection program (NBCCEDP), which shall be known as the Ohio 41241  
breast and cervical cancer project. The project shall be 41242  
administered in accordance with Title XV of the "Public Health 41243  
Service Act," 42 U.S.C. 300k et seq., and the department's NBCCEDP 41244  
grant agreement with the United States centers for disease control 41245  
and prevention. 41246

(C) In administering the project, the department shall set 41247  
eligibility requirements for services provided through the project 41248  
as follows: 41249

(1) The woman must have countable family income not exceeding 41250  
~~two~~ three hundred ~~fifty~~ per cent of the federal poverty line. 41251

(2) One of the following must be the case: 41252

(a) The woman is not covered by health insurance. 41253

(b) The woman is covered by health insurance that does not 41254  
include the screening or diagnostic services the woman seeks 41255



through the project. 41256

(c) The woman is covered by health insurance that imposes 41257  
cost sharing for the screening or diagnostic services the woman 41258  
seeks through the project that exceeds the limit specified by the 41259  
director of health in rules adopted under division (D) of this 41260  
section. 41261

(3) In the case of a woman seeking cervical cancer screening 41262  
and diagnostic services through the project, the woman must be at 41263  
least twenty-one and less than sixty-five years of age. 41264

(4) In the case of a woman seeking breast cancer screening 41265  
and diagnostic services through the project, either of the 41266  
following must be the case: 41267

(a) The woman is at least forty ~~and less than sixty five~~ 41268  
years of age. 41269

(b) The woman is at least ~~twenty five~~ twenty-one and less 41270  
than forty years of age and has been determined by a physician to 41271  
need breast cancer screening and diagnostic services due to the 41272  
results of a clinical breast examination, the woman's family 41273  
history, or other factors. 41274

(D) The director shall adopt rules for purposes of division 41275  
(C)(2)(c) of this section specifying the cost sharing limit for 41276  
each screening and diagnostic service that may be obtained through 41277  
the project. The director may adopt other rules as necessary to 41278  
implement this section. The rules shall be adopted in accordance 41279  
with Chapter 119. of the Revised Code. 41280

**Sec. 3701.24.** (A) As used in this section and sections 41281  
3701.241 to 3701.249 of the Revised Code: 41282

(1) "AIDS" means the illness designated as acquired 41283  
immunodeficiency syndrome. 41284

(2) "HIV" means the human immunodeficiency virus identified 41285

as the causative agent of AIDS.	41286
(3) "AIDS-related condition" means symptoms of illness related to HIV infection, including AIDS-related complex, that are confirmed by a positive HIV test.	41287 41288 41289
(4) "HIV test" means any test for the antibody or antigen to HIV that has been approved by the director of health under division (B) of section 3701.241 of the Revised Code.	41290 41291 41292
(5) "Health care facility" has the same meaning as in section 1751.01 of the Revised Code.	41293 41294
(6) "Director" means the director of health or any employee of the department of health acting on the director's behalf.	41295 41296
(7) "Physician" means a person <del>who holds a current, valid certificate issued</del> <u>authorized</u> under Chapter 4731. of the Revised Code <del>authorizing the</del> <u>to</u> practice of medicine <del>or</del> <u>and</u> surgery <del>and or</del> osteopathic medicine and surgery.	41297 41298 41299 41300
(8) "Nurse" means a registered nurse or licensed practical nurse who holds a license <del>or certificate</del> issued under Chapter 4723. of the Revised Code.	41301 41302 41303
(9) "Anonymous test" means an HIV test administered so that the individual to be tested can give informed consent to the test and receive the results by means of a code system that does not link the identity of the individual tested to the request for the test or the test results.	41304 41305 41306 41307 41308
(10) "Confidential test" means an HIV test administered so that the identity of the individual tested is linked to the test but is held in confidence to the extent provided by sections 3701.24 to 3701.248 of the Revised Code.	41309 41310 41311 41312
(11) "Health care provider" means an individual who provides diagnostic, evaluative, or treatment services. Pursuant to Chapter 119. of the Revised Code, the director may adopt rules further	41313 41314 41315

defining the scope of the term "health care provider." 41316

(12) "Significant exposure to body fluids" means a 41317  
percutaneous or mucous membrane exposure of an individual to the 41318  
blood, semen, vaginal secretions, or spinal, synovial, pleural, 41319  
peritoneal, pericardial, or amniotic fluid of another individual. 41320

(13) "Emergency medical services worker" means all of the 41321  
following: 41322

(a) A peace officer; 41323

(b) An employee of an emergency medical service organization 41324  
as defined in section 4765.01 of the Revised Code; 41325

(c) A firefighter employed by a political subdivision; 41326

(d) A volunteer firefighter, emergency operator, or rescue 41327  
operator; 41328

(e) An employee of a private organization that renders rescue 41329  
services, emergency medical services, or emergency medical 41330  
transportation to accident victims and persons suffering serious 41331  
illness or injury. 41332

(14) "Peace officer" has the same meaning as in division (A) 41333  
of section 109.71 of the Revised Code, except that it also 41334  
includes a sheriff and the superintendent and troopers of the 41335  
state highway patrol. 41336

(B) Persons designated by rule adopted by the director under 41337  
section 3701.241 of the Revised Code shall report promptly every 41338  
case of AIDS, every AIDS-related condition, and every confirmed 41339  
positive HIV test to the department of health on forms and in a 41340  
manner prescribed by the director. In each county the director 41341  
shall designate the health commissioner of a health district in 41342  
the county to receive the reports. 41343

(C) No person shall fail to comply with the reporting 41344  
requirements established under division (B) of this section. 41345

(D) Information reported under this section that identifies an individual is confidential and may be released only with the written consent of the individual except as the director determines necessary to ensure the accuracy of the information, as necessary to provide treatment to the individual, as ordered by a court pursuant to section 3701.243 or 3701.247 of the Revised Code, or pursuant to a search warrant or a subpoena issued by or at the request of a grand jury, prosecuting attorney, city director of law or similar chief legal officer of a municipal corporation, or village solicitor, in connection with a criminal investigation or prosecution. Information that does not identify an individual may be released in summary, statistical, or aggregate form.

**Sec. 3701.262.** (A) As used in this section:

(1) "Physician" means a person ~~who holds a valid certificate issued~~ authorized under Chapter 4731. of the Revised Code ~~authorizing the person~~ to practice medicine and surgery or osteopathic medicine and surgery.

(2) "Dentist" means a person who is licensed under Chapter 4715. of the Revised Code to practice dentistry.

(3) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.

(4) "Cancer" includes those diseases specified by rule of the director of health under division (B)(2) of this section.

(B) The director of health shall adopt rules in accordance with Chapter 119. of the Revised Code to do all of the following:

(1) Establish the Ohio cancer incidence surveillance system required by section 3701.261 of the Revised Code;

(2) Specify the types of cancer and other tumorous and precancerous diseases to be reported to the department of health

under division (D) of this section; 41376

(3) Establish reporting requirements for information 41377  
concerning diagnosed cancer cases as the director considers 41378  
necessary to conduct epidemiologic surveys of cancer in this 41379  
state; 41380

(4) Establish standards that must be met by research projects 41381  
to be eligible to receive information concerning individual cancer 41382  
patients from the department of health. 41383

(C) The department of health shall record in the registry all 41384  
reports of cancer received by it. In the development and 41385  
administration of the cancer registry the department may use 41386  
information compiled by public or private cancer registries and 41387  
may contract for the collection and analysis of, and research 41388  
related to, the information recorded under this section. 41389

(D)(1) Each physician, dentist, hospital, or person providing 41390  
diagnostic or treatment services to patients with cancer shall 41391  
report each case of cancer to the department. Any person required 41392  
to report pursuant to this section may elect to report to the 41393  
department through an existing cancer registry if the registry 41394  
meets the reporting standards established by the director and 41395  
reports to the department. 41396

(2) No person shall fail to make the cancer reports required 41397  
by division (D)(1) of this section. 41398

(E) All physicians, dentists, hospitals, or persons providing 41399  
diagnostic or treatment services to patients with cancer shall 41400  
grant to the department or its authorized representative access to 41401  
all records that identify cases of cancer or establish 41402  
characteristics of cancer, the treatment of cancer, or the medical 41403  
status of any identified cancer patient. 41404

(F) The Arthur G. James cancer hospital and Richard J. Solove 41405  
research institute of the Ohio state university, shall analyze and 41406

evaluate the cancer reports collected pursuant to this section. 41407  
The department shall publish and make available to the public 41408  
reports summarizing the information collected. Reports shall be 41409  
made on a calendar year basis and published not later than ninety 41410  
days after the end of each calendar year. 41411

(G) Furnishing information, including records, reports, 41412  
statements, notes, memoranda, or other information, to the 41413  
department of health, either voluntarily or as required by this 41414  
section, or to a person or governmental entity designated as a 41415  
medical research project by the department, does not subject a 41416  
physician, dentist, hospital, or person providing diagnostic or 41417  
treatment services to patients with cancer to liability in an 41418  
action for damages or other relief for furnishing the information. 41419

(H) This section does not affect the authority of any person 41420  
or facility providing diagnostic or treatment services to patients 41421  
with cancer to maintain facility-based tumor registries, in 41422  
addition to complying with the reporting requirements of this 41423  
section. 41424

**Sec. 3701.351.** (A) The governing body of every hospital shall 41425  
set standards and procedures to be applied by the hospital and its 41426  
medical staff in considering and acting upon applications for 41427  
staff membership or professional privileges. These standards and 41428  
procedures shall be available for public inspection. 41429

(B) The governing body of any hospital, in considering and 41430  
acting upon applications for staff membership or professional 41431  
privileges within the scope of the applicants' respective 41432  
licensure, shall not discriminate against a qualified person 41433  
solely on the basis of whether that person is ~~certified~~ licensed 41434  
to practice medicine, osteopathic medicine, or podiatry, is 41435  
licensed to practice dentistry or psychology, or is licensed to 41436  
practice nursing as an advanced practice registered nurse. Staff 41437

membership or professional privileges shall be considered and 41438  
acted on in accordance with standards and procedures established 41439  
under division (A) of this section. This section does not permit a 41440  
psychologist to admit a patient to a hospital in violation of 41441  
section 3727.06 of the Revised Code. 41442

(C) The governing body of any hospital that is licensed to 41443  
provide maternity services, in considering and acting upon 41444  
applications for clinical privileges, shall not discriminate 41445  
against a qualified person solely on the basis that the person is 41446  
authorized to practice nurse-midwifery. An application from a 41447  
certified nurse-midwife who is not employed by the hospital shall 41448  
contain the name of a physician member of the hospital's medical 41449  
staff who holds clinical privileges in obstetrics at that hospital 41450  
and who has agreed to be the collaborating physician for the 41451  
applicant in accordance with section 4723.43 of the Revised Code. 41452

(D) Any person may apply to the court of common pleas for 41453  
temporary or permanent injunctions restraining a violation of 41454  
division (A), (B), or (C) of this section. This action is an 41455  
additional remedy not dependent on the adequacy of the remedy at 41456  
law. 41457

(E)(1) If a hospital does not provide or permit the provision 41458  
of any diagnostic or treatment service for mental or emotional 41459  
disorders or any other service that may be legally performed by a 41460  
psychologist licensed under Chapter 4732. of the Revised Code, 41461  
this section does not require the hospital to provide or permit 41462  
the provision of any such service and the hospital shall be exempt 41463  
from requirements of this section pertaining to psychologists. 41464

(2) This section does not impair the right of a hospital to 41465  
enter into an employment, personal service, or any other kind of 41466  
contract with a licensed psychologist, upon any such terms as the 41467  
parties may mutually agree, for the provision of any service that 41468  
may be legally performed by a licensed psychologist. 41469

Sec. 3701.36. (A) As used in this section and in sections 41470  
3701.361 and 3701.362 of the Revised Code, "palliative care" has 41471  
the same meaning as in section 3712.01 of the Revised Code. 41472

(B) There is hereby created the palliative care and quality 41473  
of life interdisciplinary council. Subject to division (C) of this 41474  
section, members of the council shall be appointed by the director 41475  
of health and include individuals with expertise in palliative 41476  
care who represent the following professions or constituencies: 41477

(1) Physicians authorized under Chapter 4731. of the Revised 41478  
Code to practice medicine and surgery or osteopathic medicine and 41479  
surgery, including those who are board-certified in pediatrics and 41480  
those who are board-certified in psychiatry, as those designations 41481  
are issued by a medical specialty certifying board recognized by 41482  
the American board of medical specialties or American osteopathic 41483  
association; 41484

(2) Physician assistants licensed under Chapter 4730. of the 41485  
Revised Code; 41486

(3) Advanced practice registered nurses licensed under 41487  
Chapter 4723. of the Revised Code who are designated as clinical 41488  
nurse specialists or certified nurse practitioners; 41489

(4) Registered nurses and licensed practical nurses licensed 41490  
under Chapter 4723. of the Revised Code; 41491

(5) Pharmacists licensed under Chapter 4729. of the Revised 41492  
Code; 41493

(6) Psychologists licensed under Chapter 4732. of the Revised 41494  
Code; 41495

(7) Licensed professional clinical counselors or licensed 41496  
professional counselors licensed under Chapter 4757. of the 41497  
Revised Code; 41498

(8) Independent social workers or social workers licensed 41499



under Chapter 4757. of the Revised Code;	41500
(9) Marriage and family therapists licensed under Chapter 4757. of the Revised Code;	41501
(10) Child life specialists;	41502
(11) Clergy or spiritual advisers;	41503
(12) Exercise physiologists;	41504
(13) Health insurers;	41505
(14) Patients;	41506
(15) Family caregivers.	41507
The council's membership also may include employees of agencies of this state that administer programs pertaining to palliative care or are otherwise concerned with the delivery of palliative care in this state.	41508
(C) The council's membership shall include individuals who have worked with various age groups, including children and the elderly. The council's membership also shall include individuals who have experience or expertise in various palliative care delivery models, including acute care, long-term care, hospice care, home health agency services, home-based care, and spiritual care. At least two members shall be physicians who are board-certified in hospice and palliative care by a medical specialty certifying board recognized by the American board of medical specialties or American osteopathic association. At least one member shall be employed as an administrator of a hospital or system of hospitals in this state or be a professional specified in divisions (B)(1) to (10) or division (B)(12) of this section who treats patients as an employee or contractor of such a hospital or system of hospitals.	41509
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Not more than twenty individuals shall serve as members of the council at any one time. Not more than two members shall be	41528
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employed by the same health care facility or provider or practice 41530  
at or for the same health care facility or provider. 41531

In making appointments to the council, the director shall 41532  
seek to include as members individuals who represent underserved 41533  
areas of the state and to have all geographic areas of the state 41534  
represented. 41535

(D) The director shall make initial appointments to the 41536  
council not later than ninety days after ~~the effective date of~~ 41537  
~~this section~~ March 20, 2019. Terms of office shall be three years. 41538  
Each member shall hold office from the date of appointment until 41539  
the end of the term for which the member was appointed. In the 41540  
event of death, removal, resignation, or incapacity of a council 41541  
member, the director shall appoint a successor who shall hold 41542  
office for the remainder of the term for which the successor's 41543  
predecessor was appointed. A member shall continue in office 41544  
subsequent to the expiration date of the member's term until the 41545  
member's successor takes office or until a period of sixty days 41546  
has elapsed, whichever occurs first. 41547

The council shall meet at the call of the director, but not 41548  
less than twice annually. The council shall select annually from 41549  
among its members a chairperson and vice-chairperson, whose duties 41550  
shall be established by the council. 41551

Each member shall serve without compensation, except to the 41552  
extent that serving on the council is considered part of the 41553  
member's regular employment duties. 41554

(E) The council shall do all of the following: 41555

(1) Consult with and advise the director on matters related 41556  
to the establishment, maintenance, operation, and evaluation of 41557  
palliative care initiatives in this state; 41558

(2) Consult with the department of health for purposes of its 41559  
implementation of section 3701.361 of the Revised Code; 41560

(3) Identify national organizations that have established standards of practice and best practice models for palliative care;

(4) Identify initiatives established at the national and state levels aimed at integrating palliative care into the health care system and enhancing the use and development of palliative care;

(5) Establish guidelines for health care facilities and providers to use under section 3701.362 of the Revised Code in identifying patients and residents who could benefit from palliative care;

(6) On or before December 31 of each year, prepare and submit to the governor, general assembly, director of health, director of aging, superintendent of insurance, and medicaid director, ~~and executive director of the office of health transformation~~ a report of recommendations for improving the provision of palliative care in this state.

The council shall submit the report to the general assembly in accordance with section 101.68 of the Revised Code.

(F) The department of health shall provide to the council the administrative support necessary to execute its duties. At the request of the council, the department shall examine potential sources of funding to assist with any duties described in this section or sections 3701.361 and 3701.362 of the Revised Code.

(G) The council is not subject to sections 101.82 to 101.87 of the Revised Code.

**Sec. 3701.501.** (A)(1) Except as provided in division (A)(2) of this section, all newborn children shall be screened for the presence of the genetic, endocrine, and metabolic disorders specified in rules~~7~~ adopted pursuant to this section.

(2) Division (A)(1) of this section does not apply in either 41591  
of the following circumstances: 41592

(a) If the parents of the child object to the screening on 41593  
the grounds that it conflicts with their religious tenets and 41594  
practices; 41595

(b) With respect to the screening for Krabbe disease 41596  
described in division (C)(1)(b) of this section, if the parents of 41597  
the child communicate their decision to forgo the screening. 41598

(B) There is hereby created the newborn screening advisory 41599  
council to advise the director of health regarding the screening 41600  
of newborn children for genetic, endocrine, and metabolic 41601  
disorders. The council shall engage in an ongoing review of the 41602  
newborn screening requirements established under this section and 41603  
shall provide recommendations and reports to the director as the 41604  
director requests and as the council considers necessary. The 41605  
director may assign other duties to the council, as the director 41606  
considers appropriate. 41607

The council shall consist of fourteen members appointed by 41608  
the director. In making appointments, the director shall select 41609  
individuals and representatives of entities with interest and 41610  
expertise in newborn screening, including such individuals and 41611  
entities as health care professionals, hospitals, children's 41612  
hospitals, regional genetic centers, regional sickle cell centers, 41613  
newborn screening coordinators, and members of the public. 41614

The department of health shall provide meeting space, staff 41615  
services, and other technical assistance required by the council 41616  
in carrying out its duties. Members of the council shall serve 41617  
without compensation, but shall be reimbursed for their actual and 41618  
necessary expenses incurred in attending meetings of the council 41619  
or performing assignments for the council. 41620

The council is not subject to sections 101.82 to 101.87 of 41621

the Revised Code. 41622

(C)(1)(a) Subject to division (C)(1)(b) of this section, the 41623  
director of health shall adopt rules in accordance with Chapter 41624  
119. of the Revised Code specifying the disorders for which each 41625  
newborn child must be screened. 41626

(b) In adopting the rules, the director shall specify Krabbe 41627  
disease as a disorder for which a newborn child who is born on or 41628  
after July 1, 2016, must be screened. ~~The rules shall limit the 41629  
screening requirement for Krabbe disease to the process known as 41630  
"first tier testing," which is a screening for Krabbe disease that 41631  
is accomplished by measuring galactocerebrosidase activity using 41632  
mass spectrometry.~~ 41633

(2) The newborn screening advisory council shall evaluate 41634  
genetic, metabolic, and endocrine disorders to assist the director 41635  
in determining which disorders should be included in the 41636  
screenings required under this section. In determining whether a 41637  
disorder should be included, the council shall consider all of the 41638  
following: 41639

(a) The disorder's incidence, mortality, and morbidity; 41640

(b) Whether the disorder causes disability if diagnosis, 41641  
treatment, and early intervention are delayed; 41642

(c) The potential for successful treatment of the disorder; 41643

(d) The expected benefits to children and society in relation 41644  
to the risks and costs associated with screening for the disorder; 41645

(e) Whether a screening for the disorder can be conducted 41646  
without taking an additional blood sample or specimen. 41647

(3) Based on the considerations specified in division (C)(2) 41648  
of this section, the council shall make recommendations to the 41649  
director of health for the adoption of rules under division (C)(1) 41650  
of this section. The director shall promptly and thoroughly review 41651

each recommendation the council submits. 41652

(D) The director shall adopt rules in accordance with Chapter 41653  
119. of the Revised Code establishing standards and procedures for 41654  
the screenings required by this section. The rules shall include 41655  
standards and procedures for all of the following: 41656

(1) Causing rescreenings to be performed when initial 41657  
screenings have abnormal results; 41658

(2) Designating the person or persons who will be responsible 41659  
for causing screenings and rescreenings to be performed; 41660

(3) Giving to the parents of a child notice of the required 41661  
initial screening and the possibility that rescreenings may be 41662  
necessary; 41663

(4) Communicating to the parents of a child the results of 41664  
the child's screening and any rescreenings that are performed; 41665

(5) Giving notice of the results of an initial screening and 41666  
any rescreenings to the person who caused the child to be screened 41667  
or rescreened, or to another person or government entity when the 41668  
person who caused the child to be screened or rescreened cannot be 41669  
contacted; 41670

(6) Referring children who receive abnormal screening or 41671  
rescreening results to providers of follow-up services, including 41672  
the services made available through funds disbursed under division 41673  
(F) of this section. 41674

(E)(1) Except as provided in divisions (E)(2) and (3) of this 41675  
section, all newborn screenings required by this section shall be 41676  
performed by the public health laboratory authorized under section 41677  
3701.22 of the Revised Code. 41678

(2) If the director determines that the public health 41679  
laboratory is unable to perform screenings for all of the 41680  
disorders specified in the rules adopted under division (C) of 41681

this section, the director shall select another laboratory to 41682  
perform the screenings. The director shall select the laboratory 41683  
by issuing a request for proposals. The director may accept 41684  
proposals submitted by laboratories located outside this state. At 41685  
the conclusion of the selection process, the director shall enter 41686  
into a written contract with the selected laboratory. If the 41687  
director determines that the laboratory is not complying with the 41688  
terms of the contract, the director shall immediately terminate 41689  
the contract and another laboratory shall be selected and 41690  
contracted with in the same manner. 41691

(3) Any rescreening caused to be performed pursuant to this 41692  
section may be performed by the public health laboratory or one or 41693  
more other laboratories designated by the director. Any laboratory 41694  
the director considers qualified to perform rescreenings may be 41695  
designated, including a laboratory located outside this state. If 41696  
more than one laboratory is designated, the person responsible for 41697  
causing a rescreening to be performed is also responsible for 41698  
selecting the laboratory to be used. 41699

(F)(1) The director shall adopt rules in accordance with 41700  
Chapter 119. of the Revised Code establishing a fee that shall be 41701  
charged and collected in addition to or in conjunction with any 41702  
laboratory fee that is charged and collected for performing the 41703  
screenings required by this section. The fee, which shall be not 41704  
less than fourteen dollars, shall be disbursed as follows: 41705

(a) Not less than ten dollars and twenty-five cents shall be 41706  
deposited in the state treasury to the credit of the genetics 41707  
services fund, which is hereby created. Not less than seven 41708  
dollars and twenty-five cents of each fee credited to the genetics 41709  
services fund shall be used to defray the costs of the programs 41710  
authorized by section 3701.502 of the Revised Code. Not less than 41711  
three dollars from each fee credited to the genetics services fund 41712  
shall be used to defray costs of phenylketonuria programs. 41713

(b) Not less than three dollars and seventy-five cents shall 41714  
be deposited into the state treasury to the credit of the sickle 41715  
cell fund, which is hereby created. Money credited to the sickle 41716  
cell fund shall be used to defray costs of programs authorized by 41717  
section 3701.131 of the Revised Code. 41718

(2) In adopting rules under division (F)(1) of this section, 41719  
the director shall not establish a fee that differs according to 41720  
whether a screening is performed by the public health laboratory 41721  
or by another laboratory selected by the director pursuant to 41722  
division (E)(2) of this section. 41723

**Sec. 3701.571.** (A) The director of health shall adopt rules 41724  
pursuant to Chapter 119. of the Revised Code that establish a 41725  
graduated system of fines based on the scope and severity of 41726  
violations and the history of compliance, not to exceed seven 41727  
hundred fifty dollars per incident, and in an adjudication under 41728  
Chapter 119. of the Revised Code, may impose a fine against any 41729  
person who violates division (C) of section 3701.23, division (C) 41730  
of section 3701.232, division (C) of section 3701.24, ~~division (B)~~ 41731  
~~of section 3701.25,~~ or division (B) of section 3707.06 of the 41732  
Revised Code or against any poison prevention and treatment center 41733  
or other health-related entity that fails to comply with division 41734  
(C) of section 3701.201 of the Revised Code. 41735

(B) On request of the director, the attorney general shall 41736  
bring and prosecute to judgment a civil action to collect any fine 41737  
imposed under division (A) of this section that remains unpaid. 41738

(C) All fines collected under this section shall be deposited 41739  
into the state treasury to the credit of the general operations 41740  
fund created under section 3701.83 of the Revised Code. 41741

**Sec. 3701.601.** There is hereby created in the state treasury 41742  
the breast and cervical cancer project income tax contribution 41743



fund, which shall consist of money contributed to it under section 41744  
5747.113 of the Revised Code and of contributions made directly to 41745  
it. Any person may contribute directly to the fund in addition to 41746  
or independently of the income tax refund contribution system 41747  
established in section 5747.113 of the Revised Code. 41748

The director of health shall distribute the contributed funds 41749  
to the Ohio breast and cervical cancer project administered under 41750  
section 3701.144 of the Revised Code. The contributed funds shall 41751  
be used specifically for the provision of breast and cervical 41752  
cancer screening, diagnostic, and outreach services to uninsured 41753  
and under-insured women who meet the eligibility requirements 41754  
specified in that section. The breast and cervical cancer project, 41755  
through its regional agencies, shall use the contributed funds to 41756  
pay for services provided directly by personnel of ~~local~~ 41757  
~~departments~~ health facilities operated by boards of health, free 41758  
clinics as defined in section 3701.071 of the Revised Code, 41759  
mammography services providers, radiology services providers, 41760  
federally qualified health centers as defined by section 3701.047 41761  
of the Revised Code, rural health centers, or other community 41762  
health centers. 41763

**Sec. 3701.611.** (A) ~~Not later than six months after April 6,~~ 41764  
~~2017, the~~ The department of health ~~and the department of~~ 41765  
~~developmental disabilities~~ shall create a central intake and 41766  
referral system for ~~the state's part C early intervention services~~ 41767  
~~program and~~ all home visiting programs operating in this state. 41768  
~~The system shall comply with all regulations governing the part C~~ 41769  
~~early intervention program for infants and toddlers with~~ 41770  
~~disabilities that are promulgated under the "Individuals with~~ 41771  
~~Disabilities Education Act of 1997," 20 U.S.C. 1400, as amended.~~ 41772  
Through a competitive bidding process, the department of health 41773  
~~and department of developmental disabilities~~ may select one or 41774

more persons or government entities to operate the system. 41775

(B) If the department of health ~~and department of~~ 41776  
~~developmental disabilities choose~~ chooses to select one or more 41777  
system operators as described in division (A) of this section, a 41778  
contract with any system operator shall require that the system do 41779  
both of the following: 41780

(1) Serve as a single point of entry for access, assessment, 41781  
and referral of families to appropriate home visiting services ~~and~~ 41782  
~~part C early intervention services~~ based on each family's location 41783  
of residence; 41784

(2) Use a standardized form or other mechanism to assess for 41785  
each family member's risk factors and social determinants of 41786  
health, as well as ensure that the family is referred to the 41787  
appropriate home visiting ~~or part C early intervention~~ program ~~or~~ 41788  
service, which may include a program that uses home visiting 41789  
contractors who provide services within a community HUB that fully 41790  
or substantially complies with the pathways community HUB 41791  
certification standards developed by the pathways community HUB 41792  
institute. 41793

(C) The standardized form or other mechanism described in 41794  
division (B)(2) of this section shall be agreed to by the home 41795  
visiting consortium created under section 3701.612 of the Revised 41796  
Code ~~and the early intervention services advisory council created~~ 41797  
~~under section 5123.0422 of the Revised Code.~~ 41798

(D) A contract entered into under division (B) of this 41799  
section shall require a system operator to issue an annual report 41800  
to the department of health ~~and department of developmental~~ 41801  
~~disabilities~~ that includes data regarding referrals made by the 41802  
central intake and referral system, costs associated with the 41803  
referrals, and the quality of services received by families who 41804  
were referred to services through the system. The report shall be 41805

distributed to the home visiting consortium created under section 41806  
3701.612 of the Revised Code and the early intervention services 41807  
advisory council created under section 5123.0422 of the Revised 41808  
Code. 41809

(E) ~~The department of health and department of developmental 41810  
disabilities shall share any funding made available to each 41811  
department for local outreach and child find efforts after 41812  
creating the central intake and referral system described in 41813  
division (A) of this section. 41814~~

~~(F) Nothing in this section is intended to do any of the 41815  
following: 41816~~

~~(1) Prohibit the department of health or department of 41817  
developmental disabilities from using alternative promotional 41818  
materials or names for the central intake and referral system; 41819~~

~~(2) Require the use of help me grow program promotional 41820  
materials or names; 41821~~

~~(3) Prohibit providers, central coordinators, the department 41822  
of health, the department of developmental disabilities, or 41823  
stakeholders from using the help me grow name for promotional 41824  
materials for both the home visiting and part C early intervention 41825  
services components. 41826~~

**Sec. 3701.612.** (A) The Ohio home visiting consortium is 41827  
hereby created. The purpose of the consortium is to ensure that 41828  
home visiting services provided by home visiting programs 41829  
operating in this state, as well as home visiting services 41830  
provided or arranged for by medicaid managed care organizations, 41831  
are high-quality and delivered through evidence-based or 41832  
innovative, promising home visiting models, including models used 41833  
by home visiting contractors who provide services within one or 41834  
more community HUBs that fully or substantially comply with the 41835

pathways community HUB certification standards developed by the 41836  
pathways community HUB institute. It is the intent of the general 41837  
assembly that all home visiting services provided in this state do 41838  
both of the following: 41839

(1) Improve health, educational, and social outcomes for 41840  
expectant and new parents and young children; 41841

(2) Promote safe, connected families and communities in which 41842  
children are able to grow up healthy and ready to learn. 41843

(B)(1) In furtherance of the consortium's purpose, the 41844  
consortium shall do both of the following: 41845

(a) Make recommendations to the department of health, 41846  
department of medicaid, department of mental health and addiction 41847  
services, and department of developmental disabilities regarding 41848  
how to leverage all funding sources available for home visiting 41849  
services, including medicaid, to accomplish both of the following 41850  
in this state: 41851

(i) Expand the use of evidence-based home visiting program 41852  
models, including models used by home visiting contractors who 41853  
provide services within one or more community HUBs that fully or 41854  
substantially comply with the pathways community HUB certification 41855  
standards developed by the pathways community HUB institute; 41856

(ii) Initiate, as pilot projects, innovative, promising home 41857  
visiting models. 41858

(b) Make recommendations to the department of medicaid on the 41859  
terms to be included in contracts the department enters into with 41860  
medicaid managed care organizations under section 5167.10 of the 41861  
Revised Code to ensure that the organizations are providing or 41862  
arranging for the medicaid recipients enrolled in their 41863  
~~organizations~~ medicaid MCO plans, as defined in section 5167.01 of 41864  
the Revised Code, to receive home visiting services that are 41865

delivered as part of the home visiting program models described in 41866  
divisions (B)(1)(a)(i) and (ii) of this section. 41867

(2) The consortium may recommend a standardized form or other 41868  
mechanism to assess family risk factors and social determinants of 41869  
health for purposes of the central intake and referral system 41870  
described in section 3701.611 of the Revised Code. 41871

(C) The consortium shall consist of the following members: 41872

(1) The director of health or the director's designee; 41873

(2) The medicaid director or the director's designee; 41874

(3) The director of mental health and addiction services or 41875  
the director's designee; 41876

(4) The director of developmental disabilities or the 41877  
director's designee; 41878

(5) The executive director of the commission on minority 41879  
health or the executive director's designee; 41880

(6) A member of the commission on infant mortality who is not 41881  
a legislator or an individual specified under this division; 41882

(7) One individual who represents medicaid managed care 41883  
organizations, recommended by the board of trustees of the Ohio 41884  
association of health plans; 41885

(8) One individual who represents county boards of 41886  
developmental disabilities, recommended by the Ohio association of 41887  
county boards of developmental disabilities; 41888

(9) A home visiting contractor who provides services within 41889  
the help me grow program through a contract, grant, or other 41890  
agreement with the department of health; 41891

(10) A home visiting contractor who provides services within 41892  
one or more community HUBs that fully or substantially comply with 41893  
the pathways community HUB certification standards developed by 41894

the pathways community HUB institute through a contract, grant, or 41895  
other agreement with the commission on minority health; 41896

(11) An individual who receives home visiting services from 41897  
the help me grow program; 41898

~~(11)~~(12) An individual who receives home visiting services 41899  
from a home visiting contractor who provides services within one 41900  
or more community HUBs that fully or substantially comply with the 41901  
pathways community HUB certification standards developed by the 41902  
pathways community HUB institute; 41903

(13) Two members of the senate, one from the majority party 41904  
and one from the minority party, each appointed by the senate 41905  
president; 41906

~~(12)~~(14) Two members of the house of representatives, one 41907  
from the majority party and one from the minority party, each 41908  
appointed by the speaker of the house of representatives. 41909

(D) The consortium members described in divisions (C)~~(6)~~ to 41910  
~~(11)~~(10) and (12) of this section shall be appointed not later 41911  
than thirty days after ~~the effective date of this section~~ the 41912  
effective date of this amendment. An appointed member shall hold 41913  
office until a successor is appointed. A vacancy shall be filled 41914  
in the same manner as the original appointment. 41915

The director of health shall serve as the chairperson of the 41916  
consortium. 41917

A member shall serve without compensation except to the 41918  
extent that serving on the consortium is considered part of the 41919  
member's regular duties of employment. 41920

(E) The consortium shall meet at the call of the director of 41921  
health but not less than once each calendar quarter. The 41922  
consortium's first meeting shall occur not later than sixty days 41923  
after ~~the effective date of this section~~ April 6, 2017. 41924

(F) The department of health shall provide meeting space and staff and other administrative support for the consortium.	41925 41926
(G) The consortium is not subject to sections 101.82 to 101.87 of the Revised Code.	41927 41928
<b>Sec. 3701.68.</b> (A) As used in this section:	41929
(1) "Academic medical center" means a medical school and its affiliated teaching hospitals.	41930 41931
(2) "State registrar" has the same meaning as in section 3705.01 of the Revised Code.	41932 41933
(B) There is hereby created the commission on infant mortality. The commission shall do all of the following:	41934 41935
(1) Conduct a complete inventory of services provided or administered by the state that are available to address the infant mortality rate in this state;	41936 41937 41938
(2) For each service identified under division (B)(1) of this section, determine both of the following:	41939 41940
(a) The sources of the funds that are used to pay for the service;	41941 41942
(b) Whether the service and its funding sources have a connection with programs provided or administered by local or community-based public or private entities and, to the extent they do not, whether they should.	41943 41944 41945 41946
(3) With assistance from academic medical centers, track and analyze infant mortality rates by county for the purpose of determining the impact of state and local initiatives to reduce those rates.	41947 41948 41949 41950
(C) The commission shall consist of the following members:	41951
(1) Two members of the senate, one from the majority party and one from the minority party, each appointed by the senate	41952 41953

president;	41954
(2) Two members of the house of representatives, one from the majority party and one from the minority party, each appointed by the speaker of the house of representatives;	41955 41956 41957
(3) <del>The executive director of the office of health transformation or the executive director's</del> <u>governor or the governor's</u> designee;	41958 41959 41960
(4) The medicaid director or the director's designee;	41961
(5) The director of health or the director's designee;	41962
(6) The director of developmental disabilities or the director's designee;	41963 41964
(7) The executive director of the commission on minority health or the executive director's designee;	41965 41966
(8) The attorney general or the attorney general's designee;	41967
(9) A health commissioner of a city or general health district, appointed by the governor;	41968 41969
(10) A coroner, deputy coroner, or other person who conducts death scene investigations, appointed by the governor;	41970 41971
(11) An individual who represents the Ohio hospital association, appointed by the association's president;	41972 41973
(12) An individual who represents the Ohio children's hospital association, appointed by the association's president;	41974 41975
(13) Two individuals who represent community-based programs that serve pregnant women or new mothers whose infants tend to be at a higher risk for infant mortality, appointed by the governor;	41976 41977 41978
<u>(14) Two individuals who represent children's interests, one to be appointed by the speaker of the house of representatives and one to be appointed by the senate president.</u>	41979 41980 41981
(D) <del>The commission members described in divisions (C)(1),</del>	41982



~~(2), (9), (10), (11), (12), and (13) of this section shall be~~ 41983  
~~appointed not later than thirty days after March 19, 2015. An~~ 41984  
appointed commission member shall hold office until a successor is 41985  
appointed. A vacancy shall be filled in the same manner as the 41986  
original appointment. 41987

From among the members, the president of the senate and 41988  
speaker of the house of representatives shall appoint two to serve 41989  
as co-chairpersons of the commission. 41990

A member shall serve without compensation except to the 41991  
extent that serving on the commission is considered part of the 41992  
member's regular duties of employment. 41993

(E) The commission may request assistance from the staff of 41994  
the legislative service commission. 41995

(F) For purposes of division (B)(3) of this section, the 41996  
state registrar shall ensure that the commission and academic 41997  
medical centers located in this state have access to any 41998  
electronic system of vital records the state registrar or 41999  
department of health maintains, including the Ohio public health 42000  
information warehouse. Not later than six months after March 19, 42001  
2015, the commission on infant mortality shall prepare a written 42002  
report of its findings and recommendations concerning the matters 42003  
described in division (B) of this section. On completion, the 42004  
commission shall submit the report to the governor and, in 42005  
accordance with section 101.68 of the Revised Code, the general 42006  
assembly. 42007

(G) The president of the senate and speaker of the house of 42008  
representatives shall determine the responsibilities of the 42009  
commission following submission of the report under division (F) 42010  
of this section. 42011

(H) The commission is not subject to sections 101.82 to 42012  
101.87 of the Revised Code. 42013

(I) The commission shall provide information to the Ohio housing finance agency for the purposes of division (A) of section 175.14 of the Revised Code.

**Sec. 3701.99.** (A) Whoever violates division (C) of section 3701.23, division (C) of section 3701.232, division (C) of section 3701.24, ~~division (B) of section 3701.25,~~ division (D)(2) of section 3701.262, or sections 3701.46 to 3701.55 of the Revised Code is guilty of a minor misdemeanor on a first offense; on each subsequent offense, the person is guilty of a misdemeanor of the fourth degree.

(B) Whoever violates section 3701.82 of the Revised Code is guilty of a misdemeanor of the first degree.

(C) Whoever violates section 3701.352 or 3701.81 of the Revised Code is guilty of a misdemeanor of the second degree.

**Sec. 3702.12.** Initial rules for each activity specified in section 3702.11 of the Revised Code and for each health care facility ~~listed as defined in division (A)(4) of~~ section 3702.30 of the Revised Code shall be adopted using the procedure prescribed by this section.

The director of health shall file proposed rules in accordance with section 119.03 of the Revised Code. If, prior to expiration of the time for legislative review and invalidation under division (I) of that section, the joint committee on agency rule review recommends the adoption of a concurrent resolution invalidating a proposed rule, the director shall withdraw the proposed rule, revise it, and refile it as if it were a newly proposed rule; the director shall not file the proposed rule in final form. A proposed rule that the director refiles following a recommendation for a concurrent resolution of invalidation shall be treated, for purposes of determining the time for legislative

review and invalidation under section 119.03 of the Revised Code, 42044  
as if it were a newly proposed rule. If, after filing the revised 42045  
proposed rule, the joint committee again recommends the adoption 42046  
of a concurrent resolution of invalidation, the director shall 42047  
file the revised proposed rule in final form in accordance with 42048  
section 111.15 of the Revised Code, and the rule shall take effect 42049  
in accordance with that section. 42050

If, prior to expiration of the time for legislative review 42051  
and invalidation, the joint committee does not recommend the 42052  
adoption of a concurrent resolution invalidating a proposed rule 42053  
or revised proposed rule filed in accordance with section 119.03 42054  
of the Revised Code, the director shall file the rule in final 42055  
form in accordance with section 119.04 of the Revised Code, and 42056  
the rule shall take effect in accordance with that section. 42057

Initial rules adopted for each activity specified in section 42058  
3702.11 of the Revised Code shall include rules pertaining to all 42059  
of the matters required by section 3702.16 of the Revised Code. 42060

Initial rules shall not be adopted as emergency rules. 42061

**Sec. 3702.13.** After the adoption, in accordance with section 42062  
3702.12 of the Revised Code, of initial rules applicable to an 42063  
activity specified in section 3702.11 of the Revised Code or a 42064  
health care facility listed as defined in ~~division (A)(4) of~~ 42065  
section 3702.30 of the Revised Code, any amendments to the rules 42066  
applicable to that activity or facility, including enactment of 42067  
new rules or amendments or rescissions of existing rules, shall be 42068  
adopted in accordance with Chapter 119. of the Revised Code. 42069

**Sec. 3702.30.** (A) As used in this section: 42070

(1) "Ambulatory surgical facility" means a facility, ~~whether~~ 42071  
~~or not part of the same organization as a hospital, that is~~ 42072  
~~located in a building distinct from another in which inpatient~~ 42073

~~care is provided surgical services are provided to patients who do~~ 42074  
~~not require hospitalization for inpatient care, the duration of~~ 42075  
~~services for any patient does not extend beyond twenty-four hours~~ 42076  
~~after the patient's admission, and to which any of the following~~ 42077  
~~apply:~~ 42078

~~(a) Outpatient surgery is routinely performed in the~~ 42079  
~~facility, and the facility functions separately from a hospital's~~ 42080  
~~inpatient surgical service and from the offices of private~~ 42081  
~~physicians, podiatrists, and dentists~~ The surgical services are 42082  
provided in a building that is separate from another building in 42083  
which inpatient care is provided, regardless of whether the 42084  
separate building is part of the same organization as the building 42085  
in which inpatient care is provided. 42086

~~(b) Anesthesia is administered in the facility by an~~ 42087  
~~anesthesiologist or certified registered nurse anesthetist, and~~ 42088  
~~the facility functions separately from a hospital's inpatient~~ 42089  
~~surgical service and from the offices of private physicians,~~ 42090  
~~podiatrists, and dentists.~~ 42091

~~(c) The facility applies to be certified by the United States~~ 42092  
~~centers for medicare and medicaid services as an ambulatory~~ 42093  
~~surgical center for purposes of reimbursement under Part B of the~~ 42094  
~~medicare program, Part B of Title XVIII of the "Social Security~~ 42095  
~~Act," 79 Stat. 286 (1965), 42 U.S.C.A. 1395, as amended.~~ 42096

~~(d) The facility applies to be certified by a national~~ 42097  
~~accrediting body approved by the centers for medicare and medicaid~~ 42098  
~~services for purposes of deemed compliance with the conditions for~~ 42099  
~~participating in the medicare program as an ambulatory surgical~~ 42100  
~~center.~~ 42101

~~(e) The facility bills or receives from any third party~~ 42102  
~~payer, governmental health care program, or other person or~~ 42103  
~~government entity any ambulatory surgical facility fee that is~~ 42104

~~billed or paid in addition to any fee for professional services~~ 42105  
~~The surgical services are provided within a building in which~~ 42106  
~~inpatient care is provided and the entity that operates the~~ 42107  
~~portion of the building where the surgical services are provided~~ 42108  
~~is not the entity that operates the remainder of the building.~~ 42109

~~(f)(c) The facility is held out to any person or government~~ 42110  
~~entity as an ambulatory surgical facility or similar facility by~~ 42111  
~~means of signage, advertising, or other promotional efforts.~~ 42112

~~"Ambulatory surgical facility" does not include a hospital~~ 42113  
~~emergency department or an office of a physician, podiatrist, or~~ 42114  
~~dentist.~~ 42115

~~(2) "Ambulatory surgical facility fee" means a fee for~~ 42116  
~~certain overhead costs associated with providing surgical services~~ 42117  
~~in an outpatient setting. A fee is an ambulatory surgical facility~~ 42118  
~~fee only if it directly or indirectly pays for costs associated~~ 42119  
~~with any of the following:~~ 42120

~~(a) Use of operating and recovery rooms, preparation areas,~~ 42121  
~~and waiting rooms and lounges for patients and relatives;~~ 42122

~~(b) Administrative functions, record keeping, housekeeping,~~ 42123  
~~utilities, and rent;~~ 42124

~~(c) Services provided by nurses, pharmacists, orderlies,~~ 42125  
~~technical personnel, and others involved in patient care related~~ 42126  
~~to providing surgery.~~ 42127

~~"Ambulatory surgical facility fee" does not include any~~ 42128  
~~additional payment in excess of a professional fee that is~~ 42129  
~~provided to encourage physicians, podiatrists, and dentists to~~ 42130  
~~perform certain surgical procedures in their office or their group~~ 42131  
~~practice's office rather than a health care facility, if the~~ 42132  
~~purpose of the additional fee is to compensate for additional cost~~ 42133  
~~incurred in performing office-based surgery.~~ 42134

<del>(3) "Governmental health care program" has the same meaning</del>	42135
<del>as in section 4731.65 of the Revised Code.</del>	42136
<del>(4) "Health care facility" means any of the following:</del>	42137
(a) An ambulatory surgical facility;	42138
(b) A freestanding dialysis center;	42139
(c) A freestanding inpatient rehabilitation facility;	42140
(d) A freestanding birthing center;	42141
(e) A freestanding radiation therapy center;	42142
(f) A freestanding or mobile diagnostic imaging center.	42143
<del>(5) "Third party payer" has the same meaning as in section</del>	42144
<del>3901.38 of the Revised Code.</del>	42145
(B) By rule adopted in accordance with sections 3702.12 and	42146
3702.13 of the Revised Code, the director of health shall	42147
establish quality standards for health care facilities. The	42148
standards may incorporate accreditation standards or other quality	42149
standards established by any entity recognized by the director.	42150
In the case of an ambulatory surgical facility, the standards	42151
shall require the ambulatory surgical facility to maintain an	42152
infection control program. The purposes of the program are to	42153
minimize infections and communicable diseases and facilitate a	42154
functional and sanitary environment consistent with standards of	42155
professional practice. To achieve these purposes, ambulatory	42156
surgical facility staff managing the program shall create and	42157
administer a plan designed to prevent, identify, and manage	42158
infections and communicable diseases; ensure that the program is	42159
directed by a qualified professional trained in infection control;	42160
ensure that the program is an integral part of the ambulatory	42161
surgical facility's quality assessment and performance improvement	42162
program; and implement in an expeditious manner corrective and	42163
preventive measures that result in improvement.	42164

(C) Every ambulatory surgical facility shall require that 42165  
each physician who practices at the facility comply with all 42166  
relevant provisions in the Revised Code that relate to the 42167  
obtaining of informed consent from a patient. 42168

(D) The director shall issue a license to each health care 42169  
facility that makes application for a license and demonstrates to 42170  
the director that it meets the quality standards established by 42171  
the rules adopted under division (B) of this section and satisfies 42172  
the informed consent compliance requirements specified in division 42173  
(C) of this section. 42174

(E)(1) Except as provided in division (H) of this section and 42175  
in section 3702.301 of the Revised Code, no health care facility 42176  
shall operate without a license issued under this section. 42177

The general assembly does not intend for the provisions of 42178  
this section or section 3702.301 of the Revised Code that 42179  
establish health care facility licensing requirements or 42180  
exemptions to have an effect on any third-party payments that may 42181  
be available for the services provided by either a licensed health 42182  
care facility or an entity exempt from licensure. 42183

(2) If the department of health finds that a physician who 42184  
practices at a health care facility is not complying with any 42185  
provision of the Revised Code related to the obtaining of informed 42186  
consent from a patient, the department shall report its finding to 42187  
the state medical board, the physician, and the health care 42188  
facility. 42189

(3) ~~This division~~ Division (E)(2) of this section does not 42190  
create, and shall not be construed as creating, a new cause of 42191  
action or substantive legal right against a health care facility 42192  
and in favor of a patient who allegedly sustains harm as a result 42193  
of the failure of the patient's physician to obtain informed 42194  
consent from the patient prior to performing a procedure on or 42195

otherwise caring for the patient in the health care facility.	42196
(F) The rules adopted under division (B) of this section shall include all of the following:	42197 42198
(1) Provisions governing application for, renewal, suspension, and revocation of a license under this section;	42199 42200
(2) Provisions governing orders issued pursuant to section 3702.32 of the Revised Code for a health care facility to cease its operations or to prohibit certain types of services provided by a health care facility;	42201 42202 42203 42204
(3) Provisions governing the imposition under section 3702.32 of the Revised Code of civil penalties for violations of this section or the rules adopted under this section, including a scale for determining the amount of the penalties;	42205 42206 42207 42208
(4) Provisions specifying the form inspectors must use when conducting inspections of ambulatory surgical facilities.	42209 42210
(G) An ambulatory surgical facility that performs or induces abortions shall comply with section 3701.791 of the Revised Code.	42211 42212
(H) The following entities are not required to obtain a license as a freestanding diagnostic imaging center issued under this section:	42213 42214 42215
(1) A hospital registered under section 3701.07 of the Revised Code that provides diagnostic imaging;	42216 42217
(2) An entity that is reviewed as part of a hospital accreditation or certification program and that provides diagnostic imaging;	42218 42219 42220
(3) An ambulatory surgical facility that provides diagnostic imaging in conjunction with or during any portion of a surgical procedure.	42221 42222 42223
<b>Sec. 3702.52.</b> The director of health shall administer a state	42224



certificate of need program in accordance with sections 3702.51 to 42225  
3702.62 of the Revised Code and rules adopted under those 42226  
sections. Administration of the program shall include both a 42227  
standard review process and an expedited review process. 42228

(A) The director shall issue rulings on whether a particular 42229  
proposed project is a reviewable activity. The director shall 42230  
issue a ruling not later than forty-five days after receiving a 42231  
request for a ruling accompanied by the information needed to make 42232  
the ruling, except that if an expedited review is requested, the 42233  
ruling shall be issued not later than thirty days after receiving 42234  
the request for a ruling accompanied by the information needed to 42235  
make the ruling. If the director does not issue a ruling in the 42236  
required time, the project shall be considered to have been ruled 42237  
not a reviewable activity. 42238

(B)(1) Each application for a certificate of need shall be 42239  
submitted to the director on forms and in the manner prescribed by 42240  
the director. An application for which expedited review is 42241  
requested must meet the same requirements as all other 42242  
applications. 42243

Each application shall include a plan for obligating the 42244  
capital expenditures or implementing the proposed project on a 42245  
timely basis in accordance with section 3702.524 of the Revised 42246  
Code. Each application shall also include all other information 42247  
required by rules adopted under division (B) of section 3702.57 of 42248  
the Revised Code. 42249

(2) Each application shall be accompanied by the application 42250  
fee established in rules adopted under division (G) of section 42251  
3702.57 of the Revised Code. Application fees received by the 42252  
director under this division shall be deposited into the state 42253  
treasury to the credit of the certificate of need fund, which is 42254  
hereby created. The director shall use the fund only to pay the 42255  
costs of administering sections 3702.11 to 3702.20, 3702.30, and 42256

3702.51 to 3702.62 of the Revised Code and rules adopted under 42257  
those sections. An application fee is nonrefundable unless the 42258  
director determines that the application cannot be accepted. 42259

(3) The director shall review applications for certificates 42260  
of need. As part of a review, the director shall determine whether 42261  
an application is complete. The director shall not consider an 42262  
application to be complete unless the application meets all 42263  
criteria for a complete application specified in rules adopted 42264  
under section 3702.57 of the Revised Code. For an application 42265  
being considered under the standard review process, the director 42266  
shall mail to the applicant a written notice that the application 42267  
is complete, or a written request for additional information, not 42268  
later than thirty days after receiving an application or a 42269  
response to an earlier request for information. For an application 42270  
for which expedited review is requested, the director's notice or 42271  
request shall be mailed not later than fourteen days after the 42272  
director receives the application or a response to an earlier 42273  
request for information. Except as provided in section 3702.522 of 42274  
the Revised Code, the director shall not make more than two 42275  
requests for additional information. The For either the standard 42276  
or expedited review process, the director shall make a final 42277  
determination regarding an application's completeness and issue a 42278  
notice of the determination not later than one hundred eighty days 42279  
after the date the director received the initial application. 42280

The director's determination that an application is not 42281  
complete is final and not subject to appeal. 42282

(4) Except as necessary to comply with a subpoena issued 42283  
under division (F) of this section, after a notice of completeness 42284  
has been received, no person shall make revisions to information 42285  
that was submitted to the director before the director mailed the 42286  
notice of completeness or knowingly discuss in person or by 42287  
telephone the merits of the application with the director. A 42288

person may supplement an application after a notice of 42289  
completeness has been received by submitting clarifying 42290  
information to the director. 42291

(C) All of the following apply to the process of granting or 42292  
denying a certificate of need: 42293

(1) If the project proposed in a certificate of need 42294  
application meets all of the applicable certificate of need 42295  
criteria for approval under sections 3702.51 to 3702.62 of the 42296  
Revised Code and the rules adopted under those sections, the 42297  
director shall grant a certificate of need for all or part of the 42298  
project that is the subject of the application by the applicable 42299  
deadline specified in division (C)(4) of this section or any 42300  
extension of it under division (C)(5) of this section. 42301

(2) The director's grant of a certificate of need does not 42302  
affect, and sets no precedent for, the director's decision to 42303  
grant or deny other applications for similar reviewable 42304  
activities. 42305

(3) Any affected person may submit written comments regarding 42306  
an application. The director shall consider all written comments 42307  
received by the forty-fifth day after the application is submitted 42308  
to the director, except that to be considered in an expedited 42309  
review, written comments must be received by the twenty-first day 42310  
after the application is submitted. 42311

(4) Except as provided in division (C)(5) of this section, 42312  
the director shall grant or deny certificate of need applications 42313  
not later than sixty days after mailing the notice of completeness 42314  
unless the application is receiving expedited review. If the 42315  
application is receiving expedited review, the director shall 42316  
grant or deny the application not later than forty-five days after 42317  
mailing the notice of completeness. 42318

(5) Except as otherwise provided in division (C)(6) of this 42319

section, the director or the applicant may extend the deadline 42320  
prescribed in division (C)(4) of this section once, for no longer 42321  
than thirty days, by written notice before the end of the deadline 42322  
prescribed by division (C)(4) of this section. An extension by the 42323  
director under division (C)(5) of this section shall apply to all 42324  
applications that are in comparative review. 42325

(6) No applicant in a comparative review may extend the 42326  
deadline specified in division (C)(4) of this section. 42327

(7) If the director does not grant or deny the certificate by 42328  
the applicable deadline specified in division (C)(4) of this 42329  
section or any extension of it under division (C)(5) of this 42330  
section, the certificate shall be considered to have been granted. 42331

(8) In granting a certificate of need, the director shall 42332  
specify as the maximum capital expenditure the certificate holder 42333  
may obligate under the certificate a figure equal to one hundred 42334  
ten per cent of the approved project cost. 42335

(9) In granting a certificate of need, the director may grant 42336  
the certificate with conditions that must be met by the holder of 42337  
the certificate. 42338

(D) When a certificate of need is granted for a project under 42339  
which beds are to be relocated, upon completion of the project for 42340  
which the certificate of need was granted a number of beds equal 42341  
to the number of beds relocated shall cease to be operated in the 42342  
long-term care facility from which they are relocated, except that 42343  
the beds may continue to be operated for not more than fifteen 42344  
days to allow relocation of residents to the facility to which the 42345  
beds have been relocated. Notwithstanding section 3721.03 of the 42346  
Revised Code, if the relocated beds are in a home licensed under 42347  
Chapter 3721. of the Revised Code, the facility's license is 42348  
automatically reduced by the number of beds relocated effective 42349  
fifteen days after the beds are relocated. If the beds are in a 42350

facility that is certified as a skilled nursing facility or 42351  
nursing facility under Title XVIII or XIX of the "Social Security 42352  
Act," the certification for the beds shall be surrendered. If the 42353  
beds are registered under section 3701.07 of the Revised Code as 42354  
skilled nursing beds or long-term care beds, the director shall 42355  
remove the beds from registration not later than fifteen days 42356  
after the beds are relocated. 42357

(E) During the period beginning with the granting of a 42358  
certificate of need and ending five years after implementation of 42359  
the reviewable activity for which the certificate was granted, the 42360  
director shall monitor the activities of the person granted the 42361  
certificate to determine whether the reviewable activity is 42362  
conducted in substantial accordance with the certificate. A 42363  
reviewable activity shall not be determined to be not in 42364  
substantial accordance with the certificate of need solely because 42365  
of either of the following: 42366

(1) A decrease in bed capacity; 42367

(2) A change in the owner or operator of the facility unless 42368  
any of the circumstances specified in division (B) of section 42369  
3702.59 of the Revised Code apply to the new owner or operator. 42370

(F) When reviewing applications for certificates of need, 42371  
considering appeals under section 3702.60 of the Revised Code, or 42372  
monitoring activities of persons granted certificates of need, the 42373  
director may issue and enforce, in the manner provided in section 42374  
119.09 of the Revised Code, subpoenas and subpoenas duces tecum to 42375  
compel a person to testify and produce documents relevant to 42376  
review of the application, consideration of the appeal, or 42377  
monitoring of the activities. In addition, the director or the 42378  
director's designee may visit the sites where the activities are 42379  
or will be conducted. 42380

(G) The director may withdraw certificates of need. 42381

(H) All long-term care facilities shall submit to the 42382  
director, upon request, any information prescribed by rules 42383  
adopted under division (H) of section 3702.57 of the Revised Code 42384  
that is necessary to conduct reviews of certificate of need 42385  
applications and to develop criteria for reviews. 42386

(I) Any decision to grant or deny a certificate of need shall 42387  
consider the special needs and circumstances resulting from moral 42388  
and ethical values and the free exercise of religious rights of 42389  
long-term care facilities administered by religious organizations, 42390  
and the special needs and circumstances of inner city and rural 42391  
communities. 42392

**Sec. 3702.57.** (A) The director of health shall adopt rules 42393  
establishing procedures and criteria for reviews of applications 42394  
for certificates of need and issuance, denial, or withdrawal of 42395  
certificates. 42396

(1) In adopting rules that establish criteria for reviews of 42397  
applications of certificates of need, the director shall consider 42398  
the availability of and need for long-term care beds to provide 42399  
care and treatment to persons diagnosed as having traumatic brain 42400  
injuries and shall prescribe criteria for reviewing applications 42401  
that propose to add long-term care beds to provide care and 42402  
treatment to persons diagnosed as having traumatic brain injuries. 42403

(2) The criteria for reviews of applications for certificates 42404  
of need shall relate to the need for the reviewable activity and 42405  
shall pertain to all of the following matters: 42406

(a) The impact of the reviewable activity on the cost and 42407  
quality of long-term care services in the relevant service area, 42408  
including, but not limited, to the historical and projected 42409  
utilization of the services to which the application pertains and 42410  
the effect of the reviewable activity on utilization of other 42411  
providers of similar services; 42412

(b) The quality of the services to be provided as the result 42413  
of the activity, as evidenced by the historical performance of the 42414  
persons that will be involved in providing the services and by the 42415  
provisions that are proposed in the application to ensure quality, 42416  
including but not limited to adequate available personnel, 42417  
available ancillary and support services, available equipment, 42418  
size and configuration of physical plant, and relations with other 42419  
providers; 42420

(c) The impact of the reviewable activity on the availability 42421  
and accessibility of the type of services proposed in the 42422  
application to the population of the relevant service area, and 42423  
the level of access to the services proposed in the application 42424  
that will be provided to medically underserved individuals such as 42425  
recipients of public assistance and individuals who have no health 42426  
insurance or whose health insurance is insufficient; 42427

(d) The activity's short- and long-term financial feasibility 42428  
and cost-effectiveness, the impact of the activity on the 42429  
applicant's costs and charges, and a comparison of the applicant's 42430  
costs and charges with those of providers of similar services in 42431  
the applicant's proposed service area; 42432

(e) The advantages, disadvantages, and costs of alternatives 42433  
to the reviewable activity; 42434

(f) The impact of the activity on all other providers of 42435  
similar services in the relevant service area, including the 42436  
impact on their utilization, market share, and financial status; 42437

(g) The historical performance of the applicant and related 42438  
or affiliated parties in complying with previously granted 42439  
certificates of need and any applicable certification, 42440  
accreditation, or licensure requirements; 42441

(h) The historical performance of the applicant and related 42442  
or affiliated parties in providing cost-effective long-term care 42443

services; 42444

(i) The special needs and circumstances of the applicant or 42445  
population proposed to be served by the proposed project, 42446  
including research activities, prevalence of particular diseases, 42447  
unusual demographic characteristics, cost-effective contractual 42448  
affiliations, and other special circumstances; 42449

(j) The appropriateness of the zoning status of the proposed 42450  
site of the activity; 42451

(k) The participation by the applicant in research conducted 42452  
by the United States food and drug administration or clinical 42453  
trials sponsored by the national institutes of health. 42454

(3) The criteria for reviews of applications shall include a 42455  
formula for determining each county's long-term care bed need for 42456  
purposes of section 3702.593 of the Revised Code and may include 42457  
other formulas for determining need for beds. 42458

Any rules prescribing criteria that establish ratios of beds 42459  
to population shall specify the bases for establishing the ratios 42460  
or mitigating factors or exceptions to the ratios. 42461

(B) The director shall adopt rules specifying all of the 42462  
following: 42463

(1) Information that must be provided in applications for 42464  
certificates of need; 42465

(2) Procedures for reviewing applications for completeness of 42466  
information; 42467

(3) Criteria for determining that the application is 42468  
complete; 42469

(4) Procedures for making a final determination regarding an 42470  
application's completeness and issuing a notice of the 42471  
determination within the one-hundred-eighty-day time frame 42472  
specified in division (B)(3) of section 3702.52 of the Revised 42473



<u>Code.</u>	42474
(C) The director shall adopt rules specifying requirements	42475
that holders of certificates of need must meet in order for the	42476
certificates to remain valid and establishing definitions and	42477
requirements for obligation of capital expenditures and	42478
implementation of projects authorized by certificates of need.	42479
(D) The director shall adopt rules establishing criteria and	42480
procedures under which the director of health may withdraw a	42481
certificate of need if the holder fails to meet requirements for	42482
continued validity of the certificate.	42483
(E) The director shall adopt rules establishing procedures	42484
under which the department of health shall monitor project	42485
implementation activities of holders of certificates of need. The	42486
rules adopted under this division also may establish procedures	42487
for monitoring implementation activities of persons that have	42488
received nonreviewability rulings.	42489
(F) The director shall adopt rules establishing procedures	42490
under which the director of health shall review certificates of	42491
need whose holders exceed or appear likely to exceed an	42492
expenditure maximum specified in a certificate.	42493
(G) The director shall adopt rules establishing certificate	42494
of need application fees sufficient to pay the costs incurred by	42495
the department for administering sections 3702.51 to 3702.62 of	42496
the Revised Code. Unless rules are adopted under this division	42497
establishing different application fees, the application fee for a	42498
project not involving a capital expenditure shall be three	42499
thousand dollars and the application fee for a project involving a	42500
capital expenditure shall be nine-tenths of one per cent of the	42501
capital expenditure proposed subject to a minimum of three	42502
thousand dollars and a maximum of twenty thousand dollars.	42503
(H) The director shall adopt rules specifying information	42504

that is necessary to conduct reviews of certificate of need 42505  
applications and to develop criteria for reviews that long-term 42506  
care facilities are to submit to the director under division (H) 42507  
of section 3702.52 of the Revised Code. 42508

(I) The director shall adopt rules defining "affiliated 42509  
person," "related person," and "ultimate controlling interest" for 42510  
purposes of section 3702.523 of the Revised Code. 42511

(J) The director shall adopt rules prescribing requirements 42512  
for holders of certificates of need to demonstrate to the director 42513  
under section 3702.525 of the Revised Code that reasonable 42514  
progress is being made toward completion of the reviewable 42515  
activity and establishing standards by which the director shall 42516  
determine whether reasonable progress is being made. 42517

(K) The director shall adopt all rules under divisions (A) to 42518  
(J) of this section in accordance with Chapter 119. of the Revised 42519  
Code. The director may adopt other rules as necessary to carry out 42520  
the purposes of sections 3702.51 to 3702.62 of the Revised Code. 42521

**Sec. 3702.593.** (A) At the times specified in this section, 42522  
the director of health shall accept, for review under section 42523  
3702.52 of the Revised Code, certificate of need applications for 42524  
any of the following purposes if the proposed increase in beds is 42525  
attributable solely to relocation of existing beds from an 42526  
existing long-term care facility in a county with excess beds to a 42527  
long-term care facility in a county in which there are fewer 42528  
long-term care beds than the county's bed need: 42529

(1) Approval of beds in a new long-term care facility or an 42530  
increase of beds in an existing long-term care facility if the 42531  
beds are proposed to be licensed as nursing home beds under 42532  
Chapter 3721. of the Revised Code; 42533

(2) Approval of beds in a new county home or new county 42534

nursing home, or an increase of beds in an existing county home or 42535  
existing county nursing home if the beds are proposed to be 42536  
certified as skilled nursing facility beds under the medicare 42537  
program, Title XVIII of the "Social Security Act," 49 Stat. 286 42538  
(1965), 42 U.S.C. 1395, as amended, or nursing facility beds under 42539  
the medicaid program, Title XIX of the "Social Security Act," 49 42540  
Stat. 286 (1965), 42 U.S.C. 1396, as amended; 42541

(3) An increase of hospital beds registered pursuant to 42542  
section 3701.07 of the Revised Code as long-term care beds. 42543

(B) For the purpose of implementing this section, the 42544  
director shall do all of the following: 42545

(1) Not later than ~~April 1, 2012~~ October 1, 2023, and every 42546  
four years thereafter, determine the long-term care bed supply for 42547  
each county, which shall consist of all of the following: 42548

(a) Nursing home beds licensed under Chapter 3721. of the 42549  
Revised Code; 42550

(b) Beds certified as skilled nursing facility beds under the 42551  
medicare program or nursing facility beds under the medicaid 42552  
program; 42553

(c) Beds in any portion of a hospital that are properly 42554  
registered under section 3701.07 of the Revised Code as skilled 42555  
nursing beds, long-term care beds, or special skilled nursing 42556  
beds; 42557

(d) Beds in a county home or county nursing home that are 42558  
certified under section 5155.38 of the Revised Code as having been 42559  
in operation on July 1, 1993, and are eligible for licensure as 42560  
nursing home beds; 42561

(e) Beds described in division (O)(5) of section 3702.51 of 42562  
the Revised Code. 42563

(2) Determine the long-term care bed occupancy rate for the 42564

state at the time the determination is made; 42565

(3) For each county, determine the county's bed need by 42566  
identifying the number of long-term care beds that would be needed 42567  
in the county in order for the statewide occupancy rate for a 42568  
projected population aged sixty-five and older to be ninety per 42569  
cent. 42570

In determining each county's bed need, the director shall use 42571  
the formula developed in rules adopted under section 3702.57 of 42572  
the Revised Code. A determination shall be made not later than 42573  
October 1, 2023, and every four years thereafter. After each 42574  
determination is made, the director shall publish the county's bed 42575  
need on the web site maintained by the department of health. 42576

(C) The director's consideration of an application for a 42577  
certificate of need that would increase the number of beds in a 42578  
county shall be consistent with the county's bed need determined 42579  
under division (B) of this section except as follows: 42580

(1) If a county's occupancy rate is less than eighty-five per 42581  
cent, the county shall be considered to have no need for 42582  
additional beds. 42583

(2) Even if a county is determined not to need any additional 42584  
long-term care beds, the director may approve an increase in beds 42585  
equal to up to ten per cent of the county's bed supply if the 42586  
county's occupancy rate is greater than ninety per cent. 42587

(D)(1) ~~The~~ For the review process used in considering 42588  
certificate of need applications, the director shall establish a 42589  
~~review period for the first review process shall begin July 1,~~ 42590  
~~2010 that begins January 1, 2020, and end June 30, 2012 ends~~ 42591  
December 31, 2023. ~~The next review period shall begin July 1,~~ 42592  
~~2012, and end June 30, 2016.~~ Thereafter, the review period for 42593  
each ~~comparative~~ review process shall begin on the first day of 42594  
~~July~~ January following the end of the previous review period and 42595

shall be four years. 42596

(2) Certificate of need applications shall be accepted during 42597  
the first month of the review period and reviewed through the 42598  
thirtieth day of ~~April~~ September of the ~~following~~ year in which 42599  
the review period begins. 42600

~~(3) Except for the first review period after October 16,~~ 42601  
~~2009, each review period may consist of two phases. The first~~ 42602  
~~phase of the review period shall be the period during which the~~ 42603  
~~director accepts and reviews certificate of need applications as~~ 42604  
~~provided in division (D)(2) of this section. If the director~~ 42605  
~~determines that there will be acceptance and review of additional~~ 42606  
~~certificate of need applications, the second phase of the review~~ 42607  
~~period shall begin on the first day of July of the third year of~~ 42608  
~~the review period. The second phase shall be limited to acceptance~~ 42609  
~~and review of applications for redistribution of beds made~~ 42610  
~~available pursuant to division (I) of this section. During the~~ 42611  
~~period between the first and second phases of the review period,~~ 42612  
~~the director shall act in accordance with division (I) of this~~ 42613  
~~section.~~ 42614

(E) The director shall consider certificate of need 42615  
applications in accordance with all of the following: 42616

(1) The number of beds approved for a county shall include 42617  
only beds available for relocation from another county and shall 42618  
not exceed the bed need of the receiving county; 42619

(2) The director shall consider the existence of community 42620  
resources serving persons who are age sixty-five or older or 42621  
disabled that are demonstrably effective in providing alternatives 42622  
to long-term care facility placement. 42623

(3) The director shall approve relocation of beds from a 42624  
county only if, after the relocation, the number of beds remaining 42625  
in the county will exceed the county's bed need by at least one 42626

hundred beds; 42627

(4) The director shall approve relocation of beds from a 42628  
long-term care facility only if, after the relocation, the number 42629  
of beds in the facility's service area is at least equal to the 42630  
state bed need rate. For purposes of this division, a facility's 42631  
service area shall be either of the following: 42632

(a) The census tract in which the facility is located, if the 42633  
facility is located in an area designated by the United States 42634  
secretary of health and human services as a health professional 42635  
shortage area under the "Public Health Service Act," 88 Stat. 682 42636  
(1944), 42 U.S.C. 254(e), as amended; 42637

(b) The area that is within a fifteen-mile radius of the 42638  
facility's location, if the facility is not located in a health 42639  
professional shortage area. 42640

(F) Applications made under this section are subject to 42641  
comparative review if two or more applications are submitted 42642  
during the same review period and any of the following applies: 42643

(1) The applications propose to relocate beds from the same 42644  
county and the number of beds for which certificates of need are 42645  
being requested totals more than the number of beds available in 42646  
the county from which the beds are to be relocated. 42647

(2) The applications propose to relocate beds to the same 42648  
county and the number of beds for which certificates of need are 42649  
being requested totals more than the number of beds needed in the 42650  
county to which the beds are to be relocated. 42651

(3) The applications propose to relocate beds from the same 42652  
service area and the number of beds left in the service area from 42653  
which the beds are being relocated would be less than the state 42654  
bed need rate determined by the director. 42655

(G) In determining which applicants should receive preference 42656

in the comparative review process, the director shall consider all 42657  
of the following as weighted priorities: 42658

(1) Whether the beds will be part of a continuing care 42659  
retirement community; 42660

(2) Whether the beds will serve an underserved population, 42661  
such as low-income individuals, individuals with disabilities, or 42662  
individuals who are members of racial or ethnic minority groups; 42663

(3) Whether the project in which the beds will be included 42664  
will provide alternatives to institutional care, such as adult 42665  
day-care, home health care, respite or hospice care, mobile meals, 42666  
residential care, independent living, or congregate living 42667  
services; 42668

(4) Whether the long-term care facility's owner or operator 42669  
will participate in medicaid waiver programs for alternatives to 42670  
institutional care; 42671

(5) Whether the project in which the beds will be included 42672  
will reduce alternatives to institutional care by converting 42673  
residential care beds or other alternative care beds to long-term 42674  
care beds; 42675

(6) Whether the facility in which the beds will be placed has 42676  
positive resident and family satisfaction surveys; 42677

(7) Whether the facility in which the beds will be placed has 42678  
fewer than fifty long-term care beds; 42679

(8) Whether the long-term care facility in which the beds 42680  
will be placed is located within the service area of a hospital 42681  
and is designed to accept patients for rehabilitation after an 42682  
in-patient hospital stay; 42683

(9) Whether the long-term care facility in which the beds 42684  
will be placed is or proposes to become a nurse aide training and 42685  
testing site; 42686

(10) The rating, under the centers for medicare and medicaid services' five star nursing home quality rating system, of the long-term care facility in which the beds will be placed. 42687  
42688  
42689

(H) A person who has submitted an application under this section that is not subject to comparative review may revise the site of the proposed project pursuant to section 3702.522 of the Revised Code. 42690  
42691  
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(I) When a certificate of need application is approved ~~during the initial phase of a four year review period~~, in addition to the actions required by division (D) of section 3702.52 of the Revised Code, the long-term care facility from which the beds were relocated shall reduce the number of beds operated in the facility by a number of beds equal to at least ten per cent of the number of beds relocated. If these beds are in a home licensed under Chapter 3721. of the Revised Code, the long-term care facility shall have the beds removed from the license. If the beds are in a facility that is certified as a skilled nursing facility or nursing facility under Title XVIII or XIX of the "Social Security Act," the facility shall surrender the certification of these beds. If the beds are registered as skilled nursing beds or long-term care beds under section 3701.07 of the Revised Code, the long-term care facility shall surrender the registration for these beds. This reduction shall be made not later than the completion date of the project for which the beds were relocated. 42694  
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~~(J)(1) Once approval of certificate of need applications in the first phase of a four year review period is complete, the director shall make a new determination of the bed need for each county by reducing the county's bed need by the number of beds approved for relocation to the county. The new bed need determination shall be made not later than the first day of April of the third year of the review period.~~ 42711  
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~~(2) The director may publish on the department's web site the~~ 42718



~~remaining bed need for counties that will be considered for 42719  
redistribution of beds that, in accordance with division (I) of 42720  
this section, have ceased or will cease to be operated. The 42721  
director shall base the determination of whether to include a 42722  
county on all of the following: 42723~~

~~(a) The statewide number of beds that, in accordance with 42724  
division (I) of this section, have ceased or will cease to be 42725  
operated; 42726~~

~~(b) The county's remaining bed need; 42727~~

~~(c) The county's bed occupancy rate. 42728~~

~~(K) If the director publishes the remaining bed need for a 42729  
county under division (J)(2) of this section, the director may, 42730  
beginning on the first day of the second phase of the review 42731  
period, accept certificate of need applications for redistribution 42732  
to long term care facilities in that county of beds that have 42733  
ceased or will cease operation in accordance with division (I) of 42734  
this section. The total number of beds approved for redistribution 42735  
in the second phase of a review period shall not exceed the number 42736  
that have ceased or will cease operation in accordance with 42737  
division (I) of this section. Beds that are not approved for 42738  
redistribution during the second phase of a review period shall 42739  
not be available for redistribution at any future time. 42740~~

~~**Sec. 3702.60.** (A) Any affected person may appeal a 42741  
reviewability ruling to the director of health in accordance with 42742  
Chapter 119. of the Revised Code, and the director shall provide 42743  
an adjudication hearing in accordance with that chapter. An 42744  
affected person may appeal the director's ruling in the 42745  
adjudication hearing to the tenth district court of appeals. 42746~~

~~(B) The applicant for a certificate of need applicant or 42747  
another affected person may appeal to the director in accordance 42748~~

~~with Chapter 119. of the Revised Code of health~~ a decision issued 42749  
by the director to grant or deny a certificate of need 42750  
application. The person that requested a reviewability ruling may 42751  
appeal to the director with respect to the resulting ruling issued 42752  
by the director. 42753

The appeal by the applicant or person shall be made in 42754  
accordance with Chapter 119. of the Revised Code, and the director 42755  
shall provide an adjudication hearing in accordance with that 42756  
chapter. ~~The certificate of need applicant or other affected~~ 42757  
~~person that appeals the director's decision to grant or deny a~~ 42758  
~~certificate of need application~~ In the appeal, the applicant or 42759  
person must prove by a preponderance of the evidence that the 42760  
director's decision or ruling is not in accordance with sections 42761  
3702.52 to 3702.62 of the Revised Code or rules adopted under 42762  
those sections. ~~The certificate of need~~ 42763

The applicant or ~~an affected~~ person that was a party to and 42764  
participated in an adjudication hearing conducted under this 42765  
division may appeal to the tenth district court of appeals the 42766  
decision issued by the director following the adjudication 42767  
hearing. 42768

~~(C)~~(B) The holder of a certificate of need ~~holder~~ may appeal 42769  
to the director in accordance with Chapter 119. of the Revised 42770  
Code a decision issued by the director under section 3702.52 or 42771  
3702.525 of the Revised Code to withdraw a certificate of need, 42772  
and the director shall provide an adjudication hearing in 42773  
accordance with that chapter. The person may appeal the director's 42774  
ruling in the adjudication hearing to the tenth district court of 42775  
appeals. 42776

~~(D)~~(C) Any person determined by the director to have violated 42777  
section 3702.53 of the Revised Code may appeal that determination, 42778  
or the penalties imposed under section 3702.54 or 3702.541 of the 42779  
Revised Code, to the director in accordance with Chapter 119. of 42780

the Revised Code, and the director shall provide an adjudication 42781  
hearing in accordance with that chapter. The person may appeal the 42782  
director's ruling in the adjudication hearing to the tenth 42783  
district court of appeals. 42784

~~(F)~~(D) Each person appealing under this section to the 42785  
director shall file with the director, not later than thirty days 42786  
after the decision, ruling, or determination of the director was 42787  
mailed, a notice of appeal designating the decision, ruling, or 42788  
determination appealed from. 42789

~~(F)~~(E) Each person appealing under this section to the tenth 42790  
district court of appeals shall file with the court, not later 42791  
than thirty days after the date the director's adjudication order 42792  
was mailed, a notice of appeal designating the order appealed 42793  
from. The appellant also shall file notice with the director not 42794  
later than thirty days after the date the order was mailed. 42795

(1) Not later than thirty days after receipt of the notice of 42796  
appeal, the director shall prepare and certify to the court the 42797  
complete record of the proceedings out of which the appeal arises. 42798  
The expense of preparing and transcribing the record shall be 42799  
taxed as part of the costs of the appeal. In the event that the 42800  
record or a part thereof is not certified within the time 42801  
prescribed by this division, the appellant may apply to the court 42802  
for an order that the record be certified. 42803

(2) In hearing the appeal, the court shall consider only the 42804  
evidence contained in the record certified to it by the director. 42805  
The court may remand the matter to the director for the admission 42806  
of additional evidence on a finding that the additional evidence 42807  
is material, newly discovered, and could not with reasonable 42808  
diligence have been ascertained before the hearing before the 42809  
director. Except as otherwise provided by statute, the court shall 42810  
give the hearing on the appeal preference over all other civil 42811  
matters, irrespective of the position of the proceedings on the 42812

calendar of the court. 42813

(3) The court shall affirm the director's order if it finds, 42814  
upon consideration of the entire record and any additional 42815  
evidence admitted under division ~~(F)~~(E)(2) of this section, that 42816  
the order is supported by reliable, probative, and substantial 42817  
evidence and is in accordance with law. In the absence of such a 42818  
finding, it shall reverse, vacate, or modify the order. 42819

(4) If the court determines that the director committed 42820  
material procedural error, the court shall remand the matter to 42821  
the director for further consideration or action. 42822

~~(G) The court may award reasonable attorney's fees against 42823  
the appellant if it determines that the appeal was frivolous. 42824  
Sections 119.092, 119.093, and 2335.39 of the Revised Code do not 42825  
apply to adjudication hearings under this section or section 42826  
3702.52 of the Revised Code and judicial appeals under this 42827  
section. 42828~~

~~(H)~~(F) No person may intervene in an appeal brought under 42829  
this section. 42830

**Sec. 3702.967.** The director of health may accept gifts of 42831  
money from any source for the implementation and administration of 42832  
sections 3702.96 to 3702.965 of the Revised Code. 42833

The director shall pay all gifts accepted under this section 42834  
~~into the state treasury, to the credit of the dental hygiene 42835  
resource shortage area fund, which is hereby created, and all 42836  
damages collected under division (C)(3) of section 3702.965 of the 42837  
Revised Code, into the state treasury, to the credit of the dental 42838  
hygienist loan repayment fund, which is hereby created. 42839~~

The director shall use the ~~dental hygiene resource shortage 42840  
area and dental hygienist loan repayment funds fund~~ fund for the 42841  
implementation and administration of sections 3702.96 to 3702.967 42842

of the Revised Code. 42843

**Sec. 3704.01.** As used in this chapter: 42844

(A) "Administrator" means the administrator of the United 42845  
States environmental protection agency or the chief executive of 42846  
any successor federal agency responsible for implementation of the 42847  
federal Clean Air Act. 42848

(B) "Air contaminant" means particulate matter, dust, fumes, 42849  
gas, mist, radionuclides, smoke, vapor, or odorous substances, or 42850  
any combination thereof, but does not mean emissions from 42851  
agricultural production activities, as defined in section 929.01 42852  
of the Revised Code, that are consistent with generally accepted 42853  
agricultural practices, were established prior to adjacent 42854  
nonagricultural activities, have no substantial, adverse effect on 42855  
the public health, safety, or welfare, do not result from the 42856  
negligent or other improper operations of any such agricultural 42857  
activities, and would not be required to obtain a Title V permit. 42858  
For the purposes of this chapter, agricultural production 42859  
activities do not include the installation and operation of 42860  
off-farm facilities for the storage or processing of agricultural 42861  
products, including, but not limited to, alfalfa dehydrating 42862  
facilities, rendering plants, and feed and grain mills, elevators, 42863  
and terminals. 42864

(C) "Air contaminant source" means each separate operation or 42865  
activity that results or may result in the emission of any air 42866  
contaminant. 42867

(D) "Air pollution" means the presence in the ambient air of 42868  
one or more air contaminants or any combination thereof in 42869  
sufficient quantity and of such characteristics and duration as is 42870  
or threatens to be injurious to human health or welfare, plant or 42871  
animal life, or property, or as unreasonably interferes with the 42872  
comfortable enjoyment of life or property. 42873

(E) "Ambient air" means that portion of the atmosphere 42874  
outside of buildings and other enclosures, stacks, or ducts that 42875  
surrounds human, plant, or animal life or property. 42876

(F) "Best available technology" means any combination of work 42877  
practices, raw material specifications, throughput limitations, 42878  
source design characteristics, an evaluation of the annualized 42879  
cost per ton of pollutant removed, and air pollution control 42880  
devices that have been previously demonstrated to the director of 42881  
environmental protection to operate satisfactorily in this state 42882  
or other states with similar air quality on substantially similar 42883  
air pollution sources. 42884

(G) "Change within a permitted facility" means, within the 42885  
context of the Title V permit program established under section 42886  
3704.036 of the Revised Code, a change that is limited by a 42887  
federally enforceable provision of an applicable Title V permit 42888  
and that does not include physical, production, or other changes 42889  
that are neither addressed nor limited by the federally 42890  
enforceable portion of a Title V permit unless the change would 42891  
result in a violation of a federally enforceable requirement or a 42892  
modification under Title I of the federal Clean Air Act or would 42893  
be subject to any requirements under Title IV of that act. 42894

(H) "Emit" or "emission" means the release into the ambient 42895  
air of an air contaminant. 42896

(I) "Emission limitation" and "emission standard" mean a 42897  
requirement that limits the quantity, rate, or concentration of 42898  
emissions of air contaminants, including any requirement relating 42899  
to the operation or maintenance of an air contaminant source. 42900

(J) "Facility," for the purposes of the Title V permit 42901  
program established under section 3704.036 of the Revised Code, 42902  
means all of the emitting activities that are located on 42903  
contiguous or adjacent properties that are under the control of 42904

the same person or persons or are under common control and that 42905  
are in the same major group as described in the standard 42906  
Industrial Classification Manual, 1987. 42907

(K) "Federal Clean Air Act" means "Air Quality Act of 1967," 42908  
81 Stat. 485, 42 U.S.C. 1857, as amended by "Clean Air Act 42909  
Amendments of 1970," 84 Stat. 1676, 42 U.S.C. 1857, "Act of 42910  
November 18, 1971," 85 Stat. 464, 42 U.S.C. 1857, "Act of April 9, 42911  
1973," 87 Stat. 11, 42 U.S.C. 1857, "Act of June 24, 1974," 88 42912  
Stat. 248, 42 U.S.C. 1857, "Clean Air Act Amendments of 1977," 91 42913  
Stat. 685, 42 U.S.C. 7401, "Safe Drinking Water Act Amendments of 42914  
1977," 91 Stat. 1393, 42 U.S.C. 7401, "Clean Air Act Amendments of 42915  
1990," 104 Stat. 2399, 42 U.S.C.A. 7401, and any other amendments 42916  
that have been or may hereafter be adopted, or any supplements to 42917  
those acts and laws of the United States that have been or may 42918  
hereafter be enacted in substitution therefor, together with any 42919  
regulations that have been or may hereafter be adopted by the 42920  
administrator by virtue of and in accordance with those acts and 42921  
laws. Reference to a particular title or section of the federal 42922  
Clean Air Act includes any amendments that have been or may 42923  
hereafter be enacted in substitution therefor and any regulations 42924  
pertaining to the title or section that have been or may hereafter 42925  
be adopted by the administrator by virtue of and in accordance 42926  
with the federal Clean Air Act. 42927

(L) "Hazardous air pollutant" means any pollutant listed 42928  
under section 112(b) of the federal Clean Air Act. 42929

(M) "Implementation plan" means a program for the prevention 42930  
and abatement of air pollution in the state that has been 42931  
promulgated or approved by the administrator pursuant to the 42932  
federal Clean Air Act. 42933

(N) "Local air pollution control authority" includes all of 42934  
the following unless terminated by the political subdivisions 42935  
represented thereby: 42936

- (1) All of the following agencies representing the following political subdivisions, as those agencies existed on July 1, 1993:
- (a) The Akron regional air quality management district representing Medina, Summit, and Portage counties;
  - (b) The Canton city health department representing Stark county;
  - (c) The Hamilton county department of environmental services, southwest Ohio air quality agency representing Butler, Warren, Hamilton, and Clermont counties;
  - (d) The city of Cleveland division of the environment representing Cuyahoga county;
  - (e) The regional air pollution control agency representing Darke, Preble, Miami, Montgomery, Clark, and Greene counties;
  - (f) The Lake county general health district representing Lake and Geauga counties;
  - (g) The Portsmouth city health department representing Brown, Adams, Scioto, and Lawrence counties;
  - (h) The city of Toledo division of pollution control representing Lucas county and the city of Rossford in Wood county;
  - ~~(i) The Mahoning Trumbull air pollution control agency, city of Youngstown, representing Trumbull and Mahoning counties.~~
- (2) Any successor to an existing local air pollution control authority listed in divisions (N)(1)(a) to (i) of this section that results from a change in the political subdivisions comprising the local air pollution control authority through the withdrawal of a political subdivision from membership in the local air pollution control authority or the inclusion of an additional political subdivision in the membership of the local air pollution control authority;
- (3) Any new local air pollution control authority established



on or after July 1, 1993, by one or more political subdivisions of 42967  
this state for the purposes of exercising the powers reserved to 42968  
political subdivisions of this state under division (A) of section 42969  
3704.11 of the Revised Code. 42970

(O) "Person" means the federal government or any agency 42971  
thereof, the state or any agency thereof, any political 42972  
subdivision or any agency thereof, or any public or private 42973  
corporation, individual, partnership, or other entity. 42974

(P) "Research and development sources" means sources whose 42975  
activities are conducted for nonprofit scientific or educational 42976  
purposes; sources whose activities are conducted to test more 42977  
efficient production processes or methods for preventing or 42978  
reducing adverse environmental impacts, provided that the 42979  
activities do not include the production of an intermediate or 42980  
final product for sale or exchange for commercial profit, except 42981  
in a de minimis manner; a research or laboratory source the 42982  
primary purpose of which is to conduct research and development 42983  
into new processes and products, that is operated under the close 42984  
supervision of technically trained personnel, and that is not 42985  
engaged in the manufacture of products for sale or exchange for 42986  
commercial profit, except in a de minimis manner; the temporary 42987  
use of normal production sources in a research and development 42988  
mode to test the technical or commercial viability of alternative 42989  
raw materials or production processes, provided that the use does 42990  
not include the production of an intermediate or final product for 42991  
sale or exchange for commercial profit, except in a de minimis 42992  
manner; the experimental firing of any fuel or combination of 42993  
fuels in a boiler, heater, furnace, or dryer for the purpose of 42994  
conducting research and development of more efficient combustion 42995  
or more effective prevention or control of air pollutant 42996  
emissions, provided that, during those periods of research and 42997  
development, the heat generated is not used for normal production 42998

purposes or for producing a product for sale or exchange for 42999  
commercial profit, except in a de minimis manner; and such other 43000  
similar sources as the director may prescribe by rule. 43001

(Q) "Responsible official" means one of the following, as 43002  
applicable: 43003

(1) For a corporation: a president, secretary, treasurer, or 43004  
vice-president of the corporation in charge of a principal 43005  
business function, any other person who performs similar policy or 43006  
decision-making functions for the corporation, or a duly 43007  
authorized representative of any such person if the representative 43008  
is responsible for the overall operation of one or more 43009  
manufacturing, production, or operating facilities applying for or 43010  
subject to a Title V permit and if one of the following applies: 43011

(a) The facilities employ more than two hundred fifty 43012  
individuals or have gross annual sales or expenditures exceeding 43013  
twenty-five million dollars, in second quarter 1980 dollars; 43014

(b) The delegation of authority to the representative is 43015  
approved in advance by the director. 43016

(2) For a partnership or sole proprietorship: a general 43017  
partner or the proprietor, respectively. 43018

(3) For the federal government or any agency thereof, the 43019  
state or any agency thereof, a political subdivision or any agency 43020  
thereof, or any other public agency, either a principal executive 43021  
officer or authorized elected official. For the purposes of this 43022  
division, a principal executive officer of a federal agency 43023  
includes the chief executive officer having responsibility for the 43024  
overall operation of a principal geographic unit of the agency. 43025

(4) For affected sources, both of the following: 43026

(a) The designated representative insofar as actions, 43027  
standards, requirements, or prohibitions under Title IV of the 43028

federal Clean Air Act or regulations adopted under it are 43029  
concerned; 43030

(b) The designated representative for any other purposes 43031  
under 40 C.F.R. part 70. 43032

(R) "Small business stationary source" means any building, 43033  
structure, facility, or installation that emits any federally 43034  
regulated air pollutant and is owned or operated by a person who 43035  
employs one hundred or fewer individuals; is a small business 43036  
concern as defined in the "Small Business Act," 72 Stat. 384 43037  
(1958), 15 U.S.C.A. 632, as amended; is not a major stationary 43038  
source as defined in section 302(j) of the federal Clean Air Act; 43039  
does not emit fifty tons or more per year of any federally 43040  
regulated air pollutant or any hazardous air pollutant; and emits 43041  
less than seventy-five tons per year of all federally regulated 43042  
air pollutants. 43043

(S) "Title V permit" means an operating permit required to be 43044  
issued by the state under section 502 of the federal Clean Air Act 43045  
and issued under section 3704.036 of the Revised Code and rules 43046  
adopted under it. 43047

(T) For the purposes of the Title V permit program 43048  
established under this chapter and rules adopted under it, all 43049  
terms defined in 40 C.F.R. part 70 have the same meaning as in 43050  
that part. 43051

**Sec. 3704.111.** (A) Not later than October 1, 1993, the 43052  
director of environmental protection shall enter into a delegation 43053  
agreement with each local air pollution control authority listed 43054  
in divisions (N)(1)(a) to ~~(i)~~(h) of section 3704.01 of the Revised 43055  
Code under which the local air pollution control authority agrees 43056  
to perform on behalf of the environmental protection agency air 43057  
pollution control regulatory services within the political 43058  
subdivision represented by the local air pollution control 43059

authority. The director may enter into such a delegation agreement 43060  
with a local air pollution control authority established on or 43061  
after the effective date of this section, subject to the condition 43062  
established in division (B) of this section. Each delegation 43063  
agreement shall be self-renewing on an annual basis on the first 43064  
day of October of each year. The terms of each such delegation 43065  
agreement shall remain unchanged from year to year unless they are 43066  
amended by mutual agreement of the director and the local air 43067  
pollution control authority. 43068

(B) The director may conduct a periodic performance 43069  
evaluation of the air pollution control program operated by each 43070  
local air pollution control authority. Based upon the findings of 43071  
such a performance evaluation, the director may terminate or 43072  
refuse to renew the delegation agreement with a local air 43073  
pollution control authority if the director determines that the 43074  
local air pollution control authority is not adequately performing 43075  
its obligations under the agreement. 43076

(C) The director may enter into contracts for payments to 43077  
local air pollution control authorities from moneys credited to 43078  
the clean air fund created in section 3704.035 of the Revised 43079  
Code, subject to the limitation specified in that section, and any 43080  
other moneys appropriated by the general assembly for that 43081  
purpose. The director shall distribute the moneys available for 43082  
making payments to the local air pollution control authorities 43083  
pursuant to such contracts equitably among the local air pollution 43084  
control authorities based upon the amount of local funding and the 43085  
workload of each local air pollution control authority, including, 43086  
without limitation, population served, number of air permits 43087  
issued for both new and existing sources, land area, and number of 43088  
air contaminant sources. The director biennially shall review the 43089  
workload of each local air pollution control authority and shall 43090  
determine the percentage of the moneys available for the purpose 43091

of making payments under the contracts. In determining the 43092  
percentage of those moneys that is to be so distributed, the 43093  
director shall consider the recommendations of the local air 43094  
pollution control authorities. 43095

(D) The director may modify a contract between the director 43096  
and a local air pollution control authority to authorize the local 43097  
air pollution control authority to perform air pollution control 43098  
activities outside the geographic boundaries of that local air 43099  
pollution control authority. 43100

**Sec. 3704.14.** (A)(1) If the director of environmental 43101  
protection determines that implementation of a motor vehicle 43102  
inspection and maintenance program is necessary for the state to 43103  
effectively comply with the federal Clean Air Act after June 30, 43104  
~~2015~~ 2019, the director may provide for the implementation of the 43105  
program in those counties in this state in which such a program is 43106  
federally mandated. Upon making such a determination, the director 43107  
of environmental protection may request the director of 43108  
administrative services to extend the terms of the contract that 43109  
was entered into under the authority of Am. Sub. H.B. ~~153~~ 64 of 43110  
the ~~129th~~ 131st general assembly. Upon receiving the request, the 43111  
director of administrative services shall extend the contract, 43112  
beginning on July 1, ~~2015~~ 2019, in accordance with this section. 43113  
The contract shall be extended for a period of up to twenty-four 43114  
months with the contractor who conducted the motor vehicle 43115  
inspection and maintenance program under that contract. 43116

(2) Prior to the expiration of the contract extension that is 43117  
authorized by division (A)(1) of this section, the director of 43118  
environmental protection shall request the director of 43119  
administrative services to enter into a contract with a vendor to 43120  
operate a decentralized motor vehicle inspection and maintenance 43121  
program in each county in this state in which such a program is 43122

federally mandated through June 30, ~~2019~~ 2023, with an option for 43123  
the state to renew the contract for a period of up to twenty-four 43124  
months through June 30, ~~2024~~ 2025. The contract shall ensure that 43125  
the decentralized motor vehicle inspection and maintenance program 43126  
achieves at least the same emission reductions as achieved by the 43127  
program operated under the authority of the contract that was 43128  
extended under division (A)(1) of this section. The director of 43129  
administrative services shall select a vendor through a 43130  
competitive selection process in compliance with Chapter 125. of 43131  
the Revised Code. 43132

(3) Notwithstanding any law to the contrary, the director of 43133  
administrative services shall ensure that a competitive selection 43134  
process regarding a contract to operate a decentralized motor 43135  
vehicle inspection and maintenance program in this state 43136  
incorporates the following, which shall be included in the 43137  
contract: 43138

(a) For purposes of expanding the number of testing locations 43139  
for consumer convenience, a requirement that the vendor utilize 43140  
established local businesses, auto repair facilities, or leased 43141  
properties to operate state-approved inspection and maintenance 43142  
testing facilities; 43143

(b) A requirement that the vendor selected to operate the 43144  
program provide notification of the program's requirements to each 43145  
owner of a motor vehicle that is required to be inspected under 43146  
the program. The contract shall require the notification to be 43147  
provided not later than sixty days prior to the date by which the 43148  
owner of the motor vehicle is required to have the motor vehicle 43149  
inspected. The director of environmental protection and the vendor 43150  
shall jointly agree on the content of the notice. However, the 43151  
notice shall include at a minimum the locations of all inspection 43152  
facilities within a specified distance of the address that is 43153  
listed on the owner's motor vehicle registration; 43154

(c) A requirement that the vendor comply with testing methodology and supply the required equipment approved by the director of environmental protection as specified in the competitive selection process in compliance with Chapter 125. of the Revised Code.

(4) A decentralized motor vehicle inspection and maintenance program operated under this section shall comply with division (B) of this section. The director of environmental protection shall administer the decentralized motor vehicle inspection and maintenance program operated under this section.

(B) The decentralized motor vehicle inspection and maintenance program authorized by this section, at a minimum, shall do all of the following:

(1) Comply with the federal Clean Air Act;

(2) Provide for the issuance of inspection certificates;

(3) Provide for a new car exemption for motor vehicles four years old or newer and provide that a new motor vehicle is exempt for four years regardless of whether legal title to the motor vehicle is transferred during that period.

(C) The director of environmental protection shall adopt rules in accordance with Chapter 119. of the Revised Code that the director determines are necessary to implement this section. The director may continue to implement and enforce rules pertaining to the motor vehicle inspection and maintenance program previously implemented under former section 3704.14 of the Revised Code as that section existed prior to its repeal and reenactment by Am. Sub. H.B. 66 of the 126th general assembly, provided that the rules do not conflict with this section.

(D) There is hereby created in the state treasury the auto emissions test fund, which shall consist of money received by the director from any cash transfers, state and local grants, and

other contributions that are received for the purpose of funding 43186  
the program established under this section. The director of 43187  
environmental protection shall use money in the fund solely for 43188  
the implementation, supervision, administration, operation, and 43189  
enforcement of the motor vehicle inspection and maintenance 43190  
program established under this section. Money in the fund shall 43191  
not be used for either of the following: 43192

(1) To pay for the inspection costs incurred by a motor 43193  
vehicle dealer so that the dealer may provide inspection 43194  
certificates to an individual purchasing a motor vehicle from the 43195  
dealer when that individual resides in a county that is subject to 43196  
the motor vehicle inspection and maintenance program; 43197

(2) To provide payment for more than one free passing 43198  
emissions inspection or a total of three emissions inspections for 43199  
a motor vehicle in any three-hundred-sixty-five-day period. The 43200  
owner or lessee of a motor vehicle is responsible for inspection 43201  
fees that are related to emissions inspections beyond one free 43202  
passing emissions inspection or three total emissions inspections 43203  
in any three-hundred-sixty-five-day period. Inspection fees that 43204  
are charged by a contractor conducting emissions inspections under 43205  
a motor vehicle inspection and maintenance program shall be 43206  
approved by the director of environmental protection. 43207

(E) The motor vehicle inspection and maintenance program 43208  
established under this section expires upon the termination of all 43209  
contracts entered into under this section and shall not be 43210  
implemented beyond the final date on which termination occurs. 43211

**Sec. 3705.07.** (A) The local registrar of vital statistics 43212  
shall number consecutively each fetal death and death certificate 43213  
printed on paper that the local registrar receives from the 43214  
electronic death registration system (EDRS) maintained by the 43215  
department of health. The number assigned to each certificate 43216



shall be the one provided by EDRS. Such local registrar shall sign 43217  
the local registrar's name in attest to the date of filing in the 43218  
local office. The local registrar shall make a complete and 43219  
accurate copy of each fetal death and death certificate printed on 43220  
paper that is filed. Each paper copy shall be filed and preserved 43221  
as the local record until the electronic information regarding the 43222  
event has been completed and made available in EDRS and EDRS is 43223  
capable of issuing a complete and accurate electronic copy of the 43224  
certificate. The local record may be a photographic, electronic, 43225  
or other reproduction. The local registrar shall transmit to the 43226  
state office of vital statistics all original fetal death and 43227  
death certificates received using the state transmittal schedule 43228  
specified by the department of health. The local registrar shall 43229  
immediately notify the health commissioner with jurisdiction in 43230  
the registration district of the receipt of a death certificate 43231  
attesting that death resulted from a communicable disease. 43232

The office of vital statistics shall carefully examine the 43233  
records and certificates received from local registrars of vital 43234  
statistics and shall secure any further information that may be 43235  
necessary to make each record and certificate complete and 43236  
satisfactory. It shall arrange and preserve the records and 43237  
certificates, or reproductions of them produced pursuant to 43238  
section 3705.03 of the Revised Code, in a systematic manner and 43239  
shall maintain a permanent index of all births, fetal deaths, and 43240  
deaths registered, which shall show the name of the child or 43241  
deceased person, place and date of birth or death, and number of 43242  
the certificate. 43243

(B)(1) The office of vital statistics shall make available ~~to~~ 43244  
~~the division of child support in the department of job and family~~ 43245  
~~services~~ all social security numbers that accompany a birth 43246  
certificate submitted for filing under division (H) of section 43247  
3705.09 or section 3705.10 of the Revised Code or that accompany a 43248

death certificate registered under section 3705.16 of the Revised Code to both of the following:

(a) For the purpose of child support enforcement, the division of child support in the department of job and family services;

(b) For the purpose of eligibility determinations for medical assistance programs as defined in section 5160.01 of the Revised Code, the department of medicaid.

(2) The office of vital statistics also shall make available to the division of child support in the department of job and family services any other information recorded in the birth record that may enable the division to use the social security numbers provided under division (B)(1) of this section to obtain the location of the father of the child whose birth certificate was accompanied by the social security number or to otherwise enforce a child support order pertaining to that child or any other child.

**Sec. 3705.09.** (A) A birth certificate for each live birth in this state shall be filed in the registration district in which it occurs within ten calendar days after such birth and shall be registered if it has been completed and filed in accordance with this section.

(B) When a birth occurs in or en route to an institution, the person in charge of the institution or a designated representative shall obtain the personal data, prepare the certificate, and complete and certify the facts of birth on the certificate within ten calendar days. The physician or certified nurse-midwife in attendance shall be listed on the birth record.

(C) When a birth occurs outside an institution, the birth certificate shall be prepared and filed by one of the following in the indicated order of priority:

(1) The physician or certified nurse-midwife in attendance at or immediately after the birth;	43279 43280
(2) Any other person in attendance at or immediately after the birth;	43281 43282
(3) The father;	43283
(4) The mother;	43284
(5) The person in charge of the premises where the birth occurred.	43285 43286
(D) Either of the parents of the child or other informant shall attest to the accuracy of the personal data entered on the birth certificate in time to permit the filing of the certificate within the ten days prescribed in this section.	43287 43288 43289 43290
(E) When a birth occurs in a moving conveyance within the United States and the child is first removed from the conveyance in this state, the birth shall be registered in this state and the place where it is first removed shall be considered the place of birth. When a birth occurs on a moving conveyance while in international waters or air space or in a foreign country or its air space and the child is first removed from the conveyance in this state, the birth shall be registered in this state but the record shall show the actual place of birth insofar as can be determined.	43291 43292 43293 43294 43295 43296 43297 43298 43299 43300
(F)(1) If the mother of a child was married at the time of either conception or birth or between conception and birth, the child shall be registered in the surname designated by the mother, and the name of the husband shall be entered on the certificate as the father of the child. The presumption of paternity shall be in accordance with section 3111.03 of the Revised Code.	43301 43302 43303 43304 43305 43306
(2) If the mother was not married at the time of conception or birth or between conception and birth, the child shall be	43307 43308

registered by the surname designated by the mother. The name of 43309  
the father of such child shall also be inserted on the birth 43310  
certificate if both the mother and the father sign an 43311  
acknowledgement of paternity affidavit before the birth record has 43312  
been sent to the local registrar. If the father is not named on 43313  
the birth certificate pursuant to division (F)(1) or (2) of this 43314  
section, no other information about the father shall be entered on 43315  
the record. 43316

(G) When a man is presumed, found, or declared to be the 43317  
father of a child, according to section 2105.26, sections 3111.01 43318  
to 3111.18, former section 3111.21, or sections 3111.38 to 3111.54 43319  
of the Revised Code, or the father has acknowledged the child as 43320  
his child in an acknowledgment of paternity, and the 43321  
acknowledgment has become final pursuant to section 2151.232, 43322  
3111.25, or 3111.821 of the Revised Code, and documentary evidence 43323  
of such fact is submitted to the department of health in such form 43324  
as the director may require, a new birth record shall be issued by 43325  
the department which shall have the same overall appearance as the 43326  
record which would have been issued under this section if a 43327  
marriage had occurred before the birth of such child. Where 43328  
handwriting is required to effect such appearance, the department 43329  
shall supply it. Upon the issuance of such new birth record, the 43330  
original birth record shall cease to be a public record. Except as 43331  
provided in division (C) of section 3705.091 of the Revised Code, 43332  
the original record and any documentary evidence supporting the 43333  
new registration of birth shall be placed in an envelope which 43334  
shall be sealed by the department and shall not be open to 43335  
inspection or copy unless so ordered by a court of competent 43336  
jurisdiction. 43337

(H) Every birth certificate filed under this section on or 43338  
after July 1, 1990, shall be accompanied by all social security 43339  
numbers that have been issued to the parents of the child, unless 43340

the division of child support in the department of job and family 43341  
services, acting in accordance with regulations prescribed under 43342  
the "Family Support Act of 1988," 102 Stat. 2353, 42 U.S.C.A. 405, 43343  
as amended, finds good cause for not requiring that the numbers be 43344  
furnished with the certificate. The parents' social security 43345  
numbers shall not be recorded on the certificate. No social 43346  
security number obtained under this division shall be used for any 43347  
purpose other than ~~child support enforcement~~ the purposes 43348  
specified in division (B)(1) of section 3705.07 of the Revised 43349  
Code. 43350

**Sec. 3705.10.** Any birth certificate submitted for filing 43351  
eleven or more days after the birth occurred constitutes a delayed 43352  
birth registration. A delayed birth certificate may be filed in 43353  
accordance with rules which shall be adopted by the director of 43354  
health. The rules shall include, but not be limited to, all of the 43355  
following requirements for each delayed birth certificate filed on 43356  
or after July 1, 1990: 43357

(A) The certificate shall be accompanied by all social 43358  
security numbers that have been issued to the parents of the 43359  
child, unless the division of child support in the department of 43360  
job and family services, acting in accordance with regulations 43361  
prescribed under the "Family Support Act of 1988," 102 Stat. 2353, 43362  
42 U.S.C.A. 405, as amended, finds good cause for not requiring 43363  
that the numbers be furnished with the certificate. 43364

(B) The parents' social security numbers shall not be 43365  
recorded on the certificate. 43366

(C) No social security number obtained under this section 43367  
shall be used for any purpose other than ~~child support enforcement~~ 43368  
the purposes specified in division (B)(1) of section 3705.07 of 43369  
the Revised Code. 43370

Sec. 3706.25. As used in sections 3706.25 to ~~3706.30~~ 3706.29 43371  
of the Revised Code: 43372

(A) "Advanced energy project" means any technologies, 43373  
products, activities, or management practices or strategies that 43374  
facilitate the generation or use of electricity or energy and that 43375  
reduce or support the reduction of energy consumption or support 43376  
the production of clean, renewable energy for industrial, 43377  
distribution, commercial, institutional, governmental, research, 43378  
not-for-profit, or residential energy users including, but not 43379  
limited to, advanced energy resources and renewable energy 43380  
resources. "Advanced energy project" includes any project 43381  
described in division (A), (B), or (C) of section 4928.621 of the 43382  
Revised Code. 43383

(B) "Advanced energy resource" means any of the following: 43384

(1) Any method or any modification or replacement of any 43385  
property, process, device, structure, or equipment that increases 43386  
the generation output of an electric generating facility to the 43387  
extent such efficiency is achieved without additional carbon 43388  
dioxide emissions by that facility; 43389

(2) Any distributed generation system consisting of customer 43390  
cogeneration technology, primarily to meet the energy needs of the 43391  
customer's facilities; 43392

(3) Advanced nuclear energy technology consisting of 43393  
generation III technology as defined by the nuclear regulatory 43394  
commission; other, later technology; or significant improvements 43395  
to existing facilities; 43396

(4) Any fuel cell used in the generation of electricity, 43397  
including, but not limited to, a proton exchange membrane fuel 43398  
cell, phosphoric acid fuel cell, molten carbonate fuel cell, or 43399  
solid oxide fuel cell; 43400

(5) Advanced solid waste or construction and demolition debris conversion technology, including, but not limited to, advanced stoker technology, and advanced fluidized bed gasification technology, that results in measurable greenhouse gas emissions reductions as calculated pursuant to the United States environmental protection agency's waste reduction model (WARM).  
(C) "Air contaminant source" has the same meaning as in section 3704.01 of the Revised Code.  
(D) "Cogeneration technology" means technology that produces electricity and useful thermal output simultaneously.  
(E) "Renewable energy resource" means solar photovoltaic or solar thermal energy, wind energy, power produced by a hydroelectric facility, power produced by a run-of-the-river hydroelectric facility placed in service on or after January 1, 1980, that is located within this state, relies upon the Ohio river, and operates, or is rated to operate, at an aggregate capacity of forty or more megawatts, geothermal energy, fuel derived from solid wastes, as defined in section 3734.01 of the Revised Code, through fractionation, biological decomposition, or other process that does not principally involve combustion, biomass energy, energy produced by cogeneration technology that is placed into service on or before December 31, 2015, and for which more than ninety per cent of the total annual energy input is from combustion of a waste or byproduct gas from an air contaminant source in this state, which source has been in operation since on or before January 1, 1985, provided that the cogeneration technology is a part of a facility located in a county having a population of more than three hundred sixty-five thousand but less than three hundred seventy thousand according to the most recent federal decennial census, biologically derived methane gas, heat captured from a generator of electricity, boiler, or heat exchanger fueled by biologically derived methane gas, or energy

derived from nontreated by-products of the pulping process or wood 43433  
manufacturing process, including bark, wood chips, sawdust, and 43434  
lignin in spent pulping liquors. "Renewable energy resource" 43435  
includes, but is not limited to, any fuel cell used in the 43436  
generation of electricity, including, but not limited to, a proton 43437  
exchange membrane fuel cell, phosphoric acid fuel cell, molten 43438  
carbonate fuel cell, or solid oxide fuel cell; wind turbine 43439  
located in the state's territorial waters of Lake Erie; methane 43440  
gas emitted from an abandoned coal mine; storage facility that 43441  
will promote the better utilization of a renewable energy resource 43442  
that primarily generates off peak; or distributed generation 43443  
system used by a customer to generate electricity from any such 43444  
energy. As used in this division, "hydroelectric facility" means a 43445  
hydroelectric generating facility that is located at a dam on a 43446  
river, or on any water discharged to a river, that is within or 43447  
bordering this state or within or bordering an adjoining state and 43448  
meets all of the following standards: 43449

(1) The facility provides for river flows that are not 43450  
detrimental for fish, wildlife, and water quality, including 43451  
seasonal flow fluctuations as defined by the applicable licensing 43452  
agency for the facility. 43453

(2) The facility demonstrates that it complies with the water 43454  
quality standards of this state, which compliance may consist of 43455  
certification under Section 401 of the "Clean Water Act of 1977," 43456  
91 Stat. 1598, 1599, 33 U.S.C. 1341, and demonstrates that it has 43457  
not contributed to a finding by this state that the river has 43458  
impaired water quality under Section 303(d) of the "Clean Water 43459  
Act of 1977," 114 Stat. 870, 33 U.S.C. 1313. 43460

(3) The facility complies with mandatory prescriptions 43461  
regarding fish passage as required by the federal energy 43462  
regulatory commission license issued for the project, regarding 43463  
fish protection for riverine, anadromous, and catadromous fish. 43464



(4) The facility complies with the recommendations of the Ohio environmental protection agency and with the terms of its federal energy regulatory commission license regarding watershed protection, mitigation, or enhancement, to the extent of each agency's respective jurisdiction over the facility.

(5) The facility complies with provisions of the "Endangered Species Act of 1973," 87 Stat. 884, 16 U.S.C. 1531 to 1544, as amended.

(6) The facility does not harm cultural resources of the area. This can be shown through compliance with the terms of its federal energy regulatory commission license or, if the facility is not regulated by that commission, through development of a plan approved by the Ohio historic preservation office, to the extent it has jurisdiction over the facility.

(7) The facility complies with the terms of its federal energy regulatory commission license or exemption that are related to recreational access, accommodation, and facilities or, if the facility is not regulated by that commission, the facility complies with similar requirements as are recommended by resource agencies, to the extent they have jurisdiction over the facility; and the facility provides access to water to the public without fee or charge.

(8) The facility is not recommended for removal by any federal agency or agency of any state, to the extent the particular agency has jurisdiction over the facility.

**Sec. 3706.29.** The Ohio air quality development authority shall, in accordance with Chapter 119. of the Revised Code, adopt any rules necessary to implement ~~section 166.30~~ and sections 3706.25 to 3706.28 of the Revised Code.

**Sec. 3707.70.** As used in this section and sections 3707.71 to

3707.77 of the Revised Code: 43495

(A) "Board of health" means a board of health of a city or 43496  
general health district or the authority having the duties of a 43497  
board of health under section 3709.05 of the Revised Code. 43498

(B) "Fetal death" means death prior to the complete expulsion 43499  
or extraction from its mother of a product of human conception, 43500  
irrespective of the duration of pregnancy, which after such 43501  
expulsion or extraction does not breathe or show any other 43502  
evidence of life such as beating of the heart, pulsation of the 43503  
umbilical cord, or definite movement of voluntary muscles. 43504

(C) "Infant" means a child who is less than one year of age. 43505

**Sec. 3707.71.** (A) A board of health may, in accordance with 43506  
rules adopted under section 3701.049 of the Revised Code, 43507  
establish and operate a fetal-infant mortality review board to 43508  
review both of the following: 43509

(1) Each fetal death experienced by a woman who was, at the 43510  
time of the fetal death, a resident of the health district in 43511  
which the board exercises authority; 43512

(2) Each death of an infant who was, at the time of death, a 43513  
resident of the health district in which the board exercises 43514  
authority. 43515

(B) A fetal-infant mortality review board may not conduct a 43516  
review of a death while an investigation of the death or 43517  
prosecution of a person for causing the death is pending unless 43518  
the prosecuting attorney agrees to allow the review. The law 43519  
enforcement agency conducting the criminal investigation, on the 43520  
conclusion of the investigation, and the prosecuting attorney 43521  
prosecuting the case, on the conclusion of the prosecution, shall 43522  
notify the chairperson of the review board of the conclusion. 43523

Sec. 3707.72. (A)(1) If a board of health establishes a fetal-infant mortality review board under section 3707.71 of the Revised Code, the board, by a majority vote of a quorum of its members, shall select the board's members. Members may include the following professionals or individuals representing the following constituencies:

(a) Fetal-infant mortality review coordinators;

(b) Physicians who are board-certified in obstetrics and gynecology by a certifying board recognized by the American board of medical specialties;

(c) Key community leaders from the board of health's jurisdiction;

(d) Health care providers;

(e) Human services providers;

(f) Consumer and advocacy groups;

(g) Community action teams.

(2) A majority of the board members specified in division (A)(1) of this section may invite additional individuals to serve on the board. The additional members shall serve for a period of time determined by a majority of the board members specified in division (A)(1) of this section and shall have the same authority, duties, and responsibilities as members specified in that division.

(3) A board, by a majority vote of a quorum of its members, shall select an individual to serve as its chairperson.

(B) A vacancy on a board shall be filled in the same manner as the original appointment.

(C) A board member shall not receive any compensation for, and shall not be paid for any expenses incurred pursuant to,

fulfilling the member's duties on the board. 43553

(D) A board may work in conjunction with, or be a component of, a child fatality review board or regional child fatality review board created under section 307.621 of the Revised Code. 43554  
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(E) A board shall convene at least once a year at the call of the board's chairperson. 43557  
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**Sec. 3707.73.** The purpose of a fetal-infant mortality review board is to decrease the incidence of preventable infant and fetal deaths by doing all of the following: 43559  
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(A) Assessing, planning, improving, and monitoring the service systems and broad community resources that support and promote the health and well-being of women, infants, and families; 43562  
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(B) Recommending and developing plans for implementing local service and program changes, as well as changes to the groups, professions, agencies, and entities that serve families, children, and pregnant women; 43565  
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(C) Providing the department of health with aggregate data, trends, and patterns regarding fetal and infant deaths. 43569  
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**Sec. 3707.74.** (A) Notwithstanding section 3701.243 and any other section of the Revised Code pertaining to confidentiality, an individual, public children services agency, private child placing agency, agency that provides services specifically to individuals or families, a law enforcement agency, or another public or private entity that provided services to a pregnant woman whose fetus died or an infant who died if the death is being reviewed by a fetal-infant mortality review board shall submit to the board copies of any record it possesses that the board requests. These records may include maternal health records. In addition, such an individual or entity may make available to the board additional information, documents, or reports that could be 43571  
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useful to the board's investigation. 43583

(B) No person, entity, law enforcement agency, or prosecuting attorney shall provide any information regarding a fetal death or death of an infant to a fetal-infant mortality review board while an investigation of the death or prosecution of a person for causing the death is pending, unless the prosecuting attorney has agreed pursuant to division (B) of section 3707.71 of the Revised Code to allow review of the death. 43584  
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(C) A family member of the deceased may decline to participate in an interview as part of the review process. In that case, the review shall continue without the family member's participation. 43591  
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**Sec. 3707.75.** (A) Except as provided in sections 5153.171 to 5153.173 of the Revised Code, any record, document, report, or other information presented to a fetal-infant mortality review board or a person abstracting such materials on the board's behalf, statements made by board members during board meetings, all work products of the board, and data submitted by the board to the department of health or a national infant death review database, other than the report prepared pursuant to section 3707.77 of the Revised Code, are confidential. Such materials shall be used by the board and department of health only in the exercise of the proper functions of the review board and the department. 43595  
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If the materials are presented to the board or a person abstracting the materials on the board's behalf in paper form, the materials shall be stored in a locked file cabinet. If a database is used to store the materials electronically, the database shall be stored in a secure manner. All information accessible to each board member and used during a review, including information 43607  
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provided by the deceased's mother, shall be de-identified. 43613

(B) No person shall permit or encourage the authorized 43614  
dissemination of confidential information described in division 43615  
(A) of this section. 43616

(C) Whoever violates division (B) of this section is guilty 43617  
of a misdemeanor of the second degree. 43618

**Sec. 3707.76.** (A) An individual or public or private entity 43619  
providing records, documents, reports, or other information to a 43620  
fetal-infant mortality review board is immune from any civil 43621  
liability for injury, death, or loss to person or property that 43622  
otherwise might be incurred or imposed as a result of providing 43623  
the records, documents, reports, or information to the board. 43624

(B) Each board member is immune from any civil liability for 43625  
injury, death, or loss to person or property that might otherwise 43626  
be incurred or imposed as a result of the member's participation 43627  
on the board. 43628

**Sec. 3707.77.** Not later than the first day of April of each 43629  
year, a fetal-infant mortality review board shall do both of the 43630  
following: 43631

(A) Submit to the fetal-infant mortality database maintained 43632  
by the department of health or the national infant death review 43633  
database individual data pertaining to each fetal or infant death 43634  
reviewed in that board's jurisdiction within the twelve months 43635  
immediately before the submission. The specific data to be 43636  
submitted, as well as other information the board considers 43637  
relevant to a review, shall be specified by the director of health 43638  
in rules adopted under section 3701.049 of the Revised Code. 43639

(B) Submit to the department of health a report that 43640  
summarizes any trends or patterns identified by the board. The 43641  
report may include recommendations on how to decrease the 43642

incidence of preventable fetal and infant deaths in the board's 43643  
jurisdiction and the state, as well as any other information the 43644  
board determines should be included. 43645

(C) Reports prepared under division (B) of this section are 43646  
public records under section 149.43 of the Revised Code. 43647

**Sec. 3710.01.** As used in this chapter: 43648

(A) "Asbestos" means the asbestiform varieties of serpentine 43649  
(chrysotile), riebeckite (crocidolite), cummingtonite-grunerite, 43650  
anthophyllite, and actinolite-tremolite as determined using the 43651  
method specified in 40 C.F.R. Part 763, Subpart E, Appendix E, 43652  
Section 1, Polarized Light Microscopy (PLM). 43653

(B) "Asbestos hazard abatement activity" means any activity 43654  
involving the removal, renovation, enclosure, repair, ~~or~~ 43655  
encapsulation, or operations and maintenance of reasonably related 43656  
friable asbestos-containing materials in an amount greater than 43657  
fifty three linear feet or fifty three square feet. "Asbestos 43658  
~~hazard abatement activity~~" ~~also includes any such activity~~ 43659  
~~involving such asbestos containing materials in an amount of fifty~~ 43660  
~~linear or fifty square feet or less if, when combined with any~~ 43661  
~~other reasonably related activity in terms of time and location of~~ 43662  
~~the activity, the total amount is in an amount greater than fifty~~ 43663  
~~linear or fifty square feet.~~ 43664

(C) "Asbestos hazard abatement contractor" means a business 43665  
entity or public entity that engages in or intends to engage in 43666  
asbestos hazard abatement ~~activities~~ projects and that employs or 43667  
supervises one or more asbestos hazard abatement specialists for 43668  
asbestos hazard abatement activities. "Asbestos hazard abatement 43669  
contractor" does not mean an employee of an asbestos hazard 43670  
abatement contractor, a general contractor who subcontracts to an 43671  
asbestos hazard abatement contractor an asbestos hazard abatement 43672  
~~activity~~ project, or any individual who engages in an asbestos 43673

hazard abatement ~~activity~~ project in the individual's own home. 43674

(D) "Asbestos hazard abatement project" means one or more 43675  
asbestos hazard abatement activities ~~that are~~ the sum total of 43676  
which is greater than fifty linear feet or fifty square feet of 43677  
friable asbestos-containing materials and is conducted by one 43678  
asbestos hazard abatement contractor ~~and that are reasonably~~ 43679  
~~related to each other.~~ "Asbestos hazard abatement project" 43680  
includes any such activity involving such friable 43681  
asbestos-containing materials in an amount of fifty linear feet or 43682  
fifty square feet or less if, when combined with any other 43683  
reasonably related activity in terms of time or location of the 43684  
activity, the total amount is in an amount greater than fifty 43685  
linear feet or fifty square feet. 43686

(E) "Asbestos hazard abatement specialist" means a person 43687  
with responsibility for the oversight or supervision of asbestos 43688  
hazard abatement activities, including asbestos hazard abatement 43689  
project managers, hazard abatement project supervisors and 43690  
foremen, and employees of school districts or other governmental 43691  
or public entities who coordinate or directly supervise or oversee 43692  
asbestos hazard abatement activities performed by school district, 43693  
governmental, or other public employees in school district, 43694  
governmental, or other public buildings. 43695

(F) "Asbestos hazard evaluation specialist" means a person 43696  
responsible for the inspection, identification, detection, and 43697  
assessment of asbestos-containing materials or suspect 43698  
asbestos-containing materials, the determination of appropriate 43699  
response actions, or the preparation of asbestos management plans 43700  
for the purpose of protecting the public health from the hazards 43701  
associated with exposure to asbestos, including the performance of 43702  
air and bulk sampling. This category of specialists includes 43703  
inspectors, management planners, health professionals, industrial 43704  
hygienists, private consultants, or other individuals involved in 43705



asbestos risk identification or assessment or regulatory activities. 43706  
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(G) "Business entity" means a partnership, firm, association, corporation, sole proprietorship, or other business concern. 43708  
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(H) "Public entity" means the state or any of its political subdivisions or any agency or instrumentality of either. 43710  
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(I) "License" means a document issued by the director of environmental protection to a business entity or public entity affirming that the entity has met the requirements set forth in this chapter to engage in asbestos hazard abatement ~~activities~~ projects as an asbestos hazard abatement contractor. 43712  
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(J) "Certificate" means: 43717

(1) A document issued by the director to an individual affirming that the individual has successfully completed the training and other requirements set forth in this chapter to qualify as an asbestos hazard abatement specialist, an asbestos hazard evaluation specialist, an asbestos hazard abatement worker, an asbestos hazard abatement project designer, an asbestos hazard abatement air-monitoring technician, an approved asbestos hazard training provider, or other category of asbestos hazard specialist that the director establishes by rule; or 43718  
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(2) A document issued by a training institution in accordance with rules adopted by the director affirming that an individual has successfully completed the instruction required in all categories as provided in sections 3710.07 and 3710.10 of the Revised Code. 43727  
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(K) "Person" means any individual, business entity, governmental body, or other public or private entity. 43732  
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(L) "Encapsulate" means to coat, bind, or resurface walls, ceilings, pipes, or other structures for asbestos-containing 43734  
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materials with suitable products to prevent friable asbestos from 43736  
becoming airborne. 43737

(M) "Friable asbestos-containing material" means friable 43738  
asbestos material as defined in rules adopted under Chapter 3704. 43739  
of the Revised Code. 43740

(N) "Enclosure" means the permanent confinement of friable 43741  
asbestos-containing materials with an airtight barrier in an area 43742  
not used as an air plenum. 43743

(O) "Renovation" means altering a facility or one or more 43744  
facility components in any way, including the stripping or removal 43745  
of friable asbestos-containing material from a facility component. 43746

(P) "Asbestos hazard abatement worker" means the person 43747  
responsible in a nonsupervisory capacity for the performance of an 43748  
asbestos hazard abatement activity. 43749

(Q) "Asbestos hazard abatement project designer" means the 43750  
person responsible for the oversight of an asbestos hazard 43751  
abatement activity or the determination of the workscope, work 43752  
sequence, or performance standards for an asbestos hazard 43753  
abatement activity, including preparation of specifications, 43754  
plans, and contract documents. 43755

(R) "Clearance air sampling" means an air sampling performed 43756  
after the completion of any asbestos hazard abatement ~~activity~~ 43757  
project and prior to the reoccupation of the contained work area 43758  
by the public and conducted for the purpose of protecting the 43759  
public from the health hazards associated with exposure to friable 43760  
asbestos-containing material. 43761

(S) "Asbestos hazard abatement air-monitoring technician" 43762  
means the person who is responsible for environmental monitoring 43763  
or work area clearance air sampling, including air monitoring 43764  
performed to determine completion of response actions under the 43765  
rules set forth in 40 C.F.R. 763 Subpart E, adopted by the United 43766

States environmental protection agency pursuant to the "Asbestos 43767  
Hazard Emergency Response Act of 1986," Pub. L. 99-519, 100 Stat. 43768  
2970. "Asbestos hazard abatement air-monitoring technician" does 43769  
not mean an industrial hygienist ~~or industrial hygienist in~~ 43770  
~~training~~, certified by the American board of industrial hygiene. 43771

**Sec. 3710.04.** (A) To qualify for an asbestos hazard abatement 43772  
contractor's license, a business entity or public entity shall 43773  
meet the requirements of this section. 43774

(B) Each employee or agent of the business entity or public 43775  
entity applying for a license who will come in contact with 43776  
asbestos or will be responsible for an asbestos hazard abatement 43777  
~~project activity~~ shall: 43778

(1) Be familiar with all applicable state and federal 43779  
standards for asbestos hazard abatement projects; 43780

(2) Have successfully completed the course of instruction on 43781  
asbestos hazard abatement activities, for their particular 43782  
certification, approved by the Ohio environmental protection 43783  
agency pursuant to section 3710.10 of the Revised Code, have 43784  
passed an examination approved by the agency, and demonstrate to 43785  
the agency that the employee or agent is capable of complying with 43786  
all applicable standards of this state, the United States 43787  
environmental protection agency, and the United States 43788  
occupational safety and health administration. 43789

(C) A business entity or public entity applying for an 43790  
asbestos hazard abatement contractor's license shall, in addition 43791  
to the other requirements of this section, provide at least one 43792  
asbestos hazard abatement specialist, certified pursuant to this 43793  
chapter and the rules adopted under it, for each asbestos hazard 43794  
abatement project, and demonstrate to the satisfaction of the Ohio 43795  
environmental protection agency that the applicant: 43796

(1) Has access to at least one asbestos disposal site	43797
approved by the agency that is sufficient for the deposit of all	43798
asbestos waste that the applicant will generate during the term of	43799
the license;	43800
(2) Is sufficiently qualified to safely remove asbestos,	43801
demonstrated by reliability as an asbestos hazard abatement	43802
contractor, possesses a work program that prevents the	43803
contamination or recontamination of the environment and protects	43804
the public health from the hazards of exposure to asbestos,	43805
possesses evidence of certification of each individual employee or	43806
agent who will be responsible for others who may come in contact	43807
with friable asbestos-containing materials, possesses evidence of	43808
training of workers required by section 3710.07 of the Revised	43809
Code, and has prior successful experience in asbestos hazard	43810
abatement projects or equivalent qualifications as determined in	43811
accordance with rules adopted by the director of environmental	43812
protection;	43813
(3) Possesses a worker protection program consistent with	43814
requirements established by the director if the contractor is a	43815
public entity, and a worker protection program consistent with the	43816
requirements of the United States occupational safety and health	43817
administration if the contractor is a business entity;	43818
(4) Is registered as a business entity with the secretary of	43819
state.	43820
(D) No applicant for licensure as an asbestos hazard	43821
abatement contractor, in order to meet the requirements of this	43822
chapter, shall list an employee of another contractor.	43823
(E) The business entity or public entity shall meet any other	43824
standards that the director, by rule, sets.	43825
(F) Nothing in this chapter or the rules adopted pursuant	43826
thereto relating to asbestos hazard abatement project designers	43827

shall be interpreted as authorizing or permitting an individual 43828  
who is certified as an asbestos hazard abatement project designer 43829  
to perform the services of a registered architect or professional 43830  
engineer unless that person is registered under Chapter 4703. or 43831  
4733. of the Revised Code to perform such services. 43832

**Sec. 3710.05.** (A) Except as otherwise provided in this 43833  
chapter, no person shall engage in any asbestos hazard abatement 43834  
activities in this state unless licensed or certified pursuant to 43835  
this chapter. 43836

(B) To apply for licensure as an asbestos hazard abatement 43837  
contractor or certification as an asbestos hazard abatement 43838  
specialist, an asbestos hazard evaluation specialist, an asbestos 43839  
hazard abatement project designer, or an asbestos hazard abatement 43840  
air-monitoring technician, a person shall do all of the following: 43841

(1) Submit a completed application to the director of 43842  
environmental protection, on a form provided by the agency; 43843

(2) Pay the requisite fee as provided in division (D) of this 43844  
section; 43845

(3) Submit any other information the director by rule 43846  
requires. 43847

(C) The application form for a business entity or public 43848  
entity applying for an asbestos hazard abatement contractor's 43849  
license shall include all of the following: 43850

(1) A description of the protective clothing and respirators 43851  
that the public entity will use to comply with rules adopted by 43852  
the director and that the business entity will use to comply with 43853  
requirements of the United States occupational safety and health 43854  
administration; 43855

(2) A description of procedures the business entity or public 43856  
entity will use for the selection, utilization, handling, removal, 43857

and disposal of clothing to prevent contamination or	43858
recontamination of the environment and to protect the public	43859
health from the hazards associated with exposure to asbestos;	43860
(3) The name and address of each asbestos disposal site that	43861
the business entity or public entity might use during the year;	43862
(4) A description of the site decontamination procedures that	43863
the business entity or public entity will use;	43864
(5) A description of the asbestos hazard abatement procedures	43865
that the business entity or public entity will use;	43866
(6) A description of the procedures that the business entity	43867
or public entity will use for handling waste containing asbestos;	43868
(7) A description of the air-monitoring procedures that the	43869
business entity or public entity will use to prevent contamination	43870
or recontamination of the environment and to protect the public	43871
health from the hazards of exposure to asbestos;	43872
(8) A description of the final clean-up procedures that the	43873
business entity or public entity will use;	43874
(9) A list of all partners, owners, and officers of the	43875
business entity along with their social security numbers;	43876
(10) The federal tax identification number of the business	43877
entity or the public entity.	43878
(D) The fees to be charged to each public entity, except for	43879
the agency, and each business entity and their employees and	43880
agents for licensure, certification, approval, and renewal of	43881
licenses, certifications, and approvals granted under this	43882
chapter, subject to division (A)(4) of section 3710.02 of the	43883
Revised Code, are:	43884
(1) Seven hundred fifty dollars for asbestos hazard abatement	43885
contractors;	43886
(2) Two hundred dollars for asbestos hazard abatement project	43887

designers;	43888
(3) Fifty dollars for asbestos hazard abatement workers;	43889
(4) Two hundred dollars for asbestos hazard abatement specialists;	43890 43891
(5) Two hundred dollars for asbestos hazard evaluation specialists; and	43892 43893
(6) Nine hundred dollars for approval or renewal of asbestos hazard training providers.	43894 43895
(E) Notwithstanding division (A) of this section, no business entity <del>which that</del> engages in asbestos hazard abatement <del>activities</del> <u>projects</u> solely at its own place of business is required to be licensed as an asbestos hazard abatement contractor provided that the business entity is required to and does comply with all applicable standards of the United States environmental protection agency and the United States occupational safety and health administration and provided further that all persons employed by the business entity on the <del>activity</del> <u>project</u> meet the requirements of this chapter.	43896 43897 43898 43899 43900 43901 43902 43903 43904 43905
<b>Sec. 3710.051.</b> No <del>person</del> <u>asbestos hazard abatement contractor</u> shall enter into an agreement to perform any aspect of an asbestos hazard abatement project unless the agreement is written and contains at least all of the following:	43906 43907 43908 43909
(A) A requirement that all persons working on the project are licensed or certified by the director of environmental protection as required by this chapter;	43910 43911 43912
(B) A requirement that all project clearance levels and sampling be in accordance with rules adopted by the director;	43913 43914
(C) A requirement that all clearance air-monitoring be conducted by asbestos hazard abatement air-monitoring technicians or asbestos hazard evaluation specialists certified by the	43915 43916 43917

director. 43918

**Sec. 3710.06.** (A) Within fifteen business days after 43919  
receiving an application, the director of environmental protection 43920  
shall acknowledge receipt of the application and notify the 43921  
applicant of any deficiency in the application. Within sixty 43922  
calendar days after receiving a completed application, including 43923  
all additional information requested by the director, the director 43924  
shall issue a license or certificate or deny the application. The 43925  
director shall issue only one license or certificate that is in 43926  
effect at one time to a business entity and its principal officers 43927  
and a public entity and its principal officers. 43928

(B)(1) The director shall deny an application if it 43929  
determines that the applicant has not demonstrated the ability to 43930  
comply fully with all applicable federal and state requirements 43931  
and all requirements, procedures, and standards established by the 43932  
director in this chapter, Chapter 3704. of the Revised Code, or 43933  
rules adopted under those chapters, as those chapters and rules 43934  
pertain to asbestos. 43935

(2) The director shall deny any application for an asbestos 43936  
hazard abatement contractor's license if the applicant or an 43937  
officer or employee of the applicant has been convicted of a 43938  
felony or found liable in a civil proceeding under any state or 43939  
federal law designed to protect the environment. 43940

(3) The director shall send all denials of an application by 43941  
certified mail to the applicant. If the director receives a timely 43942  
request for a hearing from the applicant on the proposed denial of 43943  
an application, the director shall hold a hearing in accordance 43944  
with Chapter 119. of the Revised Code, as provided in division (A) 43945  
of section 3710.13 of the Revised Code. 43946

(C) In an emergency that results from a sudden, unexpected 43947  
event that is not a planned asbestos hazard abatement project, the 43948



director may waive the requirements for a license ~~or certificate~~. 43949  
For the purposes of this division, "emergency" includes operations 43950  
necessitated by nonroutine failures of equipment or by actions of 43951  
fire and emergency medical personnel pursuant to duties within 43952  
their official capacities. Any person who performs an asbestos 43953  
hazard abatement ~~activity~~ project under emergency conditions shall 43954  
notify the director within three days after performance thereof. 43955

(D) Each license or certificate issued under this chapter 43956  
expires one year after the date of issue, but each licensee or 43957  
certificate holder may apply to the environmental protection 43958  
agency for the extension of the holder's license or certificate 43959  
under the standard renewal procedures of Chapter 4745. of the 43960  
Revised Code. 43961

To qualify for renewal of a license or certificate issued 43962  
under this chapter, each licensee or certificate holder shall send 43963  
the appropriate renewal fee set forth in division (D) of section 43964  
3710.05 of the Revised Code or as adopted by rule by the director 43965  
pursuant to division (A)(4) of section 3710.02 of the Revised 43966  
Code. 43967

Certificate holders also shall successfully complete an 43968  
annual renewal course approved by the agency pursuant to section 43969  
3710.10 of the Revised Code. 43970

(E) The director may charge a fee in addition to those 43971  
specified in division (D) of section 3710.05 of the Revised Code 43972  
or in rules adopted by the director pursuant to division (A)(4) of 43973  
section 3710.02 of the Revised Code if the licensee or certificate 43974  
holder applies for renewal after the expiration thereof or 43975  
requests a reissuance of any license or certificate, provided that 43976  
no such fee shall exceed the original fees by more than fifty per 43977  
cent. 43978

**Sec. 3710.07.** (A) Prior to engaging in any asbestos hazard 43979

abatement project, an asbestos hazard abatement contractor shall 43980  
do all of the following: 43981

(1) Prepare a written respiratory protection program as 43982  
defined by the director of environmental protection pursuant to 43983  
rule, and make the program available to the environmental 43984  
protection agency, and workers at the job site if the contractor 43985  
is a public entity or prepare a written respiratory protection 43986  
program, consistent with 29 C.F.R. 1910.134 and make the program 43987  
available to the agency, and workers at the job site if the 43988  
contractor is a business entity; 43989

(2) Ensure that each worker who will be involved in any 43990  
asbestos hazard abatement project has been examined within the 43991  
preceding year and has been declared by a physician to be 43992  
physically capable of working while wearing a respirator; 43993

(3) Ensure that each of the contractor's employees or agents 43994  
who will come in contact with asbestos-containing materials or 43995  
will be responsible for an asbestos hazard abatement project 43996  
receives the appropriate certification or licensure required by 43997  
this chapter and the following training: 43998

(a) An initial course approved by the agency pursuant to 43999  
section 3710.10 of the Revised Code, completed before engaging in 44000  
any asbestos hazard abatement ~~project~~ activity; and 44001

(b) An annual review course approved by the agency pursuant 44002  
to section 3710.10 of the Revised Code. 44003

(B) After obtaining or renewing a license, an asbestos hazard 44004  
abatement contractor shall notify the agency, on a form approved 44005  
by the director, at least ten working days before beginning each 44006  
asbestos hazard abatement project conducted during the term of the 44007  
contractor's license. 44008

(C) In addition to any other fee imposed under this chapter, 44009  
an asbestos hazard abatement contractor shall pay, at the time of 44010

providing notice under division (B) of this section, the agency a 44011  
fee of sixty-five dollars for each asbestos hazard abatement 44012  
project conducted. 44013

**Sec. 3710.08.** (A) An asbestos hazard abatement contractor 44014  
engaging in any asbestos hazard abatement project shall, during 44015  
the course of the project: 44016

(1) Conduct each project in a manner that is in compliance 44017  
with the requirements the director of environmental protection 44018  
adopts pursuant to section 3704.03 of the Revised Code and the 44019  
asbestos requirements of the United States occupational safety and 44020  
health administration set forth in 29 C.F.R. 1926.1101; 44021

(2) Comply with all applicable rules adopted by the director 44022  
of environmental protection pursuant to sections 3704.03 and 44023  
3710.02 of the Revised Code. 44024

(B) An asbestos hazard abatement contractor that is a public 44025  
entity shall: 44026

(1) Provide workers with protective clothing and equipment 44027  
and ensure that the workers involved in any asbestos hazard 44028  
abatement project use the items properly. Protective clothing and 44029  
equipment shall include: 44030

(a) Respirators approved by the national institute of 44031  
occupational safety and health. These respirators shall be fit 44032  
tested in accordance with requirements of the United States 44033  
occupational safety and health administration set forth in 29 44034  
C.F.R. 1926.1101. At the request of an employee, the asbestos 44035  
hazard abatement contractor shall provide the employee with a 44036  
powered air purifying respirator, in which case, the testing 44037  
requirements of division (B)(1)(a) of this section do not apply. 44038

(b) Items required by the director by rule as provided in 44039  
division (A)(7) of section 3710.02 of the Revised Code. 44040

(2) Comply with all applicable standards of conduct and requirements adopted by the director pursuant to section 3710.02 of the Revised Code.

(C) An asbestos hazard abatement specialist engaging in any asbestos hazard abatement ~~project~~ activity shall, during the course of the ~~project~~ activity:

(1) Conduct each ~~project~~ activity in a manner that will meet decontamination procedures, project containment procedures, and asbestos fiber dispersal methods as provided in division (A)(6) of section 3710.02 of the Revised Code;

(2) Ensure that workers utilize, handle, remove, and dispose of the disposable clothing provided by abatement contractors in a manner that will prevent contamination or recontamination of the environment and protect the public health from the hazards of exposure to asbestos;

(3) Ensure that workers utilize protective clothing and equipment and comply with the applicable health and safety standards set forth in division (A) of section 3710.08 of the Revised Code;

(4) Ensure that there is no smoking, eating, or drinking in the work area;

(5) Comply with all applicable standards of conduct and requirements adopted by the director pursuant to sections 3704.03 and 3710.02 of the Revised Code.

(D) An asbestos hazard evaluation specialist engaged in the identification, detection, and assessment of asbestos-containing materials, the determination of appropriate response actions, or other activities associated with an abatement project or the preparation of management plans, shall comply with the applicable standards of conduct and requirements adopted by the director pursuant to sections 3704.03 and 3710.02 of the Revised Code.

(E) Every asbestos hazard abatement worker shall comply with 44072  
all applicable standards adopted by the director pursuant to 44073  
sections 3704.03 and 3710.02 of the Revised Code. 44074

~~(F) The director may, on a case by case basis, approve an 44075  
alternative to the worker protection requirements of divisions 44076  
(A), (B), and (C) of this section for an asbestos hazard abatement 44077  
project conducted by a public entity, provided that the asbestos 44078  
hazard abatement contractor submits the alternative procedure to 44079  
the director in writing and demonstrates to the satisfaction of 44080  
the director that the proposed alternative procedure provides 44081  
equivalent worker protection. 44082~~

**Sec. 3710.12.** Subject to section 3710.13 of the Revised Code, 44083  
the director of environmental protection may deny, suspend, or 44084  
revoke any license or certificate, or renewal thereof, if the 44085  
licensee or certificate holder: 44086

(A) Fraudulently or deceptively obtains or attempts to obtain 44087  
a license or certificate; 44088

(B) Fails at any time to meet the qualifications for a 44089  
license or certificate; 44090

(C) Is violating or threatening to violate any provisions of 44091  
any of the following: 44092

(1) This chapter, Chapters 3704. and 3745. of the Revised 44093  
Code, or the rules of the director adopted pursuant to those 44094  
chapters, as those chapters and rules pertain to asbestos; 44095

(2) The "National Emission Standard for Hazardous Air 44096  
Pollutants" regulations of the United States environmental 44097  
protection agency as the regulations pertain to asbestos; 44098

(3) The regulations of the United States occupational safety 44099  
and health administration as the regulations pertain to asbestos; 44100

(4) The regulations adopted by the United States 44101

environmental protection agency pursuant to the "Asbestos Hazard  
Emergency Response Act," Title II of the "Federal Toxic Substances  
Control Act," 90 Stat. 2003, 15 U.S.C. 2641 et seq. (1986).

**Sec. 3711.02.** (A) Except as provided in division (B) of this section, no person shall operate any of the following, unless the person holds the appropriate license issued under this chapter and the license is valid:

(1) A maternity unit;

(2) A newborn care nursery;

(3) A maternity home.

(B) Division (A) of this section does not apply to a health care facility, as defined in ~~division (A)(4) of~~ section 3702.30 of the Revised Code.

**Sec. 3713.022.** (A) No person shall recklessly manufacture, offer for sale, sell, deliver, or possess for the purpose of manufacturing, selling, or delivering a mesh crib liner intended for placement between a crib mattress and one or more of the crib's inner sides that does not comply with consumer product safety standards governing such liners that are promulgated after October 9, 2016, by the United States consumer product safety commission (pursuant to section 104 of the "Consumer Product Safety Improvement Act of 2008," 15 U.S.C. 2056a, as amended) for the purpose of ensuring sufficient permeability and breathability so as to prevent infant suffocation.

(B) In the absence of standards described in division (A) of this section, ~~no person shall, beginning three years after the effective date of this section, recklessly~~ a person may manufacture, offer for sale, sell, deliver, or possess for the purpose of manufacturing, selling, or delivering a mesh crib liner.

(C) The superintendent of industrial compliance shall issue a notice of violation to any person found to have violated division (A) ~~or (B)~~ of this section.

**Sec. 3713.99.** (A) Whoever violates division (A), (B), or (D) of section 3713.02 of the Revised Code is guilty of a misdemeanor of the fourth degree.

(B) Whoever violates division (C) of section 3713.02 of the Revised Code is guilty of a misdemeanor of the third degree.

(C) A person who, after receiving a notice issued under division (B) of section 3713.021 of the Revised Code or division ~~(B) or~~ (C) of section 3713.022 of the Revised Code, continues to violate the applicable division of either of those sections is subject to a fine of not more than five hundred dollars. Each day of violation constitutes a separate offense.

**Sec. 3715.021.** (A) As used in this section, "food processing establishment" means a premises or part of a premises where food is processed, packaged, manufactured, or otherwise held or handled for distribution to another location or for sale at wholesale. "Food processing establishment" includes the activities of a bakery, confectionery, cannery, bottler, warehouse, or distributor, and the activities of an entity that receives or salvages distressed food for sale or use as food. A "food processing establishment" does not include a cottage food production operation; a processor of ~~maple~~ tree syrup who boils sap when a minimum of seventy-five per cent of the sap used to produce the syrup is collected directly from trees by that processor; a processor of sorghum who processes sorghum juice when a minimum of seventy-five per cent of the sorghum juice used to produce the sorghum is extracted directly from sorghum plants by that processor; a beekeeper who jars honey when a minimum of

seventy-five per cent of the honey is from that beekeeper's own hives; or a processor of apple syrup or apple butter who directly harvests from trees a minimum of seventy-five per cent of the apples used to produce the apple syrup or apple butter.

(B) The director of agriculture shall adopt rules in accordance with Chapter 119. of the Revised Code that establish, when otherwise not established by the Revised Code, standards and good manufacturing practices for food processing establishments, including the facilities of food processing establishments and their sanitation. The rules shall conform with or be equivalent to the standards for foods established by the United States food and drug administration in Title 21 of the Code of Federal Regulations.

A business or that portion of a business that is regulated by the department of agriculture under Chapter 917. or 918. of the Revised Code is not subject to regulation under this section as a food processing establishment.

**Sec. 3717.22.** (A) The following are not retail food establishments:

(1) A food service operation licensed under this chapter, including a food service operation that provides the services of a retail food establishment pursuant to an endorsement issued under section 3717.44 of the Revised Code;

(2) An entity exempt under divisions (B)(1) to (9) or (11) to (13) of section 3717.42 of the Revised Code from the requirement to be licensed as a food service operation and an entity exempt under division (B)(10) of that section if the entity is regulated by the department of agriculture as a food processing establishment under section 3715.021 of the Revised Code;

(3) A business or that portion of a business that is



regulated by the federal government or the department of 44192  
agriculture as a food manufacturing or food processing business, 44193  
including a business or that portion of a business regulated by 44194  
the department of agriculture under Chapter 911., 913., 915., 44195  
917., 918., or 925. of the Revised Code. 44196

(B) All of the following are exempt from the requirement to 44197  
be licensed as a retail food establishment: 44198

(1) An establishment with commercially prepackaged foods that 44199  
are not potentially hazardous and contained in displays, the total 44200  
space of which equals less than two hundred cubic feet; 44201

(2) A person at a farmers market that is registered with the 44202  
director of agriculture pursuant to section 3717.221 of the 44203  
Revised Code that offers for sale only one or more of the 44204  
following: 44205

(a) Fresh unprocessed fruits or vegetables; 44206

(b) Products of a cottage food production operation; 44207

(c) ~~Maple Tree~~ syrup, sorghum, honey, apple syrup, or apple 44208  
butter that is produced by a ~~maple tree~~ syrup or sorghum producer, 44209  
beekeeper, or apple syrup or apple butter processor described in 44210  
division (A) of section 3715.021 of the Revised Code; 44211

(d) Wine as authorized under section 4303.2010 of the Revised 44212  
Code; 44213

(e) Commercially prepackaged food that is not potentially 44214  
hazardous, on the condition that the food is contained in 44215  
displays, the total space of which equals less than one hundred 44216  
cubic feet on the premises where the person conducts business at 44217  
the farmers market. 44218

(3) A person who offers for sale at a roadside stand only 44219  
fresh fruits and fresh vegetables that are unprocessed; 44220

(4) A nonprofit organization exempt from federal income 44221

taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, that raises funds by selling foods and that, if required to be licensed, would be classified as risk level one in accordance with rules establishing licensing categories for retail food establishments adopted under section 3717.33 of the Revised Code, if the sales occur inside a building and are for not more than seven consecutive days or more than fifty-two separate days during a licensing period. This exemption extends to any individual or group raising all of its funds during the time periods specified in division (B)(4) of this section for the benefit of the nonprofit organization by selling foods under the same conditions.

(5) An establishment that offers food contained in displays of less than five hundred square feet, and if required to be licensed would be classified as risk level one pursuant to rules establishing licensing categories for retail food establishments adopted under section 3717.33 of the Revised Code, on the condition that the establishment offers the food for sale at retail not more than six months in each calendar year;

(6) A cottage food production operation, on the condition that the operation offers its products directly to the consumer from the site where the products are produced;

(7) A ~~maple tree~~ syrup and sorghum processor, beekeeper, or apple syrup and apple butter processor described in division (A) of section 3715.021 of the Revised Code, on the condition that the processor or beekeeper offers only ~~maple tree~~ syrup, sorghum, honey, apple syrup, or apple butter directly to the consumer from the site where those products are processed;

(8) A person who annually maintains five hundred or fewer birds, on the condition that the person offers the eggs from those birds directly to the consumer from the location where the eggs are produced or at a farm product auction to which division

- (B)(11) of this section applies; 44254
- (9) A person who annually raises and slaughters one thousand 44255  
or fewer chickens, on the condition that the person offers dressed 44256  
chickens directly to the consumer from the location where the 44257  
chickens are raised and slaughtered or at a farm product auction 44258  
to which division (B)(11) of this section applies; 44259
- (10) A person who raises, slaughters, and processes the meat 44260  
of nonamenable species described in divisions (A) and (B) of 44261  
section 918.12 of the Revised Code, on the condition that the 44262  
person offers the meat directly to the consumer from the location 44263  
where the meat is processed or at a farm product auction to which 44264  
division (B)(11) of this section applies; 44265
- (11) A farm product auction, on the condition that it is 44266  
registered with the director pursuant to section 3717.221 of the 44267  
Revised Code that offers for sale at the farm product auction only 44268  
one or more of the following: 44269
- (a) The products described in divisions (B)(8) to (10) of 44270  
this section that are produced, raised, slaughtered, or processed, 44271  
as appropriate, by persons described in divisions (B)(8) to (10) 44272  
of this section; 44273
- (b) Fresh unprocessed fruits or vegetables; 44274
- (c) Products of a cottage food production operation; 44275
- (d) ~~Maple Tree~~ syrup, sorghum, honey, apple syrup, or apple 44276  
butter that is produced by a ~~maple tree~~ syrup or sorghum producer, 44277  
beekeeper, or apple syrup or apple butter processor described in 44278  
division (A) of section 3715.021 of the Revised Code. 44279
- (12) An establishment that, with respect to offering food for 44280  
sale, offers only alcoholic beverages or prepackaged beverages 44281  
that are not potentially hazardous; 44282
- (13) An establishment that, with respect to offering food for 44283

sale, offers only alcoholic beverages, prepackaged beverages that 44284  
are not potentially hazardous, or commercially prepackaged food 44285  
that is not potentially hazardous, on the condition that the 44286  
commercially prepackaged food is contained in displays, the total 44287  
space of which equals less than two hundred cubic feet on the 44288  
premises of the establishment; 44289

(14) An establishment that, with respect to offering food for 44290  
sale, offers only fountain beverages that are not potentially 44291  
hazardous; 44292

(15) A person who offers for sale only one or more of the 44293  
following foods at a festival or celebration, on the condition 44294  
that the festival or celebration is organized by a political 44295  
subdivision of the state and lasts for a period not longer than 44296  
seven consecutive days: 44297

(a) Fresh unprocessed fruits or vegetables; 44298

(b) Products of a cottage food production operation; 44299

(c) ~~Maple Tree~~ syrup, sorghum, honey, apple syrup, or apple 44300  
butter if produced by a ~~maple tree~~ syrup or sorghum processor, 44301  
beekeeper, or apple syrup or apple butter processor as described 44302  
in division (A) of section 3715.021 of the Revised Code; 44303

(d) Commercially prepackaged food that is not potentially 44304  
hazardous, on the condition that the food is contained in 44305  
displays, the total space of which equals less than one hundred 44306  
cubic feet; 44307

(e) Fruit butter produced at the festival or celebration and 44308  
sold from the production site. 44309

(16) A farm market on the condition that it is registered 44310  
with the director pursuant to section 3717.221 of the Revised Code 44311  
that offers for sale at the farm market only one or more of the 44312  
following: 44313

(a) Fresh unprocessed fruits or vegetables;	44314
(b) Products of a cottage food production operation;	44315
(c) <del>Maple Tree</del> syrup, sorghum, honey, apple syrup, or apple butter that is produced by a <del>maple tree</del> syrup or sorghum producer, beekeeper, or apple syrup or apple butter processor described in division (A) of section 3715.021 of the Revised Code;	44316 44317 44318 44319
(d) Commercially prepackaged food that is not potentially hazardous, on the condition that the food is contained in displays, the total space of which equals less than one hundred cubic feet on the premises where the person conducts business at the farm market;	44320 44321 44322 44323 44324
(e) Cider and other juices manufactured on site at the farm market;	44325 44326
(f) The products or items described in divisions (B)(8) to (10) of this section, on the condition that those products or items were produced by the person offering to sell them, and further conditioned that, with respect to eggs offered, the person offering to sell them annually maintains five hundred or fewer birds, and with respect to dressed chickens offered, the person annually raises and slaughters one thousand or fewer chickens.	44327 44328 44329 44330 44331 44332 44333
<u>(17)(a) An establishment to which all of the following apply:</u>	44334
<u>(i) The establishment serves commercially prepackaged food in a form that prevents direct human contact prior to and during service;</u>	44335 44336 44337
<u>(ii) Sales of the prepackaged food do not exceed more than five per cent of the total gross receipts of the establishment;</u>	44338 44339
<u>(iii) The establishment has been issued an A-2 permit under section 4303.03 or an A-2f permit under section 4303.031 of the Revised Code and annually produces ten thousand gallons or less of wine;</u>	44340 44341 44342 44343

(b) The owner or operator of the establishment shall notify the director that it is exempt from licensure because it qualifies under division (B)(17)(a) of this section. The owner or operator also shall disclose to customers that the establishment is exempt from licensure.

**Sec. ~~3715.083719.064~~.** (A) As used in this section:

(1) "Medication-assisted treatment" has the same meaning as in section 340.01 of the Revised Code.

(2) "Prescriber" means any of the following:

(a) An advanced practice registered nurse who holds a current, valid license issued under Chapter 4723. of the Revised Code and is designated as a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner;

(b) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;

(c) A physician assistant who is licensed under Chapter 4730. of the Revised Code, holds a valid prescriber number issued by the state medical board, and has been granted physician-delegated prescriptive authority.

(3) "Qualifying practitioner" has the same meaning as in section 303(g)(2)(G)(iii) of the "Controlled Substances Act of 1970," 21 U.S.C. 823(g)(2)(G)(iii), as amended.

(B) Before initiating medication-assisted treatment, a prescriber shall give the patient or the patient's representative information about all drugs approved by the United States food and drug administration for use in medication-assisted treatment. The information must be provided both orally and in writing. The prescriber or the prescriber's delegate shall note in the patient's medical record when this information was provided and

make the record available to employees of the board of nursing or 44374  
state medical board on their request. 44375

If the prescriber is not a qualifying practitioner and the 44376  
patient's choice is opioid treatment and the prescriber determines 44377  
that such treatment is clinically appropriate and meets generally 44378  
accepted standards of medicine, the prescriber shall refer the 44379  
patient to an opioid treatment program licensed under section 44380  
5119.37 of the Revised Code or a qualifying practitioner. The 44381  
prescriber or the prescriber's delegate shall make a notation in 44382  
the patient's medical record naming the program or practitioner to 44383  
whom the patient was referred and specifying when the referral was 44384  
made. 44385

Sec. 3721.026. (A) If the operation of a nursing home is 44386  
assigned or transferred to a different person, the person to whom 44387  
the operation is assigned or transferred must, before the director 44388  
of health may issue a license authorizing the person to operate 44389  
the nursing home, submit to the director documentation showing 44390  
that the person meets all of the following requirements: 44391

(1) Unless the assignment or transfer is in the form of a 44392  
lease of the nursing home, the person has financial resources that 44393  
the director determines are sufficient to cover any reasonably 44394  
anticipated revenue shortfall for at least twelve months after the 44395  
assignment or transfer. 44396

(2) If the assignment or transfer is in the form of a lease 44397  
of the nursing home, either of the following applies to the 44398  
person: 44399

(a) The person has obtained a bond that has a term of at 44400  
least twelve months, has an annual renewal, and is for an amount 44401  
not less than one million dollars. 44402

(b) If the person is unable to obtain a bond that meets the 44403

requirements of division (A)(2)(a) of this section at a cost the 44404  
director determines to be reasonable or operates other nursing 44405  
homes in this state, the person has financial resources that the 44406  
director determines are sufficient to cover any reasonably 44407  
anticipated revenue shortfall for at least twelve months after the 44408  
assignment or transfer. 44409

(3) The person has at least five years of experience as an 44410  
operator, manager, or administrator of a nursing home. 44411

(4) The person has plans for quality assurance and risk 44412  
management for the nursing home. 44413

(5) The person has general and professional liability 44414  
insurance coverage that provides coverage of at least one million 44415  
dollars per occurrence and three million dollars aggregate. 44416

(B) The documentation required by divisions (A)(1) and (2)(b) 44417  
of this section shall include projected financial statements for 44418  
the nursing home for the twelve-month period after the assignment 44419  
or transfer of the operation of the nursing home. 44420

The documentation required by division (A)(3) of this section 44421  
shall include a list of each currently or previously licensed 44422  
nursing home located in this or another state in which the person 44423  
has or previously had any percentage of ownership. The percentage 44424  
of ownership may have been in the operation, real property, or 44425  
both of the nursing home. 44426

(C) The requirements established by this section are in 44427  
addition to the other requirements established by this chapter and 44428  
the rules adopted under it for a license to operate a nursing 44429  
home. 44430

**Sec. 3721.13.** (A) The rights of residents of a home shall 44431  
include, but are not limited to, the following: 44432

(1) The right to a safe and clean living environment pursuant 44433



to the medicare and medicaid programs and applicable state laws 44434  
and rules adopted by the director of health; 44435

(2) The right to be free from physical, verbal, mental, and 44436  
emotional abuse and to be treated at all times with courtesy, 44437  
respect, and full recognition of dignity and individuality; 44438

(3) Upon admission and thereafter, the right to adequate and 44439  
appropriate medical treatment and nursing care and to other 44440  
ancillary services that comprise necessary and appropriate care 44441  
consistent with the program for which the resident contracted. 44442  
This care shall be provided without regard to considerations such 44443  
as race, color, religion, national origin, age, or source of 44444  
payment for care. 44445

(4) The right to have all reasonable requests and inquiries 44446  
responded to promptly; 44447

(5) The right to have clothes and bed sheets changed as the 44448  
need arises, to ensure the resident's comfort or sanitation; 44449

(6) The right to obtain from the home, upon request, the name 44450  
and any specialty of any physician or other person responsible for 44451  
the resident's care or for the coordination of care; 44452

(7) The right, upon request, to be assigned, within the 44453  
capacity of the home to make the assignment, to the staff 44454  
physician of the resident's choice, and the right, in accordance 44455  
with the rules and written policies and procedures of the home, to 44456  
select as the attending physician a physician who is not on the 44457  
staff of the home. If the cost of a physician's services is to be 44458  
met under a federally supported program, the physician shall meet 44459  
the federal laws and regulations governing such services. 44460

(8) The right to participate in decisions that affect the 44461  
resident's life, including the right to communicate with the 44462  
physician and employees of the home in planning the resident's 44463  
treatment or care and to obtain from the attending physician 44464

complete and current information concerning medical condition, 44465  
prognosis, and treatment plan, in terms the resident can 44466  
reasonably be expected to understand; the right of access to all 44467  
information in the resident's medical record; and the right to 44468  
give or withhold informed consent for treatment after the 44469  
consequences of that choice have been carefully explained. When 44470  
the attending physician finds that it is not medically advisable 44471  
to give the information to the resident, the information shall be 44472  
made available to the resident's sponsor on the resident's behalf, 44473  
if the sponsor has a legal interest or is authorized by the 44474  
resident to receive the information. The home is not liable for a 44475  
violation of this division if the violation is found to be the 44476  
result of an act or omission on the part of a physician selected 44477  
by the resident who is not otherwise affiliated with the home. 44478

(9) The right to withhold payment for physician visitation if 44479  
the physician did not visit the resident; 44480

(10) The right to confidential treatment of personal and 44481  
medical records, and the right to approve or refuse the release of 44482  
these records to any individual outside the home, except in case 44483  
of transfer to another home, hospital, or health care system, as 44484  
required by law or rule, or as required by a third-party payment 44485  
contract; 44486

(11) The right to privacy during medical examination or 44487  
treatment and in the care of personal or bodily needs; 44488

(12) The right to refuse, without jeopardizing access to 44489  
appropriate medical care, to serve as a medical research subject; 44490

(13) The right to be free from physical or chemical 44491  
restraints or prolonged isolation except to the minimum extent 44492  
necessary to protect the resident from injury to self, others, or 44493  
to property and except as authorized in writing by the attending 44494  
physician for a specified and limited period of time and 44495

documented in the resident's medical record. Prior to authorizing 44496  
the use of a physical or chemical restraint on any resident, the 44497  
attending physician shall make a personal examination of the 44498  
resident and an individualized determination of the need to use 44499  
the restraint on that resident. 44500

Physical or chemical restraints or isolation may be used in 44501  
an emergency situation without authorization of the attending 44502  
physician only to protect the resident from injury to self or 44503  
others. Use of the physical or chemical restraints or isolation 44504  
shall not be continued for more than twelve hours after the onset 44505  
of the emergency without personal examination and authorization by 44506  
the attending physician. The attending physician or a staff 44507  
physician may authorize continued use of physical or chemical 44508  
restraints for a period not to exceed thirty days, and at the end 44509  
of this period and any subsequent period may extend the 44510  
authorization for an additional period of not more than thirty 44511  
days. The use of physical or chemical restraints shall not be 44512  
continued without a personal examination of the resident and the 44513  
written authorization of the attending physician stating the 44514  
reasons for continuing the restraint. 44515

If physical or chemical restraints are used under this 44516  
division, the home shall ensure that the restrained resident 44517  
receives a proper diet. In no event shall physical or chemical 44518  
restraints or isolation be used for punishment, incentive, or 44519  
convenience. 44520

(14) The right to the pharmacist of the resident's choice and 44521  
the right to receive pharmaceutical supplies and services at 44522  
reasonable prices not exceeding applicable and normally accepted 44523  
prices for comparably packaged pharmaceutical supplies and 44524  
services within the community; 44525

(15) The right to exercise all civil rights, unless the 44526  
resident has been adjudicated incompetent pursuant to Chapter 44527

2111. of the Revised Code and has not been restored to legal 44528  
capacity, as well as the right to the cooperation of the home's 44529  
administrator in making arrangements for the exercise of the right 44530  
to vote; 44531

(16) The right of access to opportunities that enable the 44532  
resident, at the resident's own expense or at the expense of a 44533  
third-party payer, to achieve the resident's fullest potential, 44534  
including educational, vocational, social, recreational, and 44535  
habilitation programs; 44536

(17) The right to consume a reasonable amount of alcoholic 44537  
beverages at the resident's own expense, unless not medically 44538  
advisable as documented in the resident's medical record by the 44539  
attending physician or unless contradictory to written admission 44540  
policies; 44541

(18) The right to use tobacco at the resident's own expense 44542  
under the home's safety rules and under applicable laws and rules 44543  
of the state, unless not medically advisable as documented in the 44544  
resident's medical record by the attending physician or unless 44545  
contradictory to written admission policies; 44546

(19) The right to retire and rise in accordance with the 44547  
resident's reasonable requests, if the resident does not disturb 44548  
others or the posted meal schedules and upon the home's request 44549  
remains in a supervised area, unless not medically advisable as 44550  
documented by the attending physician; 44551

(20) The right to observe religious obligations and 44552  
participate in religious activities; the right to maintain 44553  
individual and cultural identity; and the right to meet with and 44554  
participate in activities of social and community groups at the 44555  
resident's or the group's initiative; 44556

(21) The right upon reasonable request to private and 44557  
unrestricted communications with the resident's family, social 44558

worker, and any other person, unless not medically advisable as 44559  
documented in the resident's medical record by the attending 44560  
physician, except that communications with public officials or 44561  
with the resident's attorney or physician shall not be restricted. 44562  
Private and unrestricted communications shall include, but are not 44563  
limited to, the right to: 44564

(a) Receive, send, and mail sealed, unopened correspondence; 44565

(b) Reasonable access to a telephone for private 44566  
communications; 44567

(c) Private visits at any reasonable hour. 44568

(22) The right to assured privacy for visits by the spouse, 44569  
or if both are residents of the same home, the right to share a 44570  
room within the capacity of the home, unless not medically 44571  
advisable as documented in the resident's medical record by the 44572  
attending physician; 44573

(23) The right upon reasonable request to have room doors 44574  
closed and to have them not opened without knocking, except in the 44575  
case of an emergency or unless not medically advisable as 44576  
documented in the resident's medical record by the attending 44577  
physician; 44578

(24) The right to retain and use personal clothing and a 44579  
reasonable amount of possessions, in a reasonably secure manner, 44580  
unless to do so would infringe on the rights of other residents or 44581  
would not be medically advisable as documented in the resident's 44582  
medical record by the attending physician; 44583

(25) The right to be fully informed, prior to or at the time 44584  
of admission and during the resident's stay, in writing, of the 44585  
basic rate charged by the home, of services available in the home, 44586  
and of any additional charges related to such services, including 44587  
charges for services not covered under the medicare or medicaid 44588  
program. The basic rate shall not be changed unless thirty days' 44589

notice is given to the resident or, if the resident is unable to understand this information, to the resident's sponsor.

(26) The right of the resident and person paying for the care to examine and receive a bill at least monthly for the resident's care from the home that itemizes charges not included in the basic rates;

(27)(a) The right to be free from financial exploitation;

(b) The right to manage the resident's own personal financial affairs, or, if the resident has delegated this responsibility in writing to the home, to receive upon written request at least a quarterly accounting statement of financial transactions made on the resident's behalf. The statement shall include:

(i) A complete record of all funds, personal property, or possessions of a resident from any source whatsoever, that have been deposited for safekeeping with the home for use by the resident or the resident's sponsor;

(ii) A listing of all deposits and withdrawals transacted, which shall be substantiated by receipts which shall be available for inspection and copying by the resident or sponsor.

(28) The right of the resident to be allowed unrestricted access to the resident's property on deposit at reasonable hours, unless requests for access to property on deposit are so persistent, continuous, and unreasonable that they constitute a nuisance;

(29) The right to receive reasonable notice before the resident's room or roommate is changed, including an explanation of the reason for either change.

(30) The right not to be transferred or discharged from the home unless the transfer is necessary because of one of the following:

(a) The welfare and needs of the resident cannot be met in the home.	44620 44621
(b) The resident's health has improved sufficiently so that the resident no longer needs the services provided by the home.	44622 44623
(c) The safety of individuals in the home is endangered.	44624
(d) The health of individuals in the home would otherwise be endangered.	44625 44626
(e) The resident has failed, after reasonable and appropriate notice, to pay or to have the medicare or medicaid program pay on the resident's behalf, for the care provided by the home. A resident shall not be considered to have failed to have the resident's care paid for if the resident has applied for medicaid, unless both of the following are the case:	44627 44628 44629 44630 44631 44632
(i) The resident's application, or a substantially similar previous application, has been denied.	44633 44634
(ii) If the resident appealed the denial, the denial was upheld.	44635 44636
(f) The home's license has been revoked, the home is being closed pursuant to section 3721.08, sections 5165.60 to 5165.89, or section 5155.31 of the Revised Code, or the home otherwise ceases to operate.	44637 44638 44639 44640
(g) The resident is a recipient of medicaid, and the home's participation in the medicaid program is involuntarily terminated or denied.	44641 44642 44643
(h) The resident is a beneficiary under the medicare program, and the home's participation in the medicare program is involuntarily terminated or denied.	44644 44645 44646
(31) The right to voice grievances and recommend changes in policies and services to the home's staff, to employees of the department of health, or to other persons not associated with the	44647 44648 44649

operation of the home, of the resident's choice, free from 44650  
restraint, interference, coercion, discrimination, or reprisal. 44651  
This right includes access to a residents' rights advocate, and 44652  
the right to be a member of, to be active in, and to associate 44653  
with persons who are active in organizations of relatives and 44654  
friends of nursing home residents and other organizations engaged 44655  
in assisting residents. 44656

(32) The right to have any significant change in the 44657  
resident's health status reported to the resident's sponsor. As 44658  
soon as such a change is known to the home's staff, the home shall 44659  
make a reasonable effort to notify the sponsor within twelve 44660  
hours. 44661

(33) The right, if the resident has requested the care and 44662  
services of a hospice care program, to choose a hospice care 44663  
program licensed under Chapter 3712. of the Revised Code that best 44664  
meets the resident's needs. 44665

(B) A sponsor may act on a resident's behalf to assure that 44666  
the home does not deny the residents' rights under sections 44667  
3721.10 to 3721.17 of the Revised Code. 44668

(C) Any attempted waiver of the rights listed in division (A) 44669  
of this section is void. 44670

Sec. 3723.081. The director of health shall not require a 44671  
licensed radon mitigation specialist to be physically present for 44672  
supervision purposes when radon mitigation is performed. However, 44673  
the director may require such a specialist to be physically 44674  
present immediately before and after radon mitigation is 44675  
performed. 44676

Sec. 3727.49. (A) As used in this section, "freestanding 44677  
emergency department" means a facility that provides emergency 44678  
care and is structurally separate and distinct from a hospital, as 44679



defined in section 3727.01 of the Revised Code. 44680

(B) A freestanding emergency department shall provide notice 44681  
that identifies the facility as a freestanding emergency 44682  
department. The facility shall provide the notice by posting it in 44683  
either of the following ways: 44684

(1) In a conspicuous place in an area of the facility that is 44685  
accessible to the public; 44686

(2) On the facility's internet web site. 44687

(C) A freestanding emergency department shall use the 44688  
national provider identifier, as assigned to the freestanding 44689  
emergency department by the national provider system pursuant to 44690  
45 C.F.R. 162.408, on all claims for payment for health care 44691  
services or goods. 44692

(D) The director of health may apply to the court of common 44693  
pleas of the county in which a freestanding emergency department 44694  
is located for a temporary or permanent injunction restraining the 44695  
freestanding emergency department from failure to comply with this 44696  
section. 44697

**Sec. 3734.01.** As used in this chapter: 44698

(A) "Board of health" means the board of health of a city or 44699  
general health district or the authority having the duties of a 44700  
board of health in any city as authorized by section 3709.05 of 44701  
the Revised Code. 44702

(B) "Director" means the director of environmental 44703  
protection. 44704

(C) "Health district" means a city or general health district 44705  
as created by or under authority of Chapter 3709. of the Revised 44706  
Code. 44707

(D) "Agency" means the environmental protection agency. 44708

(E) "Solid wastes" means such unwanted residual solid or 44709  
semisolid material as results from industrial, commercial, 44710  
agricultural, and community operations, excluding earth or 44711  
material from construction, mining, or demolition operations, or 44712  
other waste materials of the type that normally would be included 44713  
in demolition debris, nontoxic fly ash and bottom ash, including 44714  
at least ash that results from the combustion of coal and ash that 44715  
results from the combustion of coal in combination with scrap 44716  
tires where scrap tires comprise not more than fifty per cent of 44717  
heat input in any month, spent nontoxic foundry sand, nontoxic, 44718  
nonhazardous, unwanted fired and unfired, glazed and unglazed, 44719  
structural products made from shale and clay products, and slag 44720  
and other substances that are not harmful or inimical to public 44721  
health, and includes, but is not limited to, garbage, scrap tires, 44722  
combustible and noncombustible material, street dirt, and debris. 44723  
"Solid wastes" does not include any material that is an infectious 44724  
waste or a hazardous waste. 44725

(F) "Disposal" means the discharge, deposit, injection, 44726  
dumping, spilling, leaking, emitting, or placing of any solid 44727  
wastes or hazardous waste into or on any land or ground or surface 44728  
water or into the air, except if the disposition or placement 44729  
constitutes storage or treatment or, if the solid wastes consist 44730  
of scrap tires, the disposition or placement constitutes a 44731  
beneficial use or occurs at a scrap tire recovery facility 44732  
licensed under section 3734.81 of the Revised Code. "Disposal" 44733  
does not include the process of converting post-use polymers and 44734  
recoverable feedstocks using gasification or pyrolysis. 44735

(G) "Person" includes the state, any political subdivision 44736  
and other state or local body, the United States and any agency or 44737  
instrumentality thereof, and any legal entity defined as a person 44738  
under section 1.59 of the Revised Code. 44739

(H) "Open burning" means the burning of solid wastes in an 44740

open area or burning of solid wastes in a type of chamber or 44741  
vessel that is not approved or authorized in rules adopted by the 44742  
director under section 3734.02 of the Revised Code or, if the 44743  
solid wastes consist of scrap tires, in rules adopted under 44744  
division (V) of this section or section 3734.73 of the Revised 44745  
Code, or the burning of treated or untreated infectious wastes in 44746  
an open area or in a type of chamber or vessel that is not 44747  
approved in rules adopted by the director under section 3734.021 44748  
of the Revised Code. 44749

(I) "Open dumping" means the depositing of solid wastes into 44750  
a body or stream of water or onto the surface of the ground at a 44751  
site that is not licensed as a solid waste facility under section 44752  
3734.05 of the Revised Code or, if the solid wastes consist of 44753  
scrap tires, as a scrap tire collection, storage, monocell, 44754  
monofill, or recovery facility under section 3734.81 of the 44755  
Revised Code; the depositing of solid wastes that consist of scrap 44756  
tires onto the surface of the ground at a site or in a manner not 44757  
specifically identified in divisions (C)(2) to (5), (7), or (10) 44758  
of section 3734.85 of the Revised Code; the depositing of 44759  
untreated infectious wastes into a body or stream of water or onto 44760  
the surface of the ground; or the depositing of treated infectious 44761  
wastes into a body or stream of water or onto the surface of the 44762  
ground at a site that is not licensed as a solid waste facility 44763  
under section 3734.05 of the Revised Code. 44764

(J) "Hazardous waste" means any waste or combination of 44765  
wastes in solid, liquid, semisolid, or contained gaseous form that 44766  
in the determination of the director, because of its quantity, 44767  
concentration, or physical or chemical characteristics, may do 44768  
either of the following: 44769

(1) Cause or significantly contribute to an increase in 44770  
mortality or an increase in serious irreversible or incapacitating 44771  
reversible illness; 44772

(2) Pose a substantial present or potential hazard to human health or safety or to the environment when improperly stored, treated, transported, disposed of, or otherwise managed.

"Hazardous waste" includes any substance identified by regulation as hazardous waste under the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended, and does not include any substance that is subject to the "Atomic Energy Act of 1954," 68 Stat. 919, 42 U.S.C.A. 2011, as amended.

(K) "Treat" or "treatment," when used in connection with hazardous waste, means any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize the waste; recover energy or material resources from the waste; render the waste nonhazardous or less hazardous, safer to transport, store, or dispose of, or amenable for recovery or storage; or reduce the volume of the waste. When used in connection with infectious wastes, "treat" or "treatment" means any method, technique, or process that renders the wastes noninfectious so that it is no longer an infectious waste and is no longer an infectious substance as defined in applicable federal law, including, without limitation, steam sterilization and incineration, and, in the instance of wastes identified in division (R)(7) of this section, to substantially reduce or eliminate the potential for the wastes to cause lacerations or puncture wounds.

(L) "Manifest" means the form used for identifying the quantity, composition, origin, routing, and destination of hazardous waste during its transportation from the point of generation to the point of disposal, treatment, or storage.

(M) ~~"Storage," when~~ (1) When used in connection with hazardous waste, "storage" means the holding of hazardous waste

for a temporary period in such a manner that it remains 44805  
retrievable and substantially unchanged physically and chemically 44806  
and, at the end of the period, is treated; disposed of; stored 44807  
elsewhere; or reused, recycled, or reclaimed in a beneficial 44808  
manner; 44809

(2) When used in connection with ~~solid wastes that consist of~~ 44810  
scrap tires, "storage" means the holding of scrap tires for a 44811  
temporary period in such a manner that they remain retrievable 44812  
and, at the end of that period, are beneficially used; stored 44813  
elsewhere; placed in a scrap tire monocell or monofill facility 44814  
licensed under section 3734.81 of the Revised Code; processed at a 44815  
scrap tire recovery facility licensed under that section or a 44816  
solid waste incineration or energy recovery facility subject to 44817  
regulation under this chapter; or transported to a scrap tire 44818  
monocell, monofill, or recovery facility, any other solid waste 44819  
facility authorized to dispose of scrap tires, or a facility that 44820  
will beneficially use the scrap tires, that is located in another 44821  
state and is operating in compliance with the laws of the state in 44822  
which the facility is located; 44823

(3) When used in connection with recoverable feedstocks or 44824  
post-use polymers, "storage" means holding recoverable feedstocks 44825  
or post-use polymers for a period of less than ninety days, 44826  
provided all of the following apply: 44827

(a) The recoverable feedstocks or post-use polymers remain 44828  
retrievable and substantially unchanged physically and chemically; 44829

(b) The storage of recoverable feedstocks or post-use 44830  
polymers does not cause a nuisance; 44831

(c) The storage of recoverable feedstocks or post-use 44832  
polymers does not pose a threat from vectors; 44833

(d) The storage of recoverable feedstocks or post-use 44834  
polymers does not adversely impact public health, safety, or the 44835

environment; 44836

(e) Prior to the end of the storage period of less than 44837  
ninety days, the recoverable feedstocks or post-use polymers are 44838  
converted using gasification or pyrolysis. 44839

(N) "Facility" means any site, location, tract of land, 44840  
installation, or building used for incineration, composting, 44841  
sanitary landfilling, or other methods of disposal of solid wastes 44842  
or, if the solid wastes consist of scrap tires, for the 44843  
collection, storage, or processing of the solid wastes; for the 44844  
transfer of solid wastes; for the treatment of infectious wastes; 44845  
or for the storage, treatment, or disposal of hazardous waste. 44846

(O) "Closure" means the time at which a hazardous waste 44847  
facility will no longer accept hazardous waste for treatment, 44848  
storage, or disposal, the time at which a solid waste facility 44849  
will no longer accept solid wastes for transfer or disposal or, if 44850  
the solid wastes consist of scrap tires, for storage or 44851  
processing, or the effective date of an order revoking the permit 44852  
for a hazardous waste facility or the registration certificate, 44853  
permit, or license for a solid waste facility, as applicable. 44854  
"Closure" includes measures performed to protect public health or 44855  
safety, to prevent air or water pollution, or to make the facility 44856  
suitable for other uses, if any, including, but not limited to, 44857  
the removal of processing residues resulting from solid wastes 44858  
that consist of scrap tires; the establishment and maintenance of 44859  
a suitable cover of soil and vegetation over cells in which 44860  
hazardous waste or solid wastes are buried; minimization of 44861  
erosion, the infiltration of surface water into such cells, the 44862  
production of leachate, and the accumulation and runoff of 44863  
contaminated surface water; the final construction of facilities 44864  
for the collection and treatment of leachate and contaminated 44865  
surface water runoff, except as otherwise provided in this 44866  
division; the final construction of air and water quality 44867

monitoring facilities, except as otherwise provided in this 44868  
division; the final construction of methane gas extraction and 44869  
treatment systems; or the removal and proper disposal of hazardous 44870  
waste or solid wastes from a facility when necessary to protect 44871  
public health or safety or to abate or prevent air or water 44872  
pollution. With regard to a solid waste facility that is a scrap 44873  
tire facility, "closure" includes the final construction of 44874  
facilities for the collection and treatment of leachate and 44875  
contaminated surface water runoff and the final construction of 44876  
air and water quality monitoring facilities only if those actions 44877  
are determined to be necessary. 44878

(P) "Premises" means either of the following: 44879

(1) Geographically contiguous property owned by a generator; 44880

(2) Noncontiguous property that is owned by a generator and 44881  
connected by a right-of-way that the generator controls and to 44882  
which the public does not have access. Two or more pieces of 44883  
property that are geographically contiguous and divided by public 44884  
or private right-of-way or rights-of-way are a single premises. 44885

(Q) "Post-closure" means that period of time following 44886  
closure during which a hazardous waste facility is required to be 44887  
monitored and maintained under this chapter and rules adopted 44888  
under it, including, without limitation, operation and maintenance 44889  
of methane gas extraction and treatment systems, or the period of 44890  
time after closure during which a scrap tire monocell or monofill 44891  
facility licensed under section 3734.81 of the Revised Code is 44892  
required to be monitored and maintained under this chapter and 44893  
rules adopted under it. 44894

(R) "Infectious wastes" means any wastes or combination of 44895  
wastes that include cultures and stocks of infectious agents and 44896  
associated biologicals, human blood and blood products, and 44897  
substances that were or are likely to have been exposed to or 44898

contaminated with or are likely to transmit an infectious agent or	44899
zoonotic agent, including all of the following:	44900
(1) Laboratory wastes;	44901
(2) Pathological wastes;	44902
(3) Animal blood and blood products;	44903
(4) Animal carcasses and parts;	44904
(5) Waste materials from the rooms of humans, or the	44905
enclosures of animals, that have been isolated because of	44906
diagnosed communicable disease that are likely to transmit	44907
infectious agents. Such waste materials from the rooms of humans	44908
do not include any wastes of patients who have been placed on	44909
blood and body fluid precautions under the universal precaution	44910
system established by the centers for disease control in the	44911
public health service of the United States department of health	44912
and human services, except to the extent specific wastes generated	44913
under the universal precautions system have been identified as	44914
infectious wastes by rules adopted under division (R)(7) of this	44915
section.	44916
(6) Sharp wastes used in the treatment, diagnosis, or	44917
inoculation of human beings or animals;	44918
(7) Any other waste materials generated in the diagnosis,	44919
treatment, or immunization of human beings or animals, in research	44920
pertaining thereto, or in the production or testing of	44921
biologicals, that the director of health, by rules adopted in	44922
accordance with Chapter 119. of the Revised Code, identifies as	44923
infectious wastes after determining that the wastes present a	44924
substantial threat to human health when improperly managed because	44925
they are contaminated with, or are likely to be contaminated with,	44926
infectious agents.	44927
As used in this division, "blood products" does not include	44928



patient care waste such as bandages or disposable gowns that are 44929  
lightly soiled with blood or other body fluids unless those wastes 44930  
are soiled to the extent that the generator of the wastes 44931  
determines that they should be managed as infectious wastes. 44932

(S) "Infectious agent" means a type of microorganism, 44933  
pathogen, virus, or proteinaceous infectious particle that can 44934  
cause or significantly contribute to disease in or death of human 44935  
beings. 44936

(T) "Zoonotic agent" means a type of microorganism, pathogen, 44937  
or virus that causes disease in vertebrate animals, is 44938  
transmissible to human beings, and can cause or significantly 44939  
contribute to disease in or death of human beings. 44940

(U) "Solid waste transfer facility" means any site, location, 44941  
tract of land, installation, or building that is used or intended 44942  
to be used primarily for the purpose of transferring solid wastes 44943  
that were generated off the premises of the facility from vehicles 44944  
or containers into other vehicles for transportation to a solid 44945  
waste disposal facility. "Solid waste transfer facility" does not 44946  
include any facility that consists solely of portable containers 44947  
that have an aggregate volume of fifty cubic yards or less nor any 44948  
facility where legitimate recycling activities are conducted. 44949

(V) "Beneficially use" includes: 44950

(1) With regard to scrap tires, to use a scrap tire in a 44951  
manner that results in a commodity for sale or exchange or in any 44952  
other manner authorized as a beneficial use in rules adopted by 44953  
the director in accordance with Chapter 119. of the Revised Code; 44954

(2) With regard to material from a horizontal well that has 44955  
come in contact with a refined oil-based substance and that is not 44956  
technologically enhanced naturally occurring radioactive material, 44957  
to use the material in any manner authorized as a beneficial use 44958  
in rules adopted by the director under section 3734.125 of the 44959

Revised Code. 44960

(W) "Commercial car," "commercial tractor," "farm machinery," 44961  
"motor bus," "vehicles," "motor vehicle," and "semitrailer" have 44962  
the same meanings as in section 4501.01 of the Revised Code. 44963

(X) "Construction equipment" means road rollers, traction 44964  
engines, power shovels, power cranes, and other equipment used in 44965  
construction work, or in mining or producing or processing 44966  
aggregates, and not designed for or used in general highway 44967  
transportation. 44968

(Y) "Motor vehicle salvage dealer" has the same meaning as in 44969  
section 4738.01 of the Revised Code. 44970

(Z) "Scrap tire" means an unwanted or discarded tire. 44971

(AA) "Scrap tire collection facility" means any facility that 44972  
meets all of the following qualifications: 44973

(1) The facility is used for the receipt and storage of whole 44974  
scrap tires from the public prior to their transportation to a 44975  
scrap tire storage, monocell, monofill, or recovery facility 44976  
licensed under section 3734.81 of the Revised Code; a solid waste 44977  
incineration or energy recovery facility subject to regulation 44978  
under this chapter; a premises within the state where the scrap 44979  
tires will be beneficially used; or a scrap tire storage, 44980  
monocell, monofill, or recovery facility, any other solid waste 44981  
disposal facility authorized to dispose of scrap tires, or a 44982  
facility that will beneficially use the scrap tires, that is 44983  
located in another state, and that is operating in compliance with 44984  
the laws of the state in which the facility is located. 44985

(2) The facility exclusively stores scrap tires in portable 44986  
containers. 44987

(3) The aggregate storage of the portable containers in which 44988  
the scrap tires are stored does not exceed five thousand cubic 44989

feet. 44990

(BB) "Scrap tire monocell facility" means an individual site 44991  
within a solid waste landfill that is used exclusively for the 44992  
environmentally sound storage or disposal of whole scrap tires or 44993  
scrap tires that have been shredded, chipped, or otherwise 44994  
mechanically processed. 44995

(CC) "Scrap tire monofill facility" means an engineered 44996  
facility used or intended to be used exclusively for the storage 44997  
or disposal of scrap tires, including at least facilities for the 44998  
submergence of whole scrap tires in a body of water. 44999

(DD) "Scrap tire recovery facility" means any facility, or 45000  
portion thereof, for the processing of scrap tires for the purpose 45001  
of extracting or producing usable products, materials, or energy 45002  
from the scrap tires through a controlled combustion process, 45003  
mechanical process, or chemical process. "Scrap tire recovery 45004  
facility" includes any facility that uses the controlled 45005  
combustion of scrap tires in a manufacturing process to produce 45006  
process heat or steam or any facility that produces usable heat or 45007  
electric power through the controlled combustion of scrap tires in 45008  
combination with another fuel, but does not include any solid 45009  
waste incineration or energy recovery facility that is designed, 45010  
constructed, and used for the primary purpose of incinerating 45011  
mixed municipal solid wastes and that burns scrap tires in 45012  
conjunction with mixed municipal solid wastes, or any tire 45013  
retreading business, tire manufacturing finishing center, or tire 45014  
adjustment center having on the premises of the business a single, 45015  
covered scrap tire storage area at which not more than four 45016  
thousand scrap tires are stored. 45017

(EE) "Scrap tire storage facility" means any facility where 45018  
whole scrap tires are stored prior to their transportation to a 45019  
scrap tire monocell, monofill, or recovery facility licensed under 45020  
section 3734.81 of the Revised Code; a solid waste incineration or 45021

energy recovery facility subject to regulation under this chapter; 45022  
a premises within the state where the scrap tires will be 45023  
beneficially used; or a scrap tire storage, monocell, monofill, or 45024  
recovery facility, any other solid waste disposal facility 45025  
authorized to dispose of scrap tires, or a facility that will 45026  
beneficially use the scrap tires, that is located in another 45027  
state, and that is operating in compliance with the laws of the 45028  
state in which the facility is located. 45029

(FF) "Used oil" means any oil that has been refined from 45030  
crude oil, or any synthetic oil, that has been used and, as a 45031  
result of that use, is contaminated by physical or chemical 45032  
impurities. "Used oil" includes only those substances identified 45033  
as used oil by the United States environmental protection agency 45034  
under the "Used Oil Recycling Act of 1980," 94 Stat. 2055, 42 45035  
U.S.C.A. 6901a, as amended. 45036

(GG) "Accumulated speculatively" has the same meaning as in 45037  
rules adopted by the director under section 3734.12 of the Revised 45038  
Code. 45039

(HH) "Horizontal well" has the same meaning as in section 45040  
1509.01 of the Revised Code. 45041

(II) "Technologically enhanced naturally occurring 45042  
radioactive material" has the same meaning as in section 3748.01 45043  
of the Revised Code. 45044

(JJ) "Post-use polymer" means a plastic polymer to which both 45045  
of the following apply: 45046

(1) It is derived from any source and is not being used for 45047  
its original intended purpose. 45048

(2) Its use or intended use is to manufacture crude oil, 45049  
fuels, other raw materials, intermediate products, or final 45050  
products using pyrolysis or gasification. 45051

"Post-use polymer" may contain incidental contaminants or 45052  
impurities, such as paper labels or metal rings. 45053

(KK) "Pyrolysis" means a process through which post-use 45054  
polymers are heated in the absence of oxygen until melted and 45055  
thermally decomposed, and are then cooled, condensed, and 45056  
converted to one of the following: 45057

(1) Crude oil, diesel, gasoline, home heating oil, or another 45058  
fuel; 45059

(2) Feedstocks; 45060

(3) Diesel and gasoline blendstocks; 45061

(4) Chemicals, waxes, or lubricants; 45062

(5) Other raw materials, intermediate products, or final 45063  
products. 45064

(LL) "Gasification" means a process through which recoverable 45065  
feedstocks are heated and converted into a fuel-gas mixture in an 45066  
oxygen-deficient atmosphere, and the mixture is converted into 45067  
fuel, including ethanol and transportation fuel, chemicals, or 45068  
other chemical feedstocks. 45069

(MM) "Recoverable feedstock" means one or more of the 45070  
following materials, derived from nonrecycled waste, that have 45071  
been processed for use as a feedstock in a gasification facility: 45072

(1) Post-use polymers; 45073

(2) Materials for which the United States environmental 45074  
protection agency has made a non-waste determination under 40 45075  
C.F.R. 241.3(c) or has otherwise determined are not solid waste. 45076

**Sec. 3734.57.** (A) The following fees are hereby levied on the 45077  
transfer or disposal of solid wastes in this state: 45078

(1) Ninety cents per ton through June 30, ~~2020~~ 2022, twenty 45079  
cents of the proceeds of which shall be deposited in the state 45080

treasury to the credit of the hazardous waste facility management 45081  
fund created in section 3734.18 of the Revised Code and seventy 45082  
cents of the proceeds of which shall be deposited in the state 45083  
treasury to the credit of the hazardous waste clean-up fund 45084  
created in section 3734.28 of the Revised Code; 45085

(2) An additional seventy-five cents per ton through June 30, 45086  
~~2020~~ 2022, the proceeds of which shall be deposited in the state 45087  
treasury to the credit of the waste management fund created in 45088  
section 3734.061 of the Revised Code. 45089

(3) An additional two dollars and eighty-five cents per ton 45090  
through June 30, ~~2020~~ 2022, the proceeds of which shall be 45091  
deposited in the state treasury to the credit of the environmental 45092  
protection fund created in section 3745.015 of the Revised Code; 45093

(4) An additional twenty-five cents per ton through June 30, 45094  
~~2020~~ 2022, the proceeds of which shall be deposited in the state 45095  
treasury to the credit of the soil and water conservation district 45096  
assistance fund created in section 940.15 of the Revised Code. 45097

In the case of solid wastes that are taken to a solid waste 45098  
transfer facility located in this state prior to being transported 45099  
for disposal at a solid waste disposal facility located in this 45100  
state or outside of this state, the fees levied under this 45101  
division shall be collected by the owner or operator of the 45102  
transfer facility as a trustee for the state. The amount of fees 45103  
required to be collected under this division at such a transfer 45104  
facility shall equal the total tonnage of solid wastes received at 45105  
the facility multiplied by the fees levied under this division. In 45106  
the case of solid wastes that are not taken to a solid waste 45107  
transfer facility located in this state prior to being transported 45108  
to a solid waste disposal facility, the fees shall be collected by 45109  
the owner or operator of the solid waste disposal facility as a 45110  
trustee for the state. The amount of fees required to be collected 45111  
under this division at such a disposal facility shall equal the 45112

total tonnage of solid wastes received at the facility that was 45113  
not previously taken to a solid waste transfer facility located in 45114  
this state multiplied by the fees levied under this division. Fees 45115  
levied under this division do not apply to materials separated 45116  
from a mixed waste stream for recycling by a generator or 45117  
materials removed from the solid waste stream through recycling, 45118  
as "recycling" is defined in rules adopted under section 3734.02 45119  
of the Revised Code. 45120

The owner or operator of a solid waste transfer facility or 45121  
disposal facility, as applicable, shall prepare and file with the 45122  
director of environmental protection each month a return 45123  
indicating the total tonnage of solid wastes received at the 45124  
facility during that month and the total amount of the fees 45125  
required to be collected under this division during that month. In 45126  
addition, the owner or operator of a solid waste disposal facility 45127  
shall indicate on the return the total tonnage of solid wastes 45128  
received from transfer facilities located in this state during 45129  
that month for which the fees were required to be collected by the 45130  
transfer facilities. The monthly returns shall be filed on a form 45131  
prescribed by the director. Not later than thirty days after the 45132  
last day of the month to which a return applies, the owner or 45133  
operator shall mail to the director the return for that month 45134  
together with the fees required to be collected under this 45135  
division during that month as indicated on the return or may 45136  
submit the return and fees electronically in a manner approved by 45137  
the director. If the return is filed and the amount of the fees 45138  
due is paid in a timely manner as required in this division, the 45139  
owner or operator may retain a discount of three-fourths of one 45140  
per cent of the total amount of the fees that are required to be 45141  
paid as indicated on the return. 45142

The owner or operator may request an extension of not more 45143  
than thirty days for filing the return and remitting the fees, 45144

provided that the owner or operator has submitted such a request 45145  
in writing to the director together with a detailed description of 45146  
why the extension is requested, the director has received the 45147  
request not later than the day on which the return is required to 45148  
be filed, and the director has approved the request. If the fees 45149  
are not remitted within thirty days after the last day of the 45150  
month to which the return applies or are not remitted by the last 45151  
day of an extension approved by the director, the owner or 45152  
operator shall not retain the three-fourths of one per cent 45153  
discount and shall pay an additional ten per cent of the amount of 45154  
the fees for each month that they are late. For purposes of 45155  
calculating the late fee, the first month in which fees are late 45156  
begins on the first day after the deadline has passed for timely 45157  
submitting the return and fees, and one additional month shall be 45158  
counted every thirty days thereafter. 45159

The owner or operator of a solid waste facility may request a 45160  
refund or credit of fees levied under this division and remitted 45161  
to the director that have not been paid to the owner or operator. 45162  
Such a request shall be made only if the fees have not been 45163  
collected by the owner or operator, have become a debt that has 45164  
become worthless or uncollectable for a period of six months or 45165  
more, and may be claimed as a deduction, including a deduction 45166  
claimed if the owner or operator keeps accounts on an accrual 45167  
basis, under the "Internal Revenue Code of 1954," 68A Stat. 50, 26 45168  
U.S.C. 166, as amended, and regulations adopted under it. Prior to 45169  
making a request for a refund or credit, an owner or operator 45170  
shall make reasonable efforts to collect the applicable fees. A 45171  
request for a refund or credit shall not include any costs 45172  
resulting from those efforts to collect unpaid fees. 45173

A request for a refund or credit of fees shall be made in 45174  
writing, on a form prescribed by the director, and shall be 45175  
supported by evidence that may be required in rules adopted by the 45176



director under this chapter. After reviewing the request, and if 45177  
the request and evidence submitted with the request indicate that 45178  
a refund or credit is warranted, the director shall grant a refund 45179  
to the owner or operator or shall permit a credit to be taken by 45180  
the owner or operator on a subsequent monthly return submitted by 45181  
the owner or operator. The amount of a refund or credit shall not 45182  
exceed an amount that is equal to ninety days' worth of fees owed 45183  
to an owner or operator by a particular debtor of the owner or 45184  
operator. A refund or credit shall not be granted by the director 45185  
to an owner or operator more than once in any twelve-month period 45186  
for fees owed to the owner or operator by a particular debtor. 45187

If, after receiving a refund or credit from the director, an 45188  
owner or operator receives payment of all or part of the fees, the 45189  
owner or operator shall remit the fees with the next monthly 45190  
return submitted to the director together with a written 45191  
explanation of the reason for the submittal. 45192

For purposes of computing the fees levied under this division 45193  
or division (B) of this section, any solid waste transfer or 45194  
disposal facility that does not use scales as a means of 45195  
determining gate receipts shall use a conversion factor of three 45196  
cubic yards per ton of solid waste or one cubic yard per ton for 45197  
baled waste, as applicable. 45198

The fees levied under this division and divisions (B) and (C) 45199  
of this section are in addition to all other applicable fees and 45200  
taxes and shall be paid by the customer or a political subdivision 45201  
to the owner or operator of a solid waste transfer or disposal 45202  
facility. In the alternative, the fees shall be paid by a customer 45203  
or political subdivision to a transporter of waste who 45204  
subsequently transfers the fees to the owner or operator of such a 45205  
facility. The fees shall be paid notwithstanding the existence of 45206  
any provision in a contract that the customer or a political 45207  
subdivision may have with the owner or operator or with a 45208

transporter of waste to the facility that would not require or 45209  
allow such payment regardless of whether the contract was entered 45210  
prior to or after October 16, 2009. For those purposes, "customer" 45211  
means a person who contracts with, or utilizes the solid waste 45212  
services of, the owner or operator of a solid waste transfer or 45213  
disposal facility or a transporter of solid waste to such a 45214  
facility. 45215

(B) For the purposes specified in division (G) of this 45216  
section, the solid waste management policy committee of a county 45217  
or joint solid waste management district may levy fees upon the 45218  
following activities: 45219

(1) The disposal at a solid waste disposal facility located 45220  
in the district of solid wastes generated within the district; 45221

(2) The disposal at a solid waste disposal facility within 45222  
the district of solid wastes generated outside the boundaries of 45223  
the district, but inside this state; 45224

(3) The disposal at a solid waste disposal facility within 45225  
the district of solid wastes generated outside the boundaries of 45226  
this state. 45227

The solid waste management plan of the county or joint 45228  
district approved under section 3734.521 or 3734.55 of the Revised 45229  
Code and any amendments to it, or the resolution adopted under 45230  
this division, as appropriate, shall establish the rates of the 45231  
fees levied under divisions (B)(1), (2), and (3) of this section, 45232  
if any, and shall specify whether the fees are levied on the basis 45233  
of tons or cubic yards as the unit of measurement. A solid waste 45234  
management district that levies fees under this division on the 45235  
basis of cubic yards shall do so in accordance with division (A) 45236  
of this section. 45237

The fee levied under division (B)(1) of this section shall be 45238  
not less than one dollar per ton nor more than two dollars per 45239

ton, the fee levied under division (B)(2) of this section shall be 45240  
not less than two dollars per ton nor more than four dollars per 45241  
ton, and the fee levied under division (B)(3) of this section 45242  
shall be not more than the fee levied under division (B)(1) of 45243  
this section. 45244

Prior to the approval of the solid waste management plan of a 45245  
district under section 3734.55 of the Revised Code, the solid 45246  
waste management policy committee of a district may levy fees 45247  
under this division by adopting a resolution establishing the 45248  
proposed amount of the fees. Upon adopting the resolution, the 45249  
committee shall deliver a copy of the resolution to the board of 45250  
county commissioners of each county forming the district and to 45251  
the legislative authority of each municipal corporation and 45252  
township under the jurisdiction of the district and shall prepare 45253  
and publish the resolution and a notice of the time and location 45254  
where a public hearing on the fees will be held. Upon adopting the 45255  
resolution, the committee shall deliver written notice of the 45256  
adoption of the resolution; of the amount of the proposed fees; 45257  
and of the date, time, and location of the public hearing to the 45258  
director and to the fifty industrial, commercial, or institutional 45259  
generators of solid wastes within the district that generate the 45260  
largest quantities of solid wastes, as determined by the 45261  
committee, and to their local trade associations. The committee 45262  
shall make good faith efforts to identify those generators within 45263  
the district and their local trade associations, but the 45264  
nonprovision of notice under this division to a particular 45265  
generator or local trade association does not invalidate the 45266  
proceedings under this division. The publication shall occur at 45267  
least thirty days before the hearing. After the hearing, the 45268  
committee may make such revisions to the proposed fees as it 45269  
considers appropriate and thereafter, by resolution, shall adopt 45270  
the revised fee schedule. Upon adopting the revised fee schedule, 45271  
the committee shall deliver a copy of the resolution doing so to 45272

the board of county commissioners of each county forming the 45273  
district and to the legislative authority of each municipal 45274  
corporation and township under the jurisdiction of the district. 45275  
Within sixty days after the delivery of a copy of the resolution 45276  
adopting the proposed revised fees by the policy committee, each 45277  
such board and legislative authority, by ordinance or resolution, 45278  
shall approve or disapprove the revised fees and deliver a copy of 45279  
the ordinance or resolution to the committee. If any such board or 45280  
legislative authority fails to adopt and deliver to the policy 45281  
committee an ordinance or resolution approving or disapproving the 45282  
revised fees within sixty days after the policy committee 45283  
delivered its resolution adopting the proposed revised fees, it 45284  
shall be conclusively presumed that the board or legislative 45285  
authority has approved the proposed revised fees. The committee 45286  
shall determine if the resolution has been ratified in the same 45287  
manner in which it determines if a draft solid waste management 45288  
plan has been ratified under division (B) of section 3734.55 of 45289  
the Revised Code. 45290

The committee may amend the schedule of fees levied pursuant 45291  
to a resolution adopted and ratified under this division by 45292  
adopting a resolution establishing the proposed amount of the 45293  
amended fees. The committee may repeal the fees levied pursuant to 45294  
such a resolution by adopting a resolution proposing to repeal 45295  
them. Upon adopting such a resolution, the committee shall proceed 45296  
to obtain ratification of the resolution in accordance with this 45297  
division. 45298

Not later than fourteen days after declaring the new fees to 45299  
be ratified or the fees to be repealed under this division, the 45300  
committee shall notify by certified mail the owner or operator of 45301  
each solid waste disposal facility that is required to collect the 45302  
fees of the ratification and the amount of the fees or of the 45303  
repeal of the fees. Collection of any fees shall commence or 45304

collection of repealed fees shall cease on the first day of the 45305  
second month following the month in which notification is sent to 45306  
the owner or operator. 45307

Fees levied under this division also may be established, 45308  
amended, or repealed by a solid waste management policy committee 45309  
through the adoption of a new district solid waste management 45310  
plan, the adoption of an amended plan, or the amendment of the 45311  
plan or amended plan in accordance with sections 3734.55 and 45312  
3734.56 of the Revised Code or the adoption or amendment of a 45313  
district plan in connection with a change in district composition 45314  
under section 3734.521 of the Revised Code. 45315

Not later than fourteen days after the director issues an 45316  
order approving a district's solid waste management plan, amended 45317  
plan, or amendment to a plan or amended plan that establishes, 45318  
amends, or repeals a schedule of fees levied by the district, the 45319  
committee shall notify by certified mail the owner or operator of 45320  
each solid waste disposal facility that is required to collect the 45321  
fees of the approval of the plan or amended plan, or the amendment 45322  
to the plan, as appropriate, and the amount of the fees, if any. 45323  
In the case of an initial or amended plan approved under section 45324  
3734.521 of the Revised Code in connection with a change in 45325  
district composition, other than one involving the withdrawal of a 45326  
county from a joint district, the committee, within fourteen days 45327  
after the change takes effect pursuant to division (G) of that 45328  
section, shall notify by certified mail the owner or operator of 45329  
each solid waste disposal facility that is required to collect the 45330  
fees that the change has taken effect and of the amount of the 45331  
fees, if any. Collection of any fees shall commence or collection 45332  
of repealed fees shall cease on the first day of the second month 45333  
following the month in which notification is sent to the owner or 45334  
operator. 45335

If, in the case of a change in district composition involving 45336

the withdrawal of a county from a joint district, the director 45337  
completes the actions required under division (G)(1) or (3) of 45338  
section 3734.521 of the Revised Code, as appropriate, forty-five 45339  
days or more before the beginning of a calendar year, the policy 45340  
committee of each of the districts resulting from the change that 45341  
obtained the director's approval of an initial or amended plan in 45342  
connection with the change, within fourteen days after the 45343  
director's completion of the required actions, shall notify by 45344  
certified mail the owner or operator of each solid waste disposal 45345  
facility that is required to collect the district's fees that the 45346  
change is to take effect on the first day of January immediately 45347  
following the issuance of the notice and of the amount of the fees 45348  
or amended fees levied under divisions (B)(1) to (3) of this 45349  
section pursuant to the district's initial or amended plan as so 45350  
approved or, if appropriate, the repeal of the district's fees by 45351  
that initial or amended plan. Collection of any fees set forth in 45352  
such a plan or amended plan shall commence on the first day of 45353  
January immediately following the issuance of the notice. If such 45354  
an initial or amended plan repeals a schedule of fees, collection 45355  
of the fees shall cease on that first day of January. 45356

If, in the case of a change in district composition involving 45357  
the withdrawal of a county from a joint district, the director 45358  
completes the actions required under division (G)(1) or (3) of 45359  
section 3734.521 of the Revised Code, as appropriate, less than 45360  
forty-five days before the beginning of a calendar year, the 45361  
director, on behalf of each of the districts resulting from the 45362  
change that obtained the director's approval of an initial or 45363  
amended plan in connection with the change proceedings, shall 45364  
notify by certified mail the owner or operator of each solid waste 45365  
disposal facility that is required to collect the district's fees 45366  
that the change is to take effect on the first day of January 45367  
immediately following the mailing of the notice and of the amount 45368  
of the fees or amended fees levied under divisions (B)(1) to (3) 45369

of this section pursuant to the district's initial or amended plan 45370  
as so approved or, if appropriate, the repeal of the district's 45371  
fees by that initial or amended plan. Collection of any fees set 45372  
forth in such a plan or amended plan shall commence on the first 45373  
day of the second month following the month in which notification 45374  
is sent to the owner or operator. If such an initial or amended 45375  
plan repeals a schedule of fees, collection of the fees shall 45376  
cease on the first day of the second month following the month in 45377  
which notification is sent to the owner or operator. 45378

If the schedule of fees that a solid waste management 45379  
district is levying under divisions (B)(1) to (3) of this section 45380  
is amended or repealed, the fees in effect immediately prior to 45381  
the amendment or repeal shall continue to be collected until 45382  
collection of the amended fees commences or collection of the 45383  
repealed fees ceases, as applicable, as specified in this 45384  
division. In the case of a change in district composition, money 45385  
so received from the collection of the fees of the former 45386  
districts shall be divided among the resulting districts in 45387  
accordance with division (B) of section 343.012 of the Revised 45388  
Code and the agreements entered into under division (B) of section 45389  
343.01 of the Revised Code to establish the former and resulting 45390  
districts and any amendments to those agreements. 45391

For the purposes of the provisions of division (B) of this 45392  
section establishing the times when newly established or amended 45393  
fees levied by a district are required to commence and the 45394  
collection of fees that have been amended or repealed is required 45395  
to cease, "fees" or "schedule of fees" includes, in addition to 45396  
fees levied under divisions (B)(1) to (3) of this section, those 45397  
levied under section 3734.573 or 3734.574 of the Revised Code. 45398

(C) For the purposes of defraying the added costs to a 45399  
municipal corporation or township of maintaining roads and other 45400  
public facilities and of providing emergency and other public 45401

services, and compensating a municipal corporation or township for 45402  
reductions in real property tax revenues due to reductions in real 45403  
property valuations resulting from the location and operation of a 45404  
solid waste disposal facility within the municipal corporation or 45405  
township, a municipal corporation or township in which such a 45406  
solid waste disposal facility is located may levy a fee of not 45407  
more than twenty-five cents per ton on the disposal of solid 45408  
wastes at a solid waste disposal facility located within the 45409  
boundaries of the municipal corporation or township regardless of 45410  
where the wastes were generated. 45411

The legislative authority of a municipal corporation or 45412  
township may levy fees under this division by enacting an 45413  
ordinance or adopting a resolution establishing the amount of the 45414  
fees. Upon so doing the legislative authority shall mail a 45415  
certified copy of the ordinance or resolution to the board of 45416  
county commissioners or directors of the county or joint solid 45417  
waste management district in which the municipal corporation or 45418  
township is located or, if a regional solid waste management 45419  
authority has been formed under section 343.011 of the Revised 45420  
Code, to the board of trustees of that regional authority, the 45421  
owner or operator of each solid waste disposal facility in the 45422  
municipal corporation or township that is required to collect the 45423  
fee by the ordinance or resolution, and the director of 45424  
environmental protection. Although the fees levied under this 45425  
division are levied on the basis of tons as the unit of 45426  
measurement, the legislative authority, in its ordinance or 45427  
resolution levying the fees under this division, may direct that 45428  
the fees be levied on the basis of cubic yards as the unit of 45429  
measurement based upon a conversion factor of three cubic yards 45430  
per ton generally or one cubic yard per ton for baled wastes. 45431

Not later than five days after enacting an ordinance or 45432  
adopting a resolution under this division, the legislative 45433



authority shall so notify by certified mail the owner or operator 45434  
of each solid waste disposal facility that is required to collect 45435  
the fee. Collection of any fee levied on or after March 24, 1992, 45436  
shall commence on the first day of the second month following the 45437  
month in which notification is sent to the owner or operator. 45438

(D)(1) The fees levied under divisions (A), (B), and (C) of 45439  
this section do not apply to the disposal of solid wastes that: 45440

(a) Are disposed of at a facility owned by the generator of 45441  
the wastes when the solid waste facility exclusively disposes of 45442  
solid wastes generated at one or more premises owned by the 45443  
generator regardless of whether the facility is located on a 45444  
premises where the wastes are generated; 45445

(b) Are generated from the combustion of coal, or from the 45446  
combustion of primarily coal, regardless of whether the disposal 45447  
facility is located on the premises where the wastes are 45448  
generated; 45449

(c) Are asbestos or asbestos-containing materials or products 45450  
disposed of at a construction and demolition debris facility that 45451  
is licensed under Chapter 3714. of the Revised Code or at a solid 45452  
waste facility that is licensed under this chapter. 45453

(2) Except as provided in section 3734.571 of the Revised 45454  
Code, any fees levied under division (B)(1) of this section apply 45455  
to solid wastes originating outside the boundaries of a county or 45456  
joint district that are covered by an agreement for the joint use 45457  
of solid waste facilities entered into under section 343.02 of the 45458  
Revised Code by the board of county commissioners or board of 45459  
directors of the county or joint district where the wastes are 45460  
generated and disposed of. 45461

(3) When solid wastes, other than solid wastes that consist 45462  
of scrap tires, are burned in a disposal facility that is an 45463  
incinerator or energy recovery facility, the fees levied under 45464

divisions (A), (B), and (C) of this section shall be levied upon 45465  
the disposal of the fly ash and bottom ash remaining after burning 45466  
of the solid wastes and shall be collected by the owner or 45467  
operator of the sanitary landfill where the ash is disposed of. 45468

(4) When solid wastes are delivered to a solid waste transfer 45469  
facility, the fees levied under divisions (B) and (C) of this 45470  
section shall be levied upon the disposal of solid wastes 45471  
transported off the premises of the transfer facility for disposal 45472  
and shall be collected by the owner or operator of the solid waste 45473  
disposal facility where the wastes are disposed of. 45474

(5) The fees levied under divisions (A), (B), and (C) of this 45475  
section do not apply to sewage sludge that is generated by a waste 45476  
water treatment facility holding a national pollutant discharge 45477  
elimination system permit and that is disposed of through 45478  
incineration, land application, or composting or at another 45479  
resource recovery or disposal facility that is not a landfill. 45480

(6) The fees levied under divisions (A), (B), and (C) of this 45481  
section do not apply to solid wastes delivered to a solid waste 45482  
composting facility for processing. When any unprocessed solid 45483  
waste or compost product is transported off the premises of a 45484  
composting facility and disposed of at a landfill, the fees levied 45485  
under divisions (A), (B), and (C) of this section shall be 45486  
collected by the owner or operator of the landfill where the 45487  
unprocessed waste or compost product is disposed of. 45488

(7) When solid wastes that consist of scrap tires are 45489  
processed at a scrap tire recovery facility, the fees levied under 45490  
divisions (A), (B), and (C) of this section shall be levied upon 45491  
the disposal of the fly ash and bottom ash or other solid wastes 45492  
remaining after the processing of the scrap tires and shall be 45493  
collected by the owner or operator of the solid waste disposal 45494  
facility where the ash or other solid wastes are disposed of. 45495

(8) The director of environmental protection may issue an order exempting from the fees levied under this section solid wastes, including, but not limited to, scrap tires, that are generated, transferred, or disposed of as a result of a contract providing for the expenditure of public funds entered into by the administrator or regional administrator of the United States environmental protection agency, the director of environmental protection, or the director of administrative services on behalf of the director of environmental protection for the purpose of remediating conditions at a hazardous waste facility, solid waste facility, or other location at which the administrator or regional administrator or the director of environmental protection has reason to believe that there is a substantial threat to public health or safety or the environment or that the conditions are causing or contributing to air or water pollution or soil contamination. An order issued by the director of environmental protection under division (D)(8) of this section shall include a determination that the amount of the fees not received by a solid waste management district as a result of the order will not adversely impact the implementation and financing of the district's approved solid waste management plan and any approved amendments to the plan. Such an order is a final action of the director of environmental protection.

(E) The fees levied under divisions (B) and (C) of this section shall be collected by the owner or operator of the solid waste disposal facility where the wastes are disposed of as a trustee for the county or joint district and municipal corporation or township where the wastes are disposed of. Moneys from the fees levied under division (B) of this section shall be forwarded to the board of county commissioners or board of directors of the district in accordance with rules adopted under division (H) of this section. Moneys from the fees levied under division (C) of this section shall be forwarded to the treasurer or such other

officer of the municipal corporation as, by virtue of the charter, 45529  
has the duties of the treasurer or to the fiscal officer of the 45530  
township, as appropriate, in accordance with those rules. 45531

(F) Moneys received by the treasurer or other officer of the 45532  
municipal corporation under division (E) of this section shall be 45533  
paid into the general fund of the municipal corporation. Moneys 45534  
received by the fiscal officer of the township under that division 45535  
shall be paid into the general fund of the township. The treasurer 45536  
or other officer of the municipal corporation or the township 45537  
fiscal officer, as appropriate, shall maintain separate records of 45538  
the moneys received from the fees levied under division (C) of 45539  
this section. 45540

(G) Moneys received by the board of county commissioners or 45541  
board of directors under division (E) of this section or section 45542  
3734.571, 3734.572, 3734.573, or 3734.574 of the Revised Code 45543  
shall be paid to the county treasurer, or other official acting in 45544  
a similar capacity under a county charter, in a county district or 45545  
to the county treasurer or other official designated by the board 45546  
of directors in a joint district and kept in a separate and 45547  
distinct fund to the credit of the district. If a regional solid 45548  
waste management authority has been formed under section 343.011 45549  
of the Revised Code, moneys received by the board of trustees of 45550  
that regional authority under division (E) of this section shall 45551  
be kept by the board in a separate and distinct fund to the credit 45552  
of the district. Moneys in the special fund of the county or joint 45553  
district arising from the fees levied under division (B) of this 45554  
section and the fee levied under division (A) of section 3734.573 45555  
of the Revised Code shall be expended by the board of county 45556  
commissioners or directors of the district in accordance with the 45557  
district's solid waste management plan or amended plan approved 45558  
under section 3734.521, 3734.55, or 3734.56 of the Revised Code 45559  
exclusively for the following purposes: 45560

- (1) Preparation of the solid waste management plan of the district under section 3734.54 of the Revised Code, monitoring implementation of the plan, and conducting the periodic review and amendment of the plan required by section 3734.56 of the Revised Code by the solid waste management policy committee; 45561  
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- (2) Implementation of the approved solid waste management plan or amended plan of the district, including, without limitation, the development and implementation of solid waste recycling or reduction programs; 45566  
45567  
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- (3) Providing financial assistance to boards of health within the district, if solid waste facilities are located within the district, for enforcement of this chapter and rules, orders, and terms and conditions of permits, licenses, and variances adopted or issued under it, other than the hazardous waste provisions of this chapter and rules adopted and orders and terms and conditions of permits issued under those provisions; 45570  
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- (4) Providing financial assistance to each county within the district to defray the added costs of maintaining roads and other public facilities and of providing emergency and other public services resulting from the location and operation of a solid waste facility within the county under the district's approved solid waste management plan or amended plan; 45577  
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- (5) Pursuant to contracts entered into with boards of health within the district, if solid waste facilities contained in the district's approved plan or amended plan are located within the district, for paying the costs incurred by those boards of health for collecting and analyzing samples from public or private water wells on lands adjacent to those facilities; 45583  
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- (6) Developing and implementing a program for the inspection of solid wastes generated outside the boundaries of this state that are disposed of at solid waste facilities included in the 45589  
45590  
45591

district's approved solid waste management plan or amended plan; 45592

(7) Providing financial assistance to boards of health within 45593  
the district for the enforcement of section 3734.03 of the Revised 45594  
Code or to local law enforcement agencies having jurisdiction 45595  
within the district for enforcing anti-littering laws and 45596  
ordinances; 45597

(8) Providing financial assistance to boards of health of 45598  
health districts within the district that are on the approved list 45599  
under section 3734.08 of the Revised Code to defray the costs to 45600  
the health districts for the participation of their employees 45601  
responsible for enforcement of the solid waste provisions of this 45602  
chapter and rules adopted and orders and terms and conditions of 45603  
permits, licenses, and variances issued under those provisions in 45604  
the training and certification program as required by rules 45605  
adopted under division (L) of section 3734.02 of the Revised Code; 45606

(9) Providing financial assistance to individual municipal 45607  
corporations and townships within the district to defray their 45608  
added costs of maintaining roads and other public facilities and 45609  
of providing emergency and other public services resulting from 45610  
the location and operation within their boundaries of a 45611  
composting, energy or resource recovery, incineration, or 45612  
recycling facility that either is owned by the district or is 45613  
furnishing solid waste management facility or recycling services 45614  
to the district pursuant to a contract or agreement with the board 45615  
of county commissioners or directors of the district; 45616

(10) Payment of any expenses that are agreed to, awarded, or 45617  
ordered to be paid under section 3734.35 of the Revised Code and 45618  
of any administrative costs incurred pursuant to that section. In 45619  
the case of a joint solid waste management district, if the board 45620  
of county commissioners of one of the counties in the district is 45621  
negotiating on behalf of affected communities, as defined in that 45622  
section, in that county, the board shall obtain the approval of 45623

the board of directors of the district in order to expend moneys 45624  
for administrative costs incurred. 45625

Prior to the approval of the district's solid waste 45626  
management plan under section 3734.55 of the Revised Code, moneys 45627  
in the special fund of the district arising from the fees shall be 45628  
expended for those purposes in the manner prescribed by the solid 45629  
waste management policy committee by resolution. 45630

Notwithstanding division (G)(6) of this section as it existed 45631  
prior to October 29, 1993, or any provision in a district's solid 45632  
waste management plan prepared in accordance with division 45633  
(B)(2)(e) of section 3734.53 of the Revised Code as it existed 45634  
prior to that date, any moneys arising from the fees levied under 45635  
division (B)(3) of this section prior to January 1, 1994, may be 45636  
expended for any of the purposes authorized in divisions (G)(1) to 45637  
(10) of this section. 45638

(H) The director shall adopt rules in accordance with Chapter 45639  
119. of the Revised Code prescribing procedures for collecting and 45640  
forwarding the fees levied under divisions (B) and (C) of this 45641  
section to the boards of county commissioners or directors of 45642  
county or joint solid waste management districts and to the 45643  
treasurers or other officers of municipal corporations and the 45644  
fiscal officers of townships. The rules also shall prescribe the 45645  
dates for forwarding the fees to the boards and officials and may 45646  
prescribe any other requirements the director considers necessary 45647  
or appropriate to implement and administer divisions (A), (B), and 45648  
(C) of this section. 45649

**Sec. 3734.901.** (A)(1) For the purpose of providing revenue to 45650  
defray the cost of administering and enforcing the scrap tire 45651  
provisions of this chapter, rules adopted under those provisions, 45652  
and terms and conditions of orders, variances, and licenses issued 45653  
under those provisions; to abate accumulations of scrap tires; to 45654

make grants supporting market development activities for scrap 45655  
tires and synthetic rubber from tire manufacturing processes and 45656  
tire recycling processes and to support scrap tire amnesty and 45657  
cleanup events; to make loans to promote the recycling or recovery 45658  
of energy from scrap tires; and to defray the costs of 45659  
administering and enforcing sections 3734.90 to 3734.9014 of the 45660  
Revised Code, a fee of fifty cents per tire is hereby levied on 45661  
the sale of tires. The proceeds of the fee shall be deposited in 45662  
the state treasury to the credit of the scrap tire management fund 45663  
created in section 3734.82 of the Revised Code. The fee is levied 45664  
from the first day of the calendar month that begins next after 45665  
thirty days from October 29, 1993, through June 30, ~~2020~~ 2022. 45666

(2) Beginning on July 1, 2011, and ending on June 30, ~~2020~~ 45667  
2022, there is hereby levied an additional fee of fifty cents per 45668  
tire on the sale of tires the proceeds of which shall be deposited 45669  
in the state treasury to the credit of the soil and water 45670  
conservation district assistance fund created in section 940.15 of 45671  
the Revised Code. 45672

(B) Only one sale of the same article shall be used in 45673  
computing the amount of the fee due. 45674

**Sec. 3735.31.** A metropolitan housing authority created under 45675  
sections 3735.27 to 3735.50 of the Revised Code constitutes a body 45676  
corporate and politic. Nothing in this chapter shall limit the 45677  
authority of a metropolitan housing authority, or a nonprofit 45678  
corporation formed by a metropolitan housing authority to carry 45679  
out its functions, to compete for and perform federal housing 45680  
contracts or grants within or outside this state. To clear, plan, 45681  
redevelop, and rebuild slum areas within the district in which the 45682  
authority is created~~;~~i to provide safe and sanitary housing 45683  
accommodations to families of low income within that district~~;~~i to 45684  
make available, acquire, construct, improve, manage, lease, or own 45685



mixed-use or mixed-income developments, or a combination of such 45686  
developments; or to accomplish any combination of the foregoing 45687  
public purposes, the authority may do any of the following: 45688

(A) Sue and be sued; have a seal; have corporate succession; 45689  
receive grants from state, federal, or other governments, or from 45690  
private sources; conduct investigations into housing and living 45691  
conditions; enter any buildings or property in order to conduct 45692  
its investigations; conduct examinations, subpoena, and require 45693  
the attendance of witnesses and the production of books and 45694  
papers; issue commissions for the examination of witnesses who are 45695  
out of the state or unable to attend before the authority or 45696  
excused from attendance; and in connection with these powers, any 45697  
member of the authority may administer oaths, take affidavits, and 45698  
issue subpoenas; 45699

(B) Determine what areas constitute slum areas, and prepare 45700  
plans for housing or other projects in those areas; purchase, 45701  
lease, sell, exchange, transfer, assign, or mortgage any property, 45702  
real or personal, or any interest in that property, or acquire the 45703  
same by gift, bequest, or eminent domain; own, hold, clear, and 45704  
improve property; provide and set aside housing projects, or 45705  
dwelling units comprising portions of housing projects, designed 45706  
especially for the use of families, the head of which or the 45707  
spouse of which is sixty-five years of age or older; engage in, or 45708  
contract for, the construction, reconstruction, alteration, or 45709  
repair, or both, of any housing project or part of any housing 45710  
project; participate in partnerships or joint ventures relating to 45711  
the development of housing or projects with other public or 45712  
private entities; include in any contract let in connection with a 45713  
project, stipulations requiring that the contractor and any 45714  
subcontractors comply with requirements as to minimum wages and 45715  
maximum hours of labor, and comply with any conditions that the 45716  
federal government has attached to its financial aid of the 45717

project; lease or operate, or both, any project, and establish or 45718  
revise schedules of rents for any projects or part of any project; 45719  
arrange with the county or municipal corporations, or both, for 45720  
the planning and replanning of streets, alleys, and other public 45721  
places or facilities in connection with any area or project; 45722  
borrow money upon its notes, debentures, or other evidences of 45723  
indebtedness, and secure the same by mortgages upon property held 45724  
or to be held by it, or by pledge of its revenues, or in any other 45725  
manner; invest any funds held in reserves or sinking funds or not 45726  
required for immediate disbursements; enter into a shared service 45727  
agreement with another metropolitan housing authority; execute 45728  
contracts and all other instruments necessary or convenient to the 45729  
exercise of the powers granted in this section; make, amend, and 45730  
repeal bylaws and rules to carry into effect its powers and 45731  
purposes; 45732

(C) Borrow money or accept grants or other financial 45733  
assistance from the federal government for or in aid of any 45734  
housing project within its territorial limits; take over or lease 45735  
or manage any housing project or undertaking constructed or owned 45736  
by the federal government; comply with any conditions and enter 45737  
into any mortgages, trust indentures, leases, or agreements that 45738  
are necessary, convenient, or desirable; 45739

(D) Subject to section 3735.311 of the Revised Code, employ a 45740  
police force to protect the lives and property of the residents of 45741  
housing projects within the district, to preserve the peace in the 45742  
housing projects, and to enforce the laws, ordinances, and 45743  
regulations of this state and its political subdivisions in the 45744  
housing projects and, when authorized by law, outside the limits 45745  
of the housing projects. 45746

(E) Enter into an agreement with a county, municipal 45747  
corporation, or township in whose jurisdiction the metropolitan 45748  
housing authority is located that permits metropolitan housing 45749

authority police officers employed under division (D) of this 45750  
section to exercise full arrest powers as provided in section 45751  
2935.03 of the Revised Code, perform any police function, exercise 45752  
any police power, or render any police service within specified 45753  
areas of the county, municipal corporation, or township for the 45754  
purpose of preserving the peace and enforcing all laws of the 45755  
state, ordinances of the municipal corporation, or regulations of 45756  
the township. 45757

**Sec. 3735.33.** Any two or more metropolitan housing 45758  
authorities created under sections 3735.27 to 3735.50 of the 45759  
Revised Code, may join or cooperate with one another in the 45760  
exercise, either jointly or otherwise, of any or all of their 45761  
powers relative to the purpose of financing as provided in 45762  
sections 3735.31 and 3735.45 to 3735.49 of the Revised Code. The 45763  
moneys received from such joint or cooperative financing may be 45764  
used for planning, undertaking, owning, constructing, operating, 45765  
or contracting with respect to a housing project or projects 45766  
located within the area of operation of any one or more of the 45767  
authorities. An authority may by resolution prescribe and 45768  
authorize any other authority or authorities, joining or 45769  
cooperating with it, to act on its behalf with respect to any or 45770  
all powers relative to the purpose of financing, as its agent or 45771  
otherwise, in the name of the authority or authorities so joining 45772  
or cooperating, or in its own name. 45773

Any two or more metropolitan housing authorities created 45774  
under sections 3735.27 to 3735.50 of the Revised Code may enter 45775  
into a shared service agreement. 45776

A metropolitan housing authority may, directly or through its 45777  
subsidiaries or instrumentalities, provide, consult, sell, 45778  
license, transfer, or contract to provide to other metropolitan 45779  
housing authorities, public housing authorities, or other 45780

<u>organizations formed inside or outside of this state, or to</u>	45781
<u>government agencies, housing-related knowledge, technology,</u>	45782
<u>software, innovations, or expertise for any of the following:</u>	45783
<u>(A) The development or redevelopment of housing projects;</u>	45784
<u>(B) The performance of federal housing contracts or grants;</u>	45785
<u>(C) Any matter related to the efficient operation of housing</u>	45786
<u>organizations;</u>	45787
<u>(D) The management or operation of a metropolitan housing</u>	45788
<u>authority or redevelopment authority.</u>	45789
<b>Sec. 3735.40.</b> As used in sections 3735.27, 3735.31, and	45790
3735.40 to 3735.50 of the Revised Code:	45791
(A) "Federal government" includes the United States, the	45792
federal works administrator, or any other agency or	45793
instrumentality, corporate or otherwise, of the United States.	45794
(B) "Slum" has the meaning defined in section 1.08 of the	45795
Revised Code.	45796
(C) "Housing project" or "project" means any of the following	45797
works or undertakings:	45798
(1) Demolish, clear, or remove buildings from any slum area.	45799
Such work or undertaking may embrace the adaptation of such area	45800
to public purposes, including parks or other recreational or	45801
community purposes.	45802
(2) Provide decent, safe, and sanitary urban or rural	45803
dwellings, apartments, or other living accommodations for persons	45804
of low income.	45805
(3) Provide for buildings, land, equipment, facilities, and	45806
other real or personal property for necessary, convenient, or	45807
desirable appurtenances, streets, sewers, water service, parks,	45808
site preparation, gardening, administrative, community, health,	45809

recreational, educational, welfare, commercial, residential, or 45810  
other purposes. 45811

(4) Accomplish a combination of the foregoing. "Housing 45812  
project" also may be applied to the planning of the buildings and 45813  
improvements, the acquisition of property, the demolition of 45814  
existing structures, the construction, reconstruction, alteration, 45815  
and repair of the improvements, and all other work in connection 45816  
therewith. 45817

(D) "Families of low income" ~~means~~ and "persons of low 45818  
income" mean persons or families who lack the amount of income 45819  
which is necessary, as determined by the metropolitan housing 45820  
authority undertaking the housing project, to enable them, without 45821  
financial assistance, to live in decent, safe, and sanitary 45822  
dwellings, without overcrowding. The terms include persons or 45823  
families as defined by federal law or regulations who are eligible 45824  
for a federally derived rent subsidy. 45825

(E) "Families" means families consisting of two or more 45826  
persons, a single person who has attained the age at which an 45827  
individual may elect to receive an old age benefit under Title II 45828  
of the "Social Security Act" or is under disability as defined in 45829  
section 223 of that act, 49 Stat. 622 (1935), 42 U.S.C.A. 401, as 45830  
amended, or the remaining member of a tenant family. 45831

(F) "Families" also means a single person discharged by the 45832  
head of a hospital pursuant to section 5122.21 of the Revised Code 45833  
after March 10, 1964. 45834

(G) "Mixed-income development" means a development that 45835  
includes decent, safe, and sanitary urban or rural dwellings, 45836  
apartments, or other living accommodations for persons or families 45837  
of varying incomes. 45838

(H) "Mixed-use development" means a development that is both 45839  
residential and nonresidential in character. 45840

Sec. 3735.41. Except as otherwise provided in section 3735.43 45841  
of the Revised Code, in the operation or management of housing 45842  
projects a metropolitan housing authority shall observe the 45843  
following with respect to rentals and tenant selection: 45844

(A)(1) It shall not provide a federally derived rent subsidy 45845  
to any tenant for any dwelling in a housing project if the persons 45846  
who would occupy the dwelling have an aggregate annual net income 45847  
that equals or exceeds the amount that the authority determines to 45848  
be necessary to enable such persons to do both of the following: 45849

(a) Secure safe, sanitary, and uncongested dwelling 45850  
accommodations within the area of operation of the authority; 45851

(b) Provide an adequate standard of living for themselves. 45852

(2) As used in this division, "aggregate annual net income" 45853  
means the aggregate annual income less the deductions and 45854  
exemptions from that income authorized by law or regulations 45855  
established by the United States department of housing and urban 45856  
development. 45857

(B) ~~It~~ (1) Except as provided in division (B)(2) of this 45858  
section, it may rent or lease the dwelling accommodations therein 45859  
only at rentals within the financial reach of persons who lack the 45860  
amount of income which it determines, pursuant to division (A) of 45861  
this section, to be necessary in order to obtain safe, sanitary, 45862  
and uncongested dwelling accommodations within the area of 45863  
operation of the authority and to provide an adequate standard of 45864  
living. 45865

(2) It may rent or lease to nonresidential tenants and 45866  
persons of varying incomes within a project, mixed-use 45867  
development, or mixed-income development. 45868

(C) It may use a federally derived rent subsidy to rent or 45869  
lease to a tenant a dwelling consisting of the number of rooms, 45870

but no greater number, which it considers necessary to provide 45871  
safe and sanitary accommodations to the proposed occupants 45872  
thereof, without overcrowding. 45873

Sections 3735.27 to 3735.50 of the Revised Code do not limit 45874  
the power of an authority to vest in a bondholder the right, in 45875  
the event of a default by such authority, to take possession of a 45876  
housing project or cause the appointment of a receiver thereof or 45877  
acquire title thereto through foreclosure proceedings, free from 45878  
all the restrictions imposed by such sections. 45879

**Sec. 3735.661.** (A) For the purpose of determining the "first 45880  
two amendments" referenced in division (B) of Section 3 of Am. 45881  
Sub. S.B. 19 of the 120th general assembly, an amendment means any 45882  
modification to an ordinance or resolution adopted under section 45883  
3735.66 of the Revised Code that does any of the following: 45884

(1) Expands the geographic size of a community reinvestment 45885  
area; 45886

(2) Increases a property's or category of property's exempted 45887  
percentage of assessed valuation, notwithstanding the requirements 45888  
of section 3735.66 of the Revised Code as that section existed on 45889  
July 21, 1994. Division (A)(2) of this section does not authorize 45890  
a municipal corporation or county to increase a property's or 45891  
category of property's exempted percentage of assessed valuation 45892  
pursuant to that section. 45893

(3) Increases the term of any tax exemption or category of 45894  
tax exemptions, except as provided in division (B)~~(6)~~(7) of this 45895  
section; 45896

(4) Extends the duration of a community reinvestment area; 45897

(5) Changes eligibility requirements for receiving tax 45898  
exemptions. 45899

(B) For the purpose of determining the "first two amendments" 45900

in division (B) of Section 3 of Am. Sub. S.B. 19 of the 120th 45901  
general assembly, an amendment does not include any modification 45902  
to an ordinance or resolution adopted under section 3735.66 of the 45903  
Revised Code that does any of the following: 45904

(1) Restricts the availability of tax exemptions, including 45905  
any of the following: 45906

(a) Removes area from or decreases the geographic size of a 45907  
community reinvestment area; 45908

(b) Decreases a property's or category of property's exempted 45909  
percentage of assessed valuation, notwithstanding the requirements 45910  
of section 3735.66 of the Revised Code as that section existed on 45911  
July 21, 1994. Division (B)(1)(b) of this section does not 45912  
authorize a municipal corporation or county to decrease a 45913  
property's or category of property's exempted percentage of 45914  
assessed valuation pursuant to that section. 45915

(c) Decreases the term of any tax exemption or category of 45916  
exemption; 45917

(d) Shortens the period of time after which the granting of 45918  
tax exemptions may be terminated. 45919

(2) Requires property owners or developers to enter into an 45920  
agreement to provide a number of affordable housing units as a 45921  
condition of granting, continuing, or revoking an exemption, and 45922  
authorizing municipal or county officials to implement such 45923  
conditions and agreements; 45924

(3) Recognizes or confirms the continuing existence of a 45925  
community reinvestment area, including by providing a date after 45926  
which the area may be terminated; 45927

~~(3)~~(4) Recognizes or confirms a previously granted tax 45928  
exemption; 45929

~~(4)~~(5) Clarifies ambiguities or corrects defects in 45930



previously enacted ordinances or resolutions; 45931

~~(5)~~(6) Makes modifications that are procedural or 45932  
administrative, including changing the designation of a housing 45933  
officer, the process for approving or appealing a tax exemption, 45934  
or the amount of any application fee, or modifying a community 45935  
reinvestment area housing council created under section 3735.69 of 45936  
the Revised Code or a tax incentive review council under section 45937  
5709.85 of the Revised Code; 45938

~~(6)~~(7) Increases the term of tax exemption for remodeling to 45939  
not more than that authorized by H.B. 463 of the 131st general 45940  
assembly for an exemption application that has been filed but not 45941  
yet granted, or has been filed, on or after April 6, 2017, or that 45942  
is filed on or after any other later date, provided the maximum 45943  
term of the exemption for such remodeling before the ordinance's 45944  
or resolution's modification was the maximum term allowed under 45945  
division (D)(1) or (2) of section 3735.67 of the Revised Code as 45946  
that section existed before its amendment by H.B. 463 of the 131st 45947  
general assembly. 45948

**Sec. 3738.01.** (A) As used in this section and sections 45949  
3738.02 to 3738.09 of the Revised Code, "pregnancy-associated 45950  
death" means the death of a woman while pregnant or anytime within 45951  
one year of pregnancy regardless of cause. 45952

(B) There is hereby established in the department of health a 45953  
pregnancy-associated mortality review (PAMR) board to identify and 45954  
review all pregnancy-associated deaths statewide for the purpose 45955  
of reducing the incidence of those deaths. 45956

**Sec. 3738.02.** The PAMR board may not conduct a review of a 45957  
pregnancy-associated death while an investigation of the death or 45958  
prosecution of a person for causing the death is pending unless 45959  
the prosecuting attorney agrees to allow the review. The law 45960

enforcement agency conducting the criminal investigation, on the 45961  
conclusion of the investigation, and the prosecuting attorney 45962  
prosecuting the case, on the conclusion of the prosecution, shall 45963  
notify the chairperson of the PAMR board of the conclusion. 45964

Sec. 3738.03. All of the following apply with respect to the 45965  
PAMR board: 45966

(A) The director of health shall appoint the board's members. 45967  
In doing so, the director shall make a good faith effort to select 45968  
members who represent all regions of the state and multiple areas 45969  
of expertise and constituencies concerned with the care of 45970  
pregnant and postpartum women. 45971

(B) The board, by a majority vote of a quorum of its members, 45972  
shall select an individual to serve as its chairperson. The board 45973  
may replace a chairperson in the same manner. 45974

(C) An appointed member shall hold office until a successor 45975  
is appointed. The director of health shall fill a vacancy as soon 45976  
as practicable. 45977

(D) A member shall not receive any compensation for, and 45978  
shall not be paid for any expenses incurred pursuant to, 45979  
fulfilling the member's duties on the board. 45980

(E) The board shall meet at the call of the board's 45981  
chairperson as often as the chairperson determines necessary for 45982  
timely completion of pregnancy-associated death reviews. The 45983  
reviews shall be conducted in accordance with rules adopted under 45984  
section 3738.09 of the Revised Code. 45985

(F) The department of health shall provide meeting space, 45986  
staff services, and other technical assistance required by the 45987  
board in carrying out its duties. 45988

Sec. 3738.04. The PAMR board shall seek to reduce the 45989

incidence of pregnancy-associated deaths in this state by doing 45990  
all of the following: 45991

(A) Promoting cooperation, collaboration, and communication 45992  
between all groups, professions, agencies, and entities that serve 45993  
pregnant and postpartum women and families; 45994

(B) Recommending and developing plans for implementing 45995  
service and program changes, as well as changes to the groups, 45996  
professions, agencies, and entities that serve pregnant and 45997  
postpartum women and families; 45998

(C) Providing the department of health with aggregate data, 45999  
trends, and patterns regarding pregnancy-associated deaths using 46000  
data and other relevant information specified in rules adopted 46001  
under section 3738.09 of the Revised Code; 46002

(D) Developing effective interventions to reduce the 46003  
mortality of pregnant and postpartum women. 46004

**Sec. 3738.05.** (A) Notwithstanding section 3701.243 and any 46005  
other section of the Revised Code pertaining to confidentiality, 46006  
and except as provided in division (B) of this section, an 46007  
individual, government entity, agency that provides services 46008  
specifically to individuals or families, law enforcement agency, 46009  
health care provider, or other public or private entity that 46010  
provided services to a woman whose death is being reviewed by the 46011  
PAMR board shall submit to the board a copy of any record it 46012  
possesses that the board requests. In addition, such an individual 46013  
or entity may make available to the board additional information, 46014  
documents, or reports that could be useful to the board's 46015  
investigation. 46016

(B) No person, government entity, law enforcement agency, or 46017  
prosecuting attorney shall provide any information regarding a 46018  
pregnancy-associated death while an investigation of the death or 46019

prosecution of a person for causing the death is pending unless 46020  
the prosecuting attorney agrees to allow the review. 46021

(C) A family member of the deceased may decline to 46022  
participate in an interview as part of the review process. In that 46023  
case, the review shall continue without the family member's 46024  
participation. 46025

**Sec. 3738.06.** (A) Any record, document, report, or other 46026  
information presented to the PAMR board, as well as all statements 46027  
made by board members during board meetings, all work products of 46028  
the board, and data submitted to the department of health by the 46029  
board, other than the biennial reports described in section 46030  
3738.08 of the Revised Code, are confidential and not a public 46031  
record under section 149.43 of the Revised Code. Such materials 46032  
shall be used by the board and department only in the exercise of 46033  
the proper functions of the board and department. 46034

(B) No person shall permit or encourage the unauthorized 46035  
dissemination of confidential information described in division 46036  
(A) of this section. 46037

(C) Whoever violates division (B) of this section is guilty 46038  
of a misdemeanor of the second degree. 46039

**Sec. 3738.07.** (A) An individual or public or private entity 46040  
providing records, documents, reports, or other information to the 46041  
PAMR board is immune from any civil liability for injury, death, 46042  
or loss to person or property that otherwise might be incurred or 46043  
imposed as a result of providing the records, documents, reports, 46044  
or information to the board. 46045

(B) Each board member is immune from any civil liability for 46046  
injury, death, or loss to person or property that might otherwise 46047  
be incurred or imposed as a result of the member's participation 46048  
on the board. 46049

Sec. 3738.08. (A) The PAMR board shall prepare a biennial report that does all of the following: 46050  
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(1) Summarizes the board's findings from the reviews completed in the immediately preceding two calendar years, including any trends or patterns identified by the board; 46052  
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(2) Makes recommendations on how pregnancy-associated deaths may be prevented, including changes that should be made to policies and laws; 46055  
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(3) Includes any other information related to pregnancy-associated mortality the board considers useful. 46058  
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(B) A report shall not contain individually identifiable information regarding any woman whose death was reviewed by the board. 46060  
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(C) The board shall submit a copy of each report to the director of health, the general assembly, and the governor. The copy to the general assembly shall be submitted in accordance with section 101.68 of the Revised Code. The initial report shall be submitted not later than March 1, 2020, with subsequent reports submitted not later than March 1 every two years thereafter. 46063  
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The director shall make a copy of each report available on the department of health's web site. 46069  
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(D) Reports prepared under this section are public records under section 149.43 of the Revised Code. 46071  
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Sec. 3738.09. The director of health shall adopt rules that are necessary for the implementation of sections 3738.01 to 3738.08 of the Revised Code, including rules that do all of the following: 46073  
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(A) Establish a procedure for the PAMR board to follow in conducting pregnancy-associated death reviews; 46077  
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(B) Specify the data and other relevant information the board must use when conducting pregnancy-associated death reviews; 46079  
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(C) Establish guidelines for the board to follow to prevent an unauthorized dissemination of confidential information in violation of division (B) of section 3738.06 of the Revised Code. 46081  
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The rules shall be adopted in accordance with Chapter 119. of the Revised Code. 46084  
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**Sec. 3742.03.** The director of health shall adopt rules in accordance with Chapter 119. of the Revised Code for the administration and enforcement of sections 3742.01 to 3742.19 and 3742.99 of the Revised Code. The rules shall specify all of the following: 46086  
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(A) Procedures to be followed by a lead abatement contractor, lead abatement project designer, lead abatement worker, lead inspector, or lead risk assessor licensed under section 3742.05 of the Revised Code for undertaking lead abatement activities and procedures to be followed by a clearance technician, lead inspector, or lead risk assessor in performing a clearance examination; 46091  
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(B)(1) Requirements for training and licensure, in addition to those established under section 3742.08 of the Revised Code, to include levels of training and periodic refresher training for each class of worker, and to be used for licensure under section 3742.05 of the Revised Code. Except in the case of clearance technicians, these requirements shall include at least twenty-four classroom hours of training based on the Occupational Safety and Health Act training program for lead set forth in 29 C.F.R. 1926.62. For clearance technicians, the training requirements to obtain an initial license shall not exceed six hours and the requirements for refresher training shall not exceed two hours every four years. In establishing the training and licensure 46098  
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requirements, the director shall consider the core of information 46110  
that is needed by all licensed persons, and establish the training 46111  
requirements so that persons who would seek licenses in more than 46112  
one area would not have to take duplicative course work. 46113

(2) Persons certified by the American board of industrial 46114  
hygiene as a certified industrial hygienist or as an industrial 46115  
hygienist-in-training, and persons registered as a sanitarian or 46116  
sanitarian-in-training under Chapter 4736. of the Revised Code, 46117  
shall be exempt from any training requirements for initial 46118  
licensure established under this chapter, but shall be required to 46119  
take any examinations for licensure required under section 3742.05 46120  
of the Revised Code. 46121

(C) Fees for licenses issued under section 3742.05 of the 46122  
Revised Code and for their renewal; 46123

(D) Procedures to be followed by lead inspectors, lead 46124  
abatement contractors, environmental lead analytical laboratories, 46125  
lead risk assessors, lead abatement project designers, and lead 46126  
abatement workers to prevent public exposure to lead hazards and 46127  
ensure worker protection during lead abatement projects; 46128

(E)(1) Record-keeping and reporting requirements for clinical 46129  
laboratories, environmental lead analytical laboratories, lead 46130  
inspectors, lead abatement contractors, lead risk assessors, lead 46131  
abatement project designers, and lead abatement workers for lead 46132  
abatement projects and record-keeping and reporting requirements 46133  
for clinical laboratories, environmental lead analytical 46134  
laboratories, and clearance technicians for clearance 46135  
examinations; 46136

(2) Record-keeping and reporting requirements regarding lead 46137  
poisoning for physicians, ~~in addition to the requirements of~~ 46138  
~~section 3701.25 of the Revised Code;~~ 46139

(3) Information that is required to be reported under rules 46140

based on divisions (E)(1) and (2) of this section and that is a 46141  
medical record is not a public record under section 149.43 of the 46142  
Revised Code and shall not be released, except in aggregate 46143  
statistical form. 46144

(F) Environmental sampling techniques for use in collecting 46145  
samples of air, water, dust, paint, and other materials; 46146

(G) Requirements for a respiratory protection plan prepared 46147  
in accordance with section 3742.07 of the Revised Code; 46148

(H) Requirements under which a manufacturer of encapsulants 46149  
must demonstrate evidence of the safety and durability of its 46150  
encapsulants by providing results of testing from an independent 46151  
laboratory indicating that the encapsulants meet the standards 46152  
developed by the "E06.23.30 task group on encapsulants," which is 46153  
the task group of the lead hazards associated with buildings 46154  
subcommittee of the performance of buildings committee of the 46155  
American society for testing and materials. 46156

**Sec. 3742.04.** (A) The director of health shall do all of the 46157  
following: 46158

(1) Administer and enforce the requirements of sections 46159  
3742.01 to 3742.19 and 3742.99 of the Revised Code and the rules 46160  
adopted pursuant to those sections; 46161

(2) Examine records and reports submitted by lead inspectors, 46162  
lead abatement contractors, lead risk assessors, lead abatement 46163  
project designers, lead abatement workers, and clearance 46164  
technicians in accordance with section 3742.05 of the Revised Code 46165  
to determine whether the requirements of this chapter are being 46166  
met; 46167

(3) Examine records and reports submitted by physicians, 46168  
pursuant to rules adopted under section 3742.03 of the Revised 46169  
Code and by clinical laboratories, and environmental lead 46170



analytical laboratories under section ~~3701.25~~ or 3742.09 of the Revised Code; 46171  
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(4) Issue approval to manufacturers of encapsulants that have done all of the following: 46173  
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(a) Submitted an application for approval to the director on a form prescribed by the director; 46175  
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(b) Paid the application fee established by the director; 46177

(c) Submitted results from an independent laboratory indicating that the manufacturer's encapsulants satisfy the requirements established in rules adopted under division (H) of section 3742.03 of the Revised Code; 46178  
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46180  
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(d) Complied with rules adopted by the director regarding durability and safety to workers and residents. 46182  
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(5) Establish liaisons and cooperate with the directors or agencies in states having lead abatement, licensing, accreditation, certification, and approval programs to promote consistency between the requirements of this chapter and those of other states in order to facilitate reciprocity of the programs among states; 46184  
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(6) Establish a program to monitor and audit the quality of work of lead inspectors, lead risk assessors, lead abatement project designers, lead abatement contractors, lead abatement workers, and clearance technicians. The director may refer improper work discovered through the program to the attorney general for appropriate action. 46190  
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(B) In addition to any other authority granted by this chapter, the director of health may do any of the following: 46196  
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(1) Employ persons who have received training from a program the director has determined provides the necessary background. The appropriate training may be obtained in a state that has an 46198  
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ongoing lead abatement program under which it conducts educational 46201  
programs. 46202

(2) Cooperate with the United States environmental protection 46203  
agency in any joint oversight procedures the agency may propose 46204  
for laboratories that offer lead analysis services and are 46205  
accredited under the agency's laboratory accreditation program; 46206

(3) Advise, consult, cooperate with, or enter into contracts 46207  
or cooperative agreements with any person, government entity, 46208  
interstate agency, or the federal government as the director 46209  
considers necessary to fulfill the requirements of this chapter 46210  
and the rules adopted under it. 46211

**Sec. 3742.18.** (A)(1) At the request of the director of 46212  
health, the attorney general may commence a civil action for civil 46213  
penalties and injunctive and other equitable relief against any 46214  
person who violates section 3742.02, 3742.06, or 3742.07 of the 46215  
Revised Code. The action shall be commenced in the court of common 46216  
pleas of the county in which the violation occurred or is about to 46217  
occur. 46218

(2) The court shall grant injunctive and other equitable 46219  
relief on a showing that the person has violated or is about to 46220  
violate section 3742.02, 3742.06, or 3742.07 of the Revised Code. 46221  
On a finding of a violation, the court shall assess a civil 46222  
penalty of not more than one thousand dollars. Each day a 46223  
violation continues is a separate violation. All civil penalties 46224  
collected by the court under this section shall be deposited into 46225  
the state treasury to the credit of the lead abatement personnel 46226  
licensing fund created under section 3742.19 of the Revised Code. 46227

(B) At the request of the director or a board of health, a 46228  
prosecuting attorney, city director of law, village solicitor, or 46229  
similar chief legal officer may commence a civil action for 46230  
injunctive and other equitable relief against any person who 46231

violates or is about to violate an order issued by the director or 46232  
board of health under section 3742.40 of the Revised Code. The 46233  
court shall grant injunctive or other equitable relief on a 46234  
showing that the person has violated or is about to violate the 46235  
order. 46236

**Sec. 3742.32.** (A) The director of health shall appoint an 46237  
advisory council to assist in the ongoing development and 46238  
implementation of the child lead poisoning prevention program 46239  
created under section 3742.31 of the Revised Code. The advisory 46240  
council shall consist of the following members: 46241

(1) A representative of the department of medicaid; 46242

(2) A representative of the bureau of child care in the 46243  
department of job and family services; 46244

(3) A representative of the department of environmental 46245  
protection; 46246

(4) A representative of the department of education; 46247

(5) A representative of the development services agency; 46248

(6) A representative of the Ohio apartment owner's 46249  
association; 46250

(7) A representative of the Ohio ~~help end lead poisoning~~ 46251  
~~coalition~~ healthy homes network; 46252

(8) A representative of the Ohio environmental health 46253  
association; 46254

(9) An Ohio representative of the ~~national paint and~~ American 46255  
coatings association; 46256

(10) A representative from Ohio realtors; 46257

(11) A representative of the Ohio housing finance agency; 46258

(12) A physician knowledgeable in the field of lead poisoning 46259

<u>prevention;</u>	46260
<u>(13) A representative of the public.</u>	46261
(B) The advisory council shall do both of the following:	46262
(1) Provide the director with advice regarding the policies	46263
the child lead poisoning prevention program should emphasize,	46264
preferred methods of financing the program, and any other matter	46265
relevant to the program's operation;	46266
(2) Submit a report of the state's activities to the	46267
governor, president of the senate, and speaker of the house of	46268
representatives on or before the first day of March each year.	46269
(C) The advisory council is not subject to sections 101.82 to	46270
101.87 of the Revised Code.	46271
<b>Sec. 3742.40.</b> If the owner and manager of a residential unit,	46272
child care facility, or school fails or refuses for any reason to	46273
comply with a lead hazard control order issued under section	46274
3742.37 of the Revised Code, the director of health or board of	46275
health that issued the order shall issue an order prohibiting the	46276
owner and manager from permitting the unit, facility, or school to	46277
be used as <del>a residential unit, child care facility, or school</del> <u>for</u>	46278
<u>any purpose</u> until the unit, facility, or school passes a clearance	46279
examination. On receipt of the order, the owner or manager shall	46280
take appropriate measures to notify each occupant, in the case of	46281
a residential unit, and the parent, guardian, or custodian of each	46282
child attending the facility or school, in the case of a child	46283
care facility or school, to vacate the unit, facility, or school	46284
until the unit, facility, or school passes a clearance	46285
examination. The director or board shall post a sign at the unit,	46286
facility, or school that warns the public that the unit, facility,	46287
or school has a lead hazard. The sign shall include a declaration	46288
that the unit, facility, or school is unsafe for human occupation,	46289

especially for children under six years of age and pregnant women. 46290  
The director or board shall ensure that the sign remains posted at 46291  
the unit, facility, or school and that the unit, facility, or 46292  
school is not used as a residential unit, child care facility, or 46293  
school until the unit, facility, or school passes a clearance 46294  
examination. 46295

Sec. 3742.50. (A) As used in this section: 46296

(1) "Lead abatement costs" means costs incurred by a taxpayer 46297  
for either of the following: 46298

(a) A lead abatement specialist to conduct a lead risk 46299  
assessment, a lead abatement project, or a clearance examination, 46300  
provided the specialist is authorized under this chapter to 46301  
conduct the respective task; 46302

(b) Relocation costs incurred in the relocation of occupants 46303  
of an eligible dwelling to achieve occupant protection, as 46304  
described in 24 C.F.R. 35.1345(a). 46305

"Lead abatement costs" do not include such costs for which 46306  
the taxpayer is reimbursed or such costs the taxpayer deducts or 46307  
excludes in computing the taxpayer's federal adjusted gross income 46308  
for federal income tax purposes or Ohio adjusted gross income as 46309  
determined under section 5747.01 of the Revised Code. 46310

(2) "Eligible dwelling" means a residential unit constructed 46311  
in this state before 1978. 46312

(3) "Lead abatement specialist" means an individual who holds 46313  
a valid license issued under section 3742.05 of the Revised Code. 46314

(4) "Taxable year" and "taxpayer" have the same meanings as 46315  
in section 5747.01 of the Revised Code. 46316

(B) A taxpayer who incurs lead abatement costs on an eligible 46317  
dwelling during a taxable year may apply to the director of health 46318

for a lead abatement tax credit certificate. The applicant shall 46319  
list on the application the amount of lead abatement costs the 46320  
applicant incurred for the eligible dwelling during the taxable 46321  
year. The director, in consultation with the tax commissioner, 46322  
shall prescribe the form of a lead abatement tax credit 46323  
certificate, the manner by which an applicant shall apply for the 46324  
certificate, and requirements for the submission of any record or 46325  
other information an applicant must furnish with the application 46326  
to verify the lead abatement costs. 46327

(C)(1) Upon receipt of an application under division (B) of 46328  
this section, the director of health shall verify all of the 46329  
following: 46330

(a) The residential unit that is the subject of the 46331  
application is an eligible dwelling. 46332

(b) The taxpayer incurred lead abatement costs during the 46333  
taxable year related to the eligible dwelling. 46334

(c) The eligible dwelling has passed a clearance examination 46335  
in accordance with standards prescribed in rules adopted by the 46336  
director under section 3742.03 or 3742.45 of the Revised Code. 46337

(2) After verifying the conditions described in division 46338  
(C)(1) of this section, the director shall issue a lead abatement 46339  
tax credit certificate to the applicant equal to the lesser of (a) 46340  
the lead abatement costs incurred by the taxpayer on the eligible 46341  
dwelling during the taxable year, (b) the amount of lead abatement 46342  
costs listed on the application, or (c) ten thousand dollars, 46343  
subject to the limitation in division (C)(3) of this section. 46344

(3) The director may not issue more than five million dollars 46345  
in lead abatement tax credit certificates in any fiscal year. 46346

(D) The director of health, in consultation with the tax 46347  
commissioner, may adopt rules in accordance with Chapter 119. of 46348  
the Revised Code as necessary for the administration of this 46349

section. 46350

**Sec. 3743.75.** (A) During the period beginning on June 29, 46351  
2001, and ending on December 31, ~~2019~~ 2020, the state fire marshal 46352  
shall not do any of the following: 46353

(1) Issue a license as a manufacturer of fireworks under 46354  
sections 3743.02 and 3743.03 of the Revised Code to a person for a 46355  
particular fireworks plant unless that person possessed such a 46356  
license for that fireworks plant immediately prior to June 29, 46357  
2001; 46358

(2) Issue a license as a wholesaler of fireworks under 46359  
sections 3743.15 and 3743.16 of the Revised Code to a person for a 46360  
particular location unless that person possessed such a license 46361  
for that location immediately prior to June 29, 2001; 46362

(3) Except as provided in division (B) of this section, 46363  
approve the geographic transfer of a license as a manufacturer or 46364  
wholesaler of fireworks issued under this chapter to any location 46365  
other than a location for which a license was issued under this 46366  
chapter immediately prior to June 29, 2001. 46367

(B) Division (A)(3) of this section does not apply to a 46368  
transfer that the state fire marshal approves under division (F) 46369  
of section 3743.17 of the Revised Code. 46370

(C) Notwithstanding section 3743.59 of the Revised Code, the 46371  
prohibited activities established in divisions (A)(1) and (2) of 46372  
this section, geographic transfers approved pursuant to division 46373  
(F) of section 3743.17 of the Revised Code, and storage locations 46374  
allowed pursuant to division (I) of section 3743.04 of the Revised 46375  
Code or division (G) of section 3743.17 of the Revised Code are 46376  
not subject to any variance, waiver, or exclusion. 46377

(D) As used in division (A) of this section: 46378

(1) "Person" includes any person or entity, in whatever form 46379

or name, that acquires possession of a manufacturer or wholesaler 46380  
of fireworks license issued pursuant to this chapter by transfer 46381  
of possession of a license, whether that transfer occurs by 46382  
purchase, assignment, inheritance, bequest, stock transfer, or any 46383  
other type of transfer, on the condition that the transfer is in 46384  
accordance with division (D) of section 3743.04 of the Revised 46385  
Code or division (D) of section 3743.17 of the Revised Code and is 46386  
approved by the fire marshal. 46387

(2) "Particular location" includes a licensed premises and, 46388  
regardless of when approved, any storage location approved in 46389  
accordance with section 3743.04 or 3743.17 of the Revised Code. 46390

(3) "Such a license" includes a wholesaler of fireworks 46391  
license that was issued in place of a manufacturer of fireworks 46392  
license that existed prior to June 29, 2001, and was requested to 46393  
be canceled by the license holder pursuant to division (D) of 46394  
section 3743.03 of the Revised Code. 46395

**Sec. 3745.11.** (A) Applicants for and holders of permits, 46396  
licenses, variances, plan approvals, and certifications issued by 46397  
the director of environmental protection pursuant to Chapters 46398  
3704., 3734., 6109., and 6111. of the Revised Code shall pay a fee 46399  
to the environmental protection agency for each such issuance and 46400  
each application for an issuance as provided by this section. No 46401  
fee shall be charged for any issuance for which no application has 46402  
been submitted to the director. 46403

(B) Except as otherwise provided in division (C)(2) of this 46404  
section, beginning July 1, 1994, each person who owns or operates 46405  
an air contaminant source and who is required to apply for and 46406  
obtain a Title V permit under section 3704.036 of the Revised Code 46407  
shall pay the fees set forth in this division. For the purposes of 46408  
this division, total emissions of air contaminants may be 46409  
calculated using engineering calculations, emissions factors, 46410



material balance calculations, or performance testing procedures, 46411  
as authorized by the director. 46412

The following fees shall be assessed on the total actual 46413  
emissions from a source in tons per year of the regulated 46414  
pollutants particulate matter, sulfur dioxide, nitrogen oxides, 46415  
organic compounds, and lead: 46416

(1) Fifteen dollars per ton on the total actual emissions of 46417  
each such regulated pollutant during the period July through 46418  
December 1993, to be collected no sooner than July 1, 1994; 46419

(2) Twenty dollars per ton on the total actual emissions of 46420  
each such regulated pollutant during calendar year 1994, to be 46421  
collected no sooner than April 15, 1995; 46422

(3) Twenty-five dollars per ton on the total actual emissions 46423  
of each such regulated pollutant in calendar year 1995, and each 46424  
subsequent calendar year, to be collected no sooner than the 46425  
fifteenth day of April of the year next succeeding the calendar 46426  
year in which the emissions occurred. 46427

The fees levied under this division do not apply to that 46428  
portion of the emissions of a regulated pollutant at a facility 46429  
that exceed four thousand tons during a calendar year. 46430

(C)(1) The fees assessed under division (B) of this section 46431  
are for the purpose of providing funding for the Title V permit 46432  
program. 46433

(2) The fees assessed under division (B) of this section do 46434  
not apply to emissions from any electric generating unit 46435  
designated as a Phase I unit under Title IV of the federal Clean 46436  
Air Act prior to calendar year 2000. Those fees shall be assessed 46437  
on the emissions from such a generating unit commencing in 46438  
calendar year 2001 based upon the total actual emissions from the 46439  
generating unit during calendar year 2000 and shall continue to be 46440  
assessed each subsequent calendar year based on the total actual 46441

emissions from the generating unit during the preceding calendar year. 46442  
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(3) The director shall issue invoices to owners or operators of air contaminant sources who are required to pay a fee assessed under division (B) or (D) of this section. Any such invoice shall be issued no sooner than the applicable date when the fee first may be collected in a year under the applicable division, shall identify the nature and amount of the fee assessed, and shall indicate that the fee is required to be paid within thirty days after the issuance of the invoice. 46444  
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(D)(1) Except as provided in division (D)(3) of this section, from January 1, 1994, through December 31, 2003, each person who owns or operates an air contaminant source; who is required to apply for a permit to operate pursuant to rules adopted under division (G), or a variance pursuant to division (H), of section 3704.03 of the Revised Code; and who is not required to apply for and obtain a Title V permit under section 3704.036 of the Revised Code shall pay a single fee based upon the sum of the actual annual emissions from the facility of the regulated pollutants particulate matter, sulfur dioxide, nitrogen oxides, organic compounds, and lead in accordance with the following schedule: 46452  
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Total tons per year of regulated pollutants emitted	Annual fee per facility	46463 46464 46465
More than 0, but less than 50	\$ 75	46466
50 or more, but less than 100	300	46467
100 or more	700	46468

(2) Except as provided in division (D)(3) of this section, beginning January 1, 2004, each person who owns or operates an air contaminant source; who is required to apply for a permit to operate pursuant to rules adopted under division (G), or a variance pursuant to division (H), of section 3704.03 of the 46469  
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Revised Code; and who is not required to apply for and obtain a Title V permit under section 3704.03 of the Revised Code shall pay a single fee based upon the sum of the actual annual emissions from the facility of the regulated pollutants particulate matter, sulfur dioxide, nitrogen oxides, organic compounds, and lead in accordance with the following schedule:

Total tons per year of regulated pollutants emitted	Annual fee per facility
More than 0, but less than 10	\$ 100
10 or more, but less than 50	200
50 or more, but less than 100	300
100 or more	700

(3)(a) As used in division (D) of this section, "synthetic minor facility" means a facility for which one or more permits to install or permits to operate have been issued for the air contaminant sources at the facility that include terms and conditions that lower the facility's potential to emit air contaminants below the major source thresholds established in rules adopted under section 3704.036 of the Revised Code.

(b) Beginning January 1, 2000, through June 30, ~~2020~~ 2022, each person who owns or operates a synthetic minor facility shall pay an annual fee based on the sum of the actual annual emissions from the facility of particulate matter, sulfur dioxide, nitrogen dioxide, organic compounds, and lead in accordance with the following schedule:

Combined total tons per year of all regulated pollutants emitted	Annual fee per facility
Less than 10	\$ 170
10 or more, but less than 20	340
20 or more, but less than 30	670

30 or more, but less than 40	1,010	46506
40 or more, but less than 50	1,340	46507
50 or more, but less than 60	1,680	46508
60 or more, but less than 70	2,010	46509
70 or more, but less than 80	2,350	46510
80 or more, but less than 90	2,680	46511
90 or more, but less than 100	3,020	46512
100 or more	3,350	46513

(4) The fees assessed under division (D)(1) of this section 46514  
shall be collected annually no sooner than the fifteenth day of 46515  
April, commencing in 1995. The fees assessed under division (D)(2) 46516  
of this section shall be collected annually no sooner than the 46517  
fifteenth day of April, commencing in 2005. The fees assessed 46518  
under division (D)(3) of this section shall be collected no sooner 46519  
than the fifteenth day of April, commencing in 2000. The fees 46520  
assessed under division (D) of this section in a calendar year 46521  
shall be based upon the sum of the actual emissions of those 46522  
regulated pollutants during the preceding calendar year. For the 46523  
purpose of division (D) of this section, emissions of air 46524  
contaminants may be calculated using engineering calculations, 46525  
emission factors, material balance calculations, or performance 46526  
testing procedures, as authorized by the director. The director, 46527  
by rule, may require persons who are required to pay the fees 46528  
assessed under division (D) of this section to pay those fees 46529  
biennially rather than annually. 46530

(E)(1) Consistent with the need to cover the reasonable costs 46531  
of the Title V permit program, the director annually shall 46532  
increase the fees prescribed in division (B) of this section by 46533  
the percentage, if any, by which the consumer price index for the 46534  
most recent calendar year ending before the beginning of a year 46535  
exceeds the consumer price index for calendar year 1989. Upon 46536  
calculating an increase in fees authorized by division (E)(1) of 46537  
this section, the director shall compile revised fee schedules for 46538

the purposes of division (B) of this section and shall make the revised schedules available to persons required to pay the fees assessed under that division and to the public.

(2) For the purposes of division (E)(1) of this section:

(a) The consumer price index for any year is the average of the consumer price index for all urban consumers published by the United States department of labor as of the close of the twelve-month period ending on the thirty-first day of August of that year.

(b) If the 1989 consumer price index is revised, the director shall use the revision of the consumer price index that is most consistent with that for calendar year 1989.

(F) Each person who is issued a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code on or after July 1, 2003, shall pay the fees specified in the following schedules:

(1) Fuel-burning equipment (boilers, furnaces, or process heaters used in the process of burning fuel for the primary purpose of producing heat or power by indirect heat transfer)

Input capacity (maximum (million British thermal units per hour)	Permit to install
Greater than 0, but less than 10	\$ 200
10 or more, but less than 100	400
100 or more, but less than 300	1000
300 or more, but less than 500	2250
500 or more, but less than 1000	3750
1000 or more, but less than 5000	6000
5000 or more	9000

Units burning exclusively natural gas, number two fuel oil, or both shall be assessed a fee that is one-half the applicable amount shown in division (F)(1) of this section.

(2) Combustion turbines and stationary internal combustion engines designed to generate electricity		46570
Generating capacity (mega watts)	Permit to install	46572
0 or more, but less than 10	\$ 25	46573
10 or more, but less than 25	150	46574
25 or more, but less than 50	300	46575
50 or more, but less than 100	500	46576
100 or more, but less than 250	1000	46577
250 or more	2000	46578
(3) Incinerators		46579
Input capacity (pounds per hour)	Permit to install	46580
0 to 100	\$ 100	46581
101 to 500	500	46582
501 to 2000	1000	46583
2001 to 20,000	1500	46584
more than 20,000	3750	46585
(4)(a) Process		46586
Process weight rate (pounds per hour)	Permit to install	46587
0 to 1000	\$ 200	46588
1001 to 5000	500	46589
5001 to 10,000	750	46590
10,001 to 50,000	1000	46591
more than 50,000	1250	46592
In any process where process weight rate cannot be ascertained, the minimum fee shall be assessed. A boiler, furnace, combustion turbine, stationary internal combustion engine, or process heater designed to provide direct heat or power to a process not designed to generate electricity shall be assessed a fee established in division (F)(4)(a) of this section. A combustion turbine or stationary internal combustion engine designed to generate electricity shall be assessed a fee established in division (F)(2) of this section.		46593 46594 46595 46596 46597 46598 46599 46600 46601

(b) Notwithstanding division (F)(4)(a) of this section, any person issued a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code shall pay the fees set forth in division (F)(4)(c) of this section for a process used in any of the following industries, as identified by the applicable two-digit, three-digit, or four-digit standard industrial classification code according to the Standard Industrial Classification Manual published by the United States office of management and budget in the executive office of the president, 1987, as revised:

- Major group 10, metal mining; 46612
- Major group 12, coal mining; 46613
- Major group 14, mining and quarrying of nonmetallic minerals; 46614
- Industry group 204, grain mill products; 46615
- 2873 Nitrogen fertilizers; 46616
- 2874 Phosphatic fertilizers; 46617
- 3281 Cut stone and stone products; 46618
- 3295 Minerals and earth, ground or otherwise treated; 46619
- 4221 Grain elevators (storage only); 46620
- 5159 Farm related raw materials; 46621
- 5261 Retail nurseries and lawn and garden supply stores. 46622

(c) The fees set forth in the following schedule apply to the issuance of a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code for a process identified in division (F)(4)(b) of this section:

Process weight rate (pounds per hour)	Permit to install	
0 to 10,000	\$ 200	46628
10,001 to 50,000	400	46629

50,001 to 100,000	500	46630
100,001 to 200,000	600	46631
200,001 to 400,000	750	46632
400,001 or more	900	46633
(5) Storage tanks		46634
Gallons (maximum useful capacity)	Permit to install	46635
0 to 20,000	\$ 100	46636
20,001 to 40,000	150	46637
40,001 to 100,000	250	46638
100,001 to 500,000	400	46639
500,001 or greater	750	46640
(6) Gasoline/fuel dispensing facilities		46641
For each gasoline/fuel		46642
dispensing facility (includes all	Permit to install	46643
units at the facility)	\$ 100	46644
(7) Dry cleaning facilities		46645
For each dry cleaning		46646
facility (includes all units	Permit to install	46647
at the facility)	\$ 100	46648
(8) Registration status		46649
For each source covered	Permit to install	46650
by registration status	\$ 75	46651
(G) An owner or operator who is responsible for an asbestos		46652
demolition or renovation project pursuant to rules adopted under		46653
section 3704.03 of the Revised Code shall pay, upon submitting a		46654
notification pursuant to rules adopted under that section, the		46655
fees set forth in the following schedule:		46656
Action	Fee	46657
Each notification	\$75	46658
Asbestos removal	\$3/unit	46659
Asbestos cleanup	\$4/cubic yard	46660



For purposes of this division, "unit" means any combination of 46661  
linear feet or square feet equal to fifty. 46662

(H) A person who is issued an extension of time for a permit 46663  
to install an air contaminant source pursuant to rules adopted 46664  
under division (F) of section 3704.03 of the Revised Code shall 46665  
pay a fee equal to one-half the fee originally assessed for the 46666  
permit to install under this section, except that the fee for such 46667  
an extension shall not exceed two hundred dollars. 46668

(I) A person who is issued a modification to a permit to 46669  
install an air contaminant source pursuant to rules adopted under 46670  
section 3704.03 of the Revised Code shall pay a fee equal to 46671  
one-half of the fee that would be assessed under this section to 46672  
obtain a permit to install the source. The fee assessed by this 46673  
division only applies to modifications that are initiated by the 46674  
owner or operator of the source and shall not exceed two thousand 46675  
dollars. 46676

(J) Notwithstanding division (F) of this section, a person 46677  
who applies for or obtains a permit to install pursuant to rules 46678  
adopted under division (F) of section 3704.03 of the Revised Code 46679  
after the date actual construction of the source began shall pay a 46680  
fee for the permit to install that is equal to twice the fee that 46681  
otherwise would be assessed under the applicable division unless 46682  
the applicant received authorization to begin construction under 46683  
division (W) of section 3704.03 of the Revised Code. This division 46684  
only applies to sources for which actual construction of the 46685  
source begins on or after July 1, 1993. The imposition or payment 46686  
of the fee established in this division does not preclude the 46687  
director from taking any administrative or judicial enforcement 46688  
action under this chapter, Chapter 3704., 3714., 3734., or 6111. 46689  
of the Revised Code, or a rule adopted under any of them, in 46690  
connection with a violation of rules adopted under division (F) of 46691  
section 3704.03 of the Revised Code. 46692

As used in this division, "actual construction of the source" 46693  
means the initiation of physical on-site construction activities 46694  
in connection with improvements to the source that are permanent 46695  
in nature, including, without limitation, the installation of 46696  
building supports and foundations and the laying of underground 46697  
pipework. 46698

(K)(1) Money received under division (B) of this section 46699  
shall be deposited in the state treasury to the credit of the 46700  
Title V clean air fund created in section 3704.035 of the Revised 46701  
Code. Annually, not more than fifty cents per ton of each fee 46702  
assessed under division (B) of this section on actual emissions 46703  
from a source and received by the environmental protection agency 46704  
pursuant to that division may be transferred by the director using 46705  
an interstate transfer voucher to the state treasury to the credit 46706  
of the small business assistance fund created in section 3706.19 46707  
of the Revised Code. In addition, annually, the amount of money 46708  
necessary for the operation of the office of ombudsperson as 46709  
determined under division (B) of that section shall be transferred 46710  
to the state treasury to the credit of the small business 46711  
ombudsperson fund created by that section. 46712

(2) Money received by the agency pursuant to divisions (D), 46713  
(F), (G), (H), (I), and (J) of this section shall be deposited in 46714  
the state treasury to the credit of the non-Title V clean air fund 46715  
created in section 3704.035 of the Revised Code. 46716

(L)(1) A person applying for a plan approval for a wastewater 46717  
treatment works pursuant to section 6111.44, 6111.45, or 6111.46 46718  
of the Revised Code shall pay a nonrefundable fee of one hundred 46719  
dollars plus sixty-five one-hundredths of one per cent of the 46720  
estimated project cost through June 30, ~~2020~~ 2022, and a 46721  
nonrefundable application fee of one hundred dollars plus 46722  
two-tenths of one per cent of the estimated project cost on and 46723  
after July 1, ~~2020~~ 2022, except that the total fee shall not 46724

exceed fifteen thousand dollars through June 30, ~~2020~~ 2022, and 46725  
five thousand dollars on and after July 1, ~~2020~~ 2022. The fee 46726  
shall be paid at the time the application is submitted. 46727

(2) A person who has entered into an agreement with the 46728  
director under section 6111.14 of the Revised Code shall pay an 46729  
administrative service fee for each plan submitted under that 46730  
section for approval that shall not exceed the minimum amount 46731  
necessary to pay administrative costs directly attributable to 46732  
processing plan approvals. The director annually shall calculate 46733  
the fee and shall notify all persons who have entered into 46734  
agreements under that section, or who have applied for agreements, 46735  
of the amount of the fee. 46736

(3)(a)(i) Not later than January 30, ~~2019~~ 2020, and January 46737  
30, ~~2019~~ 2021, a person holding an NPDES discharge permit issued 46738  
pursuant to Chapter 6111. of the Revised Code with an average 46739  
daily discharge flow of five thousand gallons or more shall pay a 46740  
nonrefundable annual discharge fee. Any person who fails to pay 46741  
the fee at that time shall pay an additional amount that equals 46742  
ten per cent of the required annual discharge fee. 46743

(ii) The billing year for the annual discharge fee 46744  
established in division (L)(3)(a)(i) of this section shall consist 46745  
of a twelve-month period beginning on the first day of January of 46746  
the year preceding the date when the annual discharge fee is due. 46747  
In the case of an existing source that permanently ceases to 46748  
discharge during a billing year, the director shall reduce the 46749  
annual discharge fee, including the surcharge applicable to 46750  
certain industrial facilities pursuant to division (L)(3)(c) of 46751  
this section, by one-twelfth for each full month during the 46752  
billing year that the source was not discharging, but only if the 46753  
person holding the NPDES discharge permit for the source notifies 46754  
the director in writing, not later than the first day of October 46755  
of the billing year, of the circumstances causing the cessation of 46756

discharge. 46757

(iii) The annual discharge fee established in division 46758  
(L)(3)(a)(i) of this section, except for the surcharge applicable 46759  
to certain industrial facilities pursuant to division (L)(3)(c) of 46760  
this section, shall be based upon the average daily discharge flow 46761  
in gallons per day calculated using first day of May through 46762  
thirty-first day of October flow data for the period two years 46763  
prior to the date on which the fee is due. In the case of NPDES 46764  
discharge permits for new sources, the fee shall be calculated 46765  
using the average daily design flow of the facility until actual 46766  
average daily discharge flow values are available for the time 46767  
period specified in division (L)(3)(a)(iii) of this section. The 46768  
annual discharge fee may be prorated for a new source as described 46769  
in division (L)(3)(a)(ii) of this section. 46770

(b)(i) An NPDES permit holder that is a public discharger 46771  
shall pay the fee specified in the following schedule: 46772

Average daily	Fee due by	
discharge flow	January 30,	
	<del>2018</del> <u>2020</u> , and	
	January 30, <del>2019</del>	
	<u>2021</u>	
5,000 to 49,999	\$ 200	46777
50,000 to 100,000	500	46778
100,001 to 250,000	1,050	46779
250,001 to 1,000,000	2,600	46780
1,000,001 to 5,000,000	5,200	46781
5,000,001 to 10,000,000	10,350	46782
10,000,001 to 20,000,000	15,550	46783
20,000,001 to 50,000,000	25,900	46784
50,000,001 to 100,000,000	41,400	46785
100,000,001 or more	62,100	46786

(ii) Public dischargers owning or operating two or more 46787

publicly owned treatment works serving the same political 46788  
subdivision, as "treatment works" is defined in section 6111.01 of 46789  
the Revised Code, and that serve exclusively political 46790  
subdivisions having a population of fewer than one hundred 46791  
thousand persons shall pay an annual discharge fee under division 46792  
(L)(3)(b)(i) of this section that is based on the combined average 46793  
daily discharge flow of the treatment works. 46794

(c)(i) An NPDES permit holder that is an industrial 46795  
discharger, other than a coal mining operator identified by P in 46796  
the third character of the permittee's NPDES permit number, shall 46797  
pay the fee specified in the following schedule: 46798

Average daily	Fee due by	
discharge flow	January 30,	
	<del>2018</del> <u>2020</u> , and	
	January 30, <del>2019</del>	
	<u>2021</u>	
5,000 to 49,999	\$ 250	46803
50,000 to 250,000	1,200	46804
250,001 to 1,000,000	2,950	46805
1,000,001 to 5,000,000	5,850	46806
5,000,001 to 10,000,000	8,800	46807
10,000,001 to 20,000,000	11,700	46808
20,000,001 to 100,000,000	14,050	46809
100,000,001 to 250,000,000	16,400	46810
250,000,001 or more	18,700	46811

(ii) In addition to the fee specified in the above schedule, 46812  
an NPDES permit holder that is an industrial discharger classified 46813  
as a major discharger during all or part of the annual discharge 46814  
fee billing year specified in division (L)(3)(a)(ii) of this 46815  
section shall pay a nonrefundable annual surcharge of seven 46816  
thousand five hundred dollars not later than January 30, ~~2018~~ 46817  
2020, and not later than January 30, ~~2019~~ 2021. Any person who 46818

fails to pay the surcharge at that time shall pay an additional 46819  
amount that equals ten per cent of the amount of the surcharge. 46820

(d) Notwithstanding divisions (L)(3)(b) and (c) of this 46821  
section, a public discharger, that is not a separate municipal 46822  
storm sewer system, identified by I in the third character of the 46823  
permittee's NPDES permit number and an industrial discharger 46824  
identified by I, J, L, V, W, X, Y, or Z in the third character of 46825  
the permittee's NPDES permit number shall pay a nonrefundable 46826  
annual discharge fee of one hundred eighty dollars not later than 46827  
January 30, ~~2018~~ 2020, and not later than January 30, ~~2019~~ 2021. 46828  
Any person who fails to pay the fee at that time shall pay an 46829  
additional amount that equals ten per cent of the required fee. 46830

(4) Each person obtaining an NPDES permit for municipal storm 46831  
water discharge shall pay a nonrefundable storm water annual 46832  
discharge fee of ten dollars per one-tenth of a square mile of 46833  
area permitted. The fee shall not exceed ten thousand dollars and 46834  
shall be payable on or before January 30, 2004, and the thirtieth 46835  
day of January of each year thereafter. Any person who fails to 46836  
pay the fee on the date specified in division (L)(4) of this 46837  
section shall pay an additional amount per year equal to ten per 46838  
cent of the annual fee that is unpaid. 46839

(5) The director shall transmit all moneys collected under 46840  
division (L) of this section to the treasurer of state for deposit 46841  
into the state treasury to the credit of the surface water 46842  
protection fund created in section 6111.038 of the Revised Code. 46843

(6) As used in this section: 46844

(a) "NPDES" means the federally approved national pollutant 46845  
discharge elimination system individual and general program for 46846  
issuing, modifying, revoking, reissuing, terminating, monitoring, 46847  
and enforcing permits and imposing and enforcing pretreatment 46848  
requirements under Chapter 6111. of the Revised Code and rules 46849

adopted under it. 46850

(b) "Public discharger" means any holder of an NPDES permit 46851  
identified by P in the second character of the NPDES permit number 46852  
assigned by the director. 46853

(c) "Industrial discharger" means any holder of an NPDES 46854  
permit identified by I in the second character of the NPDES permit 46855  
number assigned by the director. 46856

(d) "Major discharger" means any holder of an NPDES permit 46857  
classified as major by the regional administrator of the United 46858  
States environmental protection agency in conjunction with the 46859  
director. 46860

(M) Through June 30, ~~2020~~ 2022, a person applying for a 46861  
license or license renewal to operate a public water system under 46862  
section 6109.21 of the Revised Code shall pay the appropriate fee 46863  
established under this division at the time of application to the 46864  
director. Any person who fails to pay the fee at that time shall 46865  
pay an additional amount that equals ten per cent of the required 46866  
fee. The director shall transmit all moneys collected under this 46867  
division to the treasurer of state for deposit into the drinking 46868  
water protection fund created in section 6109.30 of the Revised 46869  
Code. 46870

Except as provided in divisions (M)(4) and (5) of this 46871  
section, fees required under this division shall be calculated and 46872  
paid in accordance with the following schedule: 46873

(1) For the initial license required under section 6109.21 of 46874  
the Revised Code for any public water system that is a community 46875  
water system as defined in section 6109.01 of the Revised Code, 46876  
and for each license renewal required for such a system prior to 46877  
January 31, ~~2020~~ 2022, the fee is: 46878

Number of service connections	Fee amount	
Not more than 49	\$ 112	46879 46880

50 to 99	176	46881
Number of service connections	Average cost per connection	46882
100 to 2,499	\$ 1.92	46883
2,500 to 4,999	1.48	46884
5,000 to 7,499	1.42	46885
7,500 to 9,999	1.34	46886
10,000 to 14,999	1.16	46887
15,000 to 24,999	1.10	46888
25,000 to 49,999	1.04	46889
50,000 to 99,999	.92	46890
100,000 to 149,999	.86	46891
150,000 to 199,999	.80	46892
200,000 or more	.76	46893

A public water system may determine how it will pay the total amount of the fee calculated under division (M)(1) of this section, including the assessment of additional user fees that may be assessed on a volumetric basis.

As used in division (M)(1) of this section, "service connection" means the number of active or inactive pipes, goosenecks, pigtails, and any other fittings connecting a water main to any building outlet.

(2) For the initial license required under section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a nontransient population, and for each license renewal required for such a system prior to January 31, ~~2020~~ 2022, the fee is:

Population served	Fee amount	
Fewer than 150	\$ 112	46908
150 to 299	176	46909
300 to 749	384	46910
750 to 1,499	628	46911
1,500 to 2,999	1,268	46912



3,000 to 7,499	2,816	46913
7,500 to 14,999	5,510	46914
15,000 to 22,499	9,048	46915
22,500 to 29,999	12,430	46916
30,000 or more	16,820	46917

As used in division (M)(2) of this section, "population served" means the total number of individuals having access to the water supply during a twenty-four-hour period for at least sixty days during any calendar year. In the absence of a specific population count, that number shall be calculated at the rate of three individuals per service connection.

(3) For the initial license required under section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a transient population, and for each license renewal required for such a system prior to January 31, ~~2020~~ 2022, the fee is:

Number of wells or sources, other than surface water, supplying system	Fee amount	
1	\$112	46930
2	112	46931
3	176	46932
4	278	46933
5	568	46934
System designated as using a surface water source	792	46935 46936

As used in division (M)(3) of this section, "number of wells or sources, other than surface water, supplying system" means those wells or sources that are physically connected to the plumbing system serving the public water system.

(4) A public water system designated as using a surface water source shall pay a fee of seven hundred ninety-two dollars or the amount calculated under division (M)(1) or (2) of this section,

whichever is greater. 46944

(5) An applicant for an initial license who is proposing to 46945  
operate a new public water supply system shall submit a fee that 46946  
equals a prorated amount of the appropriate fee for the remainder 46947  
of the licensing year. 46948

(N)(1) A person applying for a plan approval for a public 46949  
water supply system under section 6109.07 of the Revised Code 46950  
shall pay a fee of one hundred fifty dollars plus thirty-five 46951  
hundredths of one per cent of the estimated project cost, except 46952  
that the total fee shall not exceed twenty thousand dollars 46953  
through June 30, ~~2020~~ 2022, and fifteen thousand dollars on and 46954  
after July 1, ~~2020~~ 2022. The fee shall be paid at the time the 46955  
application is submitted. 46956

(2) A person who has entered into an agreement with the 46957  
director under division (A)(2) of section 6109.07 of the Revised 46958  
Code shall pay an administrative service fee for each plan 46959  
submitted under that section for approval that shall not exceed 46960  
the minimum amount necessary to pay administrative costs directly 46961  
attributable to processing plan approvals. The director annually 46962  
shall calculate the fee and shall notify all persons that have 46963  
entered into agreements under that division, or who have applied 46964  
for agreements, of the amount of the fee. 46965

(3) Through June 30, ~~2020~~ 2022, the following fee, on a per 46966  
survey basis, shall be charged any person for services rendered by 46967  
the state in the evaluation of laboratories and laboratory 46968  
personnel for compliance with accepted analytical techniques and 46969  
procedures established pursuant to Chapter 6109. of the Revised 46970  
Code for determining the qualitative characteristics of water: 46971

microbiological		46972
MMO-MUG	\$2,000	46973
MF	2,100	46974

MMO-MUG and MF	2,550	46975
organic chemical	5,400	46976
trace metals	5,400	46977
standard chemistry	2,800	46978
limited chemistry	1,550	46979

On and after July 1, ~~2020~~ 2022, the following fee, on a per survey basis, shall be charged any such person:

microbiological	\$ 1,650	46982
organic chemicals	3,500	46983
trace metals	3,500	46984
standard chemistry	1,800	46985
limited chemistry	1,000	46986

The fee for those services shall be paid at the time the request for the survey is made. Through June 30, ~~2020~~ 2022, an individual laboratory shall not be assessed a fee under this division more than once in any three-year period unless the person requests the addition of analytical methods or analysts, in which case the person shall pay eighteen hundred dollars for each additional survey requested.

As used in division (N)(3) of this section:

- (a) "MF" means microfiltration.
- (b) "MMO" means minimal medium ONPG.
- (c) "MUG" means 4-methylumbelliferyl-beta-D-glucuronide.
- (d) "ONPG" means o-nitrophenyl-beta-D-galactopyranoside.

The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code.

(O) Any person applying to the director to take an examination for certification as an operator of a water supply

system or wastewater system under Chapter 6109. or 6111. of the Revised Code that is administered by the director, at the time the application is submitted, shall pay a fee in accordance with the following schedule through November 30, ~~2020~~ 2022:

Class A operator	\$ 80	47009
Class I operator	105	47010
Class II operator	120	47011
Class III operator	130	47012
Class IV operator	145	47013

On and after December 1, ~~2020~~ 2022, the applicant shall pay a fee in accordance with the following schedule:

Class A operator	\$ 50	47016
Class I operator	70	47017
Class II operator	80	47018
Class III operator	90	47019
Class IV operator	100	47020

Any person applying to the director for certification as an operator of a water supply system or wastewater system who has passed an examination administered by an examination provider approved by the director shall pay a certification fee of forty-five dollars.

A person shall pay a biennial certification renewal fee for each applicable class of certification in accordance with the following schedule:

Class A operator	\$25	47029
Class I operator	35	47030
Class II operator	45	47031
Class III operator	55	47032
Class IV operator	65	47033

If a certification renewal fee is received by the director more than thirty days, but not more than one year, after the expiration date of the certification, the person shall pay a

certification renewal fee in accordance with the following 47037  
schedule: 47038

Class A operator	\$45	47039
Class I operator	55	47040
Class II operator	65	47041
Class III operator	75	47042
Class IV operator	85	47043

A person who requests a replacement certificate shall pay a 47044  
fee of twenty-five dollars at the time the request is made. 47045

Any person applying to be a water supply system or wastewater 47046  
treatment system examination provider shall pay an application fee 47047  
of five hundred dollars. Any person approved by the director as a 47048  
water supply system or wastewater treatment system examination 47049  
provider shall pay an annual fee that is equal to ten per cent of 47050  
the fees that the provider assesses and collects for administering 47051  
water supply system or wastewater treatment system certification 47052  
examinations in this state for the calendar year. The fee shall be 47053  
paid not later than forty-five days after the end of a calendar 47054  
year. 47055

The director shall transmit all moneys collected under this 47056  
division to the treasurer of state for deposit into the drinking 47057  
water protection fund created in section 6109.30 of the Revised 47058  
Code. 47059

(P) Any person submitting an application for an industrial 47060  
water pollution control certificate under section 6111.31 of the 47061  
Revised Code, as that section existed before its repeal by H.B. 95 47062  
of the 125th general assembly, shall pay a nonrefundable fee of 47063  
five hundred dollars at the time the application is submitted. The 47064  
director shall transmit all moneys collected under this division 47065  
to the treasurer of state for deposit into the surface water 47066  
protection fund created in section 6111.038 of the Revised Code. A 47067  
person paying a certificate fee under this division shall not pay 47068

an application fee under division (S)(1) of this section. On and 47069  
after June 26, 2003, persons shall file such applications and pay 47070  
the fee as required under sections 5709.20 to 5709.27 of the 47071  
Revised Code, and proceeds from the fee shall be credited as 47072  
provided in section 5709.212 of the Revised Code. 47073

(Q) Except as otherwise provided in division (R) of this 47074  
section, a person issued a permit by the director for a new solid 47075  
waste disposal facility other than an incineration or composting 47076  
facility, a new infectious waste treatment facility other than an 47077  
incineration facility, or a modification of such an existing 47078  
facility that includes an increase in the total disposal or 47079  
treatment capacity of the facility pursuant to Chapter 3734. of 47080  
the Revised Code shall pay a fee of ten dollars per thousand cubic 47081  
yards of disposal or treatment capacity, or one thousand dollars, 47082  
whichever is greater, except that the total fee for any such 47083  
permit shall not exceed eighty thousand dollars. A person issued a 47084  
modification of a permit for a solid waste disposal facility or an 47085  
infectious waste treatment facility that does not involve an 47086  
increase in the total disposal or treatment capacity of the 47087  
facility shall pay a fee of one thousand dollars. A person issued 47088  
a permit to install a new, or modify an existing, solid waste 47089  
transfer facility under that chapter shall pay a fee of two 47090  
thousand five hundred dollars. A person issued a permit to install 47091  
a new or to modify an existing solid waste incineration or 47092  
composting facility, or an existing infectious waste treatment 47093  
facility using incineration as its principal method of treatment, 47094  
under that chapter shall pay a fee of one thousand dollars. The 47095  
increases in the permit fees under this division resulting from 47096  
the amendments made by Amended Substitute House Bill 592 of the 47097  
117th general assembly do not apply to any person who submitted an 47098  
application for a permit to install a new, or modify an existing, 47099  
solid waste disposal facility under that chapter prior to 47100  
September 1, 1987; any such person shall pay the permit fee 47101

established in this division as it existed prior to June 24, 1988. 47102  
In addition to the applicable permit fee under this division, a 47103  
person issued a permit to install or modify a solid waste facility 47104  
or an infectious waste treatment facility under that chapter who 47105  
fails to pay the permit fee to the director in compliance with 47106  
division (V) of this section shall pay an additional ten per cent 47107  
of the amount of the fee for each week that the permit fee is 47108  
late. 47109

Permit and late payment fees paid to the director under this 47110  
division shall be credited to the general revenue fund. 47111

(R)(1) A person issued a registration certificate for a scrap 47112  
tire collection facility under section 3734.75 of the Revised Code 47113  
shall pay a fee of two hundred dollars, except that if the 47114  
facility is owned or operated by a motor vehicle salvage dealer 47115  
licensed under Chapter 4738. of the Revised Code, the person shall 47116  
pay a fee of twenty-five dollars. 47117

(2) A person issued a registration certificate for a new 47118  
scrap tire storage facility under section 3734.76 of the Revised 47119  
Code shall pay a fee of three hundred dollars, except that if the 47120  
facility is owned or operated by a motor vehicle salvage dealer 47121  
licensed under Chapter 4738. of the Revised Code, the person shall 47122  
pay a fee of twenty-five dollars. 47123

(3) A person issued a permit for a scrap tire storage 47124  
facility under section 3734.76 of the Revised Code shall pay a fee 47125  
of one thousand dollars, except that if the facility is owned or 47126  
operated by a motor vehicle salvage dealer licensed under Chapter 47127  
4738. of the Revised Code, the person shall pay a fee of fifty 47128  
dollars. 47129

(4) A person issued a permit for a scrap tire monocell or 47130  
monofill facility under section 3734.77 of the Revised Code shall 47131  
pay a fee of ten dollars per thousand cubic yards of disposal 47132

capacity or one thousand dollars, whichever is greater, except 47133  
that the total fee for any such permit shall not exceed eighty 47134  
thousand dollars. 47135

(5) A person issued a registration certificate for a scrap 47136  
tire recovery facility under section 3734.78 of the Revised Code 47137  
shall pay a fee of one hundred dollars. 47138

(6) A person issued a permit for a scrap tire recovery 47139  
facility under section 3734.78 of the Revised Code shall pay a fee 47140  
of one thousand dollars. 47141

(7) In addition to the applicable registration certificate or 47142  
permit fee under divisions (R)(1) to (6) of this section, a person 47143  
issued a registration certificate or permit for any such scrap 47144  
tire facility who fails to pay the registration certificate or 47145  
permit fee to the director in compliance with division (V) of this 47146  
section shall pay an additional ten per cent of the amount of the 47147  
fee for each week that the fee is late. 47148

(8) The registration certificate, permit, and late payment 47149  
fees paid to the director under divisions (R)(1) to (7) of this 47150  
section shall be credited to the scrap tire management fund 47151  
created in section 3734.82 of the Revised Code. 47152

(S)(1)(a) Except as provided by divisions (L), (M), (N), (O), 47153  
(P), and (S)(2) of this section, division (A)(2) of section 47154  
3734.05 of the Revised Code, section 3734.79 of the Revised Code, 47155  
and rules adopted under division (T)(1) of this section, any 47156  
person applying for a registration certificate under section 47157  
3734.75, 3734.76, or 3734.78 of the Revised Code or a permit, 47158  
variance, or plan approval under Chapter 3734. of the Revised Code 47159  
shall pay a nonrefundable fee of fifteen dollars at the time the 47160  
application is submitted. 47161

(b) Except as otherwise provided, any person applying for a 47162  
permit, variance, or plan approval under Chapter 6109. or 6111. of 47163



the Revised Code shall pay a nonrefundable application fee of one 47164  
hundred dollars at the time the application is submitted through 47165  
June 30, ~~2020~~ 2022, and a nonrefundable application fee of fifteen 47166  
dollars at the time the application is submitted on and after July 47167  
1, ~~2020~~ 2022. 47168

(c)(i) Except as otherwise provided in divisions 47169  
(S)(1)(c)(iii) and (iv) of this section, through June 30, ~~2020~~ 47170  
2022, any person applying for an NPDES permit under Chapter 6111. 47171  
of the Revised Code shall pay a nonrefundable application fee of 47172  
two hundred dollars at the time of application for the permit. On 47173  
and after July 1, ~~2020~~ 2022, such a person shall pay a 47174  
nonrefundable application fee of fifteen dollars at the time of 47175  
application. 47176

(ii) In addition to the nonrefundable application fee, any 47177  
person applying for an NPDES permit under Chapter 6111. of the 47178  
Revised Code shall pay a design flow discharge fee based on each 47179  
point source to which the issuance is applicable in accordance 47180  
with the following schedule: 47181

Design flow discharge (gallons per day)	Fee	
0 to <del>1000</del> <u>1,000</u>	\$ 0	47183
1,001 to <del>5000</del> <u>5,000</u>	100	47184
5,001 to 50,000	200	47185
50,001 to 100,000	300	47186
100,001 to 300,000	525	47187
over 300,000	750	47188

(iii) Notwithstanding divisions (S)(1)(c)(i) and (ii) of this 47189  
section, the application and design flow discharge fee for an 47190  
NPDES permit for a public discharger identified by the letter I in 47191  
the third character of the NPDES permit number shall not exceed 47192  
nine hundred fifty dollars. 47193

(iv) Notwithstanding divisions (S)(1)(c)(i) and (ii) of this 47194  
section, the application and design flow discharge fee for an 47195

NPDES permit for a coal mining operation regulated under Chapter 47196  
1513. of the Revised Code shall not exceed four hundred fifty 47197  
dollars per mine. 47198

(v) A person issued a modification of an NPDES permit shall 47199  
pay a nonrefundable modification fee equal to the application fee 47200  
and one-half the design flow discharge fee based on each point 47201  
source, if applicable, that would be charged for an NPDES permit, 47202  
except that the modification fee shall not exceed six hundred 47203  
dollars. 47204

(d) In addition to the application fee established under 47205  
division (S)(1)(c)(i) of this section, any person applying for an 47206  
NPDES general storm water construction permit shall pay a 47207  
nonrefundable fee of twenty dollars per acre for each acre that is 47208  
permitted above five acres at the time the application is 47209  
submitted. However, the per acreage fee shall not exceed three 47210  
hundred dollars. In addition to the application fee established 47211  
under division (S)(1)(c)(i) of this section, any person applying 47212  
for an NPDES general storm water industrial permit shall pay a 47213  
nonrefundable fee of one hundred fifty dollars at the time the 47214  
application is submitted. 47215

(e) The director shall transmit all moneys collected under 47216  
division (S)(1) of this section pursuant to Chapter 6109. of the 47217  
Revised Code to the treasurer of state for deposit into the 47218  
drinking water protection fund created in section 6109.30 of the 47219  
Revised Code. 47220

(f) The director shall transmit all moneys collected under 47221  
division (S)(1) of this section pursuant to Chapter 6111. of the 47222  
Revised Code and under division (S)(3) of this section to the 47223  
treasurer of state for deposit into the surface water protection 47224  
fund created in section 6111.038 of the Revised Code. 47225

(g) If a registration certificate is issued under section 47226

3734.75, 3734.76, or 3734.78 of the Revised Code, the amount of 47227  
the application fee paid shall be deducted from the amount of the 47228  
registration certificate fee due under division (R)(1), (2), or 47229  
(5) of this section, as applicable. 47230

(h) If a person submits an electronic application for a 47231  
registration certificate, permit, variance, or plan approval for 47232  
which an application fee is established under division (S)(1) of 47233  
this section, the person shall pay all applicable fees as 47234  
expeditiously as possible after the submission of the electronic 47235  
application. An application for a registration certificate, 47236  
permit, variance, or plan approval for which an application fee is 47237  
established under division (S)(1) of this section shall not be 47238  
reviewed or processed until the applicable application fee, and 47239  
any other fees established under this division, are paid. 47240

(2) Division (S)(1) of this section does not apply to an 47241  
application for a registration certificate for a scrap tire 47242  
collection or storage facility submitted under section 3734.75 or 47243  
3734.76 of the Revised Code, as applicable, if the owner or 47244  
operator of the facility or proposed facility is a motor vehicle 47245  
salvage dealer licensed under Chapter 4738. of the Revised Code. 47246

(3) A person applying for coverage under an NPDES general 47247  
discharge permit for household sewage treatment systems shall pay 47248  
the following fees: 47249

(a) A nonrefundable fee of two hundred dollars at the time of 47250  
application for initial permit coverage; 47251

(b) A nonrefundable fee of one hundred dollars at the time of 47252  
application for a renewal of permit coverage. 47253

(T) The director may adopt, amend, and rescind rules in 47254  
accordance with Chapter 119. of the Revised Code that do all of 47255  
the following: 47256

(1) Prescribe fees to be paid by applicants for and holders 47257

of any license, permit, variance, plan approval, or certification 47258  
required or authorized by Chapter 3704., 3734., 6109., or 6111. of 47259  
the Revised Code that are not specifically established in this 47260  
section. The fees shall be designed to defray the cost of 47261  
processing, issuing, revoking, modifying, denying, and enforcing 47262  
the licenses, permits, variances, plan approvals, and 47263  
certifications. 47264

The director shall transmit all moneys collected under rules 47265  
adopted under division (T)(1) of this section pursuant to Chapter 47266  
6109. of the Revised Code to the treasurer of state for deposit 47267  
into the drinking water protection fund created in section 6109.30 47268  
of the Revised Code. 47269

The director shall transmit all moneys collected under rules 47270  
adopted under division (T)(1) of this section pursuant to Chapter 47271  
6111. of the Revised Code to the treasurer of state for deposit 47272  
into the surface water protection fund created in section 6111.038 47273  
of the Revised Code. 47274

(2) Exempt the state and political subdivisions thereof, 47275  
including education facilities or medical facilities owned by the 47276  
state or a political subdivision, or any person exempted from 47277  
taxation by section 5709.07 or 5709.12 of the Revised Code, from 47278  
any fee required by this section; 47279

(3) Provide for the waiver of any fee, or any part thereof, 47280  
otherwise required by this section whenever the director 47281  
determines that the imposition of the fee would constitute an 47282  
unreasonable cost of doing business for any applicant, class of 47283  
applicants, or other person subject to the fee; 47284

(4) Prescribe measures that the director considers necessary 47285  
to carry out this section. 47286

(U) When the director reasonably demonstrates that the direct 47287  
cost to the state associated with the issuance of a permit, 47288

license, variance, plan approval, or certification exceeds the fee 47289  
for the issuance or review specified by this section, the director 47290  
may condition the issuance or review on the payment by the person 47291  
receiving the issuance or review of, in addition to the fee 47292  
specified by this section, the amount, or any portion thereof, in 47293  
excess of the fee specified under this section. The director shall 47294  
not so condition issuances for which a fee is prescribed in 47295  
division (S)(1)(c)(iii) of this section. 47296

(V) Except as provided in divisions (L), (M), (P), and (S) of 47297  
this section or unless otherwise prescribed by a rule of the 47298  
director adopted pursuant to Chapter 119. of the Revised Code, all 47299  
fees required by this section are payable within thirty days after 47300  
the issuance of an invoice for the fee by the director or the 47301  
effective date of the issuance of the license, permit, variance, 47302  
plan approval, or certification. If payment is late, the person 47303  
responsible for payment of the fee shall pay an additional ten per 47304  
cent of the amount due for each month that it is late. 47305

(W) As used in this section, "fuel-burning equipment," 47306  
"fuel-burning equipment input capacity," "incinerator," 47307  
"incinerator input capacity," "process," "process weight rate," 47308  
"storage tank," "gasoline dispensing facility," "dry cleaning 47309  
facility," "design flow discharge," and "new source treatment 47310  
works" have the meanings ascribed to those terms by applicable 47311  
rules or standards adopted by the director under Chapter 3704. or 47312  
6111. of the Revised Code. 47313

(X) As used in divisions (B), (D), (E), (F), (H), (I), and 47314  
(J) of this section, and in any other provision of this section 47315  
pertaining to fees paid pursuant to Chapter 3704. of the Revised 47316  
Code: 47317

(1) "Facility," "federal Clean Air Act," "person," and "Title 47318  
V permit" have the same meanings as in section 3704.01 of the 47319  
Revised Code. 47320

(2) "Title V permit program" means the following activities	47321
as necessary to meet the requirements of Title V of the federal	47322
Clean Air Act and 40 C.F.R. part 70, including at least:	47323
(a) Preparing and adopting, if applicable, generally	47324
applicable rules or guidance regarding the permit program or its	47325
implementation or enforcement;	47326
(b) Reviewing and acting on any application for a Title V	47327
permit, permit revision, or permit renewal, including the	47328
development of an applicable requirement as part of the processing	47329
of a permit, permit revision, or permit renewal;	47330
(c) Administering the permit program, including the	47331
supporting and tracking of permit applications, compliance	47332
certification, and related data entry;	47333
(d) Determining which sources are subject to the program and	47334
implementing and enforcing the terms of any Title V permit, not	47335
including any court actions or other formal enforcement actions;	47336
(e) Emission and ambient monitoring;	47337
(f) Modeling, analyses, or demonstrations;	47338
(g) Preparing inventories and tracking emissions;	47339
(h) Providing direct and indirect support to small business	47340
stationary sources to determine and meet their obligations under	47341
the federal Clean Air Act pursuant to the small business	47342
stationary source technical and environmental compliance	47343
assistance program required by section 507 of that act and	47344
established in sections 3704.18, 3704.19, and 3706.19 of the	47345
Revised Code.	47346
(3) "Organic compound" means any chemical compound of carbon,	47347
excluding carbon monoxide, carbon dioxide, carbonic acid, metallic	47348
carbides or carbonates, and ammonium carbonate.	47349
(Y)(1) Except as provided in divisions (Y)(2), (3), and (4)	47350

of this section, each sewage sludge facility shall pay a 47351  
nonrefundable annual sludge fee equal to three dollars and fifty 47352  
cents per dry ton of sewage sludge, including the dry tons of 47353  
sewage sludge in materials derived from sewage sludge, that the 47354  
sewage sludge facility treats or disposes of in this state. The 47355  
annual volume of sewage sludge treated or disposed of by a sewage 47356  
sludge facility shall be calculated using the first day of January 47357  
through the thirty-first day of December of the calendar year 47358  
preceding the date on which payment of the fee is due. 47359

(2)(a) Except as provided in division (Y)(2)(d) of this 47360  
section, each sewage sludge facility shall pay a minimum annual 47361  
sewage sludge fee of one hundred dollars. 47362

(b) The annual sludge fee required to be paid by a sewage 47363  
sludge facility that treats or disposes of exceptional quality 47364  
sludge in this state shall be thirty-five per cent less per dry 47365  
ton of exceptional quality sludge than the fee assessed under 47366  
division (Y)(1) of this section, subject to the following 47367  
exceptions: 47368

(i) Except as provided in division (Y)(2)(d) of this section, 47369  
a sewage sludge facility that treats or disposes of exceptional 47370  
quality sludge shall pay a minimum annual sewage sludge fee of one 47371  
hundred dollars. 47372

(ii) A sewage sludge facility that treats or disposes of 47373  
exceptional quality sludge shall not be required to pay the annual 47374  
sludge fee for treatment or disposal in this state of exceptional 47375  
quality sludge generated outside of this state and contained in 47376  
bags or other containers not greater than one hundred pounds in 47377  
capacity. 47378

A thirty-five per cent reduction for exceptional quality 47379  
sludge applies to the maximum annual fees established under 47380  
division (Y)(3) of this section. 47381

(c) A sewage sludge facility that transfers sewage sludge to 47382  
another sewage sludge facility in this state for further treatment 47383  
prior to disposal in this state shall not be required to pay the 47384  
annual sludge fee for the tons of sewage sludge that have been 47385  
transferred. In such a case, the sewage sludge facility that 47386  
disposes of the sewage sludge shall pay the annual sludge fee. 47387  
However, the facility transferring the sewage sludge shall pay the 47388  
one-hundred-dollar minimum fee required under division (Y)(2)(a) 47389  
of this section. 47390

In the case of a sewage sludge facility that treats sewage 47391  
sludge in this state and transfers it out of this state to another 47392  
entity for disposal, the sewage sludge facility in this state 47393  
shall be required to pay the annual sludge fee for the tons of 47394  
sewage sludge that have been transferred. 47395

(d) A sewage sludge facility that generates sewage sludge 47396  
resulting from an average daily discharge flow of less than five 47397  
thousand gallons per day is not subject to the fees assessed under 47398  
division (Y) of this section. 47399

(3) No sewage sludge facility required to pay the annual 47400  
sludge fee shall be required to pay more than the maximum annual 47401  
fee for each disposal method that the sewage sludge facility uses. 47402  
The maximum annual fee does not include the additional amount that 47403  
may be charged under division (Y)(5) of this section for late 47404  
payment of the annual sludge fee. The maximum annual fee for the 47405  
following methods of disposal of sewage sludge is as follows: 47406

(a) Incineration: five thousand dollars; 47407

(b) Preexisting land reclamation project or disposal in a 47408  
landfill: five thousand dollars; 47409

(c) Land application, land reclamation, surface disposal, or 47410  
any other disposal method not specified in division (Y)(3)(a) or 47411  
(b) of this section: twenty thousand dollars. 47412



(4)(a) In the case of an entity that generates sewage sludge 47413  
or a sewage sludge facility that treats sewage sludge and 47414  
transfers the sewage sludge to an incineration facility for 47415  
disposal, the incineration facility, and not the entity generating 47416  
the sewage sludge or the sewage sludge facility treating the 47417  
sewage sludge, shall pay the annual sludge fee for the tons of 47418  
sewage sludge that are transferred. However, the entity or 47419  
facility generating or treating the sewage sludge shall pay the 47420  
one-hundred-dollar minimum fee required under division (Y)(2)(a) 47421  
of this section. 47422

(b) In the case of an entity that generates sewage sludge and 47423  
transfers the sewage sludge to a landfill for disposal or to a 47424  
sewage sludge facility for land reclamation or surface disposal, 47425  
the entity generating the sewage sludge, and not the landfill or 47426  
sewage sludge facility, shall pay the annual sludge fee for the 47427  
tons of sewage sludge that are transferred. 47428

(5) Not later than the first day of April of the calendar 47429  
year following March 17, 2000, and each first day of April 47430  
thereafter, the director shall issue invoices to persons who are 47431  
required to pay the annual sludge fee. The invoice shall identify 47432  
the nature and amount of the annual sludge fee assessed and state 47433  
the first day of May as the deadline for receipt by the director 47434  
of objections regarding the amount of the fee and the first day of 47435  
July as the deadline for payment of the fee. 47436

Not later than the first day of May following receipt of an 47437  
invoice, a person required to pay the annual sludge fee may submit 47438  
objections to the director concerning the accuracy of information 47439  
regarding the number of dry tons of sewage sludge used to 47440  
calculate the amount of the annual sludge fee or regarding whether 47441  
the sewage sludge qualifies for the exceptional quality sludge 47442  
discount established in division (Y)(2)(b) of this section. The 47443  
director may consider the objections and adjust the amount of the 47444

fee to ensure that it is accurate. 47445

If the director does not adjust the amount of the annual 47446  
sludge fee in response to a person's objections, the person may 47447  
appeal the director's determination in accordance with Chapter 47448  
119. of the Revised Code. 47449

Not later than the first day of June, the director shall 47450  
notify the objecting person regarding whether the director has 47451  
found the objections to be valid and the reasons for the finding. 47452  
If the director finds the objections to be valid and adjusts the 47453  
amount of the annual sludge fee accordingly, the director shall 47454  
issue with the notification a new invoice to the person 47455  
identifying the amount of the annual sludge fee assessed and 47456  
stating the first day of July as the deadline for payment. 47457

Not later than the first day of July, any person who is 47458  
required to do so shall pay the annual sludge fee. Any person who 47459  
is required to pay the fee, but who fails to do so on or before 47460  
that date shall pay an additional amount that equals ten per cent 47461  
of the required annual sludge fee. 47462

(6) The director shall transmit all moneys collected under 47463  
division (Y) of this section to the treasurer of state for deposit 47464  
into the surface water protection fund created in section 6111.038 47465  
of the Revised Code. The moneys shall be used to defray the costs 47466  
of administering and enforcing provisions in Chapter 6111. of the 47467  
Revised Code and rules adopted under it that govern the use, 47468  
storage, treatment, or disposal of sewage sludge. 47469

(7) Beginning in fiscal year 2001, and every two years 47470  
thereafter, the director shall review the total amount of moneys 47471  
generated by the annual sludge fees to determine if that amount 47472  
exceeded six hundred thousand dollars in either of the two 47473  
preceding fiscal years. If the total amount of moneys in the fund 47474  
exceeded six hundred thousand dollars in either fiscal year, the 47475

director, after review of the fee structure and consultation with 47476  
affected persons, shall issue an order reducing the amount of the 47477  
fees levied under division (Y) of this section so that the 47478  
estimated amount of moneys resulting from the fees will not exceed 47479  
six hundred thousand dollars in any fiscal year. 47480

If, upon review of the fees under division (Y)(7) of this 47481  
section and after the fees have been reduced, the director 47482  
determines that the total amount of moneys collected and 47483  
accumulated is less than six hundred thousand dollars, the 47484  
director, after review of the fee structure and consultation with 47485  
affected persons, may issue an order increasing the amount of the 47486  
fees levied under division (Y) of this section so that the 47487  
estimated amount of moneys resulting from the fees will be 47488  
approximately six hundred thousand dollars. Fees shall never be 47489  
increased to an amount exceeding the amount specified in division 47490  
(Y)(7) of this section. 47491

Notwithstanding section 119.06 of the Revised Code, the 47492  
director may issue an order under division (Y)(7) of this section 47493  
without the necessity to hold an adjudicatory hearing in 47494  
connection with the order. The issuance of an order under this 47495  
division is not an act or action for purposes of section 3745.04 47496  
of the Revised Code. 47497

(8) As used in division (Y) of this section: 47498

(a) "Sewage sludge facility" means an entity that performs 47499  
treatment on or is responsible for the disposal of sewage sludge. 47500

(b) "Sewage sludge" means a solid, semi-solid, or liquid 47501  
residue generated during the treatment of domestic sewage in a 47502  
treatment works as defined in section 6111.01 of the Revised Code. 47503  
"Sewage sludge" includes, but is not limited to, scum or solids 47504  
removed in primary, secondary, or advanced wastewater treatment 47505  
processes. "Sewage sludge" does not include ash generated during 47506

the firing of sewage sludge in a sewage sludge incinerator, grit 47507  
and screenings generated during preliminary treatment of domestic 47508  
sewage in a treatment works, animal manure, residue generated 47509  
during treatment of animal manure, or domestic septage. 47510

(c) "Exceptional quality sludge" means sewage sludge that 47511  
meets all of the following qualifications: 47512

(i) Satisfies the class A pathogen standards in 40 C.F.R. 47513  
503.32(a); 47514

(ii) Satisfies one of the vector attraction reduction 47515  
requirements in 40 C.F.R. 503.33(b)(1) to (b)(8); 47516

(iii) Does not exceed the ceiling concentration limitations 47517  
for metals listed in table one of 40 C.F.R. 503.13; 47518

(iv) Does not exceed the concentration limitations for metals 47519  
listed in table three of 40 C.F.R. 503.13. 47520

(d) "Treatment" means the preparation of sewage sludge for 47521  
final use or disposal and includes, but is not limited to, 47522  
thickening, stabilization, and dewatering of sewage sludge. 47523

(e) "Disposal" means the final use of sewage sludge, 47524  
including, but not limited to, land application, land reclamation, 47525  
surface disposal, or disposal in a landfill or an incinerator. 47526

(f) "Land application" means the spraying or spreading of 47527  
sewage sludge onto the land surface, the injection of sewage 47528  
sludge below the land surface, or the incorporation of sewage 47529  
sludge into the soil for the purposes of conditioning the soil or 47530  
fertilizing crops or vegetation grown in the soil. 47531

(g) "Land reclamation" means the returning of disturbed land 47532  
to productive use. 47533

(h) "Surface disposal" means the placement of sludge on an 47534  
area of land for disposal, including, but not limited to, 47535  
monofills, surface impoundments, lagoons, waste piles, or 47536

dedicated disposal sites. 47537

(i) "Incinerator" means an entity that disposes of sewage 47538  
sludge through the combustion of organic matter and inorganic 47539  
matter in sewage sludge by high temperatures in an enclosed 47540  
device. 47541

(j) "Incineration facility" includes all incinerators owned 47542  
or operated by the same entity and located on a contiguous tract 47543  
of land. Areas of land are considered to be contiguous even if 47544  
they are separated by a public road or highway. 47545

(k) "Annual sludge fee" means the fee assessed under division 47546  
(Y)(1) of this section. 47547

(l) "Landfill" means a sanitary landfill facility, as defined 47548  
in rules adopted under section 3734.02 of the Revised Code, that 47549  
is licensed under section 3734.05 of the Revised Code. 47550

(m) "Preexisting land reclamation project" means a 47551  
property-specific land reclamation project that has been in 47552  
continuous operation for not less than five years pursuant to 47553  
approval of the activity by the director and includes the 47554  
implementation of a community outreach program concerning the 47555  
activity. 47556

**Sec. 3769.07.** (A) Except as otherwise provided in this 47557  
section, no permit shall be issued under sections 3769.01 to 47558  
3769.14 of the Revised Code, authorizing the conduct of a live 47559  
racing program for thoroughbred horses and quarter horses at any 47560  
place, track, or enclosure except between the hours of twelve noon 47561  
and seven p.m., for running horse-racing meetings, except that on 47562  
special events days running horse-racing meetings may begin at 47563  
nine a.m. by application to the state racing commission and except 47564  
that the seven p.m. time may be extended to eight p.m. on a Sunday 47565  
or holiday by application to the commission, and no permit shall 47566

be issued under those sections authorizing the conduct of a live 47567  
racing program for harness horses at any place, track, or 47568  
enclosure except between the hours of twelve noon and twelve 47569  
midnight for light harness horse-racing meetings. The seven p.m. 47570  
and eight p.m. closing times described in this section shall upon 47571  
application to the commission be extended to nine p.m. for any 47572  
running horse-racing meeting conducted between the fifteenth day 47573  
of May and the fifteenth day of September at a track that is 47574  
located more than twenty-five miles from a track located in this 47575  
state where a light harness horse-racing meeting, other than a 47576  
light harness horse-racing meeting at a county fair or independent 47577  
fair, is being conducted and that is located less than twenty-five 47578  
miles from a track located outside this state. A permit issued for 47579  
horse racing at a county fair shall authorize live horse racing to 47580  
begin at nine a.m. 47581

(B) No permit shall be granted for the holding or conducting 47582  
of a horse-racing meeting after the tenth day of December in any 47583  
calendar year, except for racing at winterized tracks. "Winterized 47584  
track" means a track with enclosed club house or grandstand, 47585  
all-weather racing track, heated facilities for jockeys or 47586  
drivers, backstretch facilities that are properly prepared for 47587  
winter racing, and adequate snow removal equipment available. 47588

(C) No permit shall be issued for more than an aggregate of 47589  
fifty-six racing days in any one calendar year, except that an 47590  
additional five days of racing may be approved by the commission 47591  
upon application by a permit holder and except that an additional 47592  
thirty days of racing may be granted for racing at any time after 47593  
the fifteenth day of October and prior to the fifteenth day of 47594  
March to a permit holder who has a winterized facility, but no 47595  
more than thirty such additional days may be issued at any one 47596  
track or enclosure. No more than an aggregate of fifty-six racing 47597  
days shall be issued in any one calendar year for any one race 47598

track, place, or enclosure, except for the additional five days of 47599  
racing for each permit holder which may be approved by the 47600  
commission pursuant to this section, except as provided in 47601  
sections 3769.071 and 3769.13 of the Revised Code, except for 47602  
racing days granted as a result of a winterized facility, and 47603  
except that the commission may issue a second permit for a maximum 47604  
of fifty-six racing days for any one track, place, or enclosure, 47605  
if the commission determines that the issuance of such second 47606  
permit is not against the public interest. No such second permit 47607  
shall be issued: 47608

~~(A)~~(1) For the operation of racing in any county with a 47609  
population of less than seven hundred thousand or for the 47610  
operation of racing in any county which has more than one race 47611  
track at which a racing meet has been authorized, except as 47612  
provided in this division and in sections 3769.071 and 3769.13 of 47613  
the Revised Code, in the same year by the commission. A second 47614  
permit issued pursuant to this division may be issued at either or 47615  
both race tracks in a county that has only two race tracks if a 47616  
racing meet has been authorized at both race tracks in the same 47617  
year by the commission and one race track has been authorized to 47618  
conduct thoroughbred racing meets and the other race track has 47619  
been authorized to conduct harness racing meets. When such second 47620  
permit is issued pursuant to this division for racing at the one 47621  
race track, racing shall not be conducted at that race track on 47622  
the same day that racing is conducted at the other race track in 47623  
the county except by mutual agreement of the two race tracks. 47624

~~(B)~~(2) To any corporation having one or more shareholders 47625  
owning an interest in any other permit issued by the commission 47626  
for the operation of racing, in the same year, at any other race 47627  
track, place, or enclosure in this state; 47628

~~(C)~~(3) To any person, association, or trust which owns, or 47629  
which has any members owning, an interest in any other permit 47630

issued by the commission for the operation of racing, in the same 47631  
year, at any other race track, place, or enclosure in this state. 47632

(D) No permit shall be issued so as to permit live racing 47633  
programs on the same hour at more than one track in one county or 47634  
on tracks in operation in 1975 within fifty miles of each other, 47635  
nor shall any other form of pari-mutuel wagering other than horse 47636  
racing be permitted within seventy-five miles of a track where 47637  
horse racing is being conducted, except that this provision shall 47638  
not apply to a horse-racing meeting held at the state fair or at a 47639  
fair conducted by a county agricultural society or at a fair 47640  
conducted by an independent agricultural society. Distribution of 47641  
days shall not apply to fairs or horse shows not required to 47642  
secure a permit under such section. ~~Notwithstanding~~ 47643

(E) Notwithstanding any other contrary provision of this 47644  
~~chapter, a~~The Revised Code: 47645

(1) No person, association, trust, or corporation may own or 47646  
operate or entity shall be issued permits to conduct horse-racing 47647  
meetings at more than two separate facilities in this state that 47648  
are conducting horse racing meetings at any one time. 47649

(2) No person or entity shall be issued permits to conduct 47650  
thoroughbred horse-racing meetings at more than one facility in 47651  
this state at any one time. 47652

(3) No person or entity shall be a management company for 47653  
persons or entities that have been issued permits to conduct 47654  
horse-racing meetings at more than two facilities in this state at 47655  
any one time. 47656

(4) A person or entity is not prohibited from owning more 47657  
than two facilities in this state at which horse-racing meetings 47658  
are conducted, so long as the person or entity is not in violation 47659  
of division (E)(1), (2), or (3) of this section. 47660

(F) A permit, granted under sections 3769.01 to 3769.14 of 47661



the Revised Code, shall be conspicuously displayed during the 47662  
horse-racing meeting in the principal office at such race track 47663  
and at all reasonable times shall be exhibited to any authorized 47664  
person requesting to see the same. 47665

**Sec. 3772.19.** ~~A person~~ No casino operator shall ~~not~~ hold a 47666  
majority ownership interest in, ~~or be a management company for,~~ 47667  
more than two casino operator licenses or casino facilities at any 47668  
one time. ~~A person shall not hold a majority ownership interest~~ 47669  
~~in, or be a management company, for more than two tracks at which~~ 47670  
~~horse racing where the pari-mutuel system of wagering is conducted~~ 47671  
~~at any one time, of which not more than one shall be a track for~~ 47672  
~~thoroughbred horses.~~ No person shall be a management company for 47673  
casino operators licensed to operate more than two casino 47674  
facilities in this state at any one time. 47675

**Sec. 3781.06.** (A)(1) Any building that may be used as a place 47676  
of resort, assembly, education, entertainment, lodging, dwelling, 47677  
trade, manufacture, repair, storage, traffic, or occupancy by the 47678  
public, any residential building, and all other buildings or parts 47679  
and appurtenances of those buildings erected within this state, 47680  
shall be so constructed, erected, equipped, and maintained that 47681  
they shall be safe and sanitary for their intended use and 47682  
occupancy. 47683

(2) Nothing in sections 3781.06 to 3781.18, 3781.40, and 47684  
3791.04 of the Revised Code shall be construed to limit the power 47685  
of the division of industrial compliance of the department of 47686  
commerce to adopt rules of uniform application governing 47687  
manufactured home parks pursuant to section 4781.26 of the Revised 47688  
Code. 47689

(B) Sections 3781.06 to 3781.18, 3781.40, and 3791.04 of the 47690  
Revised Code do not apply to either of the following: 47691

(1) Buildings or structures that are incident to the use for 47692  
agricultural purposes of the land on which the buildings or 47693  
structures are located, provided those buildings or structures are 47694  
not used in the business of retail trade. For purposes of this 47695  
division, a building or structure is not considered used in the 47696  
business of retail trade if fifty per cent or more of the gross 47697  
income received from sales of products in the building or 47698  
structure by the owner or operator is from sales of products 47699  
produced or raised in a normal crop year on farms owned or 47700  
operated by the seller. 47701

(2) Existing single-family, two-family, and three-family 47702  
detached dwelling houses for which applications have been 47703  
submitted to the director of job and family services pursuant to 47704  
section 5104.03 of the Revised Code for the purposes of operating 47705  
type A family day-care homes as defined in section 5104.01 of the 47706  
Revised Code. 47707

(C) As used in sections 3781.06 to 3781.18 and 3791.04 of the 47708  
Revised Code: 47709

(1) "Agricultural purposes" include agriculture, farming, 47710  
dairying, pasturage, apiculture, algaculture meaning the farming 47711  
of algae, horticulture, floriculture, viticulture, ornamental 47712  
horticulture, olericulture, pomiculture, and animal and poultry 47713  
husbandry. 47714

(2) "Building" means any structure consisting of foundations, 47715  
walls, columns, girders, beams, floors, and roof, or a combination 47716  
of any number of these parts, with or without other parts or 47717  
appurtenances. 47718

(3) "Industrialized unit" means a building unit or assembly 47719  
of closed construction fabricated in an off-site facility, that is 47720  
substantially self-sufficient as a unit or as part of a greater 47721  
structure, and that requires transportation to the site of 47722

intended use. "Industrialized unit" includes units installed on 47723  
the site as independent units, as part of a group of units, or 47724  
incorporated with standard construction methods to form a 47725  
completed structural entity. "Industrialized unit" does not 47726  
include a manufactured home as defined by division (C)(4) of this 47727  
section or a mobile home as defined by division (O) of section 47728  
4501.01 of the Revised Code. 47729

(4) "Manufactured home" means a building unit or assembly of 47730  
closed construction that is fabricated in an off-site facility and 47731  
constructed in conformance with the federal construction and 47732  
safety standards established by the secretary of housing and urban 47733  
development pursuant to the "Manufactured Housing Construction and 47734  
Safety Standards Act of 1974," 88 Stat. 700, 42 U.S.C.A. 5401, 47735  
5403, and that has a permanent label or tag affixed to it, as 47736  
specified in 42 U.S.C.A. 5415, certifying compliance with all 47737  
applicable federal construction and safety standards. 47738

(5) "Permanent foundation" means permanent masonry, concrete, 47739  
or a footing or foundation approved by the division of industrial 47740  
compliance of the department of commerce pursuant to Chapter 4781. 47741  
of the Revised Code, to which a manufactured or mobile home may be 47742  
affixed. 47743

(6) "Permanently sited manufactured home" means a 47744  
manufactured home that meets all of the following criteria: 47745

(a) The structure is affixed to a permanent foundation and is 47746  
connected to appropriate facilities; 47747

(b) The structure, excluding any addition, has a width of at 47748  
least twenty-two feet at one point, a length of at least 47749  
twenty-two feet at one point, and a total living area, excluding 47750  
garages, porches, or attachments, of at least nine hundred square 47751  
feet; 47752

(c) The structure has a minimum 3:12 residential roof pitch, 47753

conventional residential siding, and a six-inch minimum eave 47754  
overhang, including appropriate guttering; 47755

(d) The structure was manufactured after January 1, 1995; 47756

(e) The structure is not located in a manufactured home park 47757  
as defined by section 4781.01 of the Revised Code. 47758

(7) "Safe," with respect to a building, means it is free from 47759  
danger or hazard to the life, safety, health, or welfare of 47760  
persons occupying or frequenting it, or of the public and from 47761  
danger of settlement, movement, disintegration, or collapse, 47762  
whether such danger arises from the methods or materials of its 47763  
construction or from equipment installed therein, for the purpose 47764  
of lighting, heating, the transmission or utilization of electric 47765  
current, or from its location or otherwise. 47766

(8) "Sanitary," with respect to a building, means it is free 47767  
from danger or hazard to the health of persons occupying or 47768  
frequenting it or to that of the public, if such danger arises 47769  
from the method or materials of its construction or from any 47770  
equipment installed therein, for the purpose of lighting, heating, 47771  
ventilating, or plumbing. 47772

(9) "Residential building" means a one-family, two-family, or 47773  
three-family dwelling house, and any accessory structure 47774  
incidental to that dwelling house. "Residential building" includes 47775  
a one-family, two-family, or three-family dwelling house that is 47776  
used as a model to promote the sale of a similar dwelling house. 47777  
"Residential building" does not include an industrialized unit as 47778  
defined by division (C)(3) of this section, a manufactured home as 47779  
defined by division (C)(4) of this section, or a mobile home as 47780  
defined by division (O) of section 4501.01 of the Revised Code. 47781

(10) "Nonresidential building" means any building that is not 47782  
a residential building or a manufactured or mobile home. 47783

(11) "Accessory structure" means a structure that is attached 47784

to a residential building and serves the principal use of the 47785  
residential building. "Accessory structure" includes, but is not 47786  
limited to, a garage, porch, or screened-in patio. 47787

**Sec. 3781.061.** Whenever a county zoning inspector under 47788  
section 303.16 of the Revised Code, or a township zoning inspector 47789  
under section 519.16 of the Revised Code, issues a zoning 47790  
certificate that declares a specific building or structure is to 47791  
be used in agriculture, such building is not subject to sections 47792  
3781.06 to 3781.20, 3781.40, or 3791.04 of the Revised Code. 47793

**Sec. 3781.10.** (A)(1) The board of building standards shall 47794  
formulate and adopt rules governing the erection, construction, 47795  
repair, alteration, and maintenance of all buildings or classes of 47796  
buildings specified in section 3781.06 of the Revised Code, 47797  
including land area incidental to those buildings, the 47798  
construction of industrialized units, the installation of 47799  
equipment, and the standards or requirements for materials used in 47800  
connection with those buildings. The board shall incorporate those 47801  
rules into separate residential and nonresidential building codes. 47802  
The standards shall relate to the conservation of energy and the 47803  
safety and sanitation of those buildings. 47804

(2) The rules governing nonresidential buildings are the 47805  
lawful minimum requirements specified for those buildings and 47806  
industrialized units, except that no rule other than as provided 47807  
in division (C) of section 3781.108 of the Revised Code that 47808  
specifies a higher requirement than is imposed by any section of 47809  
the Revised Code is enforceable. The rules governing residential 47810  
buildings are uniform requirements for residential buildings in 47811  
any area with a building department certified to enforce the state 47812  
residential building code. In no case shall any local code or 47813  
regulation differ from the state residential building code unless 47814  
that code or regulation addresses subject matter not addressed by 47815

the state residential building code or is adopted pursuant to 47816  
section 3781.01 of the Revised Code. 47817

(3) The rules adopted pursuant to this section are complete, 47818  
lawful alternatives to any requirements specified for buildings or 47819  
industrialized units in any section of the Revised Code. Except as 47820  
otherwise provided in division (I) of this section, the board 47821  
shall, on its own motion or on application made under sections 47822  
3781.12 and 3781.13 of the Revised Code, formulate, propose, 47823  
adopt, modify, amend, or repeal the rules to the extent necessary 47824  
or desirable to effectuate the purposes of sections 3781.06 to 47825  
3781.18 of the Revised Code. 47826

(B) The board shall report to the general assembly proposals 47827  
for amendments to existing statutes relating to the purposes 47828  
declared in section 3781.06 of the Revised Code that public health 47829  
and safety and the development of the arts require and shall 47830  
recommend any additional legislation to assist in carrying out 47831  
fully, in statutory form, the purposes declared in that section. 47832  
The board shall prepare and submit to the general assembly a 47833  
summary report of the number, nature, and disposition of the 47834  
petitions filed under sections 3781.13 and 3781.14 of the Revised 47835  
Code. 47836

(C) On its own motion or on application made under sections 47837  
3781.12 and 3781.13 of the Revised Code, and after thorough 47838  
testing and evaluation, the board shall determine by rule that any 47839  
particular fixture, device, material, process of manufacture, 47840  
manufactured unit or component, method of manufacture, system, or 47841  
method of construction complies with performance standards adopted 47842  
pursuant to section 3781.11 of the Revised Code. The board shall 47843  
make its determination with regard to adaptability for safe and 47844  
sanitary erection, use, or construction, to that described in any 47845  
section of the Revised Code, wherever the use of a fixture, 47846  
device, material, method of manufacture, system, or method of 47847

construction described in that section of the Revised Code is 47848  
permitted by law. The board shall amend or annul any rule or issue 47849  
an authorization for the use of a new material or manufactured 47850  
unit on any like application. No department, officer, board, or 47851  
commission of the state other than the board of building standards 47852  
or the board of building appeals shall permit the use of any 47853  
fixture, device, material, method of manufacture, newly designed 47854  
product, system, or method of construction at variance with what 47855  
is described in any rule the board of building standards adopts or 47856  
issues or that is authorized by any section of the Revised Code. 47857  
Nothing in this section shall be construed as requiring approval, 47858  
by rule, of plans for an industrialized unit that conforms with 47859  
the rules the board of building standards adopts pursuant to 47860  
section 3781.11 of the Revised Code. 47861

(D) The board shall recommend rules, codes, and standards to 47862  
help carry out the purposes of section 3781.06 of the Revised Code 47863  
and to help secure uniformity of state administrative rulings and 47864  
local legislation and administrative action to the bureau of 47865  
workers' compensation, the director of commerce, any other 47866  
department, officer, board, or commission of the state, and to 47867  
legislative authorities and building departments of counties, 47868  
townships, and municipal corporations, and shall recommend that 47869  
they audit those recommended rules, codes, and standards by any 47870  
appropriate action that they are allowed pursuant to law or the 47871  
constitution. 47872

(E)(1) The board shall certify municipal, township, and 47873  
county building departments ~~and~~, the personnel of those building 47874  
departments, ~~and~~ persons described in division (E)(7) of this 47875  
section, and employees of individuals, firms, the state, or 47876  
corporations ~~as~~ described in division (E)(7) of this section to 47877  
exercise enforcement authority, to accept and approve plans and 47878  
specifications, and to make inspections, pursuant to sections 47879

3781.03, 3791.04, and 4104.43 of the Revised Code. 47880

(2) The board shall certify departments, personnel, and 47881  
persons to enforce the state residential building code, to enforce 47882  
the nonresidential building code, or to enforce both the 47883  
residential and the nonresidential building codes. Any department, 47884  
personnel, or person may enforce only the type of building code 47885  
for which certified. 47886

(3) The board shall not require a building department, its 47887  
personnel, or any persons that it employs to be certified for 47888  
residential building code enforcement if that building department 47889  
does not enforce the state residential building code. The board 47890  
shall specify, in rules adopted pursuant to Chapter 119. of the 47891  
Revised Code, the requirements for certification for residential 47892  
and nonresidential building code enforcement, which shall be 47893  
consistent with this division. The requirements for residential 47894  
and nonresidential certification may differ. Except as otherwise 47895  
provided in this division, the requirements shall include, but are 47896  
not limited to, the satisfactory completion of an initial 47897  
examination and, to remain certified, the completion of a 47898  
specified number of hours of continuing building code education 47899  
within each three-year period following the date of certification 47900  
which shall be not less than thirty hours. The rules shall provide 47901  
that continuing education credits and certification issued by the 47902  
council of American building officials, national model code 47903  
organizations, and agencies or entities the board recognizes are 47904  
acceptable for purposes of this division. The rules shall specify 47905  
requirements that are consistent with the provisions of section 47906  
5903.12 of the Revised Code relating to active duty military 47907  
service and are compatible, to the extent possible, with 47908  
requirements the council of American building officials and 47909  
national model code organizations establish. 47910

(4) The board shall establish and collect a certification and 47911



renewal fee for building department personnel, and persons and 47912  
employees of persons, firms, or corporations as described in this 47913  
section, who are certified pursuant to this division. 47914

(5) Any individual certified pursuant to this division shall 47915  
complete the number of hours of continuing building code education 47916  
that the board requires or, for failure to do so, forfeit 47917  
certification. 47918

(6) This division does not require or authorize the board to 47919  
certify personnel of municipal, township, and county building 47920  
departments, and persons and employees of persons, firms, or 47921  
corporations as described in this section, whose responsibilities 47922  
do not include the exercise of enforcement authority, the approval 47923  
of plans and specifications, or making inspections under the state 47924  
residential and nonresidential building codes. 47925

(7) Enforcement authority for approval of plans and 47926  
specifications and enforcement authority for inspections may be 47927  
exercised, and plans and specifications may be approved and 47928  
inspections may be made on behalf of a municipal corporation, 47929  
township, or county, by any of the following who the board of 47930  
building standards certifies: 47931

(a) Officers or employees of the municipal corporation, 47932  
township, or county; 47933

(b) Persons, or employees of persons, firms, or corporations, 47934  
pursuant to a contract to furnish architectural, engineering, or 47935  
other services to the municipal corporation, township, or county; 47936

(c) Officers or employees of, and persons under contract 47937  
with, a municipal corporation, township, county, health district, 47938  
or other political subdivision, pursuant to a contract to furnish 47939  
architectural, engineering, or other services; 47940

(d) Officers or employees of the division of industrial 47941  
compliance in the department of commerce pursuant to a contract 47942

authorized by division (B) of section 121.083 of the Revised Code. 47943

(8) Municipal, township, and county building departments have 47944  
jurisdiction within the meaning of sections 3781.03, 3791.04, and 47945  
4104.43 of the Revised Code, only with respect to the types of 47946  
buildings and subject matters for which they are certified under 47947  
this section. 47948

(9) A certified municipal, township, or county building 47949  
department may exercise enforcement authority, accept and approve 47950  
plans and specifications, and make inspections pursuant to 47951  
sections 3781.03, 3791.04, and 4104.43 of the Revised Code for a 47952  
park district created pursuant to Chapter 1545. of the Revised 47953  
Code upon the approval, by resolution, of the board of park 47954  
commissioners of the park district requesting the department to 47955  
exercise that authority and conduct those activities, as 47956  
applicable. 47957

(10) Certification shall be granted upon application by the 47958  
municipal corporation, the board of township trustees, or the 47959  
board of county commissioners and approval of that application by 47960  
the board of building standards. The application shall set forth: 47961

(a) Whether the certification is requested for residential or 47962  
nonresidential buildings, or both; 47963

(b) The number and qualifications of the staff composing the 47964  
building department; 47965

(c) The names, addresses, and qualifications of persons, 47966  
firms, or corporations contracting to furnish work or services 47967  
pursuant to division (E)(7)(b) of this section; 47968

(d) The names of any other municipal corporation, township, 47969  
county, health district, or political subdivision under contract 47970  
to furnish work or services pursuant to division (E)(7) of this 47971  
section; 47972

(e) The proposed budget for the operation of the building department.	47973 47974
(11) The board of building standards shall adopt rules governing all of the following:	47975 47976
(a) The certification of building department personnel and persons and employees of persons, firms, or corporations exercising authority pursuant to division (E)(7) of this section. The rules shall disqualify any employee of the department or person who contracts for services with the department from performing services for the department when that employee or person would have to pass upon, inspect, or otherwise exercise authority over any labor, material, or equipment the employee or person furnishes for the construction, alteration, or maintenance of a building or the preparation of working drawings or specifications for work within the jurisdictional area of the department. The department shall provide other similarly qualified personnel to enforce the residential and nonresidential building codes as they pertain to that work.	47977 47978 47979 47980 47981 47982 47983 47984 47985 47986 47987 47988 47989 47990
(b) The minimum services to be provided by a certified building department.	47991 47992
(12) The board of building standards may revoke or suspend certification to enforce the residential and nonresidential building codes, on petition to the board by any person affected by that enforcement or approval of plans, or by the board on its own motion. Hearings shall be held and appeals permitted on any proceedings for certification or revocation or suspension of certification in the same manner as provided in section 3781.101 of the Revised Code for other proceedings of the board of building standards.	47993 47994 47995 47996 47997 47998 47999 48000 48001
(13) Upon certification, and until that authority is revoked, any county or township building department shall enforce the	48002 48003

residential and nonresidential building codes for which it is certified without regard to limitation upon the authority of boards of county commissioners under Chapter 307. of the Revised Code or boards of township trustees under Chapter 505. of the Revised Code.

(F) In addition to hearings sections 3781.06 to 3781.18 and 3791.04 of the Revised Code require, the board of building standards shall make investigations and tests, and require from other state departments, officers, boards, and commissions information the board considers necessary or desirable to assist it in the discharge of any duty or the exercise of any power mentioned in this section or in sections 3781.06 to 3781.18, 3791.04, and 4104.43 of the Revised Code.

(G) The board shall adopt rules and establish reasonable fees for the review of all applications submitted where the applicant applies for authority to use a new material, assembly, or product of a manufacturing process. The fee shall bear some reasonable relationship to the cost of the review or testing of the materials, assembly, or products and for the notification of approval or disapproval as provided in section 3781.12 of the Revised Code.

(H) The residential construction advisory committee shall provide the board with a proposal for a state residential building code that the committee recommends pursuant to division (D)(1) of section 4740.14 of the Revised Code. Upon receiving a recommendation from the committee that is acceptable to the board, the board shall adopt rules establishing that code as the state residential building code.

(I)(1) The committee may provide the board with proposed rules to update or amend the state residential building code that the committee recommends pursuant to division (E) of section 4740.14 of the Revised Code.

(2) If the board receives a proposed rule to update or amend the state residential building code as provided in division (I)(1) of this section, the board either may accept or reject the proposed rule for incorporation into the residential building code. If the board does not act to either accept or reject the proposed rule within ninety days after receiving the proposed rule from the committee as described in division (I)(1) of this section, the proposed rule shall become part of the residential building code.

(J) The board shall cooperate with the director of job and family services when the director promulgates rules pursuant to section 5104.05 of the Revised Code regarding safety and sanitation in type A family day-care homes.

(K) The board shall adopt rules to implement the requirements of section 3781.108 of the Revised Code.

**Sec. 3781.1010.** (A) No rule of the board of building standards for the erection, construction, repair, alteration, and maintenance of buildings adopted under section 3781.10 of the Revised Code shall require the installation of a storm shelter in any school building operated by a public or private school prior to September 15, ~~2019~~, 2020, or in any such school building undergoing or about to undergo construction, alteration, repair, or maintenance for which financing has been secured prior to that date. ~~Any~~

(B) ~~Any~~ rule adopted by the board that conflicts with this section shall not be effective with respect to any school building prior to September 15, ~~2019~~ 2020.

(C) As used in this section, "school building," "public school," and "private school" have the same meanings as in section 3781.106 of the Revised Code.

Sec. 3781.40. (A) As used in this section: 48066

(1) "Adequate welding standards" means specifications, 48067  
guidelines, tests, and other methods used to ensure that all 48068  
structural steel welds meet, at minimum, the codes and standards 48069  
for such welds established in the American welding society 48070  
structural steel welding code D1.1 and the nonresidential building 48071  
code adopted under section 3781.10 of the Revised Code. 48072

(2) "Certified welding inspector" means a person who has been 48073  
certified by the American welding society to inspect structural 48074  
steel welding projects and conduct welder qualification tests. 48075

(3) "Structural steel welding" means structural welds, weld 48076  
repair, the structural system, and the welding of all primary 48077  
steel members of a structure in accordance with the American 48078  
welding society structural steel welding code D1.1. "Structural 48079  
steel welding" does not include welding that is required by the 48080  
American society of mechanical engineers to have its own 48081  
certification. 48082

(B) A contractor, subcontractor, or construction manager 48083  
whose workers are welding the structural steel on a construction 48084  
project shall ensure that all of the following occur: 48085

(1) The workers performing the structural steel welding have 48086  
been tested by and hold a valid certification from a facility that 48087  
or individual who has been accredited by the American welding 48088  
society to test and certify welders and welding inspectors. 48089

(2) All structural steel welds performed for the project meet 48090  
adequate welding standards and are listed in the project's job 48091  
specifications. 48092

(3) All structural steel welding inspections listed in the 48093  
project's job specifications are completed by a certified welding 48094  
inspector. 48095

(C) No person shall recklessly fail to comply with this section. 48096  
48097

**Sec. 3798.01.** As used in this chapter: 48098

(A) "Administrative safeguards," "physical safeguards," and "technical safeguards" have the same meanings as in 45 C.F.R. 164.304. 48099  
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~~(B) "Approved health information exchange" means a health information exchange that has been approved or reapproved by the medicaid director pursuant to the approval or reapproval process, as applicable, the director establishes in rules adopted under division (A) of section 3798.15 of the Revised Code or that has been certified by the office of the national coordinator for health information technology in the United States department of health and human services.~~ 48102  
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~~(C)~~ "Covered entity," "disclosure," "health care provider," "health information," "individually identifiable health information," "protected health information," and "use" have the same meanings as in 45 C.F.R. 160.103. 48110  
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~~(D)~~(C) "Designated record set" has the same meaning as in 45 C.F.R. 164.501. 48114  
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~~(E)~~(D) "Direct exchange" means the activity of electronic transmission of health information through a direct connection between the electronic record systems of health care providers without the use of a health information exchange. 48116  
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~~(F)~~(E) "Health care component" and "hybrid entity" have the same meanings as in 45 C.F.R. 164.103. 48120  
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~~(G)~~(F) "Health information exchange" means any person or governmental entity that provides in this state a technical infrastructure to connect computer systems or other electronic devices used by covered entities to facilitate the secure 48122  
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transmission of health information. "Health information exchange" 48126  
excludes health care providers engaged in direct exchange, 48127  
including direct exchange through the use of a health information 48128  
service provider. 48129

~~(H)~~(G) "HIPAA privacy rule" means the standards for privacy 48130  
of individually identifiable health information in 45 C.F.R. part 48131  
160 and in 45 C.F.R. part 164, subparts A and E. 48132

~~(I)~~(H) "Interoperability" means the capacity of two or more 48133  
information systems to exchange information in an accurate, 48134  
effective, secure, and consistent manner. 48135

~~(J)~~(I) "Minor" means an unemancipated person under eighteen 48136  
years of age or a mentally or physically disabled person under 48137  
twenty-one years of age who meets criteria specified in rules 48138  
adopted by the medicaid director under section 3798.13 of the 48139  
Revised Code. 48140

~~(K)~~(J) "More stringent" has the same meaning as in 45 C.F.R. 48141  
160.202. 48142

~~(L)~~ "Office of health transformation" means the office of 48143  
health transformation created by executive order 2011-02K or a 48144  
successor governmental entity responsible for health system 48145  
oversight in this state. 48146

~~(M)~~(K) "Personal representative" means a person who has 48147  
authority under applicable law to make decisions related to health 48148  
care on behalf of an adult or emancipated minor, or the parent, 48149  
legal guardian, or other person acting in loco parentis who is 48150  
authorized under law to make health care decisions on behalf of an 48151  
unemancipated minor. "Personal representative" does not include 48152  
the parent or legal guardian of, or another person acting in loco 48153  
parentis to, a minor who consents to the minor's own receipt of 48154  
health care or a minor who makes medical decisions on the minor's 48155  
own behalf pursuant to law, court approval, or because the minor's 48156



parent, legal guardian, or other person acting in loco parentis 48157  
has assented to an agreement of confidentiality between the 48158  
provider and the minor. 48159

~~(N)~~(L) "Political subdivision" means a municipal corporation, 48160  
township, county, school district, or other body corporate and 48161  
politic responsible for governmental activities in a geographic 48162  
area smaller than that of the state. 48163

~~(O)~~(M) "State agency" means any one or more of the following: 48164

(1) The department of administrative services; 48165

(2) The department of aging; 48166

(3) The department of mental health and addiction services; 48167

(4) The department of developmental disabilities; 48168

(5) The department of education; 48169

(6) The department of health; 48170

(7) The department of insurance; 48171

(8) The department of job and family services; 48172

(9) The department of medicaid; 48173

(10) The department of rehabilitation and correction; 48174

(11) The department of youth services; 48175

(12) The bureau of workers' compensation; 48176

(13) The opportunities for Ohioans with disabilities agency; 48177

(14) The office of the attorney general; 48178

(15) A health care licensing board created under Title XLVII 48179  
of the Revised Code that possesses individually identifiable 48180  
health information. 48181

**Sec. 3798.07.** (A) ~~In addition to a covered entity generally 48182  
being subject to the conditions specified in divisions (A) to (D) 48183~~

~~of section 3798.06 of the Revised Code when the covered entity~~ 48184  
~~discloses protected health information to a health information~~ 48185  
~~exchange without a valid authorization, the~~ A covered entity shall 48186  
~~also~~ be subject to the following conditions when it discloses 48187  
protected health information to a health information exchange: 48188

(1) The covered entity shall restrict disclosure consistent 48189  
with all applicable federal laws governing the disclosure. 48190

(2) If the protected health information concerns a minor, the 48191  
covered entity shall restrict disclosure in a manner that complies 48192  
with laws of this state pertaining to the circumstances under 48193  
which a minor may consent to the minor's own receipt of health 48194  
care or make medical decisions on the minor's own behalf, 48195  
including sections 2907.29, 3709.241, 3719.012, 5120.172, 5122.04, 48196  
and 5126.043 of the Revised Code unless the minor authorizes the 48197  
disclosure. 48198

(3) The covered entity shall restrict disclosure in a manner 48199  
that is consistent with a written request from the individual or 48200  
the individual's personal representative to restrict disclosure of 48201  
all of the individual's protected health information. 48202

~~(4) The covered entity shall restrict disclosure in a manner~~ 48203  
~~that is consistent with a written request from the individual or~~ 48204  
~~the individual's personal representative concerning specific~~ 48205  
~~categories of protected health information to the extent that~~ 48206  
~~rules adopted pursuant to section 3798.16 of the Revised Code~~ 48207  
~~require the covered entity to comply with such a request.~~ 48208

(B) The conditions in division (A) of this section on a 48209  
covered entity's disclosure of protected health information to a 48210  
health information exchange do not render unenforceable or 48211  
restrict in any manner any of the following: 48212

(1) A provision of the Revised Code that on ~~the effective~~ 48213

~~date of this section~~ September 10, 2012, requires a person or 48214  
governmental entity to disclose protected health information to a 48215  
state agency, political subdivision, or other governmental entity; 48216

(2) The confidential status of proceedings and records within 48217  
the scope of a peer review committee of a health care entity as 48218  
described in section 2305.252 of the Revised Code; 48219

(3) The confidential status of quality assurance program 48220  
activities and quality assurance records as described in section 48221  
5122.32 of the Revised Code; 48222

(4) The testimonial privilege established by division (B) of 48223  
section 2317.02 of the Revised Code; 48224

(5) Any of the following items that govern the 48225  
confidentiality, privacy, security, or privileged status of 48226  
protected health information in the possession or custody of an 48227  
agency as defined in section 111.15 of the Revised Code; govern 48228  
the process for obtaining from a patient consent to the provision 48229  
of health care or consent for participation in medical or other 48230  
scientific research; govern the process for determining whether an 48231  
adult has a physical or mental impairment or an adult's capacity 48232  
to make health care decisions for purposes of Chapter 5126. of the 48233  
Revised Code; or govern the process for determining whether a 48234  
minor has been emancipated: 48235

(a) A section of the Revised Code that is not in this 48236  
chapter; 48237

(b) A rule as defined in section 119.01 of the Revised Code; 48238

(c) An internal management rule as defined in section 111.15 48239  
of the Revised Code; 48240

(d) Guidance issued by an agency as defined in section 111.15 48241  
of the Revised Code; 48242

(e) Orders or regulations of a board of health of a city 48243

health district made under section 3709.20 of the Revised Code;	48244
(f) Orders or regulations of a board of health of a general health district made under section 3709.21 of the Revised Code;	48245
(g) An ordinance or resolution adopted by a political subdivision;	48247
(h) A professional code of ethics;	48248
(i) When a minor is authorized to consent to the minor's own receipt of health care or make medical decisions on the minor's own behalf, including the circumstances described in sections 2907.29, 3709.241, 3719.012, 5120.172, 5122.04, and 5126.043 of the Revised Code.	48249
<i>Sec. 3798.10. (A) <del>Not later than six months after September 10, 2012, the</del> <u>The</u> medicaid director, <del>in consultation with the office of health transformation,</del> shall prescribe by rules adopted in accordance with Chapter 119. of the Revised Code a standard authorization form for the use and disclosure of protected health information by covered entities in this state. The form shall meet all requirements specified in 45 C.F.R. 164.508 and, where applicable, 42 C.F.R. part 2.</i>	48250
(B) If a form the medicaid director prescribes under division (A) of this section is properly executed by an individual or the individual's personal representative, it shall be accepted by any person or governmental entity in this state as valid authorization for the use or disclosure of the individual's protected health information to the persons or governmental entities specified in the form.	48255
(C) This section does not preclude a person or governmental entity from accepting as valid authorization for the use or disclosure of protected health information a form other than the form prescribed under division (A) of this section if the other	48256
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form meets all requirements specified in 45 C.F.R. 164.508 and, if applicable, 42 C.F.R. part 2.

Sec. 3799.01. Article I. Definitions

For purposes of this compact:

1. "Compacting state" means either of the following:

a. Any state that has enacted the compact and which has not withdrawn or been suspended pursuant to Article XIV of the compact;

b. The federal government in accordance with the commission's bylaws.

2. "Compact" means the Solemn Covenant of the States to Award Prizes for Curing Diseases enacted in this section.

3. "Non-compacting state" means any state or the federal government, if it is not at the time a compacting state.

4. "Public health expenses" means the amount of all costs paid by taxpayers in a specified geographic area relating to a particular disease.

5. "State" means any state, district, or territory of the United States of America.

Article II. Establishment of the Commission; Membership

1. Upon the enactment of the compact by six states, the compacting states shall establish the Solemn Covenant of States Commission.

2. The commission is a body corporate and politic and an instrumentality of each of the compacting states and is solely responsible for its liabilities, except as otherwise specifically provided in the compact.

3. Each compacting state shall be represented by one member

as selected by the compacting state. Each compacting state shall 48302  
determine its member's qualifications and period of service and 48303  
shall be responsible for any action to remove or suspend its 48304  
member or to fill the member's position if it becomes vacant. 48305  
Nothing in the compact shall be construed to affect a compacting 48306  
state's authority regarding the qualification, selection, or 48307  
service of its own member. 48308

Article III. Powers of the Commission 48309

1. To adopt bylaws and rules pursuant to Articles V and VI of 48310  
the compact, which shall have the force and effect of law and 48311  
shall be binding in the compacting states to the extent and in the 48312  
manner provided in the compact; 48313

2. To receive and review in an expeditious manner treatments 48314  
and therapeutic protocols for the cure of disease submitted to the 48315  
commission and to award prizes for submissions that meet the 48316  
commission's standards for a successful cure treatment or 48317  
therapeutic protocol; 48318

3. To make widely available a cure treatment or therapeutic 48319  
protocol upon a prize winner claiming a prize and transferring any 48320  
intellectual property necessary for the manufacture and 48321  
distribution of the cure in accordance with section 3.g.i. of 48322  
Article VI, including by arranging or contracting for the 48323  
manufacturing, production, or provision of any drug, serum, or 48324  
other substance, device, or process, provided that the commission 48325  
does not market the cure or conduct any other activity regarding 48326  
the cure not specifically authorized in the compact; 48327

4. To establish a selling price for the cure, which shall be 48328  
not more than the expenses for the cure's manufacturing, 48329  
distribution, licensing, and any other necessary governmental 48330  
requirements for compacting states, or those expenses plus any 48331  
royalty fees, for noncompacting states; the price shall not 48332

<u>include the expenses of any other activities;</u>	48333
<u>5. In non-compacting states and foreign countries, to</u>	48334
<u>establish and collect royalty fees imposed on manufacturers,</u>	48335
<u>producers, and providers of any drug, serum, or other substance,</u>	48336
<u>device, or process used for a cure treatment or therapeutic</u>	48337
<u>protocol, for which a prize is awarded; royalty fees may be added</u>	48338
<u>to the sales price of the cure pursuant to section 4 of this</u>	48339
<u>Article; provided that the royalty fees shall cumulatively be not</u>	48340
<u>more than the estimated five-year savings in public health</u>	48341
<u>expenses for that state or country, as calculated by actuaries</u>	48342
<u>employed or contracted by the commission;</u>	48343
<u>6. To do the following regarding the collected royalty fees:</u>	48344
<u>a. Pay or reimburse expenses related to the payment of a</u>	48345
<u>prize, which shall include employing or contracting actuaries to</u>	48346
<u>calculate annual taxpayer savings amounts in compacting states in</u>	48347
<u>accordance with section 3.g.iii. of Article VI, and payment of</u>	48348
<u>interest and other expenses related to a loan obtained in</u>	48349
<u>accordance with section 3.g.vi. of Article VI;</u>	48350
<u>b. Annually disburse any amounts remaining after making</u>	48351
<u>payments or reimbursements under section 6.a. of this article as</u>	48352
<u>refunds to compacting states based on the per cent of the state's</u>	48353
<u>prize obligation in relation to the total obligation amount of all</u>	48354
<u>compacting states;</u>	48355
<u>7. To bring and prosecute legal proceedings or actions in its</u>	48356
<u>name as the commission;</u>	48357
<u>8. To issue subpoenas requiring the attendance and testimony</u>	48358
<u>of witnesses and the production of evidence;</u>	48359
<u>9. To establish and maintain offices;</u>	48360
<u>10. To borrow, accept, or contract for personnel services,</u>	48361
<u>including personnel services from employees of a compacting state;</u>	48362

11. To hire employees, professionals, or specialists, and elect or appoint officers, and to fix their compensation, define their duties and give them appropriate authority to carry out the purposes of the compact, and determine their qualifications; and to establish the commission's personnel policies and programs relating to, among other things, conflicts of interest, rates of compensation, and qualifications of personnel; 48363  
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12. To accept any and all appropriate donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of the same; provided that at all times the commission shall strive to avoid any appearance of impropriety; 48370  
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13. To lease, purchase, or accept appropriate gifts or donations of, or otherwise to own, hold, improve, or use, any property, real, personal, or mixed; provided, that at all times the commission shall strive to avoid any appearance of impropriety; 48375  
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14. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed; 48380  
48381  
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15. To monitor compacting states for compliance with the commission's bylaws and rules; 48383  
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16. To enforce compliance by compacting states with the commission's bylaws and rules; 48385  
48386
17. To provide for dispute resolution among compacting states or between the commission and those who submit treatments and therapeutic protocols for the cure of disease for consideration; 48387  
48388  
48389
18. To establish a budget and make expenditures; 48390
19. To borrow money; 48391
20. To appoint committees, including management, legislative, 48392



and advisory committees comprised of members, state legislators or 48393  
their representatives, medical professionals, and such other 48394  
interested persons as may be designated by the commission; 48395

21. To establish annual membership dues for compacting 48396  
states, which shall be used for daily expenses of the commission 48397  
and not for interest or prize payments; 48398

22. To adopt and use a corporate seal; 48399

23. To perform such other functions as may be necessary or 48400  
appropriate to achieve the purposes of this compact. 48401

Article IV. Meetings and Voting 48402

1. The commission shall meet and take such actions as are 48403  
consistent with the compact, bylaws, and rules. 48404

2. A majority of the members of the commission shall 48405  
constitute a quorum necessary in order to conduct business or take 48406  
actions at meetings of the commission. 48407

3. Each member of the commission shall have the right and 48408  
power to cast one vote regarding matters determined or actions to 48409  
be taken by the commission. Each member shall have the right and 48410  
power to participate in the business and affairs of the 48411  
commission. 48412

4. A member shall vote in person or by such other means as 48413  
provided in the commission's bylaws. The commission's bylaws may 48414  
provide for members' participation in meetings by telephone or 48415  
other means of communication. 48416

5. The commission shall meet at least once during each 48417  
calendar year. Additional meetings shall be held as set forth in 48418  
the commission's bylaws. 48419

6. No decision of the commission with respect to the approval 48420  
of an award for a treatment or therapeutic process for the cure of 48421  
a disease shall be effective unless two-thirds of all the members 48422

<u>of the commission vote in favor thereof.</u>	48423
<u>7. Guidelines and voting requirements for all other decisions</u>	48424
<u>of the commission shall be established in the commission's bylaws.</u>	48425
<u>Article V. Bylaws</u>	48426
<u>The commission shall, by a majority vote of all the members</u>	48427
<u>of the commission, prescribe bylaws to govern its conduct as may</u>	48428
<u>be necessary or appropriate to carry out the purposes, and</u>	48429
<u>exercise the powers, of the compact, including, but not limited</u>	48430
<u>to:</u>	48431
<u>1. Establishing the fiscal year of the commission;</u>	48432
<u>2. Providing reasonable procedures for appointing and</u>	48433
<u>electing members, as well as holding meetings, of the management</u>	48434
<u>committee;</u>	48435
<u>3. Providing reasonable standards and procedures:</u>	48436
<u>a. For the establishment and meetings of other committees;</u>	48437
<u>b. Governing any general or specific delegation of any</u>	48438
<u>authority or function of the commission; and</u>	48439
<u>c. Voting guidelines and procedures for commission decisions.</u>	48440
<u>4. Providing reasonable procedures for calling and conducting</u>	48441
<u>meetings of the commission that shall consist of requiring a</u>	48442
<u>quorum to be present, ensuring reasonable advance notice of each</u>	48443
<u>such meeting and providing for the right of citizens to attend</u>	48444
<u>each such meeting with enumerated exceptions designed to protect</u>	48445
<u>the public's interest and the privacy of individuals.</u>	48446
<u>5. Providing a list of matters about which the commission may</u>	48447
<u>go into executive session and requiring a majority of all members</u>	48448
<u>of the commission vote to enter into such session. As soon as</u>	48449
<u>practicable, the commission shall make public:</u>	48450
<u>a. A copy of the vote to go into executive session, revealing</u>	48451

<u>the vote of each member with no proxy votes allowed; and</u>	48452
<u>b. The matter requiring executive session, without</u>	48453
<u>identifying the actual issues or individuals involved.</u>	48454
<u>6. Establishing the titles, duties, authority, and reasonable</u>	48455
<u>procedures for the election of the officers of the commission;</u>	48456
<u>7. Providing reasonable standards and procedures for the</u>	48457
<u>establishment of the personnel policies and programs of the</u>	48458
<u>commission. Notwithstanding any civil service or other similar</u>	48459
<u>laws of any compacting state, the commission's bylaws shall</u>	48460
<u>exclusively govern the personnel policies and programs of the</u>	48461
<u>commission;</u>	48462
<u>8. Allowing a mechanism for:</u>	48463
<u>a. The federal government to join as a compacting state; and</u>	48464
<u>b. Foreign countries or subdivisions of those countries to</u>	48465
<u>join as liaison members by adopting the compact; provided that</u>	48466
<u>adopting countries or subdivisions shall not have voting power or</u>	48467
<u>the power to bind the commission in any way.</u>	48468
<u>9. Adopting a code of ethics to address permissible and</u>	48469
<u>prohibited activities of members and employees;</u>	48470
<u>10. Providing for the maintenance of the commission's books</u>	48471
<u>and records;</u>	48472
<u>11. Governing the acceptance of and accounting for donations,</u>	48473
<u>annual member dues, and other sources of funding and establishing</u>	48474
<u>the proportion of these funds to be allocated to prize amounts for</u>	48475
<u>treatments and therapeutic protocols that cure disease;</u>	48476
<u>12. Governing any fund raising efforts in which the</u>	48477
<u>commission wishes to engage; and</u>	48478
<u>13. Providing a mechanism for winding up the operations of</u>	48479
<u>the commission and the equitable disposition of any surplus funds</u>	48480
<u>that may exist after the termination of the compact after the</u>	48481

<u>payment and reserving of all its debts and obligations.</u>	48482
<u>Article VI. Rules</u>	48483
<u>1. The commission shall adopt rules to do the following:</u>	48484
<u>a. Effectively and efficiently achieve the purposes of this compact;</u>	48485 48486
<u>b. Govern the methods, processes, and any other aspect of the research, creation, and testing of a treatment or therapeutic protocol for each disease for which a prize may be awarded.</u>	48487 48488 48489
<u>2. The commission shall also adopt rules establishing the criteria for defining and classifying the diseases for which prizes shall be awarded. The commission may define and classify subsets of diseases, for example, tubular carcinoma of the breast. For purposes of sections 3.a. and c. of this article, a subset of a disease shall be considered one disease. The commission may consult the most recent edition of the international classification of disease as published by the world health organization or other definitions agreed to by a two-thirds vote of the commission.</u>	48490 48491 48492 48493 48494 48495 48496 48497 48498 48499
<u>3. The commission shall also adopt rules regarding prizes for curing diseases that establish the following:</u>	48500 48501
<u>a. At least ten major diseases for which to create prizes, which shall be determined based on the following factors:</u>	48502 48503
<u>i. The severity of the disease to a human individual's overall health and well-being;</u>	48504 48505
<u>ii. The survival rate or severity of impact of the disease;</u>	48506
<u>iii. The public health expenses and treatment expenses for the disease.</u>	48507 48508
<u>b. The criteria a treatment or therapeutic protocol must meet in order to be considered a cure for any of the diseases for which a prize may be awarded, which shall include the following</u>	48509 48510 48511

requirements: 48512

i. It must be approved by the federal Food and Drug Administration or have otherwise obtained legal status for the compact to immediately contract to manufacture and distribute in the United States; 48513  
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ii. Except as provided in section 4. of this article, it must yield a significant increase in survival with respect to the diseases if early death is the usual outcome; 48517  
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iii. It requires less than one year of the treatment or protocol to completely cure the disease. 48520  
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c. The procedure for determining the diseases for which to award prizes, which includes the option to award prizes for more than ten diseases that meet the above criteria, if agreed to by two-thirds vote of the commission, and a requirement to update the list every three years. 48522  
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d. The submission and evaluation procedures and guidelines, including filing and review procedures, a requirement that the person or entity submitting the cure bears the burden of proof in demonstrating that the treatment or therapeutic protocol meets the above criteria, and limitations preventing public access to treatment or protocol submissions. 48527  
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e. The estimated five-year public health savings that would result from a cure, which shall be equal to the five-year public health expenses for each disease in each compacting state, and a procedure to update these expenses every three years in conjunction with the requirements in section 3.c. of this article. The estimated five-year public health savings amount shall be calculated, estimated, and publicized every three years by actuaries employed or contracted by the commission. 48533  
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f. The prize amount with respect to cures for each disease, which shall be equal to the most recent estimated total five-year 48541  
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savings in public health expenses for the disease as calculated in 48543  
section 3.e. of this article in all of the compacting states; 48544  
amounts donated by charities, individuals, and any other entities 48545  
intended for the prize under Article I of the compact; and any 48546  
other factors that the commission deems appropriate. 48547

g. The prize distribution procedures and guidelines, which 48548  
shall include the following requirements: 48549

i. Upon acceptance of a cure, the prize winner shall transfer 48550  
to the commission the patent and all related intellectual property 48551  
for the manufacture and distribution of the treatment or 48552  
therapeutic protocol in exchange for the prize, except in the case 48553  
that the prize money is considered by the commission to be too 48554  
low, and that a prize will be awarded only to the first person or 48555  
entity that submits a successful cure for a disease for which a 48556  
prize may be awarded. 48557

ii. Donation amounts intended for the prize shall be kept in 48558  
a separate, interest-bearing account maintained by the commission. 48559  
This account shall be the only account in which prize money is 48560  
kept. 48561

iii. Each compacting state shall have the responsibility to 48562  
pay annually the compacting state's actual one-year savings in 48563  
public health expenses for the particular disease for which a cure 48564  
has been accepted. The compacting state shall make such an annual 48565  
payment until it has fulfilled its prize responsibility as 48566  
established in section 3.f. of this article. Each compacting 48567  
state's payment responsibility begins one year after the date the 48568  
cure becomes widely available. The commission shall employ or 48569  
contract with actuaries to calculate each state's actual one-year 48570  
savings in public health expenses at the end of each year to 48571  
determine each state's responsibility for the succeeding year. 48572

iv. Compacting states may meet prize responsibilities by any 48573

method including the issuance of bonds or other obligations, with 48574  
the principal and interest of those bonds or obligations to be 48575  
repaid only from revenue derived from estimated public health 48576  
expense savings from a cure to a disease. If the compacting state 48577  
does not make such revenue available to repay some or all of the 48578  
revenue bonds or obligations issued, the owners or holders of 48579  
those bonds or obligations have no right to have excises or taxes 48580  
levied to pay the principal or interest on them. The revenue bonds 48581  
and obligations are not a debt of the issuing compacting state. 48582

v. A compacting state may issue bonds or other debt that are 48583  
general obligations, under which the full faith and credit, 48584  
revenue, and taxing power of the state is pledged to pay the 48585  
principal and interest under those obligations, only if authorized 48586  
by the compacting state's constitution or, if constitutional 48587  
authorization is not required, by other law of the compacting 48588  
state. 48589

vi. Upon acceptance of a cure, the commission shall obtain a 48590  
loan from a financial institution in an amount equal to the most 48591  
recently calculated total estimated five-year public health 48592  
expenses for the disease in all compacting states, in accordance 48593  
with section 3.f. of this article. The commission reserves the 48594  
right to continuously evaluate the cure in the interim and rescind 48595  
a prize offer if the commission finds that the cure no longer 48596  
meets the commission's criteria. 48597

4. The commission may award a prize for a treatment or 48598  
therapeutic protocol that yields a survival rate that is less than 48599  
what is established in the cure criteria through at least five 48600  
years after the treatment or protocol has ended. In that case, the 48601  
prize amount awarded for that treatment or therapeutic protocol 48602  
shall be reduced from the prize amount originally determined by 48603  
the commission for a cure for that disease. The reduction shall be 48604  
in proportion to the survival rate yielded by that treatment or 48605

protocol as compared to the survival rate established in the cure 48606  
criteria. 48607

5. The commission also shall adopt rules that do the 48608  
following: 48609

a. Establish the following regarding commission records: 48610

i. Conditions and procedures for public inspection and 48611  
copying of its information and official records, except such 48612  
information and records involving the privacy of individuals or 48613  
would otherwise violate privacy laws under federal law and the 48614  
laws of the compacting states; 48615

ii. Procedures for sharing with federal and state agencies, 48616  
including law enforcement agencies, records and information 48617  
otherwise exempt from disclosure; 48618

iii. Guidelines for entering into agreements with federal and 48619  
state agencies to receive or exchange information or records 48620  
subject to nondisclosure and confidentiality provisions. 48621

b. Provide a process for commission review of submitted 48622  
treatments and therapeutic protocols for curing diseases that 48623  
includes the following: 48624

i. An opportunity for an appeal, not later than thirty days 48625  
after a rejection of a treatment or protocol for prize 48626  
consideration, to a review panel established under the 48627  
commission's dispute resolution process; 48628

ii. Commission monitoring and review of treatment and 48629  
protocol effectiveness consistent with the cure criteria 48630  
established by the commission for the particular disease; 48631

iii. Commission reconsideration, modification, or withdrawal 48632  
of approval of a treatment or protocol for prize consideration for 48633  
failure to continue to meet the cure criteria established by the 48634  
commission for the particular disease. 48635



c. Establish a dispute resolution process to resolve disputes 48636  
or other issues under the compact that may arise between two or 48637  
more compacting states or between the commission and individuals 48638  
or entities who submit treatments and therapeutic protocols to 48639  
cure diseases, which process shall provide for: 48640

i. Administrative review by a review panel appointed by the 48641  
commission; 48642

ii. Judicial review of decisions issued after an 48643  
administrative review; and 48644

iii. Qualifications to be appointed to a panel, due process 48645  
requirements, including notice and hearing procedures, and any 48646  
other procedure, requirement, or standard necessary to provide 48647  
adequate dispute resolution. 48648

d. Establish and impose annual member dues on compacting 48649  
states, which shall be calculated based on the percentage of each 48650  
compacting state's population in relation to the population of all 48651  
the compacting states. 48652

6. Recognizing that the goal of the compact is to pool the 48653  
potential savings of as many states and countries as possible to 48654  
generate sufficient financial incentive to develop a cure for many 48655  
of the world's most devastating diseases, the compact will respect 48656  
the laws of each of these United States by adopting rules that 48657  
establish ethical standards for research that shall be followed in 48658  
order for a prize to be claimed. The compact, in the rules, shall 48659  
establish a common set of ethical standards that embodies the laws 48660  
and restrictions in each of the states so that to be eligible for 48661  
claiming a prize the entity submitting a cure must not have 48662  
violated any of the ethical standards in any one of the fifty 48663  
states, whether the states have joined the compact or not. The 48664  
compact will publish these common ethical standards along with the 48665  
specific criteria for a cure for each of the diseases the compact 48666

has targeted. 48667

So long as a researcher follows the common ethical standards 48668  
in effect at the time the research is done, an entity presenting a 48669  
cure will be deemed to have followed the standards. On or before 48670  
January 1 of each year, the compact shall review all state laws to 48671  
determine if additional ethical standards have been enacted by any 48672  
of the fifty states and the federal government. Any changes to the 48673  
common ethical standards rules based on new state laws shall be 48674  
adopted and published by the compact, but shall not take effect in 48675  
cure criteria for a period of three years to allow for sufficient 48676  
notice to researchers. 48677

7. All rules may be amended as the commission sees necessary. 48678

8. All rules shall be adopted pursuant to a rule-making 48679  
process that conforms to the model state administrative procedure 48680  
act of 1981 by the uniform law commissioners, as amended, as may 48681  
be appropriate to the operations of the commission. 48682

9. In the event the commission exercises its rule-making 48683  
authority in a manner that is beyond the scope of the purpose of 48684  
this compact, or the powers granted hereunder, then such rule 48685  
shall be invalid and have no force and effect. 48686

Article VII. Committees 48687

1. Management Committee 48688

a. The commission may establish a management committee 48689  
comprised of not more than fourteen members when twenty-six states 48690  
enact the compact. 48691

b. The committee shall consist of those members representing 48692  
compacting states whose total public health expenses of all of the 48693  
established diseases are the highest. 48694

c. The committee shall have such authority and duties as may 48695  
be set forth in the commission's bylaws and rules, including: 48696

<u>i. Managing authority over the day-to-day affairs of the</u>	48697
<u>commission in a manner consistent with the commission's bylaws and</u>	48698
<u>rules and the purposes of the compact;</u>	48699
<u>ii. Overseeing the offices of the commission; and</u>	48700
<u>iii. Planning, implementing, and coordinating communications</u>	48701
<u>and activities with state, federal, and local government</u>	48702
<u>organizations in order to advance the goals of the compact.</u>	48703
<u>d. The commission annually shall elect officers for the</u>	48704
<u>committee, with each having such authority and duties as may be</u>	48705
<u>specified in the commission's bylaws and rules.</u>	48706
<u>e. The management committee, subject to commission approval,</u>	48707
<u>may appoint or retain an executive director for such period, upon</u>	48708
<u>such terms and conditions, and for such compensation as the</u>	48709
<u>committee determines. The executive director shall serve as</u>	48710
<u>secretary to the commission, but shall not be a member of the</u>	48711
<u>commission. The executive director shall hire and supervise such</u>	48712
<u>other staff as may be authorized by the committee.</u>	48713
<u>2. Advisory Committees</u>	48714
<u>The commission may appoint advisory committees to monitor all</u>	48715
<u>operations related to the purposes of the compact and make</u>	48716
<u>recommendations to the commission; provided that the manner of</u>	48717
<u>selection and term of any committee member shall be as set forth</u>	48718
<u>in the commission's bylaws and rules. The commission shall consult</u>	48719
<u>with an advisory committee, to the extent required by the</u>	48720
<u>commission's bylaws or rules, before doing any of the following:</u>	48721
<u>a. Approving cure criteria;</u>	48722
<u>b. Amending, enacting, or repealing any bylaw or rule;</u>	48723
<u>c. Adopting the commission's annual budget;</u>	48724
<u>d. Addressing any other significant matter or taking any</u>	48725
<u>other significant action.</u>	48726

Article VIII. Finance 48727

1. The commission annually shall establish a budget to pay or provide for the payment of its reasonable expenses. To fund the cost of initial operations, the commission may accept contributions and other forms of funding from the compacting states and other sources. Contributions and other forms of funding from other sources shall be of such a nature that the independence of the commission concerning the performance of its duties shall not be compromised. 48728  
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2. The commission shall be exempt from all taxation in and by the compacting states. 48736  
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3. The commission shall keep complete and accurate accounts of all of its internal receipts, including grants and donations, and disbursements of all funds under its control. The internal financial accounts of the commission shall be subject to the accounting procedures established under the commission's bylaws or rules. The financial accounts and reports including the system of internal controls and procedures of the commission shall be audited annually by an independent certified public accountant. Upon the determination of the commission, but not less frequently than every three years, the review of the independent auditor shall include a management and performance audit of the commission. The commission shall make an annual report to the governors and legislatures of the compacting states, which shall include a report of the independent audit. The commission's internal accounts shall not be confidential and such materials may be shared with any compacting state upon request provided, however, that any work papers related to any internal or independent audit and any information subject to the compacting states' privacy laws, shall remain confidential. 48738  
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4. No compacting state shall have any claim or ownership of any property held by or vested in the commission or to any 48757  
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commission funds held pursuant to the provisions of the compact. 48759

Article IX. Records 48760

Except as to privileged records, data, and information, the 48761  
laws of any compacting state pertaining to confidentiality or 48762  
nondisclosure shall not relieve any member of the duty to disclose 48763  
any relevant records, data, or information to the commission; 48764  
provided, that disclosure to the commission shall not be deemed to 48765  
waive or otherwise affect any confidentiality requirement; and 48766  
further provided, that, except as otherwise expressly provided in 48767  
the compact, the commission shall not be subject to the compacting 48768  
state's laws pertaining to confidentiality and nondisclosure with 48769  
respect to records, data, and information in its possession. 48770  
Confidential information of the commission shall remain 48771  
confidential after such information is provided to any member. All 48772  
cure submissions received by the commission are confidential. 48773

Article X. Compliance 48774

The commission shall notify a compacting state in writing of 48775  
any noncompliance with commission bylaws and rules. If a 48776  
compacting state fails to remedy its noncompliance within the time 48777  
specified in the notice, the compacting state shall be deemed to 48778  
be in default as set forth in Article XIV. 48779

Article XI. Venue 48780

Venue for any judicial proceedings by or against the 48781  
commission shall be brought in the appropriate court of competent 48782  
jurisdiction for the geographical area in which the principal 48783  
office of the commission is located. 48784

Article XII. Qualified Immunity, Defense, and Indemnification 48785

1. The members, officers, executive director, employees, and 48786  
representatives of the commission shall be immune from suit and 48787  
liability, either personally or in their official capacity, for 48788

any claim for damage to or loss of property or personal injury or 48789  
other civil liability caused by or arising out of any actual or 48790  
alleged act, error, or omission that occurred, or that such person 48791  
had a reasonable basis for believing occurred within the scope of 48792  
the person's commission employment, duties, or responsibilities; 48793  
provided, that nothing in section 1. of this article shall be 48794  
construed to protect any such person from suit or liability for 48795  
any damage, loss, injury, or liability caused by the intentional 48796  
or willful and wanton misconduct of that person. 48797

2. The commission shall defend any member, officer, executive 48798  
director, employee, or representative of the commission in any 48799  
civil action seeking to impose liability arising out of any actual 48800  
or alleged act, error, or omission that occurred within the scope 48801  
of the person's commission employment, duties, or 48802  
responsibilities, or that such person had a reasonable basis for 48803  
believing occurred within the scope of commission employment, 48804  
duties, or responsibilities; provided, that nothing in the compact 48805  
or commission bylaws or rules shall be construed to prohibit that 48806  
person from retaining his or her own counsel; and provided 48807  
further, that the actual or alleged act, error, or omission did 48808  
not result from that person's intentional or willful and wanton 48809  
misconduct. 48810

3. The commission shall indemnify and hold harmless any 48811  
member, officer, executive director, employee, or representative 48812  
of the commission for the amount of any settlement or judgment 48813  
obtained against the person arising out of any actual or alleged 48814  
act, error, or omission that occurred within the scope of the 48815  
person's commission employment, duties, or responsibilities, or 48816  
that such person had a reasonable basis for believing occurred 48817  
within the scope of commission employment, duties, or 48818  
responsibilities; provided, that the actual or alleged act, error, 48819  
or omission, did not result from the intentional or willful and 48820

<u>wanton misconduct of that person.</u>	48821
<u>Article XIII. Compacting States, Effective Date, and</u>	48822
<u>Amendment</u>	48823
<u>1. Any state is eligible to become a compacting state.</u>	48824
<u>2. The compact shall become effective and binding upon</u>	48825
<u>legislative enactment of the compact into law by two compacting</u>	48826
<u>states; provided, the commission shall only be established after</u>	48827
<u>six states become compacting states. Thereafter, the compact shall</u>	48828
<u>become effective and binding as to any other compacting state upon</u>	48829
<u>enactment of the compact into law by that state.</u>	48830
<u>3. Amendments to the compact may be proposed by the</u>	48831
<u>commission for enactment by the compacting states. No amendment</u>	48832
<u>shall become effective and binding until all compacting states</u>	48833
<u>enact the amendment into law.</u>	48834
<u>4. If funding is requested or required, the legislative</u>	48835
<u>authority of each compacting state shall be responsible for making</u>	48836
<u>the appropriations it determines necessary to pay for the costs of</u>	48837
<u>the compact, including annual member dues and prize distributions.</u>	48838
<u>Article XIV. Withdrawal, Default, and Expulsion</u>	48839
<u>1. Withdrawal</u>	48840
<u>a. Once effective, the compact shall continue in force and</u>	48841
<u>remain binding upon each and every compacting state; provided,</u>	48842
<u>that a compacting state may withdraw from the compact by doing</u>	48843
<u>both of the following:</u>	48844
<u>i. Repealing the law enacting the compact in that state;</u>	48845
<u>ii. Notifying the commission in writing of the intent to</u>	48846
<u>withdraw on a date that is both of the following:</u>	48847
<u>I. At least three years after the date the notice is sent;</u>	48848
<u>II. After the repeal takes effect.</u>	48849

b. The effective date of withdrawal is the date described in section 1.a.ii. of this article. 48850  
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c. The member representing the withdrawing state shall immediately notify the management committee in writing upon the introduction of legislation in that state repealing the compact. If a management committee has not been established, the member shall immediately notify the commission. 48852  
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d. The commission or management committee, as applicable, shall notify the other compacting states of the introduction of such legislation within ten days after its receipt of notice thereof. 48857  
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e. The withdrawing state is responsible for all obligations, duties and liabilities incurred through the effective date of withdrawal, including any obligations, the performance of which extend beyond the effective date of withdrawal. The commission's actions shall continue to be effective and be given full force and effect in the withdrawing state. 48861  
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f. Reinstatement following a state's withdrawal shall become effective upon the effective date of the subsequent enactment of the compact by that state. 48867  
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2. Default 48870

a. If the commission determines that any compacting state has at any time defaulted in the performance of any of its obligations or responsibilities under the compact or the commission's bylaws or rules, then, after notice and hearing as set forth in the bylaws, all rights, privileges, and benefits conferred by this compact on the defaulting state shall be suspended from the effective date of default as fixed by the commission. The grounds for default include failure of a compacting state to perform its obligations or responsibilities, and any other grounds designated in commission rules. The commission shall immediately notify the 48871  
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defaulting state in writing of the suspension pending cure of the 48881  
default. The commission shall stipulate the conditions and the 48882  
time period within which the defaulting state shall cure its 48883  
default. If the defaulting state fails to cure the default within 48884  
the time period specified by the commission, the defaulting state 48885  
shall be expelled from the compact and all rights, privileges, and 48886  
benefits conferred by the compact shall be terminated from the 48887  
effective date of the expulsion. Any state that is expelled from 48888  
the compact shall be liable for any cure prize or prizes for three 48889  
years after its removal. The commission shall also take 48890  
appropriate legal action to ensure that any compacting state that 48891  
withdraws from the compact remains liable for paying its 48892  
responsibility towards a prize for a cure that was accepted while 48893  
the compacting state was a member of the commission. 48894

b. The expelled state must reenact the compact in order to 48895  
become a compacting state. 48896

3. Dissolution of Compact 48897

a. The compact dissolves effective upon the date of either of 48898  
the following: 48899

i. The withdrawal or expulsion of a compacting state, which 48900  
withdrawal or expulsion reduces membership in the compact to one 48901  
compacting state; 48902

ii. The commission votes to dissolve the compact. 48903

b. Upon the dissolution of the compact, the compact becomes 48904  
null and void and shall be of no further force or effect, and the 48905  
business and affairs of the commission shall be wound up and any 48906  
surplus funds shall be distributed in accordance with the 48907  
commission's bylaws, provided, that the commission shall pay all 48908  
outstanding prizes awarded before the dissolution of the compact, 48909  
as well as any other outstanding debts and obligations incurred 48910  
during the existence of the compact. Any unawarded funds donated 48911

to be a part of a prize shall be returned to the donor, along with 48912  
any interest earned on the amount. 48913

Article XV. Severability and Construction 48914

1. The provisions of the compact shall be severable; and if 48915  
any phrase, clause, sentence, or provision is deemed 48916  
unenforceable, the remaining provisions of the compact shall be 48917  
enforceable. 48918

2. The provisions of the compact shall be liberally construed 48919  
to effectuate its purposes. 48920

Article XVI. Binding Effect of Compact and Other Laws 48921

1. Other Laws: Nothing herein prevents the enforcement of any 48922  
other law of a compacting state, except as provided in section 48923  
2.b. of this article. 48924

2. Binding Effect of the Compact 48925

a. All lawful actions of the commission, including all 48926  
commission rules, are binding upon the compacting states. 48927

b. All agreements between the commission and the compacting 48928  
states are binding in accordance with their terms. 48929

c. Except to the extent authorized by the compacting state's 48930  
constitution or, if constitutional authorization is not required, 48931  
by other law of the compacting state, such state, by entering into 48932  
the compact does not: 48933

i. Commit the full faith and credit or taxing power of the 48934  
compacting state for the payment of prizes or other obligations 48935  
under the compact; 48936

ii. Make prize payment responsibilities or other obligations 48937  
under the compact a debt of the compacting state. 48938

d. Upon the request of a party to a conflict over the meaning 48939  
or interpretation of commission actions, and upon a majority vote 48940

of the compacting states, the commission may issue advisory 48941  
opinions regarding the meaning or interpretation in dispute. 48942

e. In the event any provision of the compact exceeds the 48943  
constitutional limits imposed on any compacting state, the 48944  
obligations, duties, powers or jurisdiction sought to be conferred 48945  
by that provision upon the commission shall be ineffective as to 48946  
that compacting state, and those obligations, duties, powers, or 48947  
jurisdiction shall remain in the compacting state and shall be 48948  
exercised by the agency thereof to which those obligations, 48949  
duties, powers, or jurisdiction are delegated by law in effect at 48950  
the time the compact becomes effective. 48951

**Sec. 3901.381.** (A) Except as provided in sections 3901.382, 48952  
3901.383, 3901.384, and 3901.386 of the Revised Code, a 48953  
third-party payer shall process a claim for payment for health 48954  
care services rendered by a provider to a beneficiary in 48955  
accordance with this section. 48956

(B)(1) Unless division (B)(2) or (3) of this section applies, 48957  
when a third-party payer receives from a provider or beneficiary a 48958  
claim on the standard claim form prescribed in rules adopted by 48959  
the superintendent of insurance under section 3902.22 of the 48960  
Revised Code, the third-party payer shall pay or deny the claim 48961  
not later than thirty days after receipt of the claim. When a 48962  
third-party payer denies a claim, the third-party payer shall 48963  
notify the provider and the beneficiary. The notice shall state, 48964  
with specificity, why the third-party payer denied the claim. 48965

(2)(a) Unless division (B)(3) of this section applies, when a 48966  
provider or beneficiary has used the standard claim form, but the 48967  
third-party payer determines that reasonable supporting 48968  
documentation is needed to establish the third-party payer's 48969  
responsibility to make payment, the third-party payer shall pay or 48970  
deny the claim not later than forty-five days after receipt of the 48971

claim. Supporting documentation includes the verification of 48972  
employer and beneficiary coverage under a benefits contract, 48973  
confirmation of premium payment, medical information regarding the 48974  
beneficiary and the services provided, information on the 48975  
responsibility of another third-party payer to make payment or 48976  
confirmation of the amount of payment by another third-party 48977  
payer, and information that is needed to correct material 48978  
deficiencies in the claim related to a diagnosis or treatment or 48979  
the provider's identification. 48980

Not later than thirty days after receipt of the claim, the 48981  
third-party payer shall notify all relevant external sources that 48982  
the supporting documentation is needed. All such notices shall 48983  
state, with specificity, the supporting documentation needed. If 48984  
the notice was not provided in writing, the provider, beneficiary, 48985  
or third-party payer may request the third-party payer to provide 48986  
the notice in writing, and the third-party payer shall then 48987  
provide the notice in writing. If any of the supporting 48988  
documentation is under the control of the beneficiary, the 48989  
beneficiary shall provide the supporting documentation to the 48990  
third-party payer. 48991

The number of days that elapse between the third-party 48992  
payer's last request for supporting documentation within the 48993  
thirty-day period and the third-party payer's receipt of all of 48994  
the supporting documentation that was requested shall not be 48995  
counted for purposes of determining the third-party payer's 48996  
compliance with the time period of not more than forty-five days 48997  
for payment or denial of a claim. Except as provided in division 48998  
(B)(2)(b) of this section, if the third-party payer requests 48999  
additional supporting documentation after receiving the initially 49000  
requested documentation, the number of days that elapse between 49001  
making the request and receiving the additional supporting 49002  
documentation shall be counted for purposes of determining the 49003

third-party payer's compliance with the time period of not more than forty-five days. 49004  
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(b) If a third-party payer determines, after receiving initially requested documentation, that it needs additional supporting documentation pertaining to a beneficiary's preexisting condition, which condition was unknown to the third-party payer and about which it was reasonable for the third-party payer to have no knowledge at the time of its initial request for documentation, and the third-party payer subsequently requests this additional supporting documentation, the number of days that elapse between making the request and receiving the additional supporting documentation shall not be counted for purposes of determining the third-party payer's compliance with the time period of not more than forty-five days. 49006  
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(c) When a third-party payer denies a claim, the third-party payer shall notify the provider and the beneficiary. The notice shall state, with specificity, why the third-party payer denied the claim. 49018  
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(d) If a third-party payer determines that supporting documentation related to medical information is routinely necessary to process a claim for payment of a particular health care service, the third-party payer shall establish a description of the supporting documentation that is routinely necessary and make the description available to providers in a readily accessible format. 49022  
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Third-party payers and providers shall, in connection with a claim, use the most current CPT code in effect, as published by the American medical association, the most current ICD-10 code in effect, as published by the United States department of health and human services, the most current CDT code in effect, as published by the American dental association, or the most current HCPCS code in effect, as published by the United States ~~health care financing~~ 49029  
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administration centers for medicare and medicaid services. 49036

(3) When a provider or beneficiary submits a claim by using 49037  
the standard claim form prescribed in the superintendent's rules, 49038  
but the information provided in the claim is materially deficient, 49039  
the third-party payer shall notify the provider or beneficiary not 49040  
later than fifteen days after receipt of the claim. The notice 49041  
shall state, with specificity, the information needed to correct 49042  
all material deficiencies. Once the material deficiencies are 49043  
corrected, the third-party payer shall proceed in accordance with 49044  
division (B)(1) or (2) of this section. 49045

It is not a violation of the notification time period of not 49046  
more than fifteen days if a third-party payer fails to notify a 49047  
provider or beneficiary of material deficiencies in the claim 49048  
related to a diagnosis or treatment or the provider's 49049  
identification. A third-party payer may request the information 49050  
necessary to correct these deficiencies after the end of the 49051  
notification time period. Requests for such information shall be 49052  
made as requests for supporting documentation under division 49053  
(B)(2) of this section, and payment or denial of the claim is 49054  
subject to the time periods specified in that division. 49055

(C) For purposes of this section, if a dispute exists between 49056  
a provider and a third-party payer as to the day a claim form was 49057  
received by the third-party payer, both of the following apply: 49058

(1) If the provider or a person acting on behalf of the 49059  
provider submits a claim directly to a third-party payer by mail 49060  
and retains a record of the day the claim was mailed, there exists 49061  
a rebuttable presumption that the claim was received by the 49062  
third-party payer on the fifth business day after the day the 49063  
claim was mailed, unless it can be proven otherwise. 49064

(2) If the provider or a person acting on behalf of the 49065  
provider submits a claim directly to a third-party payer 49066

electronically, there exists a rebuttable presumption that the claim was received by the third-party payer twenty-four hours after the claim was submitted, unless it can be proven otherwise.

(D) Nothing in this section requires a third-party payer to provide more than one notice to an employer whose premium for coverage of employees under a benefits contract has not been received by the third-party payer.

(E) Compliance with the provisions of division (B)(3) of this section shall be determined separately from compliance with the provisions of divisions (B)(1) and (2) of this section.

(F) A third-party payer shall transmit electronically any payment with respect to claims that the third-party payer receives electronically and pays to a contracted provider under this section and under sections 3901.383, 3901.384, and 3901.386 of the Revised Code. A provider shall not refuse to accept a payment made under this section or sections 3901.383, 3901.384, and 3901.386 of the Revised Code on the basis that the payment was transmitted electronically.

**Sec. 3901.3814.** Sections 3901.38 and 3901.381 to 3901.3813 of the Revised Code do not apply to the following:

(A) Policies offering coverage that is regulated under Chapters 3935. and 3937. of the Revised Code;

(B) An employer's self-insurance plan and any of its administrators, as defined in section 3959.01 of the Revised Code, to the extent that federal law supersedes, preempts, prohibits, or otherwise precludes the application of any provisions of those sections to the plan and its administrators;

(C) A third-party payer for coverage provided under the medicare advantage program operated under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as

amended; 49097

(D) A third-party payer for coverage provided under the 49098  
medicaid program, ~~except that if a federal waiver applied for~~ 49099  
~~under section 5167.25 of the Revised Code is granted or the~~ 49100  
~~medicaid director determines that this provision can be~~ 49101  
~~implemented without a waiver, sections 3901.38 and 3901.381 to~~ 49102  
~~3901.3813 of the Revised Code apply to claims submitted~~ 49103  
~~electronically or non-electronically that are made with respect to~~ 49104  
~~coverage of medicaid recipients by health insuring corporations~~ 49105  
~~licensed under Chapter 1751. of the Revised Code, instead of the~~ 49106  
~~prompt payment requirements of 42 C.F.R. 447.46;~~ 49107

(E) A third-party payer for coverage provided under the 49108  
tricare program offered by the United States department of 49109  
defense. 49110

Sec. 3901.95. A direct primary care agreement that meets all 49111  
of the following shall not be considered insurance and nothing in 49112  
Title XXXIX or Chapter 1739., 1751., or 1753. of the Revised Code 49113  
shall apply to such an agreement: 49114

(A) It is in writing. 49115

(B) It is between a patient, or that patient's legal 49116  
representative, and a health care provider and is related to 49117  
services to be provided in exchange for the payment of a fee to be 49118  
paid on a periodic basis. 49119

(C) It allows either party to terminate the agreement as 49120  
specified in the agreement. 49121

(D) It requires termination to be accomplished through 49122  
written notification. 49123

(E) It permits termination to take effect immediately upon 49124  
the other party's receipt of the notification or not more than 49125  
sixty days after the other party's receipt of the notification. 49126



<u>(F) It does not impose a termination penalty or require payment of a termination fee.</u>	49127 49128
<u>(G) It describes the health care services to be provided under the agreement and the basis on which a periodic fee is to be paid in exchange for those services.</u>	49129 49130 49131
<u>(H) It specifies the periodic fee required and any additional fees that may be charged.</u>	49132 49133
<u>(I) It authorizes the periodic fee and any additional fees to be paid by a third party.</u>	49134 49135
<u>(J) It prohibits the health services provider from charging or receiving any fee other than the fees prescribed in the agreement for those services prescribed in the agreement.</u>	49136 49137 49138
<u>(K) It conspicuously and prominently states that the agreement is not health insurance, is not subject to the insurance laws of this state, and does not meet any individual health insurance mandate that may be required under federal law.</u>	49139 49140 49141 49142
<b><u>Sec. 3902.30. (A) As used in this section:</u></b>	49143
<u>(1) "Health benefit plan," "health care services," and "health plan issuer" have the same meanings as in section 3922.01 of the Revised Code.</u>	49144 49145 49146
<u>(2) "Health care professional" means any of the following:</u>	49147
<u>(a) A physician licensed under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery;</u>	49148 49149 49150
<u>(b) A physician assistant licensed under Chapter 4731. of the Revised Code;</u>	49151 49152
<u>(c) An advanced practice registered nurse as defined in section 4723.01 of the Revised Code.</u>	49153 49154
<u>(3) "In-person health care services" means health care</u>	49155

services delivered by a health care professional through the use 49156  
of any communication method where the professional and patient are 49157  
simultaneously present in the same geographic location. 49158

(4) "Recipient" means a patient receiving health care 49159  
services or a health care professional with whom the provider of 49160  
health care services is consulting regarding the patient. 49161

(5) "Telemedicine services" means a mode of providing health 49162  
care services through synchronous or asynchronous information and 49163  
communication technology by a health care professional, within the 49164  
professional's scope of practice, who is located at a site other 49165  
than the site where the recipient is located. 49166

(B)(1) A health benefit plan shall provide coverage for 49167  
telemedicine services on the same basis and to the same extent 49168  
that the plan provides coverage for the provision of in-person 49169  
health care services. 49170

(2) A health benefit plan shall not exclude coverage for a 49171  
service solely because it is provided as a telemedicine service. 49172

(C) A health benefit plan shall not impose any annual or 49173  
lifetime benefit maximum in relation to telemedicine services 49174  
other than such a benefit maximum imposed on all benefits offered 49175  
under the plan. 49176

(D) This section shall not be construed as doing any of the 49177  
following: 49178

(1) Prohibiting a health benefit plan from assessing 49179  
cost-sharing requirements to a covered individual for telemedicine 49180  
services, provided that such cost-sharing requirements for 49181  
telemedicine services are not greater than those for comparable 49182  
in-person health care services; 49183

(2) Requiring a health plan issuer to reimburse a health care 49184  
professional for any costs or fees associated with the provision 49185

of telemedicine services that would be in addition to or greater than the standard reimbursement for comparable in-person health care services; 49186  
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49188

(3) Requiring a health plan issuer to reimburse a telemedicine provider for telemedicine services at the same rate as in-person services. 49189  
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49191

(E) This section applies to all health benefit plans issued, offered, or renewed on or after January 1, 2021. 49192  
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**Sec. 3902.31.** (A) As used in this section: 49194

(1) "Pay in full" means paying for a health service in its entirety without cost-sharing on the part of a third-party payer. "Pay in full" includes payment made under a deductible requirement. 49195  
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(2) "Third-party payer" and "provider" have the same meanings as in section 3901.38 of the Revised Code. 49199  
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(B)(1) Subject to division (C) of this section, a provision in a contract entered into between a third-party payer and a provider is void and against public policy if it does either of the following: 49201  
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(a) Establishes a minimum amount that the provider is required to charge an individual for a health service when that individual pays in full for the service; 49205  
49206  
49207

(b) Prohibits a provider from advertising the provider's rates for a service. 49208  
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(2) Division (B)(1)(b) of this section shall not be construed as prohibiting a provision in a contract between a provider and a third-party payer that prohibits a provider from disclosing or advertising contractually agreed upon reimbursement rates for providers. 49210  
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(C)(1) This section shall apply to all new contracts between a third-party payer and a provider entered into on or after the effective date of this section. 49215  
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(2) For existing contracts, this section shall apply on the earlier of either of the following: 49218  
49219

(a) Three years after the effective date of this section; 49220

(b) The expiration date of the contract or renewal of the contract. 49221  
49222

**Sec. 3902.50.** (A) As used in sections 3902.50 to 3902.52 of the Revised Code: 49223  
49224

(1) "Cost sharing" means the cost to a covered person under a health benefit plan according to any coverage limit, copayment, coinsurance, deductible, or other out-of-pocket expense requirement. 49225  
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(2) "Covered person," "health benefit plan," "health care services," and "health plan issuer" have the same meanings as in section 3922.01 of the Revised Code. 49229  
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(3) "Emergency facility" has the same meaning as in section 3701.74 of the Revised Code. 49232  
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(4) "Emergency services" means all of the following as described in 42 U.S.C. 1395dd: 49234  
49235

(a) Medical screening examinations undertaken to determine whether an emergency medical condition exists; 49236  
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(b) Treatment necessary to stabilize an emergency medical condition; 49238  
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(c) Appropriate transfers undertaken prior to an emergency medical condition being stabilized. 49240  
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(5) "Individual in-network provider," "individual out-of-network provider," and "individual provider" mean a 49242  
49243

provider who is an individual. 49244

(6) "Unanticipated out-of-network care" means health care services that are covered under a health benefit plan and that are provided by an individual out-of-network provider when either of the following conditions applies: 49245  
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(a) The covered person did not have the ability to request such services from an individual in-network provider. 49249  
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(b) The services provided were emergency services. 49251

(B)(1) A health plan issuer shall reimburse an individual out-of-network provider for unanticipated out-of-network care when both of the following apply: 49252  
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(a) The services are provided to a covered person at a facility that is in the covered person's health benefit plan provider network. 49255  
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(b) The services would be covered if provided by an individual provider in the covered person's health benefit plan network. 49258  
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(2) A health plan issuer shall reimburse both of the following for emergency services provided to a covered person at an out-of-network emergency facility: 49261  
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49263

(a) An individual out-of-network provider; 49264

(b) The out-of-network emergency facility. 49265

(C)(1) The reimbursement required to be paid an individual provider under division (B)(1) or (2) of this section shall be the greatest of the following amounts: 49266  
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49268

(a) The amount negotiated with individual in-network providers for the service in question, excluding any in-network cost sharing imposed under the health benefit plan. If there is more than one amount negotiated with individual in-network providers for the service, the relevant amount shall be the median 49269  
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of those amounts, excluding any in-network cost sharing imposed 49274  
under the health benefit plan. In determining the median amount, 49275  
the amount negotiated with each individual in-network provider 49276  
shall be treated as a separate amount even if the same amount is 49277  
paid to more than one provider. If there is no per-service amount 49278  
negotiated with individual in-network providers, such as under a 49279  
capitation or similar payment arrangement, the amount described in 49280  
division (C)(1)(a) of this section shall be disregarded. 49281

(b) The amount for the service calculated using the same 49282  
method the health benefit plan generally uses to determine 49283  
payments for out-of-network health care services, such as the 49284  
usual, customary, and reasonable amount, excluding any in-network 49285  
cost sharing imposed under the health benefit plan. This amount 49286  
shall be determined without reduction for cost sharing that 49287  
generally applies under the health benefit plan with respect to 49288  
out-of-network health care services. 49289

(c) The amount that would be paid under the medicare program, 49290  
part A or part B of Title XVIII of the Social Security Act, 42 49291  
U.S.C. 1395, as amended, for the service in question, excluding 49292  
any in-network cost sharing imposed under the health benefit plan. 49293

(2) The reimbursement required to be paid to an 49294  
out-of-network emergency facility under division (B)(2) of this 49295  
section shall be the greatest of the following amounts: 49296

(a) The amount negotiated with in-network emergency 49297  
facilities for the service in question, excluding any in-network 49298  
cost sharing imposed under the health benefit plan. If there is 49299  
more than one amount negotiated with in-network emergency 49300  
facilities for the service, the relevant amount shall be the 49301  
median of those amounts, excluding any in-network cost sharing 49302  
imposed under the health benefit plan. In determining the median 49303  
amount, the amount negotiated with each in-network emergency 49304  
facility shall be treated as a separate amount even if the same 49305

amount is paid to more than one provider. If there is no 49306  
per-service amount negotiated with in-network emergency 49307  
facilities, such as under a capitation or similar payment 49308  
arrangement, the amount described in division (C)(2)(a) of this 49309  
section shall be disregarded. 49310

(b) The amount for the service calculated using the same 49311  
method the health benefit plan generally uses to determine 49312  
payments for out-of-network health care services, such as the 49313  
usual, customary, and reasonable amount, excluding any in-network 49314  
cost sharing imposed under the health benefit plan. This amount 49315  
shall be determined without reduction for cost sharing that 49316  
generally applies under the health benefit plan with respect to 49317  
out-of-network health care services. 49318

(c) The amount that would be paid under the medicare program, 49319  
part A or part B of Title XVIII of the Social Security Act, 42 49320  
U.S.C. 1395, as amended, for the service in question, excluding 49321  
any in-network cost sharing imposed under the health benefit plan. 49322

(D)(1) For unanticipated out-of-network care provided at an 49323  
in-network facility in this state, an individual provider shall 49324  
not bill a covered person for the difference between the health 49325  
plan issuer's reimbursement and the individual provider's charge 49326  
for the services. 49327

(2)(a) For emergency services provided at an out-of-network 49328  
emergency facility in this state, an individual provider shall not 49329  
bill a covered person for the difference between the health plan 49330  
issuer's reimbursement and the individual provider's charge for 49331  
the services. 49332

(b) For emergency services provided at an out-of-network 49333  
emergency facility in this state, the emergency facility shall not 49334  
bill a covered person for the difference between the health plan 49335  
issuer's reimbursement and the emergency facility's charge for the 49336

services. 49337

(E) A health plan issuer shall not require cost sharing for 49338  
any service described in division (B) of this section from the 49339  
covered person at a rate higher than if the services were provided 49340  
by an individual in-network provider or in-network emergency 49341  
facility. 49342

(F) For health care services, other than those described in 49343  
division (B) of this section, that are covered under a health 49344  
benefit plan but are provided by an individual out-of-network 49345  
provider at an in-network facility, all of the following apply: 49346

(1) For services provided in this state, the individual 49347  
provider shall not bill the covered person for the difference 49348  
between the health plan issuer's out-of-network reimbursement and 49349  
the provider's charge for the services unless all of the following 49350  
conditions are met: 49351

(a) The individual provider informs the covered person that 49352  
the individual provider is not in the person's health benefit plan 49353  
network. 49354

(b) The individual provider provides to the covered person a 49355  
good faith estimate of the cost of the services, including the 49356  
individual provider's charge, the estimated reimbursement by the 49357  
health plan issuer, and the covered person's responsibility. The 49358  
estimate shall contain a disclaimer that the covered person is not 49359  
required to obtain the health care service at that location or 49360  
from that individual provider. 49361

(c) The covered person affirmatively consents to receive the 49362  
services. 49363

(2) The health plan issuer may reimburse the individual 49364  
provider at either the in-network or out-of-network rate as 49365  
described in the covered person's health benefit plan. 49366



(G) A pattern of continuous or repeated violations of this section is an unfair and deceptive act or practice in the business of insurance under sections 3901.19 to 3901.26 of the Revised Code. 49367  
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(H) Nothing in this section is subject to section 3901.71 of the Revised Code. 49371  
49372

**Sec. 3902.51.** (A) An individual provider or emergency facility may request alternative dispute resolution if both of the following apply: 49373  
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(1) The individual provider or emergency facility believes that the health plan issuer's offer of reimbursement does not meet the requirements of division (C) of section 3902.50 of the Revised Code. 49376  
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(2) The billed amount exceeds seven hundred dollars. 49380

(B) Any documents or information submitted by a health plan issuer, individual provider, or emergency facility in the course of alternative dispute resolution are not public records for the purposes of section 149.43 of the Revised Code and shall not be released. 49381  
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**Sec. 3902.52.** The superintendent of insurance shall adopt by rule alternative dispute resolution procedures and guidelines for complaints brought by individual providers or emergency facilities against health plan issuers relating to reimbursement under section 3902.50 of the Revised Code. The superintendent shall require that mediation be attempted prior to arbitration. 49386  
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**Sec. 3923.87.** Each sickness and accident insurer or public employee benefit plan shall comply with the requirements of section 3959.20 of the Revised Code as they pertain to health plan issuers. 49392  
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As used in this section, "health plan issuer" has the same 49396  
meaning as in section 3922.01 of the Revised Code. 49397

**Sec. 3953.231.** (A)(1) Each title insurance agent or title 49398  
insurance company shall establish and maintain an interest-bearing 49399  
trust account for the deposit of all non-directed escrow funds 49400  
that meet the requirements of sections 1349.20 to 1349.22 of the 49401  
Revised Code. 49402

(2) The account shall be established and maintained in any 49403  
federally insured bank, savings and loan association, credit 49404  
union, or savings bank that is authorized to transact business in 49405  
this state. 49406

(3) The account shall be in the name of the title insurance 49407  
agent or company, and shall be identified as an "interest on trust 49408  
account" or "IOTA." The name of the account may contain additional 49409  
identifying information to distinguish it from other accounts. 49410

(4) The title insurance agent or company establishing the 49411  
account shall submit, in writing, to the superintendent of 49412  
insurance the name, account number, and location of the bank, 49413  
savings and loan association, credit union, or savings bank in 49414  
which the trust account is maintained. 49415

(B) Each title insurance agent or company shall deposit all 49416  
non-directed escrow funds that are nominal in amount or are to be 49417  
held for a short period of time into the account established under 49418  
division (A) of this section no later than the next business day 49419  
after receipt. 49420

(C) Each account established under division (A) of this 49421  
section shall comply with all of the following: 49422

(1) All funds in the account shall be subject to withdrawal 49423  
or transfer upon request and without delay, or as soon as 49424  
permitted by law; 49425

(2) The rate of interest payable on the account shall not be 49426  
less than the rate paid by the bank, savings and loan, credit 49427  
union, or savings bank to its regular depositors. The rate may be 49428  
higher if there is no impairment of the right to the immediate 49429  
withdrawal or transfer of the principal; 49430

(3) All interest earned on the account, net of service 49431  
charges and other related charges, shall be transmitted to the 49432  
treasurer of state for deposit in the legal aid fund established 49433  
under section 120.52 of the Revised Code. No part of the interest 49434  
earned shall be paid to the title insurance agent or company. 49435

(D) The title insurance agent or company establishing an 49436  
account under division (A) of this section shall direct the bank, 49437  
savings and loan association, credit union, or savings bank to do 49438  
both of the following: 49439

(1) Remit interest or dividends on the average monthly 49440  
balance in the account, or as otherwise computed in accordance 49441  
with the standard accounting practice of the bank, savings and 49442  
loan association, credit union, or savings bank, less reasonable 49443  
service charges and other related charges, to the treasurer of 49444  
state at least quarterly for deposit in the legal aid fund 49445  
established under section 120.52 of the Revised Code; 49446

(2) At the time of each remittance, transmit to the treasurer 49447  
of state, and if requested, to the Ohio ~~legal assistance~~ access to 49448  
justice foundation, and the title insurance agent or company, a 49449  
statement showing the name of the title insurance agent or company 49450  
for whom the remittance is sent, the rate of interest applied, the 49451  
accounting period, the net amount remitted to the treasurer of 49452  
state for each account, the total remitted, the average account 49453  
balance for each month of the period for which the report is made, 49454  
and the amount deducted for service charges and other related 49455  
charges. 49456

(E) The statements and reports submitted by the bank, savings and loan association, credit union, or savings bank under this section, are not public records subject to section 149.43 of the Revised Code and shall be used only to administer the legal aid fund. 49457  
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(F) No funds belonging to a title insurance agent or company shall be deposited into an account established under division (A) of this section except funds necessary to pay service charges and other related charges of the bank, savings and loan association, credit union, or savings bank that are in excess of earnings on the account. 49462  
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(G) No liability arising out of any negligent act or omission of any title insurance agent or company with respect to any account established under division (A) of this section shall be imputed to the bank, savings and loan association, credit union, or savings bank. 49468  
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(H) No liability or responsibility arising out of any negligent act or omission of any title insurance agent with respect to any account established under division (A) of this section shall be imputed to a title insurance company. 49473  
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(I) The superintendent may adopt, in accordance with Chapter 119. of the Revised Code, rules that pertain to the use of accounts established under division (A) of this section and to the enforcement of this section. 49477  
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**Sec. 3959.01.** (A) "Administration fees" means any amount charged a covered person for services rendered. "Administration fees" includes commissions earned or paid by any person relative to services performed by an administrator. 49481  
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(B) "Administrator" means any person who adjusts or settles claims on, residents of this state in connection with life, 49485  
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dental, health, prescription drugs, or disability insurance or 49487  
self-insurance programs. "Administrator" includes a pharmacy 49488  
benefit manager. "Administrator" does not include any of the 49489  
following: 49490

(1) An insurance agent or solicitor licensed in this state 49491  
whose activities are limited exclusively to the sale of insurance 49492  
and who does not provide any administrative services; 49493

(2) Any person who administers or operates the workers' 49494  
compensation program of a self-insuring employer under Chapter 49495  
4123. of the Revised Code; 49496

(3) Any person who administers pension plans for the benefit 49497  
of the person's own members or employees or administers pension 49498  
plans for the benefit of the members or employees of any other 49499  
person; 49500

(4) Any person that administers an insured plan or a 49501  
self-insured plan that provides life, dental, health, or 49502  
disability benefits exclusively for the person's own members or 49503  
employees; 49504

(5) Any health insuring corporation holding a certificate of 49505  
authority under Chapter 1751. of the Revised Code or an insurance 49506  
company that is authorized to write life or sickness and accident 49507  
insurance in this state. 49508

(C) "Aggregate excess insurance" means that type of coverage 49509  
whereby the insurer agrees to reimburse the insured employer or 49510  
trust for all benefits or claims paid during an agreement period 49511  
on behalf of all covered persons under the plan or trust which 49512  
exceed a stated deductible amount and subject to a stated maximum. 49513

(D) "Contracted pharmacy" or "pharmacy" means a pharmacy 49514  
located in this state participating in either the network of a 49515  
pharmacy benefit manager or in a health care or pharmacy benefit 49516  
plan through a direct contract or through a contract with a 49517

pharmacy services administration organization, group purchasing organization, or another contracting agent. 49518  
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(E) "Contributions" means any amount collected from a covered person to fund the self-insured portion of any plan in accordance with the plan's provisions, summary plan descriptions, and contracts of insurance. 49520  
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(F) "Drug product reimbursement" means the amount paid by a pharmacy benefit manager to a contracted pharmacy for the cost of the drug dispensed to a patient and does not include a dispensing or professional fee. 49524  
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(G) "Fiduciary" has the meaning set forth in section 1002(21)(A) of the "Employee Retirement Income Security Act of 1974," 88 Stat. 829, 29 U.S.C. 1001, as amended. 49528  
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(H) "Fiscal year" means the twelve-month accounting period commencing on the date the plan is established and ending twelve months following that date, and each corresponding twelve-month accounting period thereafter as provided for in the summary plan description. 49531  
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(I) "Insurer" means an entity authorized to do the business of insurance in this state or, for the purposes of this section, a health insuring corporation authorized to issue health care plans in this state. 49536  
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(J) "Managed care organization" means an entity that provides medical management and cost containment services and includes a medicaid managed care organization, as defined in section 5167.01 of the Revised Code. 49540  
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(K) "Maximum allowable cost" means a maximum drug product reimbursement for an individual drug or for a group of therapeutically and pharmaceutically equivalent multiple source drugs that are listed in the United States food and drug administration's approved drug products with therapeutic 49544  
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equivalence evaluations, commonly referred to as the orange book. 49549

(L) "Maximum allowable cost list" means a list of the drugs 49550  
for which a pharmacy benefit manager imposes a maximum allowable 49551  
cost. 49552

(M) "Multiple employer welfare arrangement" has the same 49553  
meaning as in section 1739.01 of the Revised Code. 49554

(N) "Pharmacy benefit manager" means an entity that contracts 49555  
with pharmacies on behalf of an employer, a multiple employer 49556  
welfare arrangement, public employee benefit plan, state agency, 49557  
insurer, managed care organization, or other third-party payer to 49558  
provide pharmacy health benefit services or administration. 49559  
"Pharmacy benefit manager" includes the state pharmacy benefit 49560  
manager selected under section 5167.24 of the Revised Code. 49561

(O) "Plan" means any arrangement in written form for the 49562  
payment of life, dental, health, or disability benefits to covered 49563  
persons defined by the summary plan description and includes a 49564  
drug benefit plan administered by a pharmacy benefit manager. 49565

(P) "Plan sponsor" means the person who establishes the plan. 49566

(Q) "Self-insurance program" means a program whereby an 49567  
employer provides a plan of benefits for its employees without 49568  
involving an intermediate insurance carrier to assume risk or pay 49569  
claims. "Self-insurance program" includes but is not limited to 49570  
employer programs that pay claims up to a prearranged limit beyond 49571  
which they purchase insurance coverage to protect against 49572  
unpredictable or catastrophic losses. 49573

(R) "Specific excess insurance" means that type of coverage 49574  
whereby the insurer agrees to reimburse the insured employer or 49575  
trust for all benefits or claims paid during an agreement period 49576  
on behalf of a covered person in excess of a stated deductible 49577  
amount and subject to a stated maximum. 49578

(S) "Summary plan description" means the written document 49579  
adopted by the plan sponsor which outlines the plan of benefits, 49580  
conditions, limitations, exclusions, and other pertinent details 49581  
relative to the benefits provided to covered persons thereunder. 49582

(T) "Third-party payer" has the same meaning as in section 49583  
3901.38 of the Revised Code. 49584

**Sec. 3959.12.** (A) Any license issued under sections 3959.01 49585  
to 3959.16 of the Revised Code may be suspended for a period not 49586  
to exceed two years, revoked, or not renewed by the superintendent 49587  
of insurance after notice to the licensee and hearing in 49588  
accordance with Chapter 119. of the Revised Code. The 49589  
superintendent may suspend, revoke, or refuse to renew a license 49590  
if upon investigation and proof the superintendent finds that the 49591  
licensee has done any of the following: 49592

(1) Knowingly violated any provision of sections 3959.01 to 49593  
3959.16 or 3959.20 of the Revised Code or any rule promulgated by 49594  
the superintendent; 49595

(2) Knowingly made a material misstatement in the application 49596  
for the license; 49597

(3) Obtained or attempted to obtain a license through 49598  
misrepresentation or fraud; 49599

(4) Misappropriated or converted to the licensee's own use or 49600  
improperly withheld insurance company premiums or contributions 49601  
held in a fiduciary capacity, excluding, however, any interest 49602  
earnings received by the administrator as disclosed in writing by 49603  
the administrator to the plan sponsor; 49604

(5) In the transaction of business under the license, used 49605  
fraudulent, coercive, or dishonest practices; 49606

(6) Failed to appear without reasonable cause or excuse in 49607  
response to a subpoena, examination, warrant, or other order 49608



lawfully issued by the superintendent;	49609
(7) Is affiliated with or under the same general management	49610
or interlocking directorate or ownership of another administrator	49611
that transacts business in this state and is not licensed under	49612
sections 3959.01 to 3959.16 of the Revised Code;	49613
(8) Had a license suspended, revoked, or not renewed in any	49614
other state, district, territory, or province on grounds identical	49615
to those stated in sections 3959.01 to 3959.16 of the Revised	49616
Code;	49617
(9) Been convicted of a financially related felony;	49618
(10) Failed to report a felony conviction as required under	49619
section 3959.13 of the Revised Code.	49620
(B) Upon receipt of notice of the order of suspension in	49621
accordance with section 119.07 of the Revised Code, the licensee	49622
shall promptly deliver the license to the superintendent, unless	49623
the order of suspension is appealed under section 119.12 of the	49624
Revised Code.	49625
(C) Any person whose license is revoked or whose application	49626
is denied pursuant to sections 3959.01 to 3959.16 of the Revised	49627
Code is ineligible to apply for an administrators license for two	49628
years.	49629
(D) The superintendent may impose a monetary fine against a	49630
licensee if, upon investigation and after notice and opportunity	49631
for hearing in accordance with Chapter 119. of the Revised Code,	49632
the superintendent finds that the licensee has done either of the	49633
following:	49634
(1) Committed fraud or engaged in any illegal or dishonest	49635
activity in connection with the administration of pharmacy benefit	49636
management services;	49637
(2) Violated any provision of section 3959.111 of the Revised	49638

Code or any rule adopted by the superintendent pursuant to or to 49639  
implement that section. 49640

Sec. 3959.20. (A) As used in this section: 49641

(1) "Cost-sharing" means the cost to an individual insured 49642  
under a health benefit plan according to any coverage limit, 49643  
copayment, coinsurance, deductible, or other out-of-pocket expense 49644  
requirements imposed by the plan. 49645

(2) "Health benefit plan" and "health plan issuer" have the 49646  
same meanings as in section 3922.01 of the Revised Code. 49647

(3) "Pharmacy audit" has the same meaning as in section 49648  
3901.81 of the Revised Code. 49649

(4) "Pharmacy benefit manager" and "administrator" have the 49650  
same meanings as in section 3959.01 of the Revised Code. 49651

(B) No health plan issuer, pharmacy benefit manager, or any 49652  
other administrator shall require cost-sharing in an amount, or 49653  
direct a pharmacy to collect cost-sharing in an amount, greater 49654  
than the lesser of either of the following from an individual 49655  
purchasing a prescription drug: 49656

(1) The amount an individual would pay for the drug if the 49657  
drug were to be purchased without coverage under a health benefit 49658  
plan; 49659

(2) The net reimbursement paid to the pharmacy for the 49660  
prescription drug by the health plan issuer, pharmacy benefit 49661  
manager, or administrator. 49662

(C)(1) No health plan issuer, pharmacy benefit manager, or 49663  
administrator shall retroactively adjust a pharmacy claim for 49664  
reimbursement for a prescription drug unless the adjustment is the 49665  
result of either of the following: 49666

(a) A pharmacy audit conducted in accordance with sections 49667

<u>3901.811 to 3901.814 of the Revised Code;</u>	49668
<u>(b) A technical billing error.</u>	49669
<u>(2) No health plan issuer, pharmacy benefit manager, or administrator shall charge a fee related to a claim unless the amount of the fee can be determined at the time of claim adjudication.</u>	49670 49671 49672 49673
<u>(D) The department of insurance shall create a web form that consumers can use to submit complaints relating to violations of this section.</u>	49674 49675 49676
<b><u>Sec. 3962.01. As used in this chapter:</u></b>	49677
<u>(A) "Business day" means each day of the week except Saturday, Sunday, or a legal holiday as defined in section 1.14 of the Revised Code.</u>	49678 49679 49680
<u>(B) "Current procedural terminology code" or "CPT code" means the code assigned to a medical, surgical, or diagnostic product, service, or procedure that is published in the CPT code set published by the American medical association.</u>	49681 49682 49683 49684
<u>(C) "Emergency service" has the same meaning as in section 1753.28 of the Revised Code.</u>	49685 49686
<u>(D) "Health plan issuer" has the same meaning as in section 3922.01 of the Revised Code.</u>	49687 49688
<u>(E) "Health care provider" means an individual or facility licensed, certified, or accredited under or pursuant to Chapter 3721., 3727., 4715., 4725., 4731., 4732., 4734., 4747., 4753., 4755., 4757., or 4779. of the Revised Code.</u>	49689 49690 49691 49692
<b><u>Sec. 3962.011. (A) For purposes of this chapter, a reference to the time that an appointment for a health care product, service, or procedure is made, means, except as provided in division (B) of this section, any of the following:</u></b>	49693 49694 49695 49696

(1) The point in time that an appointment for a health care product, service, or procedure is made; 49697  
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(2) The point in time that a health care provider receives a prescription or order from another provider to provide a health care product, service, or procedure to the patient; 49699  
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(3) The point in time that a patient, pursuant to a prescription or order from the patient's health care provider, presents at the office or facilities of another provider to receive, on a walk-in basis, the product, service, or procedure. 49702  
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(B)(1) If the point in time in which an event described in division (A) of this section occurs is before nine a.m. on a particular business day, the point in time may, instead, be considered to be nine a.m. that same business day. 49706  
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(2) If the point in time in which an event described in division (A) of this section occurs is after five p.m. on a particular business day, or occurs on a day that is not a business day, the point in time shall, instead, be considered to be nine a.m. on the next business day. 49710  
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Sec. 3962.02. This chapter applies notwithstanding section 5162.80 of the Revised Code. 49715  
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Sec. 3962.03. (A) Beginning on the effective date of this section, this section applies to a health care provider that is a hospital or hospital system or is owned by a hospital or hospital system. On and after March 1, 2020, this section applies to all other health care providers. 49717  
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(B) Before a health care provider provides a health care product, service, or procedure to a patient, the patient or the patient's representative shall receive a reasonable, good faith cost estimate for the product, service, or procedure. This requirement does not apply when a patient seeks emergency 49722  
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services, a health care provider believes that a delay in care 49727  
associated with fulfilling this requirement could harm the 49728  
patient, or a circumstance described in section 3962.08 of the 49729  
Revised Code occurs. 49730

A health care provider may elect to provide the cost estimate 49731  
as described in section 3962.04 of the Revised Code or, if the 49732  
patient is insured, elect for the patient's health plan issuer to 49733  
provide the cost estimate after the provider has transmitted 49734  
information to the issuer in accordance with section 3962.05 of 49735  
the Revised Code. The provider shall notify the patient or the 49736  
patient's representative who will provide the cost estimate. The 49737  
provision of a cost estimate by the provider does not preclude the 49738  
issuer from also providing a cost estimate to the patient or the 49739  
patient's representative. 49740

Each health care provider or health plan issuer that provides 49741  
a cost estimate shall ensure that the estimate is provided in a 49742  
manner that complies with all applicable state and federal laws 49743  
pertaining to the privacy of patient-identifying information. 49744

**Sec. 3962.04.** (A) Except as provided in division (B) of this 49745  
section, a cost estimate provided by a health care provider shall 49746  
contain all of the following: 49747

(1) The total amount the provider will charge the patient if 49748  
the patient is paying out-of-pocket or the patient's health plan 49749  
issuer for each health care product, service, or procedure the 49750  
patient is to receive, inclusive of facility, professional, and 49751  
other fees, along with a short description and the applicable CPT 49752  
code for the product, service, or procedure or, if no CPT code 49753  
exists, another identifier the health plan issuer requires; 49754

(2) If the patient is insured under a health benefit plan, 49755  
both of the following: 49756

(a) A notation of whether the provider is in-network or out-of-network for the patient; 49757  
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(b) The amount the health care provider expects to receive from the health plan issuer for the product, service, or procedure. The amount specified in the estimate shall be the amount the health plan issuer has agreed to reimburse the provider for the product, service, or procedure under a contract with the provider or the applicable government pay scale, if any. 49759  
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(3) The difference, if any, that the patient or other party responsible for the patient's care would be required to pay to the provider for the product, service, or procedure; 49765  
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(4) If the patient is not insured under a health benefit plan, the total amount the provider will charge the patient if the patient is paying out-of-pocket for each product, service, or procedure the patient is to receive, inclusive of facility, professional, and other fees, along with a short description and the applicable CPT code for the product, service, or procedure or, if no CPT code exists, another identifier that a health plan issuer would normally require. 49768  
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(B)(1) If a patient is to receive a health care product, service, or procedure in a hospital, the hospital is responsible for providing one comprehensive cost estimate to the patient or the patient's representative within the applicable time frame specified in division (D) of this section. The comprehensive cost estimate shall contain both of the following: 49776  
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(a) All information specified in division (A) of this section associated with products, services, or procedures to be provided by the hospital or its employees; 49782  
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(b) All information specified in division (A) of this section associated with products, services, or procedures to be provided by health care providers who are independent contractors of the 49785  
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hospital. 49788

(2) A health care provider who is an independent contractor 49789  
of a hospital shall submit to the hospital all CPT codes or other 49790  
identifiers the hospital needs to fulfill its responsibility under 49791  
division (B)(1)(b) of this section. 49792

(C) A cost estimate required by this section shall be based 49793  
on information provided at the time the appointment is made, as 49794  
specified in section 3962.011 of the Revised Code, for the health 49795  
care product, service, or procedure. In addition, the estimate 49796  
need not take into account any information that subsequently 49797  
arises, such as unknown, unanticipated, or subsequently needed 49798  
health care products, services, or procedures provided for any 49799  
reason after the initial appointment. Only one estimate is 49800  
required per visit. 49801

If specific information, such as the health care provider who 49802  
will be providing the health care product, service, or procedure, 49803  
is not readily available at the time the appointment is made, the 49804  
provider may base the cost estimate information specified in 49805  
division (A)(1) of section 3962.04 of the Revised Code on either 49806  
an average estimated charge for the product, service, or procedure 49807  
that is submitted to the patient's health plan issuer or the 49808  
average out-of-pocket price for the product, service, or procedure 49809  
paid by patients who are uninsured. 49810

(D)(1) Except as provided in division (D)(2) or (3) of this 49811  
section, the cost estimate required by this section shall be 49812  
provided not later than twenty-four hours after the time the 49813  
appointment for the health care product, service, or procedure is 49814  
made, as specified in section 3962.011 of the Revised Code, or, if 49815  
the product, service, or procedure is to be provided less than 49816  
twenty-four hours after the appointment for the product, service, 49817  
or procedure is made, as specified in section 3962.011 of the 49818  
Revised Code, at the time the patient presents to receive the 49819

product, service, or procedure. 49820

(2) If the health care product, service, or procedure is to 49821  
be provided by one or more independent contractors of the 49822  
provider, the cost estimate shall be provided not later than 49823  
thirty-six hours after the time the appointment for the product, 49824  
service, or procedure is made, as specified in section 3962.011 of 49825  
the Revised Code, or, if the product, service, or procedure is to 49826  
be provided less than thirty-six hours after the appointment for 49827  
the product, service, or procedure is made, as specified in 49828  
section 3962.011 of the Revised Code, at the time the patient 49829  
presents to receive the product, service, or procedure. 49830

(3) A provider may elect to send the cost estimate to the 49831  
patient or the patient's representative by regular mail if the 49832  
health care product, service, or procedure will be provided more 49833  
than three days from the time the estimate is generated. If this 49834  
election is made, the provider shall mail the cost estimate not 49835  
later than the following, as applicable: 49836

(a) If the provider would otherwise be required to comply 49837  
with division (D)(1) of this section, twenty-four hours after the 49838  
time the appointment for the health care product, service, or 49839  
procedure is made, as specified in section 3962.011 of the Revised 49840  
Code; 49841

(b) If the provider would otherwise be required to comply 49842  
with division (D)(2) of this section, thirty-six hours after the 49843  
time the appointment for the health care product, service, or 49844  
procedure is made, as specified in section 3962.011 of the Revised 49845  
Code. 49846

(E)(1) If the patient is insured, a health care provider 49847  
shall, not later than twenty-four hours after an appointment is 49848  
made, as specified in section 3962.011 of the Revised Code, 49849  
transmit to the patient's health plan issuer the patient's name; 49850



the patient's identification number, if one has been assigned; the 49851  
CPT code or other identifier the issuer requires for each health 49852  
care product, service, or procedure the patient is to receive; the 49853  
provider's identification number; the provider's charge for each 49854  
product, service, or procedure the patient has scheduled that will 49855  
be delivered by a provider who is not in-network for the patient's 49856  
health benefit plan; notification that the provider is providing 49857  
the cost estimate to the patient or the patient's representative; 49858  
and any other information the issuer requires from the provider. 49859

(2) If the provider is to provide a product, service, or 49860  
procedure pursuant to a prescription or order from another 49861  
provider, the provider who received the prescription or order 49862  
shall transmit the information specified in division (E)(1) of 49863  
this section to the patient's health plan issuer not later than 49864  
twenty-four hours after receiving the prescription or order or, if 49865  
received when the provider's office or facility is closed, 49866  
twenty-four hours after the office or facility reopens. 49867

(3) Not later than five minutes after receiving information 49868  
pursuant to division (E)(1) or (2) of this section, the health 49869  
plan issuer shall give to the health care provider all information 49870  
the provider needs to generate a cost estimate. 49871

If a health plan issuer does not provide the information 49872  
necessary to generate the estimate, the health care provider shall 49873  
notify the patient. The provider may note in the portion of the 49874  
estimate pertaining to the information required by divisions 49875  
(A)(2) and (3) of this section that health plan issuer information 49876  
was not provided as required by law. In this case, the provider 49877  
may specify only the information required by division (A)(1) of 49878  
this section and, at the provider's discretion, the information 49879  
required by division (A)(2) of this section. If the information 49880  
necessary to complete the estimate is subsequently received and an 49881  
updated estimate can be provided within the time limit established 49882

by division (D) of this section, the health care provider shall 49883  
provide the updated estimate. 49884

(F) The cost estimate required by this section shall contain 49885  
a disclaimer that the information is only an estimate based on 49886  
facts available at the time it was prepared and that the amounts 49887  
estimated could change as a result of unknown, unanticipated, or 49888  
subsequently needed health care products, services, or procedures; 49889  
changes to the patient's health benefit plan; or other changes. 49890  
The provider has discretion in how the disclaimer is expressed. 49891

(G) If the amount estimated under division (A)(3) or (4) of 49892  
this section changes by more than ten per cent before the patient 49893  
initially presents for the health care product, service, or 49894  
procedure, the health care provider shall supply to the patient an 49895  
updated estimate within the time limit established by division (B) 49896  
or (D) of this section, as applicable. 49897

(H) The cost estimate required by this section may be 49898  
provided verbally or in electronic or written form and shall be 49899  
easy to understand. If the estimate is provided in electronic or 49900  
written form, all of the following apply: 49901

(1) It shall be provided in large font. 49902

(2) Unless the estimate contains more than nine CPT codes or 49903  
other identifiers, it shall be limited to one page. 49904

(3) The subject line of the communication containing the 49905  
estimate shall state "Your Ohio Healthcare Price Transparency 49906  
Estimate." 49907

(I) A patient may decline to receive a cost estimate under 49908  
this section. 49909

(J) Nothing in this section prohibits a health care provider 49910  
or health plan issuer from collecting payment from a patient for 49911  
an administered health care product, service, or procedure 49912

regardless of whether the patient does or does not receive a cost estimate under this section before the product, service, or procedure is received. 49913  
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Sec. 3962.05. (A)(1) If a health care provider elects for a patient's health plan issuer to provide a cost estimate in lieu of the provider, the provider shall notify the issuer of this election through the issuer's portal described in section 1751.72, 3923.041, or 5160.34 of the Revised Code or, beginning January 1, 2020, the connector portal established under section 3962.09 of the Revised Code. In addition, the provider shall, except as provided in division (B) of this section, also transmit to the health plan issuer through the appropriate portal all of the following: 49916  
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(a) The patient's name; 49926

(b) The patient's identification number, if one has been assigned; 49927  
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(c) The CPT code or other identifier the health plan issuer requires for each health care product, service, or procedure the patient is to receive; 49929  
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(d) The provider's identification number; 49932

(e) The charge for each product, service, or procedure the patient has scheduled that will be delivered by a provider who is out-of-network for the patient's health benefit plan; 49933  
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(f) Any other information the health plan issuer requires from the provider. 49936  
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The portal also shall be able to transmit a copy of this information directly to the patient to whom the information pertains. 49938  
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Except as provided in division (A)(2) of this section, the transmission shall occur not later than twenty-four hours after 49941  
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the time the appointment for the health care product, service, or procedure is made, as specified in section 3962.011 of the Revised Code. 49943  
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(2) If the health care product, service, or procedure is to be provided by one or more independent contractors of the provider, the transmission shall occur not later than thirty-six hours after the time the appointment for the product, service, or procedure is made, as specified in section 3962.011 of the Revised Code. 49946  
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A health plan issuer shall modify its portal as necessary to accommodate the information transmission. 49952  
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(B) If a health care provider attests to the department of insurance that it is unable to transmit information through a health plan issuer's portal or through the connector portal, the provider may transmit the information by facsimile or telephone call to the department of insurance. The department shall enter the information on the provider's behalf in the relevant portal. Under these circumstances, the provider may compile patient information and transmit it to the department in a batch once every business day. 49954  
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**Sec. 3962.06.** (A) Under the circumstances described in division (A)(1) of section 3962.05 of the Revised Code, a health plan issuer shall provide a cost estimate to the patient or the patient's representative containing the information specified in divisions (A)(1) to (3) of section 3962.04 of the Revised Code, as well as the average rate the health plan issuer reimburses in-network providers for the same health care product, service, or procedure. 49963  
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(B) A health plan issuer shall ask the patient or the patient's representative whether the patient would prefer to receive cost estimates by electronic mail or other electronic 49971  
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means or by regular mail. The issuer shall send cost estimates by 49974  
the means elected. 49975

If the means elected is by electronic mail or or other 49976  
electronic means, the estimate shall be sent automatically, but 49977  
not later than five minutes after the health plan issuer has 49978  
received the necessary information from the health care provider. 49979  
If the means elected is by regular mail, the estimate shall be 49980  
mailed not later than forty-eight hours after the issuer has 49981  
received the necessary information from the health care provider 49982  
if the health care product, service, or procedure will be provided 49983  
more than three days from the time the estimate is generated. For 49984  
purposes of calculating the forty-eight hours, hours on a 49985  
Saturday, Sunday, or legal holiday shall be excluded. 49986

If no election is made, the estimate shall be sent as 49987  
follows: 49988

(1) If the health care product, service, or procedure will be 49989  
provided more than three days from the time the estimate is 49990  
generated, by regular mail; 49991

(2) If the health care product, service, or procedure will be 49992  
provided less than three days from the time the estimate is 49993  
generated and the electronic mail address of the patient or 49994  
patient's representative is on file with the issuer, by electronic 49995  
mail. 49996

A health plan issuer shall be held harmless if the electronic 49997  
mail address of the patient or the patient's representative on 49998  
file with the issuer is incorrect, invalid, or no longer used. 49999

(C)(1) The cost estimate required by this section shall be 50000  
based on information provided at the time an appointment is made, 50001  
as specified in section 3962.011 of the Revised Code. In addition, 50002  
the estimate need not take into account any information that 50003  
subsequently arises, such as unknown, unanticipated, or 50004

subsequently needed health care products, services, or procedures 50005  
provided for any reason after the initial appointment. Only one 50006  
estimate is required per visit. 50007

(2) If specific information, such as the provider who will be 50008  
providing the health care product, service, or procedure, is not 50009  
readily available at the time the appointment is made, the health 50010  
care provider may transmit that a provider is unknown and the 50011  
health plan issuer may base the estimate on an average estimated 50012  
charge submitted to the health plan issuer for the product, 50013  
service, or procedure at that facility or location. 50014

(3) If a health care provider does not transmit to the health 50015  
plan issuer the information necessary to generate the cost 50016  
estimate, the issuer shall send to the patient or the patient's 50017  
representative, by the same means used to send estimates, a notice 50018  
that the provider failed to transmit the necessary information as 50019  
required by law and, consequently, a cost estimate could not be 50020  
generated. This action shall be taken in the event a provider 50021  
gives the issuer any indication that receipt of a health care 50022  
product, service, or procedure is scheduled, such as through 50023  
precertification. 50024

(D) The estimate required by this section shall contain both 50025  
of the following: 50026

(1) A disclaimer that the information is only an estimate 50027  
based on facts available at the time it was prepared and that the 50028  
amounts estimated could change as a result of other factors; 50029  
unknown, unanticipated, or subsequently needed health care 50030  
products, services, or procedures; or changes to the patient's 50031  
health benefit plan. The health plan issuer has discretion in how 50032  
the disclaimer is expressed. 50033

(2) If applicable, a notation that a specific health care 50034  
provider is out-of-network for the enrollee. 50035

(E) The cost estimate required by this section shall be provided in large font, be easy to understand, and, unless the estimate contains more than nine CPT codes or other identifiers, be limited to one page. The subject line of the communication containing the estimate shall state "Your Ohio Healthcare Price Transparency Estimate."

(F) If the amount in a cost estimate required by this section changes by more than ten per cent before the patient presents for the health care product, service, or procedure, the health plan issuer shall supply to the patient an updated estimate by the means the patient or the patient's representative has elected under division (B) of this section and within the time frames specified in that division.

(G) A patient may decline to receive a cost estimate under this section.

(H) A patient is responsible for payment for an administered health care product, service, or procedure even if the patient does not receive a cost estimate under this section before the product, service, or procedure is received.

**Sec. 3962.07.** (A) Regardless of whether a cost estimate is provided to a patient by a health care provider under section 3962.04 of the Revised Code or by a health plan issuer under section 3962.06 of the Revised Code, a provider shall give the patient or the patient's representative the CPT code or other identifier the patient's health plan issuer requires for each health care product, service, or procedure the patient is to receive along with the charge information specified in division (A)(1) of section 3962.04 of the Revised Code associated with each code or other identifier. The provider has the following options for fulfilling this requirement:

(1) The provider may send this information to the patient or

the patient's representative through electronic means. 50067

(2) The provider may send this information to the patient or 50068  
patient's representative by regular mail if the health care 50069  
product, service, or procedure will be provided more than three 50070  
days from the time the appointment for the product, service, or 50071  
procedure is made, as specified in section 3962.011 of the Revised 50072  
Code. 50073

(3) The provider may provide to the patient or the patient's 50074  
representative a web site address where that individual may enter 50075  
each code or identifier and retrieve the charge information. If 50076  
this option is elected and the provider transmits the codes or 50077  
identifiers to the patient's health plan issuer through a portal 50078  
as described in section 3962.05 of the Revised Code, the provider 50079  
may have the portal generate an automatic electronic mail message 50080  
to the individual with instructions on how to retrieve charge 50081  
information through the web site. 50082

(4) If the product, service, or procedure is to be provided 50083  
less than three days from the time the appointment for the 50084  
product, service, or procedure was made, the provider may give the 50085  
information to the patient or the patient's representative at the 50086  
time the patient presents for the product, service, or procedure 50087  
to be received. 50088

Regardless of the manner in which the provider has elected to 50089  
fulfill this requirement, the provider shall fulfill the 50090  
requirement in accordance with all applicable state and federal 50091  
laws pertaining to the privacy of patient-identifying information. 50092

The CPT codes or other identifiers and charge information 50093  
shall, except as provided in division (B) of this section, be 50094  
given to the patient or the patient's representative not later 50095  
than twenty-four hours after the time the appointment for the 50096  
health care product, service, or procedure is made, as specified 50097



in section 3962.011 of the Revised Code, or, if the product, 50098  
service, or procedure is to be provided less than twenty-four 50099  
hours after the appointment for the product, service, or procedure 50100  
is made, as specified in section 3962.011 of the Revised Code, at 50101  
the time the patient presents to receive the product, service, or 50102  
procedure. 50103

(B) If the health care product, service, or procedure is to 50104  
be provided by one or more independent contractors of the 50105  
provider, the CPT codes or other identifiers and charge 50106  
information shall be given to the patient or the patient's 50107  
representative not later than thirty-six hours after the time the 50108  
appointment for the product, service, or procedure is made, as 50109  
specified in section 3962.011 of the Revised Code, or, if the 50110  
product, service, or procedure is to be provided less than 50111  
thirty-six hours after the appointment for the product, service, 50112  
or procedure is made, as specified in section 3962.011 of the 50113  
Revised Code, at the time the patient presents to receive the 50114  
product, service, or procedure. 50115

**Sec. 3962.08.** (A) As used in this section, "office visit" 50116  
means the family of CPT codes for "Evaluation and Management, 50117  
Office Visits Established" (codes 99211, 99212, 99213, 99214, and 50118  
99215) used for office or other outpatient visits for an 50119  
established patient and the family of CPT codes for services 50120  
similar to the foregoing, including vision services. 50121

(B) The requirement of section 3962.03 of the Revised Code 50122  
does not apply in any of the following circumstances: 50123

(1) When the only service a health care provider will provide 50124  
is an office visit; 50125

(2) When the patient was scheduled for only an office visit 50126  
but during the visit it is determined that the patient needs a 50127  
product, service, or procedure to be provided during that single 50128

visit; 50129

(3) When the patient seeks care without an appointment and 50130  
without a prescription or order from another provider. 50131

(C) In the event a patient schedules or presents for health 50132  
care products, services, or procedures in addition to an office 50133  
visit but the health care provider is unable to estimate the level 50134  
of office visit to be provided, or in the circumstances described 50135  
in division (B)(3) of this section, the provider may enter a 50136  
general designation for an unknown level of office visit. The 50137  
estimate provided through the health care provider or health plan 50138  
issuer under section 3962.03 of the Revised Code shall list the 50139  
general designation and price range for all levels of office 50140  
visits. 50141

Sec. 3962.081. In the event that a health care provider 50142  
believes that a delay in care associated with fulfilling the cost 50143  
estimate requirement of section 3962.03 of the Revised Code could 50144  
harm the patient, the provider shall inform the patient or the 50145  
patient's representative of this fact and provide the health care 50146  
product, service, or procedure to the patient. After the product, 50147  
service, or procedure is provided, the provider shall submit to 50148  
the department of insurance a report, in the form and manner 50149  
prescribed by the department, detailing why the provider believed 50150  
that a delay in care could harm the patient. Annually, the 50151  
department shall analyze the reports and prepare a summary of its 50152  
findings. Each summary shall be submitted to the governor and, in 50153  
accordance with section 101.68 of the Revised Code, the general 50154  
assembly. 50155

Sec. 3962.09. Not later than January 1, 2020, the department 50156  
of insurance shall create or procure a connector portal that 50157  
health care providers may use to transmit the information 50158

specified in section 3962.05 of the Revised Code to health plan 50159  
issuers. The department shall ensure that the computer systems and 50160  
software used in operating the connector portal are compatible 50161  
with the computer systems and software manufactured by various 50162  
vendors and used by health care providers and health plan issuers. 50163  
In doing so, the department shall engage in active efforts to 50164  
share with those vendors any information necessary to operate the 50165  
connector portal in a manner that accomplishes both of the 50166  
following, while also ensuring that the portal maintains the 50167  
privacy of patient-identifying information in accordance with all 50168  
applicable state and federal laws: 50169

(A) Grants health care providers a means by which they may 50170  
instantly transmit information and populate data fields that 50171  
health plan issuers need to generate cost estimates under section 50172  
3962.06 of the Revised Code; 50173

(B) Grants health plan issuers a means by which they may 50174  
retrieve information directly from the connector portal in a 50175  
seamless manner. 50176

**Sec. 3962.10.** A health care provider or health plan issuer 50177  
that provides a cost estimate under this chapter is not liable in 50178  
damages in a civil action for injury, death, or loss to person or 50179  
property that allegedly arises from an act or omission associated 50180  
with providing the estimate if the health care provider or health 50181  
plan issuer made a good faith effort to collect the information 50182  
necessary to generate the estimate and a good faith effort to 50183  
provide the estimate to the patient or the patient's 50184  
representative. 50185

**Sec. 3962.11.** (A) If, after completing an examination, the 50186  
superintendent of insurance, department of health, department of 50187  
medicaid, or appropriate regulatory board, as applicable, finds 50188

that a health plan issuer or health care provider has committed a series of violations that, taken together, constitute a consistent pattern or practice of violating the requirements of this chapter to provide cost estimates to patients or their representatives, the superintendent, department, or board may impose on the issuer or provider any of the administrative remedies specified in division (B) of this section.

Before imposing an administrative remedy, the superintendent, department, or board shall give written notice to the health plan issuer or health care provider informing that party of the reasons for the finding, the administrative remedy that is proposed, and the opportunity to submit a written request for an administrative hearing regarding the finding and proposed remedy. If a hearing is requested, the superintendent, department, or board shall conduct the hearing in accordance with Chapter 119. of the Revised Code not later than fifteen days after receipt of the request.

(B) In imposing administrative remedies under this section, the superintendent, department, or appropriate regulatory board may do either or both of the following:

(1) Levy a monetary penalty in an amount determined in accordance with division (C) of this section;

(2) Order the health plan issuer or health care provider to cease and desist from engaging in the violations.

(C)(1) A finding by the superintendent, department, or appropriate regulatory board that a health plan issuer or health care provider has committed a series of violations that, taken together, constitutes a consistent pattern or practice of violating the requirements of this chapter to provide cost estimates to patients or their representatives, shall constitute a single offense for purposes of levying a fine as described in division (B)(1) of this section.

(2) For a first offense, the superintendent or department may 50220  
levy a fine of not more than one hundred thousand dollars; the 50221  
appropriate regulatory board may levy a fine of not more than ten 50222  
thousand dollars. 50223

For a second offense, the superintendent or department may 50224  
levy a fine of not more than one hundred fifty thousand dollars; 50225  
the appropriate regulatory board may levy a fine of not more than 50226  
fifteen thousand dollars. 50227

For a third or subsequent offense, the superintendent or 50228  
department may levy a fine of not more than three hundred thousand 50229  
dollars; the appropriate regulatory board may levy a fine of not 50230  
more than thirty thousand dollars. 50231

(3) In determining the amount of a fine to be levied within 50232  
the limits specified in division (C)(2) of this section, the 50233  
superintendent, department, or appropriate regulatory board shall 50234  
consider the following factors: 50235

(a) The extent and frequency of the violations; 50236

(b) Whether the violations were due to circumstances beyond 50237  
the control of the health plan issuer or health care provider; 50238

(c) Any remedial actions taken by the health plan issuer or 50239  
health care provider; 50240

(d) The actual or potential harm to others resulting from the 50241  
violations; 50242

(e) If the health plan issuer or health care provider 50243  
knowingly and willingly committed the violations; 50244

(f) The financial condition of the health plan issuer or 50245  
health care provider; 50246

(g) Any other factors the superintendent, department, or 50247  
appropriate board considers appropriate. 50248

(D) The amounts collected from levying fines under this 50249

section shall be paid into the state treasury to the credit of the 50250  
general revenue fund. 50251

Sec. 3962.12. A contract clause that does any of the 50252  
following is invalid and unenforceable: 50253

(A) Prohibits a health care provider or health plan issuer 50254  
from providing a patient with information that facilitates the 50255  
patient's ability to choose a health care provider based on 50256  
quality or cost, including providing a patient with cost and 50257  
quality information for alternative providers when the patient 50258  
demonstrates an intention to see a particular provider; 50259

(B) Prohibits a health plan issuer from excluding any 50260  
particular health care provider from a list or other resource that 50261  
ranks providers based on quality or cost and is intended to help 50262  
patients make decisions regarding their care; 50263

(C) Restricts patient access to quality or cost information 50264  
provided by a health care provider or health plan issuer. 50265

Sec. 3962.13. (A) All of the following may adopt any rules 50266  
necessary to carry out this chapter: 50267

(1) The superintendent of insurance; 50268

(2) The director of health; 50269

(3) The medicaid director; 50270

(4) Any other relevant department, agency, board, or other 50271  
entity that regulates, licenses, or certifies a health care 50272  
provider or health plan issuer. 50273

(B) Any rules adopted under this section shall be adopted in 50274  
accordance with Chapter 119. of the Revised Code. 50275

Sec. 3962.14. Any member of the general assembly may 50276  
intervene in litigation that challenges sections 3962.01 to 50277

3962.13 or section 5164.65 of the Revised Code. 50278

Sec. 3962.15. It is the general assembly's intent in enacting 50279  
sections 3962.01 to 3962.14 of the Revised Code to provide 50280  
patients with the information they need to make informed choices 50281  
regarding their health care, to maximize health care cost savings 50282  
for all residents of this state, and to reduce the burden of 50283  
health care expenditures on government entities, including 50284  
medicaid. 50285

Sec. 4109.05. (A) The director of commerce, after 50286  
consultation with the director of health, shall adopt rules, in 50287  
accordance with Chapter 119. of the Revised Code, prohibiting the 50288  
employment of minors in occupations which are hazardous or 50289  
detrimental to the health and well-being of minors. 50290

In adopting the rules, the director of commerce shall 50291  
consider the orders issued pursuant to the "Fair Labor Standards 50292  
Act of 1938," 52 Stat. 1060, 29 U.S.C. 201, as amended. 50293

The director of commerce shall not adopt any rule that 50294  
prohibits a minor who is sixteen or seventeen years of age and who 50295  
is employed by an employer under the manufacturing mentorship 50296  
program created in section 4109.22 of the Revised Code from being 50297  
employed in a manufacturing occupation if the orders issued 50298  
pursuant to the "Fair Labor Standards Act of 1938," 29 U.S.C. 201, 50299  
et seq., permit the employment of the minor in the manufacturing 50300  
occupation. As used in this division, "manufacturing occupation" 50301  
has the same meaning as in section 4109.22 of the Revised Code. 50302

(B) No minor may be employed in any occupation found 50303  
hazardous or detrimental to the health and well-being of minors 50304  
under the rules adopted pursuant to division (A) of this section. 50305

Sec. 4109.22. (A) As used in this section: 50306

(1) "Manufacturing occupation" means employment that consists of the mechanical, physical, or chemical transformation of materials, substances, or components into new products for sale, including the assembling of component parts into a finished product. 50307  
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(2) Notwithstanding the definition of "employer" in section 4109.01 of the Revised Code, "employer" means every person who employs any individual in a manufacturing occupation. 50312  
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(B) There is hereby created the manufacturing mentorship program to expose minors who are sixteen or seventeen years of age to manufacturing occupations in this state through temporary employment with an employer. An employer employing a minor under the mentorship program shall do all of the following: 50315  
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(1) Determine the duration of the minor's employment; 50320

(2) Assign the minor a mentor to provide direct and close supervision while the minor is engaged in any workplace activity; 50321  
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(3) Provide the minor with the training described in division (C) of this section; 50323  
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(4) Encourage the minor to participate in a career-technical education program approved by the department of education if the minor is not participating in a career-technical education program when the minor begins employment; 50325  
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(5) Comply with all applicable state and federal laws and regulations relating to the employment of minors. 50329  
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(C)(1) An employer employing a minor who is sixteen or seventeen years of age in a manufacturing occupation under the mentorship program shall provide the minor with training that includes all of the following: 50331  
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(a) A ten-hour course in general industry safety and health hazard recognition and prevention approved by the occupational 50335  
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<u>safety and health administration of the United States department</u>	50337
<u>of labor;</u>	50338
<u>(b) Instructions on how to operate the specific tools the</u>	50339
<u>minor will use during the minor's employment;</u>	50340
<u>(c) The general safety and health hazards to which the minor</u>	50341
<u>may be exposed at the minor's workplace;</u>	50342
<u>(d) The value of safety and management commitment;</u>	50343
<u>(e) Information on the employer's drug testing policy.</u>	50344
<u>(2) For purposes of division (C)(1)(a) of this section, a</u>	50345
<u>minor may participate in a thirty-hour course in general industry</u>	50346
<u>safety and health hazard recognition and prevention approved by</u>	50347
<u>the occupational safety and health administration if the minor has</u>	50348
<u>already successfully completed a ten-hour course.</u>	50349
<u>(3) The employer shall pay any costs associated with</u>	50350
<u>providing the training required by division (C)(1) or permitted</u>	50351
<u>under division (C)(2) of this section.</u>	50352
<u>(4) An employer is not required to provide the training</u>	50353
<u>described in division (C)(1) or (2) of this section if the minor</u>	50354
<u>presents proof of completing the training during the six-month</u>	50355
<u>period immediately before beginning employment with the employer.</u>	50356
<u>(D) The director of commerce, in consultation with employers,</u>	50357
<u>shall adopt rules in accordance with Chapter 119. of the Revised</u>	50358
<u>Code specifying a list of the tools that a minor who is sixteen or</u>	50359
<u>seventeen years of age who is employed under the mentorship</u>	50360
<u>program may operate during the minor's employment in a</u>	50361
<u>manufacturing occupation. The director shall use the manual issued</u>	50362
<u>by the wage and hour division of the United States department of</u>	50363
<u>labor titled "field operations handbook" or its successor for</u>	50364
<u>guidance in developing the list. Nothing in this division requires</u>	50365
<u>the director to include a tool on the list if the orders issued</u>	50366

pursuant to the "Fair Labor Standards Act of 1938," 29 U.S.C. 201, et seq., and section 4109.05 of the Revised Code or rules adopted under that section specifically permit minors of that age to operate the tool.

(E) A minor who is sixteen or seventeen years of age who is employed by an employer under the mentorship program may work in any manufacturing occupation not denied by law to minors of that age under section 4109.05 of the Revised Code or rules adopted under that section.

(F) No employer shall do either of the following:

(1) Permit a minor who is sixteen or seventeen years of age to operate a tool minors of that age are permitted to operate pursuant to the rules adopted under division (D) of this section unless the minor is employed by the employer under the mentorship program;

(2) Permit a minor who is sixteen or seventeen years of age who is employed by the employer under the mentorship program to operate a tool prohibited for use by minors of that age pursuant to the "Fair Labor Standards Act of 1938," 29 U.S.C. 201, et seq., and section 4109.05 of the Revised Code or rules adopted under that section.

**Sec. 4109.99.** (A) Whoever violates section 4109.04, division (C) of section 4109.07, division (A), (B), or (D) of section 4109.08, section 4109.11, or division (B) of section 4109.12 of the Revised Code is guilty of a minor misdemeanor.

(B) Whoever violates section 4109.05 of the Revised Code is guilty of a misdemeanor of the third degree.

(C) Whoever violates section 4109.03, division (A), (B), or (D) of section 4109.07, or section 4109.10 of the Revised Code is guilty of a minor misdemeanor on a first offense and a misdemeanor

of the third degree on each subsequent offense. 50397

(D) Whoever violates division (A) of section 4109.12 of the 50398  
Revised Code is guilty of a minor misdemeanor for each day the 50399  
violation continues. 50400

(E) Whoever violates division (A) of section 4109.21 of the 50401  
Revised Code is guilty of a misdemeanor of the fourth degree on a 50402  
first offense and a first degree misdemeanor on each subsequent 50403  
offense. If, however, the violation on a first offense contains 50404  
aggravating circumstances, including, but not limited to, threats 50405  
to a minor, reckless operation of a motor vehicle, or abandonment 50406  
of or endangerment to a minor but not including circumstances that 50407  
are the basis of a felony violation of section 2919.22 of the 50408  
Revised Code, then the person is guilty of a misdemeanor of the 50409  
first degree. If the offender previously has been convicted under 50410  
this section and if the subsequent offense contains aggravating 50411  
circumstances other than circumstances that are the basis of a 50412  
felony violation of section 2919.22 of the Revised Code, then the 50413  
person is guilty of a felony of the fourth degree. 50414

(F) Whoever violates division (F) of section 4109.22 of the 50415  
Revised Code shall be assessed a civil penalty of up to one 50416  
thousand seven hundred thirty dollars for each violation. 50417

**Sec. 4111.03.** (A) An employer shall pay an employee for 50418  
overtime at a wage rate of one and one-half times the employee's 50419  
wage rate for hours worked in excess of forty hours in one 50420  
workweek, in the manner and methods provided in and subject to the 50421  
exemptions of section 7 and section 13 of the "Fair Labor 50422  
Standards Act of 1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, as 50423  
amended. 50424

Any employee employed in agriculture shall not be covered by 50425  
the overtime provision of this section. 50426

A motor carrier may elect to apply the overtime provision of this section to an individual who is excluded from the provision under division (D)(3)(i) of this section.

(B) If a county employee or township employee elects to take compensatory time off in lieu of overtime pay, for any overtime worked, compensatory time may be granted by the employee's administrative superior, on a time and one-half basis, at a time mutually convenient to the employee and the administrative superior within one hundred eighty days after the overtime is worked.

(C) A township appointing authority or a county appointing authority with the exception of the county department of job and family services may, by rule or resolution as is appropriate, indicate the authority's intention not to be bound by division (B) of this section, and to adopt a different policy for the calculation and payment of overtime than that established by that division. Upon adoption, the alternative overtime policy prevails. Prior to the adoption of an alternative overtime policy, a township appointing authority or a county appointing authority with the exception of the county department of job and family services shall give a written notice of the alternative policy to each employee at least ten days prior to its effective date.

(D) As used in this section:

(1) "Employ" means to suffer or to permit to work.

(2) "Employer" means the state of Ohio, its instrumentalities, and its political subdivisions and their instrumentalities, any individual, partnership, association, corporation, business trust, or any person or group of persons, acting in the interest of an employer in relation to an employee, but does not include either of the following:

(a) An employer whose annual gross volume of sales made for

business done is less than one hundred fifty thousand dollars, 50458  
exclusive of excise taxes at the retail level which are separately 50459  
stated; 50460

(b) A franchisor with respect to the franchisor's 50461  
relationship with a franchisee or an employee of a franchisee, 50462  
unless the franchisor agrees to assume that role in writing or a 50463  
court of competent jurisdiction determines that the franchisor 50464  
exercises a type or degree of control over the franchisee or the 50465  
franchisee's employees that is not customarily exercised by a 50466  
franchisor for the purpose of protecting the franchisor's 50467  
trademark, brand, or both. For purposes of this division, 50468  
"franchisor" and "franchisee" have the same meanings as in 16 50469  
C.F.R. 436.1. 50470

(3) "Employee" means any individual employed by an employer 50471  
but does not include: 50472

(a) Any individual employed by the United States; 50473

(b) Any individual employed as a baby-sitter in the 50474  
employer's home, or a live-in companion to a sick, convalescing, 50475  
or elderly person whose principal duties do not include 50476  
housekeeping; 50477

(c) Any individual engaged in the delivery of newspapers to 50478  
the consumer; 50479

(d) Any individual employed as an outside salesperson 50480  
compensated by commissions or employed in a bona fide executive, 50481  
administrative, or professional capacity as such terms are defined 50482  
by the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 50483  
U.S.C.A. 201, as amended; 50484

(e) Any individual who works or provides personal services of 50485  
a charitable nature in a hospital or health institution for which 50486  
compensation is not sought or contemplated; 50487

(f) A member of a police or fire protection agency or student employed on a part-time or seasonal basis by a political subdivision of this state;	50488 50489 50490
(g) Any individual in the employ of a camp or recreational area for children under eighteen years of age and owned and operated by a nonprofit organization or group of organizations described in Section 501(c)(3) of the "Internal Revenue Code of 1954," and exempt from income tax under Section 501(a) of that code;	50491 50492 50493 50494 50495 50496
(h) Any individual employed directly by the house of representatives or directly by the senate;	50497 50498
(i) An individual who operates a vehicle or vessel in the performance of services for or on behalf of a motor carrier transporting property and to whom all of the following factors apply:	50499 50500 50501 50502
(i) The individual owns the vehicle or vessel that is used in performing the services for or on behalf of the carrier, or the individual leases the vehicle or vessel under a bona fide lease agreement that is not a temporary replacement lease agreement. For purposes of this division, a bona fide lease agreement does not include an agreement between the individual and the motor carrier transporting property for which, or on whose behalf, the individual provides services.	50503 50504 50505 50506 50507 50508 50509 50510
(ii) The individual is responsible for supplying the necessary personal services to operate the vehicle or vessel used to provide the service.	50511 50512 50513
(iii) The compensation paid to the individual is based on factors related to work performed, including on a mileage-based rate or a percentage of any schedule of rates, and not solely on the basis of the hours or time expended.	50514 50515 50516 50517
(iv) The individual substantially controls the means and	50518

manner of performing the services, in conformance with regulatory requirements and specifications of the shipper. 50519  
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(v) The individual enters into a written contract with the carrier for whom the individual is performing the services that describes the relationship between the individual and the carrier to be that of an independent contractor and not that of an employee. 50521  
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(vi) The individual is responsible for substantially all of the principal operating costs of the vehicle or vessel and equipment used to provide the services, including maintenance, fuel, repairs, supplies, vehicle or vessel insurance, and personal expenses, except that the individual may be paid by the carrier the carrier's fuel surcharge and incidental costs, including tolls, permits, and lumper fees. 50526  
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(vii) The individual is responsible for any economic loss or economic gain from the arrangement with the carrier. 50533  
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(4) "Motor carrier" has the same meaning as in section 4923.01 of the Revised Code. 50535  
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**Sec. 4141.35.** (A) If the director of job and family services finds that any fraudulent misrepresentation has been made by an applicant for or a recipient of benefits with the object of obtaining benefits to which the applicant or recipient was not entitled, and in addition to any other penalty or forfeiture under this chapter, then the director: 50537  
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(1) Shall within four years after the end of the benefit year in which the fraudulent misrepresentation was made reject or cancel such person's entire weekly claim for benefits that was fraudulently claimed, or the person's entire benefit rights if the misrepresentation was in connection with the filing of the claimant's application for determination of benefit rights; 50543  
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(2) Shall by order declare that, for each application for benefit rights and for each weekly claim canceled, such person shall be ineligible for two otherwise valid weekly claims for benefits, claimed within six years subsequent to the discovery of such misrepresentation;

(3) By order shall require that the total amount of benefits rejected or canceled under division (A)(1) of this section be repaid to the director before such person may become eligible for further benefits, and shall withhold such unpaid sums from future benefit payments accruing and otherwise payable to such claimant. Effective with orders issued on or after January 1, 1993, if such benefits are not repaid within thirty days after the director's order becomes final, interest on the amount remaining unpaid shall be charged to the person at a rate and calculated in the same manner as provided under section 4141.23 of the Revised Code. When a person ordered to repay benefits has repaid all overpaid benefits according to a plan approved by the director, the director may cancel the amount of interest that accrued during the period of the repayment plan. The director may take action in any court of competent jurisdiction to collect benefits and interest as provided in sections 4141.23 and 4141.27 of the Revised Code, in regard to the collection of unpaid contributions, using the final repayment order as the basis for such action. Except as otherwise provided in this division, no administrative or legal proceedings for the collection of such benefits or interest due, or for the collection of a penalty under division (A)(4) of this section, shall be initiated after the expiration of six years from the date on which the director's order requiring repayment became final and the amount of any benefits, penalty, or interest not recovered at that time, and any liens thereon, shall be canceled as uncollectible. The time limit for instituting proceedings shall be extended by the period of any stay to the collection or by any other time period to which the parties mutually agree.



(4) Shall, for findings made on or after October 21, 2013, by order assess a mandatory penalty on such a person in an amount equal to twenty-five per cent of the total amount of benefits rejected or canceled under division (A)(1) of this section. The first sixty per cent of each penalty collected under division (A)(4) of this section shall be deposited into the unemployment compensation fund created under section 4141.09 of the Revised Code and shall be credited to the mutualized account, as provided in division (B)(2)(g) of section 4141.25 of the Revised Code. The remainder of each penalty collected shall be deposited into the unemployment compensation special administrative fund created under section 4141.11 of the Revised Code.

(5) May take action to collect benefits fraudulently obtained under the unemployment compensation law of any other state or the United States or Canada. Such action may be initiated in the courts of this state in the same manner as provided for unpaid contributions in section 4141.41 of the Revised Code.

(6) May take action to collect benefits that have been fraudulently obtained from the director, interest pursuant to division (A)(3) of this section, and court costs, through attachment proceedings under Chapter 2715. of the Revised Code and garnishment proceedings under Chapter 2716. of the Revised Code.

(B) If the director finds that an applicant for benefits has been credited with a waiting period or paid benefits to which the applicant was not entitled for reasons other than fraudulent misrepresentation, the director shall:

(1)(a) Within six months after the determination under which the claimant was credited with that waiting period or paid benefits becomes final pursuant to section 4141.28 of the Revised Code, or within three years after the end of the benefit year in which such benefits were claimed, whichever is later, by order cancel such waiting period and require that such benefits be

repaid to the director or be withheld from any benefits to which 50614  
such applicant is or may become entitled before any additional 50615  
benefits are paid, provided that the repayment or withholding 50616  
shall not be required where the overpayment is the result of the 50617  
director's correcting a prior decision due to a typographical or 50618  
clerical error in the director's prior decision, or an error in an 50619  
employer's report under division (G) of section 4141.28 of the 50620  
Revised Code. 50621

(b) The limitation specified in division (B)(1)(a) of this 50622  
section shall not apply to cases involving the retroactive payment 50623  
of remuneration covering periods for which benefits were 50624  
previously paid to the claimant. However, in such cases, the 50625  
director's order requiring repayment shall not be issued unless 50626  
the director is notified of such retroactive payment within six 50627  
months from the date the retroactive payment was made to the 50628  
claimant. 50629

(2) The director may, by reciprocal agreement with the United 50630  
States secretary of labor or another state, recover overpayment 50631  
amounts from unemployment benefits otherwise payable to an 50632  
individual under Chapter 4141. of the Revised Code. Any 50633  
overpayments made to the individual that have not previously been 50634  
recovered under an unemployment benefit program of the United 50635  
States may be recovered in accordance with section 303(g) of the 50636  
"Social Security Act" and sections 3304(a)(4) and 3306(f) of the 50637  
"Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 50638  
3301 to 3311. 50639

(3) If the amounts required to be repaid under division (B) 50640  
of this section are not recovered within three years from the date 50641  
the director's order requiring payment became final, initiate no 50642  
further action to collect such benefits and the amount of any 50643  
benefits not recovered at that time shall be canceled as 50644  
uncollectible, provided that the time limit for collection shall 50645

be extended by the period of any stay to the collection or by any other time period to which the parties mutually agree.

(C) The appeal provisions of sections 4141.281 and 4141.282 of the Revised Code shall apply to all orders and determinations issued under this section, except that an individual's right of appeal under division (B)(2) of this section shall be limited to this state's authority to recover overpayment of benefits.

(D) The director shall deposit any repayment collected under this section that the director determines to be payment of interest or court costs into the unemployment compensation special administrative fund established pursuant to section 4141.11 of the Revised Code.

(E) If an individual makes a full repayment or a repayment that is less than the full amount required by this section, the director shall apply the repayment to the mutualized account under division (B) of section 4141.25 of the Revised Code, except that the director shall credit the repayment to the accounts of the individual's base period employers that previously have not been credited for the amount of improperly paid benefits charged against their accounts based on the proportion of benefits charged against the accounts as determined pursuant to division (D) of section 4141.24 of the Revised Code.

~~The director shall deposit any repayment collected under this section that the director determines to be payment of interest or court costs into the unemployment compensation special administrative fund established pursuant to section 4141.11 of the Revised Code.~~

This division does not apply to any of the following:

(1) Federal tax refund offsets under 31 C.F.R. 285.8;

(2) Unclaimed fund recoveries under section 131.024 of the Revised Code;

(3) Lottery award offsets under section 3770.073 of the Revised Code;	50677 50678
(4) State tax refund offsets under section 5747.12 of the Revised Code;	50679 50680
<u>(5) Unemployment compensation debts collected by the attorney general under Chapter 131. of the Revised Code.</u>	50681 50682
<b>Sec. 4141.50.</b> (A) As used in this section and in sections 4141.51 to 4141.56 of the Revised Code:	50683 50684
(1) "Affected unit" means a department, shift, or other organizational unit of two or more employees that is designated by a participating employer in a shared work plan.	50685 50686 50687
(2) "Approved shared work plan" means an employer's shared work plan, submitted pursuant to section 4141.51 of the Revised Code, that satisfies all of the requirements for approval under that section and that the director of job and family services has approved in writing.	50688 50689 50690 50691 50692
(3) "Intermittent basis" means employment that is not continuous but may consist of periodic intervals of weekly work and intervals of no weekly work.	50693 50694 50695
(4) "Normal weekly hours of work" means the normal hours of work <u>in employment</u> each week for an employee in an affected unit when that unit is operating on a full-time basis, not to exceed forty hours and not including any overtime worked.	50696 50697 50698 50699
(5) "Participating employee" means an employee whose normal weekly hours of work are reduced by the reduction percentage under an approved shared work plan.	50700 50701 50702
(6) "Participating employer" means an employer who has an approved shared work plan in effect.	50703 50704
(7) "Reduction percentage" means the percentage by which each	50705

participating employee's normal weekly hours of work are reduced 50706  
under an approved shared work plan. 50707

(8) "Seasonal basis" has the same meaning as "seasonal 50708  
employment" as defined in division (A) of section 4141.33 of the 50709  
Revised Code. 50710

(9) "Shared work compensation" means the pro rata share of 50711  
unemployment compensation benefits payable to a participating 50712  
employee under an approved shared work plan. "Shared work 50713  
compensation" does not include unemployment compensation benefits 50714  
otherwise payable to an eligible claimant who is totally or 50715  
partially unemployed. 50716

(10) "Temporary basis" means employment where an employee is 50717  
expected to remain in a position for only a limited period of time 50718  
or is hired by a temporary agency to fill a gap in the employer's 50719  
workforce. 50720

(B) There is hereby created the "SharedWork Ohio" program, 50721  
under which an employer who participates in the program reduces 50722  
the number of hours worked by the employees of the employer in 50723  
lieu of layoffs. 50724

The director may adopt rules as the director determines 50725  
necessary to implement any guidance issued by the United States 50726  
secretary of labor with respect to the SharedWork Ohio program. 50727

**Sec. 4301.43.** (A) As used in sections 4301.43 to 4301.50 of 50728  
the Revised Code: 50729

(1) "Gallon" or "wine gallon" means one hundred twenty-eight 50730  
fluid ounces. 50731

(2) "Sale" or "sell" includes exchange, barter, gift, 50732  
distribution, and, except with respect to A-4 permit holders, 50733  
offer for sale. 50734

(B) For the purposes of providing revenues for the support of 50735

the state and encouraging the grape industries in the state, a tax 50736  
is hereby levied on the sale or distribution of wine in Ohio, 50737  
except for known sacramental purposes, at the rate of thirty cents 50738  
per wine gallon for wine containing not less than four per cent of 50739  
alcohol by volume and not more than fourteen per cent of alcohol 50740  
by volume, ninety-eight cents per wine gallon for wine containing 50741  
more than fourteen per cent but not more than twenty-one per cent 50742  
of alcohol by volume, one dollar and eight cents per wine gallon 50743  
for vermouth, and one dollar and forty-eight cents per wine gallon 50744  
for sparkling and carbonated wine and champagne, the tax to be 50745  
paid by the holders of A-2, A-2f, and B-5 permits or by any other 50746  
person selling or distributing wine upon which no tax has been 50747  
paid. From the tax paid under this section on wine, vermouth, and 50748  
sparkling and carbonated wine and champagne, the treasurer of 50749  
state shall credit to the Ohio grape industries fund created under 50750  
section 924.54 of the Revised Code a sum equal to one cent per 50751  
gallon for each gallon upon which the tax is paid. 50752

(C) For the purpose of providing revenues for the support of 50753  
the state, there is hereby levied a tax on prepared and bottled 50754  
highballs, cocktails, cordials, and other mixed beverages at the 50755  
rate of one dollar and twenty cents per wine gallon to be paid by 50756  
holders of A-4 permits or by any other person selling or 50757  
distributing those products upon which no tax has been paid. Only 50758  
one sale of the same article shall be used in computing the amount 50759  
of tax due. The tax on mixed beverages to be paid by holders of 50760  
A-4 permits under this section shall not attach until the 50761  
ownership of the mixed beverage is transferred for valuable 50762  
consideration to a wholesaler or retailer, and no payment of the 50763  
tax shall be required prior to that time. 50764

(D) During the period of July 1, ~~2017~~ 2019, through June 30, 50765  
~~2019~~ 2021, from the tax paid under this section on wine, vermouth, 50766  
and sparkling and carbonated wine and champagne, the treasurer of 50767

state shall credit to the Ohio grape industries fund created under 50768  
section 924.54 of the Revised Code a sum equal to two cents per 50769  
gallon upon which the tax is paid. The amount credited under this 50770  
division is in addition to the amount credited to the Ohio grape 50771  
industries fund under division (B) of this section. 50772

(E) For the purpose of providing revenues for the support of 50773  
the state, there is hereby levied a tax on cider at the rate of 50774  
twenty-four cents per wine gallon to be paid by the holders of 50775  
A-2, A-2f, and B-5 permits or by any other person selling or 50776  
distributing cider upon which no tax has been paid. Only one sale 50777  
of the same article shall be used in computing the amount of the 50778  
tax due. 50779

**Sec. 4303.181.** (A) Permit D-5a may be issued either to the 50780  
owner or operator of a hotel or motel that is required to be 50781  
licensed under section 3731.03 of the Revised Code, that contains 50782  
at least fifty rooms for registered transient guests or is owned 50783  
by a state institution of higher education as defined in section 50784  
3345.011 of the Revised Code or a private college or university, 50785  
and that qualifies under the other requirements of this section, 50786  
or to the owner or operator of a restaurant specified under this 50787  
section, to sell beer and any intoxicating liquor at retail, only 50788  
by the individual drink in glass and from the container, for 50789  
consumption on the premises where sold, and to registered guests 50790  
in their rooms, which may be sold by means of a controlled access 50791  
alcohol and beverage cabinet in accordance with division (B) of 50792  
section 4301.21 of the Revised Code; and to sell the same products 50793  
in the same manner and amounts not for consumption on the premises 50794  
as may be sold by holders of D-1 and D-2 permits. The premises of 50795  
the hotel or motel shall include a retail food establishment or a 50796  
food service operation licensed pursuant to Chapter 3717. of the 50797  
Revised Code that operates as a restaurant for purposes of this 50798  
chapter and that is affiliated with the hotel or motel and within 50799

or contiguous to the hotel or motel, and that serves food within 50800  
the hotel or motel, but the principal business of the owner or 50801  
operator of the hotel or motel shall be the accommodation of 50802  
transient guests. In addition to the privileges authorized in this 50803  
division, the holder of a D-5a permit may exercise the same 50804  
privileges as the holder of a D-5 permit. 50805

The owner or operator of a hotel, motel, or restaurant who 50806  
qualified for and held a D-5a permit on August 4, 1976, may, if 50807  
the owner or operator held another permit before holding a D-5a 50808  
permit, either retain a D-5a permit or apply for the permit 50809  
formerly held, and the division of liquor control shall issue the 50810  
permit for which the owner or operator applies and formerly held, 50811  
notwithstanding any quota. 50812

A D-5a permit shall not be transferred to another location. 50813  
No quota restriction shall be placed on the number of D-5a permits 50814  
that may be issued. 50815

The fee for this permit is two thousand three hundred 50816  
forty-four dollars. 50817

(B) Permit D-5b may be issued to the owner, operator, tenant, 50818  
lessee, or occupant of an enclosed shopping center to sell beer 50819  
and intoxicating liquor at retail, only by the individual drink in 50820  
glass and from the container, for consumption on the premises 50821  
where sold; and to sell the same products in the same manner and 50822  
amount not for consumption on the premises as may be sold by 50823  
holders of D-1 and D-2 permits. In addition to the privileges 50824  
authorized in this division, the holder of a D-5b permit may 50825  
exercise the same privileges as a holder of a D-5 permit. 50826

A D-5b permit shall not be transferred to another location. 50827

One D-5b permit may be issued at an enclosed shopping center 50828  
containing at least two hundred twenty-five thousand, but less 50829  
than four hundred thousand, square feet of floor area. 50830



Two D-5b permits may be issued at an enclosed shopping center 50831  
containing at least four hundred thousand square feet of floor 50832  
area. No more than one D-5b permit may be issued at an enclosed 50833  
shopping center for each additional two hundred thousand square 50834  
feet of floor area or fraction of that floor area, up to a maximum 50835  
of five D-5b permits for each enclosed shopping center. The number 50836  
of D-5b permits that may be issued at an enclosed shopping center 50837  
shall be determined by subtracting the number of D-3 and D-5 50838  
permits issued in the enclosed shopping center from the number of 50839  
D-5b permits that otherwise may be issued at the enclosed shopping 50840  
center under the formulas provided in this division. Except as 50841  
provided in this section, no quota shall be placed on the number 50842  
of D-5b permits that may be issued. Notwithstanding any quota 50843  
provided in this section, the holder of any D-5b permit first 50844  
issued in accordance with this section is entitled to its renewal 50845  
in accordance with section 4303.271 of the Revised Code. 50846

The holder of a D-5b permit issued before April 4, 1984, 50847  
whose tenancy is terminated for a cause other than nonpayment of 50848  
rent, may return the D-5b permit to the division of liquor 50849  
control, and the division shall cancel that permit. Upon 50850  
cancellation of that permit and upon the permit holder's payment 50851  
of taxes, contributions, premiums, assessments, and other debts 50852  
owing or accrued upon the date of cancellation to this state and 50853  
its political subdivisions and a filing with the division of a 50854  
certification of that payment, the division shall issue to that 50855  
person either a D-5 permit, or a D-1, a D-2, and a D-3 permit, as 50856  
that person requests. The division shall issue the D-5 permit, or 50857  
the D-1, D-2, and D-3 permits, even if the number of D-1, D-2, 50858  
D-3, or D-5 permits currently issued in the municipal corporation 50859  
or in the unincorporated area of the township where that person's 50860  
proposed premises is located equals or exceeds the maximum number 50861  
of such permits that can be issued in that municipal corporation 50862  
or in the unincorporated area of that township under the 50863

population quota restrictions contained in section 4303.29 of the Revised Code. Any D-1, D-2, D-3, or D-5 permit so issued shall not be transferred to another location. If a D-5b permit is canceled under the provisions of this paragraph, the number of D-5b permits that may be issued at the enclosed shopping center for which the D-5b permit was issued, under the formula provided in this division, shall be reduced by one if the enclosed shopping center was entitled to more than one D-5b permit under the formula.

The fee for this permit is two thousand three hundred forty-four dollars.

(C) Permit D-5c may be issued to the owner or operator of a retail food establishment or a food service operation licensed pursuant to Chapter 3717. of the Revised Code that operates as a restaurant for purposes of this chapter and that qualifies under the other requirements of this section to sell beer and any intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold, and to sell the same products in the same manner and amounts not for consumption on the premises as may be sold by holders of D-1 and D-2 permits. In addition to the privileges authorized in this division, the holder of a D-5c permit may exercise the same privileges as the holder of a D-5 permit.

To qualify for a D-5c permit, the owner or operator of a retail food establishment or a food service operation licensed pursuant to Chapter 3717. of the Revised Code that operates as a restaurant for purposes of this chapter, shall have operated the restaurant at the proposed premises for not less than twenty-four consecutive months immediately preceding the filing of the application for the permit, have applied for a D-5 permit no later than December 31, 1988, and appear on the division's quota waiting list for not less than six months immediately preceding the filing of the application for the permit. In addition to these

requirements, the proposed D-5c permit premises shall be located 50896  
within a municipal corporation and further within an election 50897  
precinct that, at the time of the application, has no more than 50898  
twenty-five per cent of its total land area zoned for residential 50899  
use. 50900

A D-5c permit shall not be transferred to another location. 50901  
No quota restriction shall be placed on the number of such permits 50902  
that may be issued. 50903

Any person who has held a D-5c permit for at least two years 50904  
may apply for a D-5 permit, and the division of liquor control 50905  
shall issue the D-5 permit notwithstanding the quota restrictions 50906  
contained in section 4303.29 of the Revised Code or in any rule of 50907  
the liquor control commission. 50908

The fee for this permit is one thousand five hundred 50909  
sixty-three dollars. 50910

(D) Permit D-5d may be issued to the owner or operator of a 50911  
retail food establishment or a food service operation licensed 50912  
pursuant to Chapter 3717. of the Revised Code that operates as a 50913  
restaurant for purposes of this chapter and that is located at an 50914  
airport operated by a board of county commissioners pursuant to 50915  
section 307.20 of the Revised Code, at an airport operated by a 50916  
port authority pursuant to Chapter 4582. of the Revised Code, or 50917  
at an airport operated by a regional airport authority pursuant to 50918  
Chapter 308. of the Revised Code. The holder of a D-5d permit may 50919  
sell beer and any intoxicating liquor at retail, only by the 50920  
individual drink in glass and from the container, for consumption 50921  
on the premises where sold, and may sell the same products in the 50922  
same manner and amounts not for consumption on the premises where 50923  
sold as may be sold by the holders of D-1 and D-2 permits. In 50924  
addition to the privileges authorized in this division, the holder 50925  
of a D-5d permit may exercise the same privileges as the holder of 50926  
a D-5 permit. 50927

A D-5d permit shall not be transferred to another location. 50928  
No quota restrictions shall be placed on the number of such 50929  
permits that may be issued. 50930

The fee for this permit is two thousand three hundred 50931  
forty-four dollars. 50932

(E) Permit D-5e may be issued to any nonprofit organization 50933  
that is exempt from federal income taxation under the "Internal 50934  
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501(c)(3), as 50935  
amended, or that is a charitable organization under any chapter of 50936  
the Revised Code, and that owns or operates a riverboat that meets 50937  
all of the following: 50938

(1) Is permanently docked at one location; 50939

(2) Is designated as an historical riverboat by the Ohio 50940  
history connection; 50941

(3) Contains not less than fifteen hundred square feet of 50942  
floor area; 50943

(4) Has a seating capacity of fifty or more persons. 50944

The holder of a D-5e permit may sell beer and intoxicating 50945  
liquor at retail, only by the individual drink in glass and from 50946  
the container, for consumption on the premises where sold. 50947

A D-5e permit shall not be transferred to another location. 50948  
No quota restriction shall be placed on the number of such permits 50949  
that may be issued. The population quota restrictions contained in 50950  
section 4303.29 of the Revised Code or in any rule of the liquor 50951  
control commission shall not apply to this division, and the 50952  
division shall issue a D-5e permit to any applicant who meets the 50953  
requirements of this division. However, the division shall not 50954  
issue a D-5e permit if the permit premises or proposed permit 50955  
premises are located within an area in which the sale of 50956  
spirituous liquor by the glass is prohibited. 50957

The fee for this permit is one thousand two hundred nineteen dollars. 50958  
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(F) Permit D-5f may be issued to the owner or operator of a retail food establishment or a food service operation licensed under Chapter 3717. of the Revised Code that operates as a restaurant for purposes of this chapter and that meets all of the following: 50960  
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(1) It contains not less than twenty-five hundred square feet of floor area. 50965  
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(2) It is located on or in, or immediately adjacent to, the shoreline of, a navigable river. 50967  
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(3) It provides docking space for twenty-five boats. 50969

(4) It provides entertainment and recreation, provided that not less than fifty per cent of the business on the permit premises shall be preparing and serving meals for a consideration. 50970  
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In addition, each application for a D-5f permit shall be accompanied by a certification from the local legislative authority that the issuance of the D-5f permit is not inconsistent with that political subdivision's comprehensive development plan or other economic development goal as officially established by the local legislative authority. 50973  
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The holder of a D-5f permit may sell beer and intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold. 50979  
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A D-5f permit shall not be transferred to another location. 50982

The division of liquor control shall not issue a D-5f permit if the permit premises or proposed permit premises are located within an area in which the sale of spirituous liquor by the glass is prohibited. 50983  
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A fee for this permit is two thousand three hundred 50987

forty-four dollars. 50988

As used in this division, "navigable river" means a river 50989  
that is also a "navigable water" as defined in the "Federal Power 50990  
Act," 94 Stat. 770 (1980), 16 U.S.C. 796. 50991

(G) Permit D-5g may be issued to a nonprofit corporation that 50992  
is either the owner or the operator of a national professional 50993  
sports museum. The holder of a D-5g permit may sell beer and any 50994  
intoxicating liquor at retail, only by the individual drink in 50995  
glass and from the container, for consumption on the premises 50996  
where sold. The holder of a D-5g permit shall sell no beer or 50997  
intoxicating liquor for consumption on the premises where sold 50998  
after two-thirty a.m. A D-5g permit shall not be transferred to 50999  
another location. No quota restrictions shall be placed on the 51000  
number of D-5g permits that may be issued. The fee for this permit 51001  
is one thousand eight hundred seventy-five dollars. 51002

(H)(1) Permit D-5h may be issued to any nonprofit 51003  
organization that is exempt from federal income taxation under the 51004  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 51005  
501(c)(3), as amended, that owns or operates any of the following: 51006

(a) A fine arts museum, provided that the nonprofit 51007  
organization has no less than one thousand five hundred bona fide 51008  
members possessing full membership privileges; 51009

(b) A community arts center. As used in division (H)(1)(b) of 51010  
this section, "community arts center" means a facility that 51011  
provides arts programming to the community in more than one arts 51012  
discipline, including, but not limited to, exhibits of works of 51013  
art and performances by both professional and amateur artists. 51014

(c) A community theater, provided that the nonprofit 51015  
organization is a member of the Ohio arts council and the American 51016  
community theatre association and has been in existence for not 51017  
less than ten years. As used in division (H)(1)(c) of this 51018

section, "community theater" means a facility that contains at least one hundred fifty seats and has a primary function of presenting live theatrical performances and providing recreational opportunities to the community.

(2) The holder of a D-5h permit may sell beer and any intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold. The holder of a D-5h permit shall sell no beer or intoxicating liquor for consumption on the premises where sold after one a.m. A D-5h permit shall not be transferred to another location. No quota restrictions shall be placed on the number of D-5h permits that may be issued.

(3) The fee for a D-5h permit is one thousand eight hundred seventy-five dollars.

(I) Permit D-5i may be issued to the owner or operator of a retail food establishment or a food service operation licensed under Chapter 3717. of the Revised Code that operates as a restaurant for purposes of this chapter and that meets all of the following requirements:

(1) It is located in a municipal corporation or a township with a population of one hundred thousand or less.

(2) It has inside seating capacity for at least one hundred forty persons.

(3) It has at least four thousand square feet of floor area.

(4) It offers full-course meals, appetizers, and sandwiches.

(5) Its receipts from beer and liquor sales, excluding wine sales, do not exceed twenty-five per cent of its total gross receipts.

(6) It has at least one of the following characteristics:

(a) The value of its real and personal property exceeds seven

hundred twenty-five thousand dollars. 51049

(b) It is located on property that is owned or leased by the 51050  
state or a state agency, and its owner or operator has 51051  
authorization from the state or the state agency that owns or 51052  
leases the property to obtain a D-5i permit. 51053

The holder of a D-5i permit may sell beer and any 51054  
intoxicating liquor at retail, only by the individual drink in 51055  
glass and from the container, for consumption on the premises 51056  
where sold, and may sell the same products in the same manner and 51057  
amounts not for consumption on the premises where sold as may be 51058  
sold by the holders of D-1 and D-2 permits. The holder of a D-5i 51059  
permit shall sell no beer or intoxicating liquor for consumption 51060  
on the premises where sold after two-thirty a.m. In addition to 51061  
the privileges authorized in this division, the holder of a D-5i 51062  
permit may exercise the same privileges as the holder of a D-5 51063  
permit. 51064

A D-5i permit shall not be transferred to another location. 51065  
The division of liquor control shall not renew a D-5i permit 51066  
unless the retail food establishment or food service operation for 51067  
which it is issued continues to meet the requirements described in 51068  
divisions (I)(1) to (6) of this section. No quota restrictions 51069  
shall be placed on the number of D-5i permits that may be issued. 51070  
The fee for the D-5i permit is two thousand three hundred 51071  
forty-four dollars. 51072

(J) Permit D-5j may be issued to the owner or the operator of 51073  
a retail food establishment or a food service operation licensed 51074  
under Chapter 3717. of the Revised Code to sell beer and 51075  
intoxicating liquor at retail, only by the individual drink in 51076  
glass and from the container, for consumption on the premises 51077  
where sold and to sell beer and intoxicating liquor in the same 51078  
manner and amounts not for consumption on the premises where sold 51079  
as may be sold by the holders of D-1 and D-2 permits. The holder 51080



of a D-5j permit may exercise the same privileges, and shall 51081  
observe the same hours of operation, as the holder of a D-5 51082  
permit. 51083

The D-5j permit shall be issued only within a community 51084  
entertainment district that is designated under section 4301.80 of 51085  
the Revised Code. The permit shall not be issued to a community 51086  
entertainment district that is designated under divisions (B) and 51087  
(C) of section 4301.80 of the Revised Code if the district does 51088  
not meet one of the following qualifications: 51089

(1) It is located in a municipal corporation with a 51090  
population of at least one hundred thousand. 51091

(2) It is located in a municipal corporation with a 51092  
population of at least twenty thousand, and either of the 51093  
following applies: 51094

(a) It contains an amusement park the rides of which have 51095  
been issued a permit by the department of agriculture under 51096  
Chapter 1711. of the Revised Code. 51097

(b) Not less than fifty million dollars will be invested in 51098  
development and construction in the community entertainment 51099  
district's area located in the municipal corporation. 51100

(3) It is located in a township with a population of at least 51101  
forty thousand. 51102

(4) It is located in a township with a population of at least 51103  
twenty thousand, and not less than seventy million dollars will be 51104  
invested in development and construction in the community 51105  
entertainment district's area located in the township. 51106

(5) It is located in a municipal corporation with a 51107  
population between seven thousand and twenty thousand, and both of 51108  
the following apply: 51109

(a) The municipal corporation was incorporated as a village 51110

prior to calendar year 1880 and currently has a historic downtown 51111  
business district. 51112

(b) The municipal corporation is located in the same county 51113  
as another municipal corporation with at least one community 51114  
entertainment district. 51115

(6) It is located in a municipal corporation with a 51116  
population of at least ten thousand, and not less than seventy 51117  
million dollars will be invested in development and construction 51118  
in the community entertainment district's area located in the 51119  
municipal corporation. 51120

(7) It is located in a municipal corporation with a 51121  
population of at least three thousand, and not less than one 51122  
hundred fifty million dollars will be invested in development and 51123  
construction in the community entertainment district's area 51124  
located in the municipal corporation. 51125

The location of a D-5j permit may be transferred only within 51126  
the geographic boundaries of the community entertainment district 51127  
in which it was issued and shall not be transferred outside the 51128  
geographic boundaries of that district. 51129

Not more than one D-5j permit shall be issued within each 51130  
community entertainment district for each five acres of land 51131  
located within the district. Not more than fifteen D-5j permits 51132  
may be issued within a single community entertainment district. 51133  
Except as otherwise provided in division (J)(4) of this section, 51134  
no quota restrictions shall be placed upon the number of D-5j 51135  
permits that may be issued. 51136

The fee for a D-5j permit is two thousand three hundred 51137  
forty-four dollars. 51138

(K)(1) Permit D-5k may be issued to any nonprofit 51139  
organization that is exempt from federal income taxation under the 51140  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 51141

501(c)(3), as amended, that is the owner or operator of a 51142  
botanical garden recognized by the American association of 51143  
botanical gardens and arboreta, and that has not less than 51144  
twenty-five hundred bona fide members. 51145

(2) The holder of a D-5k permit may sell beer and any 51146  
intoxicating liquor at retail, only by the individual drink in 51147  
glass and from the container, on the premises where sold. 51148

(3) The holder of a D-5k permit shall sell no beer or 51149  
intoxicating liquor for consumption on the premises where sold 51150  
after one a.m. 51151

(4) A D-5k permit shall not be transferred to another 51152  
location. 51153

(5) No quota restrictions shall be placed on the number of 51154  
D-5k permits that may be issued. 51155

(6) The fee for the D-5k permit is one thousand eight hundred 51156  
seventy-five dollars. 51157

(L)(1) Permit D-5l may be issued to the owner or the operator 51158  
of a retail food establishment or a food service operation 51159  
licensed under Chapter 3717. of the Revised Code to sell beer and 51160  
intoxicating liquor at retail, only by the individual drink in 51161  
glass and from the container, for consumption on the premises 51162  
where sold and to sell beer and intoxicating liquor in the same 51163  
manner and amounts not for consumption on the premises where sold 51164  
as may be sold by the holders of D-1 and D-2 permits. The holder 51165  
of a D-5l permit may exercise the same privileges, and shall 51166  
observe the same hours of operation, as the holder of a D-5 51167  
permit. 51168

(2) The D-5l permit shall be issued only to a premises to 51169  
which all of the following apply: 51170

(a) The premises has gross annual receipts from the sale of 51171

food and meals that constitute not less than seventy-five per cent 51172  
of its total gross annual receipts. 51173

(b) The premises is located within a revitalization district 51174  
that is designated under section 4301.81 of the Revised Code. 51175

(c) The premises is located in a municipal corporation or 51176  
township in which the number of D-5 permits issued equals or 51177  
exceeds the number of those permits that may be issued in that 51178  
municipal corporation or township under section 4303.29 of the 51179  
Revised Code. 51180

(d) The premises meets any of the following qualifications: 51181

(i) It is located in a county with a population of one 51182  
hundred twenty-five thousand or less according to the population 51183  
estimates certified by the development services agency for 51184  
calendar year 2006. 51185

(ii) It is located in the municipal corporation that has the 51186  
largest population in a county when the county has a population 51187  
between two hundred fifteen thousand and two hundred twenty-five 51188  
thousand according to the population estimates certified by the 51189  
development services agency for calendar year 2006. Division 51190  
(L)(2)(d)(ii) of this section applies only to a municipal 51191  
corporation that is wholly located in a county. 51192

(iii) It is located in the municipal corporation that has the 51193  
largest population in a county when the county has a population 51194  
between one hundred forty thousand and one hundred forty-one 51195  
thousand according to the population estimates certified by the 51196  
development services agency for calendar year 2006. Division 51197  
(L)(2)(d)(iii) of this section applies only to a municipal 51198  
corporation that is wholly located in a county. 51199

(iv) It is located in a township with a population density of 51200  
less than four hundred fifty people per square mile. For purposes 51201  
of division (L)(2)(d)(iv) of this section, the population of a 51202

township is considered to be the population shown by the most 51203  
recent regular federal decennial census. 51204

(v) It is located in a municipal corporation that is wholly 51205  
located within the geographic boundaries of a township, provided 51206  
that the municipal corporation and the unincorporated portion of 51207  
the township have a combined population density of less than four 51208  
hundred fifty people per square mile. For purposes of division 51209  
(L)(2)(d)(v) of this section, the population of a municipal 51210  
corporation and unincorporated portion of a township is the 51211  
population shown by the most recent federal decennial census. 51212

(vi) It is located in a county with a population of not less 51213  
than one hundred seventy-two thousand and not more than one 51214  
hundred ninety-five thousand. For purposes of division 51215  
(L)(2)(d)(vi) of this section, the population of a county is the 51216  
population shown by the most recent decennial census. 51217

(vii) It is located in a municipal corporation with a 51218  
population of less than ten thousand and the municipal corporation 51219  
is located in a county with a population of more than one million. 51220  
For purposes of division (L)(2)(d)(vii) of this section, the 51221  
population of a municipal corporation and a county is the 51222  
population shown by the most recent decennial census. 51223

(3) The location of a D-51 permit may be transferred only 51224  
within the geographic boundaries of the revitalization district in 51225  
which it was issued and shall not be transferred outside the 51226  
geographic boundaries of that district. 51227

(4) Not more than one D-51 permit shall be issued within each 51228  
revitalization district for each five acres of land located within 51229  
the district. Not more than fifteen D-51 permits may be issued 51230  
within a single revitalization district. Except as otherwise 51231  
provided in division (L)(4) of this section, no quota restrictions 51232  
shall be placed upon the number of D-51 permits that may be 51233

issued. 51234

(5) No D-5l permit shall be issued to an adult entertainment establishment as defined in section 2907.39 of the Revised Code. 51235  
51236

(6) The fee for a D-5l permit is two thousand three hundred forty-four dollars. 51237  
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(M) Permit D-5m may be issued to either the owner or the operator of a retail food establishment or food service operation licensed under Chapter 3717. of the Revised Code that operates as a restaurant for purposes of this chapter and that is located in, or affiliated with, a center for the preservation of wild animals as defined in section 4301.404 of the Revised Code, to sell beer and any intoxicating liquor at retail, only by the glass and from the container, for consumption on the premises where sold, and to sell the same products in the same manner and amounts not for consumption on the premises as may be sold by the holders of D-1 and D-2 permits. In addition to the privileges authorized by this division, the holder of a D-5m permit may exercise the same privileges as the holder of a D-5 permit. 51239  
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A D-5m permit shall not be transferred to another location. 51252  
No quota restrictions shall be placed on the number of D-5m permits that may be issued. The fee for a permit D-5m is two thousand three hundred forty-four dollars. 51253  
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51255

(N) Permit D-5n shall be issued to either a casino operator or a casino management company licensed under Chapter 3772. of the Revised Code that operates a casino facility under that chapter, to sell beer and any intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold, and to sell the same products in the same manner and amounts not for consumption on the premises as may be sold by the holders of D-1 and D-2 permits. In addition to the privileges authorized by this division, the holder of a D-5n 51256  
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permit may exercise the same privileges as the holder of a D-5 51265  
permit. A D-5n permit shall not be transferred to another 51266  
location. Only one D-5n permit may be issued per casino facility 51267  
and not more than four D-5n permits shall be issued in this state. 51268  
The fee for a permit D-5n shall be twenty thousand dollars. The 51269  
holder of a D-5n permit may conduct casino gaming on the permit 51270  
premises notwithstanding any provision of the Revised Code or 51271  
Administrative Code. 51272

(O) Permit D-5o may be issued to the owner or operator of a 51273  
retail food establishment or a food service operation licensed 51274  
under Chapter 3717. of the Revised Code that operates as a 51275  
restaurant for purposes of this chapter and that is located within 51276  
a casino facility for which a D-5n permit has been issued. The 51277  
holder of a D-5o permit may sell beer and any intoxicating liquor 51278  
at retail, only by the individual drink in glass and from the 51279  
container, for consumption on the premises where sold, and may 51280  
sell the same products in the same manner and amounts not for 51281  
consumption on the premises where sold as may be sold by the 51282  
holders of D-1 and D-2 permits. In addition to the privileges 51283  
authorized by this division, the holder of a D-5o permit may 51284  
exercise the same privileges as the holder of a D-5 permit. A D-5o 51285  
permit shall not be transferred to another location. No quota 51286  
restrictions shall be placed on the number of such permits that 51287  
may be issued. The fee for this permit is two thousand three 51288  
hundred forty-four dollars. 51289

**Sec. 4313.02.** (A) The state may transfer to JobsOhio, and 51290  
JobsOhio may accept the transfer of, all or a portion of the 51291  
enterprise acquisition project for a transfer price payable by 51292  
JobsOhio to the state. Any such transfer shall be treated as an 51293  
absolute conveyance and true sale of the interest in the 51294  
enterprise acquisition project purported to be conveyed for all 51295  
purposes, and not as a pledge or other security interest. The 51296

characterization of any such transfer as a true sale and absolute 51297  
conveyance shall not be negated or adversely affected by the 51298  
acquisition or retention by the state of a residual or 51299  
reversionary interest in the enterprise acquisition project, the 51300  
participation of any state officer or employee as a member or 51301  
officer of, or contracting for staff support to, JobsOhio or any 51302  
subsidiary of JobsOhio, any regulatory responsibility of an 51303  
officer or employee of the state, including the authority to 51304  
collect amounts to be received in connection therewith, the 51305  
retention of the state of any legal title to or interest in any 51306  
portion of the enterprise acquisition project for the purpose of 51307  
regulatory activities, or any characterization of JobsOhio or 51308  
obligations of JobsOhio under accounting, taxation, or securities 51309  
regulations, or any other reason whatsoever. An absolute 51310  
conveyance and true sale or lease shall exist under this section 51311  
regardless of whether JobsOhio has any recourse against the state 51312  
or the treatment or characterization of the transfer as a 51313  
financing for any purpose. Upon and following the transfer, the 51314  
state shall not have any right, title, or interest in the 51315  
enterprise acquisition project so transferred other than any 51316  
residual interest that may be described in the transfer agreement 51317  
pursuant to the following paragraph and division (D) of this 51318  
section. Any determination of the fair market value of the 51319  
enterprise acquisition project reflected in the transfer agreement 51320  
shall be conclusive and binding on the state and JobsOhio. 51321

Any transfer of the enterprise acquisition project that is a 51322  
lease or grant of a franchise shall be for a term not to exceed 51323  
twenty-five years. Any transfer of the enterprise acquisition 51324  
project that is an assignment and sale, conveyance, or other 51325  
transfer shall contain a provision that the state shall have the 51326  
option to have conveyed or transferred back to it, at no cost, the 51327  
enterprise acquisition project, as it then exists, no later than 51328



twenty-five years after the original transfer authorized in the 51329  
transfer agreement on such other terms as shall be provided in the 51330  
transfer agreement. 51331

The exercise of the powers granted by this section will be 51332  
for the benefit of the people of the state. All or any portion of 51333  
the enterprise acquisition project transferred pursuant to the 51334  
transfer agreement that would be exempt from real property taxes 51335  
or assessments or real property taxes or assessments in the 51336  
absence of such transfer shall, as it may from time to time exist 51337  
thereafter, remain exempt from real property taxes or assessments 51338  
levied by the state and its subdivisions to the same extent as if 51339  
not transferred. The gross receipts and income of JobsOhio derived 51340  
from the enterprise acquisition project shall be exempt from 51341  
taxation levied by the state and its subdivisions, including, but 51342  
not limited to, the taxes levied pursuant to Chapters 718., 5739., 51343  
5741., 5747., and 5751. of the Revised Code. Any transfer from the 51344  
state to JobsOhio of the enterprise acquisition project, or item 51345  
included or to be included in the project, shall be exempt from 51346  
the taxes levied pursuant to Chapters 5739. and 5741. of the 51347  
Revised Code. 51348

(B) The proceeds of any transfer under division (A) of this 51349  
section may be expended as provided in the transfer agreement for 51350  
any one or more of the following purposes: 51351

(1) Funding, payment, or defeasance of outstanding bonds 51352  
issued pursuant to Chapters 151. and 166. of the Revised Code and 51353  
secured by pledged liquor profits as defined in section 151.40 of 51354  
the Revised Code; 51355

(2) Deposit into the general revenue fund; 51356

(3) Deposit into the clean Ohio revitalization fund created 51357  
pursuant to section 122.658 of the Revised Code, the innovation 51358  
Ohio loan fund created pursuant to section 166.16 of the Revised 51359

Code, the research and development loan fund created pursuant to 51360  
section 166.20 of the Revised Code, and the logistics and 51361  
distribution infrastructure fund created pursuant to section 51362  
166.26 of the Revised Code, ~~the advanced energy research and~~ 51363  
~~development fund created pursuant to section 3706.27 of the~~ 51364  
~~Revised Code, and the advanced energy research and development~~ 51365  
~~taxable fund created pursuant to section 3706.27 of the Revised~~ 51366  
~~Code;~~ 51367

(4) Conveyance to JobsOhio for the purposes for which it was 51368  
created. 51369

(C)(1) The state may covenant, pledge, and agree in the 51370  
transfer agreement, with and for the benefit of JobsOhio, that it 51371  
shall maintain statutory authority for the enterprise acquisition 51372  
project and the revenues of the enterprise acquisition project and 51373  
not otherwise materially impair any obligations supported by a 51374  
pledge of revenues of the enterprise acquisition project. The 51375  
transfer agreement may provide or authorize the manner for 51376  
determining material impairment of the security for any such 51377  
outstanding obligations, including by assessing and evaluating the 51378  
revenues of the enterprise acquisition project. 51379

(2) The director of budget and management, in consultation 51380  
with the director of commerce, may, without need for any other 51381  
approval, negotiate terms of any documents, including the transfer 51382  
agreement, necessary to effect the transfer and the acceptance of 51383  
the transfer of the enterprise acquisition project. The director 51384  
of budget and management and the director of commerce shall 51385  
execute the transfer agreement on behalf of the state. The 51386  
director of budget and management may also, without need for any 51387  
other approval, retain or contract for the services of commercial 51388  
appraisers, underwriters, investment bankers, and financial 51389  
advisers, as are necessary in the judgment of the director of 51390  
budget and management to effect the transfer agreement. Any 51391

transfer agreement may contain terms and conditions established by 51392  
the state to carry out and effectuate the purposes of this 51393  
section, including, without limitation, covenants binding the 51394  
state in favor of JobsOhio. Any such transfer agreement shall be 51395  
sufficient to effectuate the transfer without regard to any other 51396  
laws governing other property sales or financial transactions by 51397  
the state. The director of budget and management may create any 51398  
funds or accounts, within or without the state treasury, as are 51399  
needed for the transactions and activities authorized by this 51400  
section. 51401

(3) The transfer agreement may authorize JobsOhio, in the 51402  
ordinary course of doing business, to convey, lease, release, or 51403  
otherwise dispose of any regular inventory or tangible personal 51404  
property. Ownership of the interest in the enterprise acquisition 51405  
project that is transferred to JobsOhio under this section and the 51406  
transfer agreement shall be maintained in JobsOhio or a nonprofit 51407  
entity the sole member of which is JobsOhio until the enterprise 51408  
acquisition project is transferred back to the state pursuant to 51409  
the second paragraph of division (A) and division (D) of this 51410  
section. 51411

(D) The transfer agreement may authorize JobsOhio to fix, 51412  
alter, and collect rentals and other charges for the use and 51413  
occupancy of all or any portion of the enterprise acquisition 51414  
project and to lease any portion of the enterprise acquisition 51415  
project to the state, and shall include a contract with, or the 51416  
granting of an option to, the state to have the enterprise 51417  
acquisition project, as it then exists, transferred back to it 51418  
without charge in accordance with the terms of the transfer 51419  
agreement after retirement or redemption, or provision therefor, 51420  
of all obligations supported by a pledge of spirituous liquor 51421  
profits. 51422

(E) JobsOhio, the director of budget and management, and the 51423

director of commerce shall, subject to approval by the controlling 51424  
board, enter into a contract, which may be part of the transfer 51425  
agreement, for the continuing operation by the division of liquor 51426  
control of spirituous liquor distribution and merchandising 51427  
subject to standards for performance provided in that contract 51428  
that may relate to or support division (C)(1) of this section. The 51429  
contract shall establish other terms and conditions for the 51430  
assignment of duties to, and the provision of advice, services, 51431  
and other assistance by, the division of liquor control, including 51432  
providing for the necessary staffing and payment by JobsOhio of 51433  
appropriate compensation to the division for the performance of 51434  
such duties and the provision of such advice, services, and other 51435  
assistance. The division of liquor control shall manage and 51436  
actively supervise the activities required or authorized under 51437  
sections 4301.10 and 4301.17 of the Revised Code as those sections 51438  
exist on September 29, 2011, including, but not limited to, 51439  
controlling the traffic in intoxicating liquor in this state and 51440  
fixing the wholesale and retail prices at which the various 51441  
classes, varieties, and brands of spirituous liquor are sold. 51442

(F) The transfer agreement shall require JobsOhio to pay for 51443  
the operations of the division of liquor control with regard to 51444  
the spirituous liquor merchandising operations of the division. 51445  
The payments from JobsOhio shall be deposited into the state 51446  
treasury to the credit of the liquor operating services fund, 51447  
which is hereby created in the state treasury. The fund shall be 51448  
used to pay for the operations of the division specified in this 51449  
division. 51450

(G) The transaction and transfer provided for under this 51451  
section shall comply with all applicable provisions of the Ohio 51452  
Constitution. 51453

**Sec. 4501.10.** (A) Except as provided in division (B) of this 51454

section, money received by the department of public safety from 51455  
the sale of motor vehicles and related equipment pursuant to 51456  
section 125.13 of the Revised Code shall be transferred to the 51457  
public safety - highway purposes fund created in section 4501.06 51458  
of the Revised Code. The money shall be used only to purchase 51459  
replacement motor vehicles and related equipment. 51460

(B) Money received by the department of public safety 51461  
investigative unit established under section 5502.13 of the 51462  
Revised Code from the sale of motor vehicles and other equipment 51463  
pursuant to section 125.13 of the Revised Code shall be deposited 51464  
into the ~~public safety Ohio~~ investigative unit ~~salvage and~~ 51465  
~~exchange fund, which is hereby~~ created in ~~the state treasury~~ 51466  
section 5502.132 of the Revised Code. The money ~~in the fund~~ shall 51467  
be used only to purchase replacement motor vehicles and other 51468  
equipment for that unit. 51469

**Sec. 4501.24.** There is hereby created in the state treasury 51470  
the scenic rivers protection fund. The fund shall consist of the 51471  
donations to the fund received by the department of natural 51472  
resources and the contributions not to exceed forty dollars that 51473  
are paid to the registrar of motor vehicles by applicants who 51474  
voluntarily choose to obtain scenic rivers license plates pursuant 51475  
to section 4503.56 of the Revised Code. 51476

The contributions deposited in the fund shall be used by the 51477  
department ~~of natural resources~~ to help finance wild, scenic, and 51478  
recreational river areas conservation, education, corridor 51479  
protection, restoration, and habitat enhancement and clean-up 51480  
projects along rivers in those areas. The chief of the division of 51481  
parks and watercraft in the department may expend money in the 51482  
fund for the acquisition of wild, scenic, and recreational river 51483  
areas, for the maintenance, protection, and administration of such 51484  
areas, and for construction of facilities within those areas. All 51485

investment earnings of the fund shall be credited to the fund. 51486

As used in this section, "wild river areas," "scenic river 51487  
areas," and "recreational river areas" have the same meanings as 51488  
in section 1546.01 of the Revised Code. 51489

**Sec. 4503.038.** (A) Not later than ninety days after the 51490  
effective date of this amendment, the registrar of motor vehicles 51491  
shall adopt rules in accordance with Chapter 119. of the Revised 51492  
Code establishing a service fee that applies for purposes of 51493  
sections 4503.03, 4503.036, 4503.042, 4503.10, 4503.102, 4503.12, 51494  
4503.182, 4503.24, 4503.65, 4505.061, 4506.08, 4507.24, 4507.50, 51495  
4507.52, 4509.05, 4519.03, 4519.05, 4519.10, 4519.56, and 4519.69 51496  
of the Revised Code. The service fee shall be ~~not more than~~ five 51497  
dollars and ~~twenty five cents and not less than three dollars and~~ 51498  
~~fifty cents. When establishing the fee, the registrar shall~~ 51499  
~~consider inflation and any other factors the registrar considers~~ 51500  
~~to be relevant to the determination.~~ 51501

(B) Not later than ninety days after the effective date of 51502  
this amendment, the registrar shall adopt rules in accordance with 51503  
Chapter 119. of the Revised Code establishing prorated service 51504  
fees that apply for purposes of multi-year registrations 51505  
authorized under section 4503.103 of the Revised Code. ~~When~~ 51506  
~~establishing the fee, the registrar shall consider inflation and~~ 51507  
~~any other factors the registrar considers to be relevant to the~~ 51508  
~~determination.~~ 51509

**Sec. 4503.29.** (A) The director of veterans services in 51510  
conjunction with the registrar of motor vehicles shall develop and 51511  
maintain a program to establish and issue nonstandard license 51512  
plates recognizing military service and military honors pertaining 51513  
to valor and service. 51514

(B) The director and the registrar shall jointly adopt rules 51515

in accordance with Chapter 119. of the Revised Code for purposes 51516  
of establishing the program under this section. The director and 51517  
registrar shall adopt the rules as soon as possible after ~~the~~ 51518  
~~effective date of this section~~ June 29, 2018, but not later than 51519  
nine months after ~~that effective date~~ June 29, 2018. The rules 51520  
shall do all of the following: 51521

(1) Establish nonstandard license plates recognizing military 51522  
service; 51523

(2) Establish nonstandard license plates recognizing military 51524  
honors pertaining to valor and service; 51525

(3) Establish eligibility criteria that apply to each 51526  
nonstandard license plate issued under this section; 51527

(4) Establish requirements governing any necessary 51528  
documentary evidence required to be presented by an applicant for 51529  
a nonstandard license plate issued under this section; 51530

(5) Establish guidelines for the designs, markings, and 51531  
inscriptions on a nonstandard license plate established under this 51532  
section; 51533

(6) Establish procedures for altering the designs, markings, 51534  
or inscriptions on a nonstandard license plate established under 51535  
this section; 51536

(7) Prohibit nonstandard license plates established under 51537  
this section from recognizing achievement awards or unit awards; 51538

(8) Establish any other procedures or requirements that are 51539  
necessary for the implementation and administration of this 51540  
section. 51541

(C) The rules adopted under division (B) of this section 51542  
shall provide for the establishment of the military nonstandard 51543  
license plates created under sections 4503.431, 4503.432, 51544  
4503.433, 4503.434, 4503.436, 4503.48, 4503.481, 4503.53, 51545

4503.532, 4503.533, 4503.536, 4503.537, 4503.538, 4503.54, 51546  
4503.541, 4503.543, 4503.544, 4503.547, 4503.548, 4503.581, 51547  
4503.59, and 4503.731 of the Revised Code as those sections 51548  
existed prior to ~~the effective date of this section~~ June 29, 2018. 51549

(D)(1) Any person who meets the applicable qualifications for 51550  
the issuance of a nonstandard license plate established by rule 51551  
adopted under division (B) of this section may apply to the 51552  
registrar of motor vehicles for the registration of any passenger 51553  
car, noncommercial motor vehicle, recreational vehicle, or other 51554  
vehicle the person owns or leases of a class approved by the 51555  
registrar. The application may be combined with a request for a 51556  
special reserved license plate under section 4503.40 or 4503.42 of 51557  
the Revised Code. 51558

(2) ~~Upon~~ (a) Except as provided in division (D)(2)(b) of this 51559  
section, upon receipt of an application for registration of a 51560  
motor vehicle under this section and the required taxes and fees, 51561  
compliance with all applicable laws relating to the registration 51562  
of a motor vehicle, and, if necessary, upon presentation of the 51563  
required documentary evidence, the registrar shall issue to the 51564  
applicant the appropriate motor vehicle registration and a set of 51565  
license plates and a validation sticker, or a validation sticker 51566  
alone when required by section 4503.191 of the Revised Code. 51567

(b) Any disabled veteran who qualifies to apply to the 51568  
registrar for the registration of a motor vehicle under section 51569  
4503.41 of the Revised Code without the payment of any 51570  
registration taxes or fees, may apply instead for registration of 51571  
the motor vehicle under this section. The disabled veteran 51572  
applying for registration under this section is not required to 51573  
pay any registration taxes or fees as required by sections 51574  
4503.038, 4503.04, 4503.10, 4503.102, and 4503.103 of the Revised 51575  
Code, any local motor vehicle tax levied under Chapter 4504. of 51576  
the Revised Code, or any fee charged under section 4503.19 of the 51577



Revised Code for up to two motor vehicles, including any motor 51578  
vehicle registered under section 4503.41 of the Revised Code. Upon 51579  
receipt of an application for registration of the motor vehicle 51580  
and presentation of any documentation the registrar may require by 51581  
rule, the registrar shall issue to the applicant the appropriate 51582  
motor vehicle registration and a set of license plates authorized 51583  
under this section and a validation sticker, or a validation 51584  
sticker alone when required by section 4503.191 of the Revised 51585  
Code. 51586

(3) The license plates shall display county identification 51587  
stickers that identify the county of registration as required 51588  
under section 4503.19 of the Revised Code. 51589

(E) Sections 4503.77 and 4503.78 of the Revised Code do not 51590  
apply to license plates issued under this section. 51591

**Sec. 4503.515.** (A) The owner or lessee of any passenger car, 51592  
noncommercial motor vehicle, recreational vehicle, or other 51593  
vehicle of a class approved by the registrar of motor vehicles may 51594  
apply to the registrar for the registration of the vehicle and 51595  
issuance of "Ohio geology" license plates. The application may be 51596  
combined with a request for a special reserved license plate under 51597  
section 4503.40 or 4503.42 of the Revised Code. Upon receipt of 51598  
the completed application and compliance by the applicant with 51599  
divisions (B) and (C) of this section, the registrar shall issue 51600  
to the applicant the appropriate vehicle registration and a set of 51601  
"Ohio geology" license plates and a validation sticker, or a 51602  
validation sticker alone when required by section 4503.191 of the 51603  
Revised Code. 51604

In addition to the letters and numbers ordinarily inscribed 51605  
on the license plates, "Ohio geology" license plates shall bear an 51606  
appropriate logo and words selected by the director of natural 51607  
resources and approved by the registrar. "Ohio geology" license 51608

plates shall display county identification stickers that identify 51609  
the county of registration as required under section 4503.19 of 51610  
the Revised Code. 51611

(B) "Ohio geology" license plates and a validation sticker, 51612  
or validation sticker alone, shall be issued upon receipt of an 51613  
application for registration of a motor vehicle under this 51614  
section; payment of the regular license tax as prescribed under 51615  
section 4503.04 of the Revised Code, any applicable motor vehicle 51616  
license tax levied under Chapter 4504. of the Revised Code, any 51617  
applicable additional fee prescribed by section 4503.40 or 4503.42 51618  
of the Revised Code, an additional fee of ten dollars, and a 51619  
contribution as provided in division (C) of this section; and 51620  
compliance with all other applicable laws relating to the 51621  
registration of motor vehicles. 51622

(C) For each application for registration and registration 51623  
renewal notice the registrar receives under this section, the 51624  
registrar shall collect a contribution of fifteen dollars. The 51625  
registrar shall transmit this contribution to the treasurer of 51626  
state for deposit into the state treasury to the credit of the 51627  
~~"Ohio geology" license plate~~ geological mapping fund created by 51628  
section ~~1505.13~~ 1505.09 of the Revised Code. 51629

The registrar shall transmit the additional fee of ten 51630  
dollars, the purpose of which is to compensate the bureau of motor 51631  
vehicles for the additional services required in the issuing of 51632  
"Ohio geology" license plates, to the treasurer of state for 51633  
deposit into the state treasury to the credit of the public safety 51634  
- highway purposes fund created by section 4501.06 of the Revised 51635  
Code. 51636

**Sec. 4505.11.** This section shall also apply to all-purpose 51637  
vehicles and off-highway motorcycles as defined in section 4519.01 51638  
of the Revised Code. 51639

(A) Each owner of a motor vehicle and each person mentioned 51640  
as owner in the last certificate of title, when the motor vehicle 51641  
is dismantled, destroyed, or changed in such manner that it loses 51642  
its character as a motor vehicle, or changed in such manner that 51643  
it is not the motor vehicle described in the certificate of title, 51644  
shall surrender the certificate of title to that motor vehicle to 51645  
a clerk of a court of common pleas, and the clerk, with the 51646  
consent of any holders of any liens noted on the certificate of 51647  
title, then shall enter a cancellation upon the clerk's records 51648  
and shall notify the registrar of motor vehicles of the 51649  
cancellation. 51650

Upon the cancellation of a certificate of title in the manner 51651  
prescribed by this section, any clerk and the registrar of motor 51652  
vehicles may cancel and destroy all certificates and all 51653  
memorandum certificates in that chain of title. 51654

(B)(1) If an Ohio certificate of title or salvage certificate 51655  
of title to a motor vehicle is assigned to a salvage dealer, the 51656  
dealer is not required to obtain an Ohio certificate of title or a 51657  
salvage certificate of title to the motor vehicle in the dealer's 51658  
own name if the dealer dismantles or destroys the motor vehicle, 51659  
indicates the number of the dealer's motor vehicle salvage 51660  
dealer's license on it, marks "FOR DESTRUCTION" across the face of 51661  
the certificate of title or salvage certificate of title, and 51662  
surrenders the certificate of title or salvage certificate of 51663  
title to a clerk of a court of common pleas as provided in 51664  
division (A) of this section. If the salvage dealer retains the 51665  
motor vehicle for resale, the dealer shall make application for a 51666  
salvage certificate of title to the motor vehicle in the dealer's 51667  
own name as provided in division (C)(1) of this section. 51668

(2) At the time any salvage motor vehicle is sold at auction 51669  
or through a pool, the salvage motor vehicle auction or salvage 51670  
motor vehicle pool shall give a copy of the salvage certificate of 51671

title or a copy of the certificate of title marked "FOR  
DESTRUCTION" to the purchaser. 51672  
51673

(C)(1) When an insurance company declares it economically 51674  
impractical to repair such a motor vehicle and has paid an agreed 51675  
price for the purchase of the motor vehicle to any insured or 51676  
claimant owner, the insurance company shall proceed as follows: 51677

(a) If an insurance company receives the certificate of title 51678  
and the motor vehicle, within thirty business days, the insurance 51679  
company shall deliver the certificate of title to a clerk of a 51680  
court of common pleas and shall make application for a salvage 51681  
certificate of title. This certificate of title, any supporting 51682  
power of attorney, or application for a salvage certificate of 51683  
title shall be exempt from the requirements of notarization and 51684  
verification as described in this chapter and in section 1337.25 51685  
of the Revised Code. 51686

(b) If an insurance company obtains possession of the motor 51687  
vehicle and a physical certificate of title was issued for the 51688  
vehicle but the insurance company is unable to obtain the properly 51689  
endorsed certificate of title for the motor vehicle within thirty 51690  
business days following the vehicle's owner or lienholder's 51691  
acceptance of the insurance company's payment for the vehicle, the 51692  
insurance company may apply to the clerk of a court of common 51693  
pleas for a salvage certificate of title without delivering the 51694  
certificate of title for the motor vehicle. The application shall 51695  
be accompanied by evidence that the insurance company has paid a 51696  
total loss claim on the vehicle, a copy of the written request for 51697  
the certificate of title from the insurance company or its 51698  
designee, and proof that the request was delivered by a nationally 51699  
recognized courier service to the last known address of the owner 51700  
of the vehicle and any known lienholder, to obtain the certificate 51701  
of title. 51702

(c) If an insurance company obtains possession of the motor 51703

vehicle and a physical certificate of title was not issued for the 51704  
vehicle, the insurance company may apply to the clerk of a court 51705  
of common pleas for a salvage certificate of title without 51706  
delivering a certificate of title for the motor vehicle. The 51707  
application shall be accompanied by the electronic certificate of 51708  
title control number and a properly executed power of attorney, or 51709  
other appropriate document, from the owner of the motor vehicle 51710  
authorizing the insurance company to apply for a salvage 51711  
certificate of title. The application for a salvage certificate of 51712  
title, any supporting power of attorney, and any other appropriate 51713  
document shall be exempt from the requirements of notarization and 51714  
verification as described in this chapter and in section 1337.25 51715  
of the Revised Code. 51716

(d) Upon receipt of a properly completed application for a 51717  
salvage certificate of title as described in division (C)(1)(a), 51718  
(b), or (c) or (C)(2) of this section, the clerk shall issue the 51719  
salvage certificate of title on a form, prescribed by the 51720  
registrar, that shall be easily distinguishable from the original 51721  
certificate of title and shall bear the same information as the 51722  
original certificate of title except that it may bear a different 51723  
number than that of the original certificate of title. The salvage 51724  
certificate of title shall include the following notice in bold 51725  
lettering: 51726

"SALVAGE MOTOR VEHICLE - PURSUANT TO R.C. 4738.01." 51727

Except as provided in division (C)(3) of this section, the 51728  
salvage certificate of title shall be assigned by the insurance 51729  
company to a salvage dealer or any other person for use as 51730  
evidence of ownership upon the sale or other disposition of the 51731  
motor vehicle, and the salvage certificate of title shall be 51732  
transferable to any other person. The clerk shall charge a fee of 51733  
four dollars for the cost of processing each salvage certificate 51734  
of title. 51735

(2) If an insurance company requests that a salvage motor vehicle auction take possession of a motor vehicle that is the subject of an insurance claim, and subsequently the insurance company denies coverage with respect to the motor vehicle or does not otherwise take ownership of the motor vehicle, the salvage motor vehicle auction may proceed as follows. After the salvage motor vehicle auction has possession of the motor vehicle for forty-five days, it may apply to the clerk of a court of common pleas for a salvage certificate of title without delivering the certificate of title for the motor vehicle. The application shall be accompanied by a copy of the written request that the vehicle be removed from the facility on the salvage motor vehicle auction's letterhead, and proof that the request was delivered by a nationally recognized courier service to the last known address of the owner of the vehicle and any known lienholder, requesting that the vehicle be removed from the facility of the salvage motor vehicle auction. Upon receipt of a properly completed application, the clerk shall follow the process as described in division (C)(1)(d) of this section. The salvage certificate of title so issued shall be free and clear of all liens.

(3) If an insurance company considers a motor vehicle as described in division (C)(1)(a), (b), or (c) of this section to be impossible to restore for highway operation, the insurance company may assign the certificate of title to the motor vehicle to a salvage dealer or scrap metal processing facility and send the assigned certificate of title to the clerk of the court of common pleas of any county. The insurance company shall mark the face of the certificate of title "FOR DESTRUCTION" and shall deliver a photocopy of the certificate of title to the salvage dealer or scrap metal processing facility for its records.

(4) If an insurance company declares it economically impractical to repair a motor vehicle, agrees to pay to the

insured or claimant owner an amount in settlement of a claim 51768  
against a policy of motor vehicle insurance covering the motor 51769  
vehicle, and agrees to permit the insured or claimant owner to 51770  
retain possession of the motor vehicle, the insurance company 51771  
shall not pay the insured or claimant owner any amount in 51772  
settlement of the insurance claim until the owner obtains a 51773  
salvage certificate of title to the vehicle and furnishes a copy 51774  
of the salvage certificate of title to the insurance company. 51775

(D) When a self-insured organization, rental or leasing 51776  
company, or secured creditor becomes the owner of a motor vehicle 51777  
that is burned, damaged, or dismantled and is determined to be 51778  
economically impractical to repair, the self-insured organization, 51779  
rental or leasing company, or secured creditor shall do one of the 51780  
following: 51781

(1) Mark the face of the certificate of title to the motor 51782  
vehicle "FOR DESTRUCTION" and surrender the certificate of title 51783  
to a clerk of a court of common pleas for cancellation as 51784  
described in division (A) of this section. The self-insured 51785  
organization, rental or leasing company, or secured creditor then 51786  
shall deliver the motor vehicle, together with a photocopy of the 51787  
certificate of title, to a salvage dealer or scrap metal 51788  
processing facility and shall cause the motor vehicle to be 51789  
dismantled, flattened, crushed, or destroyed. 51790

(2) Obtain a salvage certificate of title to the motor 51791  
vehicle in the name of the self-insured organization, rental or 51792  
leasing company, or secured creditor, as provided in division 51793  
(C)(1) of this section, and then sell or otherwise dispose of the 51794  
motor vehicle. If the motor vehicle is sold, the self-insured 51795  
organization, rental or leasing company, or secured creditor shall 51796  
obtain a salvage certificate of title to the motor vehicle in the 51797  
name of the purchaser from a clerk of a court of common pleas. 51798

(E) If a motor vehicle titled with a salvage certificate of 51799

title is restored for operation upon the highways, application 51800  
shall be made to a clerk of a court of common pleas for a 51801  
certificate of title. Upon inspection by the state highway patrol, 51802  
which shall include establishing proof of ownership and an 51803  
inspection of the motor number and vehicle identification number 51804  
of the motor vehicle and of documentation or receipts for the 51805  
materials used in restoration by the owner of the motor vehicle 51806  
being inspected, which documentation or receipts shall be 51807  
presented at the time of inspection, the clerk, upon surrender of 51808  
the salvage certificate of title, shall issue a certificate of 51809  
title for a fee prescribed by the registrar. The certificate of 51810  
title shall be in the same form as the original certificate of 51811  
title and shall bear the words "REBUILT SALVAGE" in black boldface 51812  
letters on its face. Every subsequent certificate of title, 51813  
memorandum certificate of title, or duplicate certificate of title 51814  
issued for the motor vehicle also shall bear the words "REBUILT 51815  
SALVAGE" in black boldface letters on its face. The exact location 51816  
on the face of the certificate of title of the words "REBUILT 51817  
SALVAGE" shall be determined by the registrar, who shall develop 51818  
an automated procedure within the automated title processing 51819  
system to comply with this division. The clerk shall use 51820  
reasonable care in performing the duties imposed on the clerk by 51821  
this division in issuing a certificate of title pursuant to this 51822  
division, but the clerk is not liable for any of the clerk's 51823  
errors or omissions or those of the clerk's deputies, or the 51824  
automated title processing system in the performance of those 51825  
duties. A fee of fifty dollars shall be assessed by the state 51826  
highway patrol for each inspection made pursuant to this division 51827  
and shall be deposited into the public safety - highway purposes 51828  
fund established by section 4501.06 of the Revised Code. 51829

(F) No person shall operate upon the highways in this state a 51830  
motor vehicle, title to which is evidenced by a salvage 51831  
certificate of title, except to deliver the motor vehicle pursuant 51832



to an appointment for an inspection under this section. 51833

(G) No motor vehicle the certificate of title to which has 51834  
been marked "FOR DESTRUCTION" and surrendered to a clerk of a 51835  
court of common pleas shall be used for anything except parts and 51836  
scrap metal. 51837

(H)(1) Except as otherwise provided in this division, an 51838  
owner of a manufactured or mobile home that will be taxed as real 51839  
property pursuant to division (B) of section 4503.06 of the 51840  
Revised Code shall surrender the certificate of title to the 51841  
auditor of the county containing the taxing district in which the 51842  
home is located. An owner whose home qualifies for real property 51843  
taxation under divisions (B)(1)(a) and (b) of section 4503.06 of 51844  
the Revised Code shall surrender the certificate within fifteen 51845  
days after the home meets the conditions specified in those 51846  
divisions. The auditor shall deliver the certificate of title to 51847  
the clerk of the court of common pleas who issued it. 51848

(2) If the certificate of title for a manufactured or mobile 51849  
home that is to be taxed as real property is held by a lienholder, 51850  
the lienholder shall surrender the certificate of title to the 51851  
auditor of the county containing the taxing district in which the 51852  
home is located, and the auditor shall deliver the certificate of 51853  
title to the clerk of the court of common pleas who issued it. The 51854  
lienholder shall surrender the certificate within thirty days 51855  
after both of the following have occurred: 51856

(a) The homeowner has provided written notice to the 51857  
lienholder requesting that the certificate of title be surrendered 51858  
to the auditor of the county containing the taxing district in 51859  
which the home is located. 51860

(b) The homeowner has either paid the lienholder the 51861  
remaining balance owed to the lienholder, or, with the 51862  
lienholder's consent, executed and delivered to the lienholder a 51863

mortgage on the home and land on which the home is sited in the 51864  
amount of the remaining balance owed to the lienholder. 51865

(3) Upon the delivery of a certificate of title by the county 51866  
auditor to the clerk, the clerk shall inactivate it and maintain 51867  
it in the automated title processing system for a period of thirty 51868  
years. 51869

(4) Upon application by the owner of a manufactured or mobile 51870  
home that is taxed as real property pursuant to division (B) of 51871  
section 4503.06 of the Revised Code and that no longer satisfies 51872  
divisions (B)(1)(a) and (b) or divisions (B)(2)(a) and (b) of that 51873  
section, the clerk shall reactivate the record of the certificate 51874  
of title that was inactivated under division (H)(3) of this 51875  
section and shall issue a new certificate of title, but only if 51876  
the application contains or has attached to it all of the 51877  
following: 51878

(a) An endorsement of the county treasurer that all real 51879  
property taxes charged against the home under Title LVII of the 51880  
Revised Code and division (B) of section 4503.06 of the Revised 51881  
Code for all preceding tax years have been paid; 51882

(b) An endorsement of the county auditor that the home will 51883  
be removed from the real property tax list; 51884

(c) Proof that there are no outstanding mortgages or other 51885  
liens on the home or, if there are such mortgages or other liens, 51886  
that the mortgagee or lienholder has consented to the reactivation 51887  
of the certificate of title. 51888

(I)(1) Whoever violates division (F) of this section shall be 51889  
fined not more than two thousand dollars, imprisoned not more than 51890  
one year, or both. 51891

(2) Whoever violates division (G) of this section shall be 51892  
fined not more than one thousand dollars, imprisoned not more than 51893  
six months, or both. 51894

Sec. 4506.03. (A) Except as provided in divisions (B) and (C) 51895  
of this section, the following shall apply: 51896

(1) No person shall drive a commercial motor vehicle on a 51897  
highway in this state unless the person holds, and has in the 51898  
person's possession, any of the following: 51899

(a) A valid commercial driver's license with proper 51900  
endorsements for the motor vehicle being driven, issued by the 51901  
registrar of motor vehicles or by another jurisdiction recognized 51902  
by this state; 51903

(b) A valid examiner's commercial driving permit issued under 51904  
section 4506.13 of the Revised Code; 51905

(c) A valid restricted commercial driver's license and waiver 51906  
for farm-related service industries issued under section 4506.24 51907  
of the Revised Code; 51908

(d) A valid commercial driver's license temporary instruction 51909  
permit issued by the registrar, provided that the person is 51910  
accompanied by an authorized state driver's license examiner or 51911  
tester or a person who has been issued and has in the person's 51912  
immediate possession a current, valid commercial driver's license 51913  
and who meets the requirements of division (B) of section 4506.06 51914  
of the Revised Code. 51915

(2) No person's commercial driver's license temporary 51916  
instruction permit shall be upgraded, and no commercial driver's 51917  
license shall be upgraded, renewed, or issued to a person until 51918  
the person surrenders to the registrar of motor vehicles all valid 51919  
licenses and permits issued to the person by this state or by 51920  
another jurisdiction recognized by this state. If the license or 51921  
permit was issued by any other state or another jurisdiction 51922  
recognized by this state, the registrar shall report the surrender 51923  
of a license or permit to the issuing authority, together with 51924

information that a license or permit is now issued in this state. 51925  
The registrar shall destroy any such license or permit that is not 51926  
returned to the issuing authority. 51927

(3) No person who has been a resident of this state for 51928  
thirty days or longer shall drive a commercial motor vehicle under 51929  
the authority of a commercial driver's license issued by another 51930  
jurisdiction. 51931

(B) Nothing in division (A) of this section applies to any 51932  
qualified person when engaged in the operation of any of the 51933  
following: 51934

(1) A farm truck; 51935

(2) Fire equipment for a fire department, volunteer or 51936  
nonvolunteer fire company, fire district, ~~or~~ joint fire district, 51937  
or the state fire marshal; 51938

(3) A public safety vehicle used to provide transportation or 51939  
emergency medical service for ill or injured persons; 51940

(4) A recreational vehicle; 51941

(5) A commercial motor vehicle within the boundaries of an 51942  
eligible unit of local government, if the person is employed by 51943  
the eligible unit of local government and is operating the 51944  
commercial motor vehicle for the purpose of removing snow or ice 51945  
from a roadway by plowing, sanding, or salting, but only if either 51946  
the employee who holds a commercial driver's license issued under 51947  
this chapter and ordinarily operates a commercial motor vehicle 51948  
for these purposes is unable to operate the vehicle, or the 51949  
employing eligible unit of local government determines that a snow 51950  
or ice emergency exists that requires additional assistance; 51951

(6) A vehicle operated for military purposes by any member or 51952  
uniformed employee of the armed forces of the United States or 51953  
their reserve components, including the Ohio national guard. This 51954

exception does not apply to United States reserve technicians. 51955

(7) A commercial motor vehicle that is operated for 51956  
nonbusiness purposes. "Operated for nonbusiness purposes" means 51957  
that the commercial motor vehicle is not used in commerce as 51958  
"commerce" is defined in 49 C.F.R. 383.5, as amended, and is not 51959  
regulated by the public utilities commission pursuant to Chapter 51960  
4905., 4921., or 4923. of the Revised Code. 51961

(8) A motor vehicle that is designed primarily for the 51962  
transportation of goods and not persons, while that motor vehicle 51963  
is being used for the occasional transportation of personal 51964  
property by individuals not for compensation and not in the 51965  
furtherance of a commercial enterprise; 51966

(9) A police SWAT team vehicle; 51967

(10) A police vehicle used to transport prisoners. 51968

(C) Nothing contained in division (B)(5) of this section 51969  
shall be construed as preempting or superseding any law, rule, or 51970  
regulation of this state concerning the safe operation of 51971  
commercial motor vehicles. 51972

(D) Whoever violates this section is guilty of a misdemeanor 51973  
of the first degree. 51974

**Sec. 4507.12.** (A)(1) Except as provided in division (C) of 51975  
section 4507.10 of the Revised Code, each person applying for the 51976  
renewal of a driver's license shall submit to a screening of the 51977  
person's vision before the license may be renewed. The Except as 51978  
provided in division (A)(2) of this section, the vision screening 51979  
shall be conducted at the office of the deputy registrar receiving 51980  
the application for license renewal. 51981

(2) A person applying for the renewal of a driver's license 51982  
who is capable of meeting the standards required for licensing, 51983  
but who is not capable of passing the vision screening conducted 51984

at the office of the deputy registrar, may have the vision 51985  
screening conducted at a licensed optometrist's or 51986  
ophthalmologist's office of the person's choice. The person shall 51987  
have the vision screening performed within ninety days prior to 51988  
the time the person applies for the driver's license renewal. The 51989  
person shall bring any forms required by the registrar to the 51990  
vision screening conducted at the optometrist's or 51991  
ophthalmologist's office to be completed by the optometrist or 51992  
ophthalmologist. The person shall submit such forms to a deputy 51993  
registrar at the time the person applies for the driver's license 51994  
renewal to verify that the vision screening results meet the 51995  
vision standards required for licensing. 51996

(B) When the results of a vision screening given under 51997  
division (A) of this section indicate that the vision of the 51998  
person examined meets the standards required for licensing, the 51999  
deputy registrar may renew the person's driver's license at that 52000  
time. 52001

(C) When the results of a vision screening given under 52002  
division (A) of this section indicate that the vision of the 52003  
person screened may not meet the standards required for licensing, 52004  
the deputy registrar shall not renew the person's driver's license 52005  
at that time but shall refer the person to a driver's license 52006  
examiner appointed by the director of public safety under section 52007  
5502.05 of the Revised Code for a further examination of the 52008  
person's vision. ~~When~~ 52009

(D) When a person referred to a driver's license examiner by 52010  
a deputy registrar does not meet the vision standards required for 52011  
licensing, the driver's license examiner shall retain the person's 52012  
operator's ~~or chauffeur's~~ license and shall immediately notify the 52013  
registrar of motor vehicles of that fact. The driver's license 52014  
examiner shall refer the person to a licensed optometrist or 52015  
ophthalmologist of the person's choice. The person may have the 52016

optometrist or ophthalmologist conduct a vision screening and 52017  
shall request the optometrist or ophthalmologist to certify the 52018  
vision screening results on any forms required by the registrar. 52019  
The person shall submit such forms to a deputy registrar or 52020  
driver's license examiner to verify that the vision screening 52021  
results meet the vision standards required for licensing. 52022

(E) No driver's license shall be issued to ~~any such a~~ person, 52023  
until the person's vision is corrected to meet the standards 52024  
required for licensing ~~and the person passes the vision screening~~ 52025  
~~required~~ by this section. Any person who operates a motor vehicle 52026  
on a highway, or on any public or private property used by the 52027  
public for purposes of vehicular travel or parking, during the 52028  
time the person's driver's license is held by a driver's license 52029  
examiner under this division, shall be deemed to be operating a 52030  
motor vehicle in violation of division (A) of section 4510.12 of 52031  
the Revised Code. 52032

~~(D)~~(F) The registrar shall adopt rules and shall provide any 52033  
forms necessary to properly conduct vision screenings at the 52034  
office of a deputy registrar, a driver examination station, or at 52035  
the office of a licensed optometrist or ophthalmologist. 52036

~~(E)~~(G) A person conducting vision screenings under this 52037  
section ~~shall be~~ is not personally liable for damages for injury 52038  
or loss to persons or property and for death caused by the 52039  
operation of a motor vehicle by any person whose driver's license 52040  
was renewed by the deputy registrar under division (B) of this 52041  
section. 52042

**Sec. 4509.70.** (A) After consultation with the insurance 52043  
companies authorized to issue automobile liability or physical 52044  
damage policies, or both, in this state, the superintendent of 52045  
insurance shall approve a reasonable plan, fair and equitable to 52046  
the insurers and to their policyholders, for the apportionment 52047

among such companies of applicants for such policies and for 52048  
motor-vehicle liability policies who are in good faith entitled to 52049  
but are unable to procure such policies through ordinary methods. 52050  
When any such plan has been approved by the superintendent, all 52051  
such insurance companies shall subscribe and participate. Any 52052  
applicant for such policy, any person insured under such plan of 52053  
operation, and any insurance company affected, may appeal to the 52054  
superintendent of insurance from any ruling or decision of the 52055  
manager or committee designated in the plan to operate ~~such the~~ 52056  
assigned risk insurance plan. Any order or act of the 52057  
superintendent under this section is subject to review as provided 52058  
in sections 119.01 to 119.13, ~~inclusive~~, of the Revised Code, at 52059  
the instance of any party in interest. 52060

(B) The plan described in division (A) of this section may 52061  
permit the assigned risk insurance plan to directly issue and 52062  
process claims arising from such policies described in division 52063  
(A) of this section to applicants of private passenger automobile 52064  
insurance policies who are in good faith entitled to but are 52065  
unable to procure such policies through ordinary methods. 52066

(C) Every form of a policy, endorsement, rider, manual of 52067  
classifications, rules, and rates, every rating plan, and every 52068  
modification of any of them proposed to be used by the assigned 52069  
risk insurance plan shall be filed, or the plan may satisfy its 52070  
obligation to make such filings, as described in section 3937.03 52071  
of the Revised Code. 52072

(D) Any private passenger automobile insurance policy issued 52073  
by the assigned risk insurance plan under division (B) of this 52074  
section: 52075

(1) Shall be recognized as if issued by an insurance company 52076  
authorized to do business in this state; 52077

(2) Shall meet all requirements of proof of financial 52078



responsibility as described in division (K) of section 4509.01 of the Revised Code. 52079  
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(E) Proof of financial responsibility provided by the assigned risk insurance plan to a private passenger automobile insurance policyholder that meets the requirements described in division (G)(1)(a) or (b) of section 4509.101 of the Revised Code shall be recognized as if issued by an insurance company authorized to do business in this state to demonstrate proof of financial responsibility under section 4509.101 of the Revised Code. 52081  
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(F) The assigned risk insurance plan designated in division (A) of this section shall do both of the following: 52089  
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(1) Make annual audited financial reports available to the superintendent of insurance promptly upon the completion of such audit; 52091  
52092  
52093

(2) Upon reasonable notice, make available to the superintendent of insurance all books and records relating to the insurance transactions of the assigned risk insurance plan. 52094  
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**Sec. 4516.01.** As used in this chapter: 52097

(A) "Car sharing period" means the period of time that commences with the car sharing delivery period or, if there is no car sharing delivery period, with the car sharing start time, in accordance with the peer-to-peer car sharing program agreement, and ends with the car sharing termination time. 52098  
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(B) "Car sharing delivery period" means the period of time in which a shared vehicle is being delivered to the location for the shared vehicle driver to take possession of the shared vehicle, in accordance with the peer-to-peer car sharing program agreement. 52103  
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(C) "Car sharing start time" means either the point in time when the shared vehicle driver takes possession of the shared 52107  
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vehicle or the point in time when the shared vehicle driver was 52109  
scheduled to take possession of the shared vehicle, whichever 52110  
occurs first. 52111

(D) "Car sharing termination time" means the point in time 52112  
when the earliest of the following events occurs: 52113

(1) The expiration time established in the peer-to-peer car 52114  
sharing program agreement for use of the shared vehicle, provided 52115  
that the shared vehicle is returned to the location designated in 52116  
the agreement by the expiration time; 52117

(2) The shared vehicle is returned to an alternate location, 52118  
if the shared vehicle owner and the shared vehicle driver agree on 52119  
the alternate location, as communicated through the peer-to-peer 52120  
car sharing program; 52121

(3) The shared vehicle owner or the owner's designee takes 52122  
possession of the shared vehicle. 52123

(E) "Motor vehicle" has the same meaning as in section 52124  
4509.01 of the Revised Code. 52125

(F) "Motor-vehicle liability policy" has the same meaning as 52126  
in section 4509.01 of the Revised Code. 52127

(G) "Peer-to-peer car sharing" means the authorized use of a 52128  
motor vehicle by an individual other than the motor vehicle's 52129  
owner through a peer-to-peer car sharing program. 52130

(H) "Peer-to-peer car sharing program" or "program" means a 52131  
person who operates a business platform that connects a shared 52132  
vehicle owner to a shared vehicle driver to enable the sharing of 52133  
vehicles for financial consideration. "Peer-to-peer car sharing 52134  
program" does not include a motor vehicle leasing dealer as 52135  
defined in section 4517.01 of the Revised Code or a motor vehicle 52136  
renting dealer as defined in section 4549.65 of the Revised Code. 52137

(I) "Peer-to-peer car sharing program agreement" or 52138

"agreement" means an agreement established through the 52139  
peer-to-peer car sharing program that serves as a contract between 52140  
the peer-to-peer car sharing program, the shared vehicle owner, 52141  
and the shared vehicle driver and describes the specific terms and 52142  
conditions of the agreement, including the car sharing period and 52143  
the location or locations for transfer of possession. 52144

(J) "Proof of financial responsibility" has the same meaning 52145  
as in section 4509.01 of the Revised Code. 52146

(K) "Safety recall" means a recall issued pursuant to 49 52147  
U.S.C. 30118 pertaining to a defect related to motor vehicle 52148  
safety or noncompliance with an applicable federal motor vehicle 52149  
safety standard. 52150

(L) "Shared vehicle" means a personal motor vehicle that is 52151  
registered as a passenger car under Chapter 4503. of the Revised 52152  
Code or a substantially similar law in another state and that is 52153  
enrolled in a peer-to-peer car sharing program. 52154

(M) "Shared vehicle driver" means a person authorized by a 52155  
shared vehicle owner, in accordance with the terms and conditions 52156  
of a peer-to-peer car sharing program agreement, to operate a 52157  
shared vehicle during a car sharing period. 52158

(N) "Shared vehicle owner" means a registered owner of a 52159  
shared vehicle or a person designated by the registered owner. 52160

**Sec. 4516.02.** (A) A peer-to-peer car sharing program shall 52161  
collect all of the following information before entering into a 52162  
peer-to-peer car sharing program agreement including, but not 52163  
limited to: 52164

(1) The name and address of the shared vehicle owner and the 52165  
shared vehicle driver; 52166

(2) The driver's license number and state of issuance of the 52167  
shared vehicle driver; 52168

(3) The name, address, driver's license number, and state of issuance of any other person who will operate the shared vehicle during the car sharing period; 52169  
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(4) Information regarding whether the shared vehicle owner and the shared vehicle driver have motor-vehicle liability policy or other proof of financial responsibility and information related to that policy or proof and any policy limits; 52172  
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(5) Whether the shared vehicle owner knows of any safety recalls regarding the shared vehicle; 52176  
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(6) Verification that the shared vehicle is registered in accordance with the requirements established under Chapter 4503. of the Revised Code or a substantially similar law in another state. 52178  
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(B) A peer-to-peer car sharing program shall not allow a peer-to-peer car sharing program agreement through its platform if the program knows that the person who will operate the shared vehicle is not a party to the agreement or knows that such a person does not have a valid driver's license. 52182  
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(C) A peer-to-peer car sharing program shall not allow a peer-to-peer car sharing agreement through its platform if the shared vehicle that is the subject of the agreement is not registered. 52187  
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(D) A peer-to-peer car sharing program shall collect, verify, and maintain records pertaining to the use of each shared vehicle enrolled in the program, including records pertaining to all of the following: 52191  
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(1) The dates, times, and duration of time that the shared vehicle is in use through the program; 52195  
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(2) The dates, times, and duration of time that the shared vehicle driver possesses the shared vehicle through the program; 52197  
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<u>(3) Any fees or other financial consideration paid by the shared vehicle driver;</u>	52199
	52200
<u>(4) Any revenues or other financial consideration received by the shared vehicle owner;</u>	52201
	52202
<u>(5) Any other information or data that is necessary to establish the car sharing period, including the car sharing delivery period, the car sharing start time, and the car sharing termination time, for the shared vehicle.</u>	52203
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	52206
<u>(E)(1) The program shall provide the records required by division (D) of this section, upon request, to any shared vehicle owner, shared vehicle driver, the shared vehicle owner's insurer, or the shared vehicle driver's insurer for purposes of facilitating the investigation of a claim, incident, or accident.</u>	52207
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<u>(2) Upon receipt of a valid warrant, the program shall provide the records required by division (D) of this section to law enforcement.</u>	52212
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<u>(F) The program shall retain records required by division (D) of this section regarding each car sharing period for not less than three years after the car sharing period.</u>	52215
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<b><u>Sec. 4516.03. A peer-to-peer car sharing program shall disclose all of the following to the shared vehicle owner and the shared vehicle driver in the peer-to-peer car sharing program agreement:</u></b>	52218
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	52221
<u>(A) Any right of the program to seek indemnification from the shared vehicle owner or the shared vehicle driver for economic loss sustained by the program resulting from a breach of the terms and conditions of the agreement;</u>	52222
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<u>(B) That any motor-vehicle liability policy or other proof of financial responsibility issued to the shared vehicle owner for the shared vehicle or issued to the shared vehicle driver does not</u>	52226
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provide a defense against or indemnification for any claim 52229  
asserted by the program; 52230

(C) That the program's motor vehicle insurance coverage on 52231  
the shared vehicle owner, the shared vehicle driver, and the 52232  
shared vehicle is in effect only during the car sharing period and 52233  
that any use of the shared vehicle by the shared vehicle driver 52234  
after the car sharing termination time may not be covered by 52235  
either the program's insurance or any other motor-vehicle 52236  
liability policy or proof of financial responsibility; 52237

(D) The daily rate, fees, and any insurance or protection 52238  
package costs that are charged to the shared vehicle owner or the 52239  
shared vehicle driver; 52240

(E) That the shared vehicle owner's motor-vehicle liability 52241  
policy or other proof of financial responsibility may not provide 52242  
coverage for a shared vehicle during the car sharing period or for 52243  
any use outside of the policy's or proof's stated terms and 52244  
conditions; 52245

(F) Any conditions under which a shared vehicle driver must 52246  
maintain a separate motor-vehicle liability policy or other proof 52247  
of financial responsibility with certain applicable coverage 52248  
limits in order to reserve and use a shared vehicle under the 52249  
agreement; 52250

(G) Emergency contact information for roadside assistance and 52251  
other customer service inquiries. 52252

**Sec. 4516.04.** A peer-to-peer car sharing program shall have 52253  
sole responsibility for any equipment, including a global 52254  
positioning system or other special equipment that is installed in 52255  
or on the shared vehicle to monitor or facilitate peer-to-peer car 52256  
sharing. The program shall agree to indemnify and hold harmless 52257  
the shared vehicle owner for any damage or theft of the system or 52258

equipment during the car sharing period that is not caused by the 52259  
shared vehicle owner. The program may seek indemnity from the 52260  
shared vehicle driver for any loss or damage to the system or 52261  
equipment that occurs during the car sharing period that is caused 52262  
by the shared vehicle driver. 52263

**Sec. 4516.05.** (A) When a motor vehicle owner registers as a 52264  
shared vehicle owner with a peer-to-peer car sharing program and 52265  
before the shared vehicle owner makes the shared vehicle available 52266  
for peer-to-peer car sharing, the program shall do all of the 52267  
following: 52268

(1) Verify that the shared vehicle does not have any 52269  
outstanding safety recalls on the vehicle; 52270

(2) Provide notice to the shared vehicle owner of the owner's 52271  
responsibilities under division (B) of this section. 52272

(B)(1) If a shared vehicle owner receives actual notice of a 52273  
safety recall on the shared vehicle, the shared vehicle owner 52274  
shall not make the shared vehicle available through a peer-to-peer 52275  
car sharing program until the safety recall repair is made. 52276

(2) If the shared vehicle owner receives actual notice of a 52277  
safety recall on the shared vehicle after the shared vehicle is 52278  
available through a peer-to-peer car sharing program but while the 52279  
shared vehicle is not currently possessed by a shared vehicle 52280  
driver, the shared vehicle owner shall remove the shared vehicle 52281  
from availability until the safety recall repair is made. 52282

(3) If the shared vehicle owner receives actual notice of a 52283  
safety recall on the shared vehicle while the vehicle is possessed 52284  
by a shared vehicle driver, the shared vehicle owner shall notify 52285  
the peer-to-peer car sharing program about the safety recall, so 52286  
that the car sharing period can be terminated to allow the shared 52287  
vehicle owner to address the safety recall repair. 52288

(C) The peer-to-peer car sharing program shall establish 52289  
commercially reasonable procedures to determine any safety recalls 52290  
that apply to a shared vehicle registered with the program after 52291  
the initial registration of the shared vehicle with the program. 52292

**Sec. 4516.06.** (A) Peer-to-peer car sharing and a peer-to-peer 52293  
car sharing program agreement are a consumer transaction for 52294  
purposes of sections 1345.01 to 1345.13 of the Revised Code. The 52295  
peer-to-peer car sharing program and the shared vehicle owner are 52296  
the suppliers and the shared vehicle driver is the consumer for 52297  
purposes of those sections. 52298

(B) A peer-to-peer car sharing program is not liable for a 52299  
violation under sections 1345.01 to 1345.13 of the Revised Code 52300  
when the alleged violation is the result of false, misleading, or 52301  
inaccurate information provided to the program by a shared vehicle 52302  
owner or a shared vehicle driver and the program relied on that 52303  
information in good faith. 52304

**Sec. 4516.07.** (A) As used in this section, "public-use 52305  
airport" has the same meaning as in section 4563.30 of the Revised 52306  
Code. 52307

(B) The operator of a public-use airport may adopt reasonable 52308  
standards, regulations, procedures, and fees that are applicable 52309  
to peer-to-peer car sharing programs. The operator may enter into 52310  
such agreements, including concession agreements, with a 52311  
peer-to-peer car sharing program. A peer-to-peer car sharing 52312  
program, shared vehicle owner, and shared vehicle driver shall 52313  
comply with any applicable standards, regulations, procedures, 52314  
fees, and agreements adopted by a public-use airport, and shall 52315  
pay any applicable fees in a timely manner. 52316

**Sec. 4516.08.** It is not the intent of the general assembly 52317  
that any provision in Chapter 4516. of the Revised Code be 52318



interpreted as either limiting or restricting an insurer's ability 52319  
to exclude insurance coverage from any insurance policy or an 52320  
insurer's ability to underwrite any insurance policy. 52321

Sec. 4516.09. (A) Except as provided in division (B) of this 52322  
section, a peer-to-peer car sharing program shall assume liability 52323  
of a shared vehicle owner for any death, bodily injury, or 52324  
property damage to a third party or an uninsured or underinsured 52325  
motorist that is proximately caused by the operation of the shared 52326  
vehicle during the car sharing period in an amount stated in the 52327  
peer-to-peer car sharing program agreement. The amount shall be 52328  
not less than that specified in division (A)(1) of section 4516.10 52329  
of the Revised Code. 52330

(B) The assumption of liability under division (A) of this 52331  
section does not apply if either of the following occurs: 52332

(1) The shared vehicle owner makes an intentional or 52333  
fraudulent material misrepresentation or omission to the program 52334  
regarding the shared vehicle owner's motor-vehicle liability 52335  
policy, other proof of financial responsibility, or the type or 52336  
condition of the shared vehicle before the car sharing period in 52337  
which the loss occurs; 52338

(2) The shared vehicle owner and the shared vehicle driver 52339  
conspire to have the shared vehicle driver fail to return the 52340  
shared vehicle, in violation of the terms of the peer-to-peer car 52341  
sharing agreement. 52342

Sec. 4516.10. (A)(1) A peer-to-peer car sharing program shall 52343  
ensure that, during each car sharing period, the shared vehicle 52344  
owner and the shared vehicle driver are each covered by a 52345  
motor-vehicle liability policy or other proof of financial 52346  
responsibility that recognizes their status as a shared vehicle 52347  
owner or shared vehicle driver and provides coverage for the 52348

operation of the shared vehicle during the car sharing period. 52349

Each policy or proof shall be maintained in the following amounts: 52350

(a) At least twenty-five thousand dollars because of bodily injury to or death of one person in any one accident; 52351  
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(b) At least fifty thousand dollars because of bodily injury or death of two or more persons in any one accident; 52353  
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(c) At least twenty-five thousand dollars because of injury to property of others in any one accident. 52355  
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(2) The insurance required by division (A)(1) of this section may be satisfied by any of the following or a combination of any of the following: 52357  
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(a) A motor-vehicle liability policy or other proof of financial responsibility that is maintained by the shared vehicle owner; 52360  
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(b) A motor-vehicle liability policy or other proof of financial responsibility that is maintained by the shared vehicle driver; 52363  
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(c) A motor-vehicle liability policy or other proof of financial responsibility that is maintained by the peer-to-peer car sharing program. 52366  
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(3)(a) If the motor-vehicle liability policy or other proof of financial responsibility maintained by a shared vehicle owner or shared vehicle driver does not provide liability coverage for peer-to-peer car sharing in the amounts required by division (A)(1) of this section, the insurance maintained by the peer-to-peer car sharing program shall provide the required coverage, beginning with the first dollar of the claim and shall have the duty to defend the claim. 52369  
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(b) A motor-vehicle liability policy or other proof of financial responsibility maintained by a peer-to-peer car sharing 52377  
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program in accordance with this section shall not require the 52379  
shared vehicle owner's or shared vehicle driver's insurer to first 52380  
deny a claim before providing coverage. 52381

(B) A motor-vehicle liability policy that meets the 52382  
requirements of this section satisfies the requirement for proof 52383  
of financial responsibility for motor vehicles under Chapter 4509. 52384  
of the Revised Code. 52385

(C)(1) The peer-to-peer car sharing program shall examine the 52386  
motor-vehicle liability policy or other proof of financial 52387  
responsibility maintained by a shared vehicle owner or a shared 52388  
vehicle driver to determine whether that policy or proof provides 52389  
or excludes coverage for peer-to-peer car sharing prior to 52390  
entering into a peer-to-peer car sharing agreement with that 52391  
shared vehicle owner or shared vehicle driver if either of the 52392  
following occur: 52393

(a) The shared vehicle owner or the shared vehicle driver 52394  
refuses insurance coverage provided by the program. 52395

(b) The shared vehicle owner or the shared vehicle driver 52396  
claims the policy or proof maintained by that shared vehicle owner 52397  
or shared vehicle driver provides coverage for peer-to-peer car 52398  
sharing. 52399

(2) The peer-to-peer car sharing program may require 52400  
increased limits of insurance beyond what is required by division 52401  
(A)(1) of this section as a condition of participation in the 52402  
agreement. 52403

**Sec. 4516.11.** (A) In addition to any liability assumed when a 52404  
peer-to-peer car sharing program is providing all of the required 52405  
coverage, the program shall assume liability for a claim when all 52406  
of the following apply: 52407

(1) The program is providing at least part of the required 52408

<u>insurance coverage;</u>	52409
<u>(2) A dispute exists as to who was operating the shared vehicle at the time of the loss;</u>	52410
	52411
<u>(3) The program either does not have available or cannot promptly produce the records required by section 4516.02 of the Revised Code.</u>	52412
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	52414
<u>(B) A peer-to-peer car sharing program may seek indemnity from a shared vehicle owner if the shared vehicle owner is determined to have been the operator of the shared vehicle at the time of the loss.</u>	52415
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<u>(C) In addition to any other insurance coverage required by this chapter, a peer-to-peer car sharing program shall maintain insurance in an amount of at least one million dollars that provides coverage for the program's liability for an act or omission of the program that is the proximate cause of death, bodily injury, or property damage to any person in any one accident because of the operation of a shared vehicle through the program.</u>	52419
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<u>Sec. 4516.12. A peer-to-peer car sharing program and a shared vehicle owner shall be exempt from vicarious liability in accordance with 49 U.S.C. 30106 and under any state law or municipal ordinance that imposes liability solely based on vehicle ownership.</u>	52427
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<u>Sec. 4516.13. Nothing in this chapter does any of the following:</u>	52432
	52433
<u>(A) Limits the liability of the peer-to-peer car sharing program for any act or omission of the program itself that results in death, bodily injury, or property damage to any person as a result of the use of a shared vehicle through the program.</u>	52434
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(B) Limits the ability of the program to, by contract, seek indemnification from the shared vehicle owner or the shared vehicle driver for economic loss sustained by the program resulting from a breach of the terms and conditions of the peer-to-peer car sharing agreement.

(C) Creates, implies, or otherwise grants insurance coverage not found in any motor-vehicle liability policy or other policy of insurance.

**Sec. 4549.65.** (A) As used in this section: 52446

(1) "Motor vehicle leasing dealer" has the meaning set forth in division (M) of section 4517.01 of the Revised Code. 52447  
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(2) "Motor vehicle renting dealer" means any person engaged in the business of regularly making available, offering to make available, or arranging for another person to use a motor vehicle pursuant to a bailment, rental agreement, or other contractual arrangement for a period of less than thirty days under which a charge is made for its use at a periodic rate and the title to the motor vehicle is in a person other than the user, but does not mean a manufacturer or its affiliate renting to its employees or to dealers. 52449  
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(B) A motor vehicle leasing dealer or a motor vehicle renting dealer and its officers, employees, agents, and representatives are not liable to a lessee or renter for damages or injuries sustained as a result of the lessee's or renter's being stopped, detained, arrested, or charged in connection with a theft offense involving the leased or rented motor vehicle if such dealer, its officers, employees, agents, or representatives act in good faith upon a reasonable belief that the motor vehicle was or is being converted or stolen or if both of the following apply: 52458  
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(1) The lessee or renter did not return the motor vehicle at 52467

the time and place specified in the lease or rental contract; 52468

(2) The lessee or renter failed to return the motor vehicle 52469  
within twenty-four hours after the dealer, or an officer, 52470  
employee, agent, or representative of the dealer has served a 52471  
written notice upon the lessee or renter, requesting the return of 52472  
the motor vehicle, at the lessee's or renter's address set forth 52473  
in the lease or rental contract. Service may be by certified mail, 52474  
return receipt requested, or by personal or residence service. 52475

(C)(1) Any agreement, when the transaction is for purposes 52476  
that are primarily personal, family, or household, between a motor 52477  
vehicle leasing dealer and the lessee or a motor vehicle renting 52478  
dealer and renter is a consumer transaction for purposes of 52479  
sections 1345.01 to 1345.13 of the Revised Code. The dealer is the 52480  
supplier and the lessee or renter is the consumer for purposes of 52481  
those sections. 52482

(2) A dealer is not liable for a violation under sections 52483  
1345.01 to 1345.13 of the Revised Code when the alleged violation 52484  
is the result of false, misleading, or inaccurate information 52485  
provided to the dealer by the lessee or renter and the dealer 52486  
relied on that information in good faith. 52487

**Sec. 4701.16.** (A) After notice and hearing as provided in 52488  
Chapter 119. of the Revised Code, the accountancy board may 52489  
discipline as described in division (B) of this section a person 52490  
holding an Ohio permit, an Ohio registration, a firm registration, 52491  
a CPA certificate, or a PA registration or any other person whose 52492  
activities are regulated by the board for any one or any 52493  
combination of the following causes: 52494

(1) Fraud or deceit in obtaining a firm registration or in 52495  
obtaining a CPA certificate, a PA registration, an Ohio permit, or 52496  
an Ohio registration; 52497

(2) Dishonesty, fraud, or gross negligence in the practice of public accounting;	52498 52499
(3) Violation of any of the provisions of section 4701.14 of the Revised Code;	52500 52501
(4) Violation of a rule of professional conduct promulgated by the board under the authority granted by this chapter;	52502 52503
(5) Conviction of a felony under the laws of any state or of the United States;	52504 52505
(6) Conviction of any crime, an element of which is dishonesty or fraud, under the laws of any state or of the United States;	52506 52507 52508
(7) Cancellation, revocation, suspension, or refusal to renew authority to practice as a certified public accountant, a public accountant, or a public accounting firm by any other state, for any cause other than failure to pay registration fees in that other state;	52509 52510 52511 52512 52513
(8) Suspension or revocation of the right to practice before any state or federal agency;	52514 52515
(9) Failure of a holder of a CPA certificate or PA registration to obtain an Ohio permit or an Ohio registration, or the failure of a public accounting firm to obtain a firm registration;	52516 52517 52518 52519
(10) Conduct discreditable to the public accounting profession or to the holder of an Ohio permit, Ohio registration, or foreign certificate;	52520 52521 52522
(11) Failure of a public accounting firm to comply with section 4701.04 of the Revised Code.	52523 52524
(B) For any of the reasons specified in division (A) of this section, the board may do any of the following:	52525 52526
(1) Revoke, suspend, or refuse to renew any CPA certificate	52527

or PA registration or any Ohio permit, Ohio registration, or firm registration; 52528  
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(2) Disqualify a person who is not a holder of an Ohio permit or a foreign certificate from owning an equity interest in a public accounting firm or qualified firm; 52530  
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(3) Publicly censure a registered firm or a holder of a CPA certificate, a PA registration, an Ohio permit, or an Ohio registration; 52533  
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(4) Levy against a registered firm or a holder of a CPA certificate, a PA registration, an Ohio permit, or an Ohio registration a penalty or fine not to exceed five thousand dollars for each offense. Any fine shall be reasonable and in relation to the severity of the offense. 52536  
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(5) In the case of violations of division (A)(2) or (4) of this section, require completion of remedial continuing education programs prescribed by the board in addition to those required by section 4701.11 of the Revised Code; 52541  
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(6) In the case of violations of division (A)(2) or (4) of this section, require the holder of a CPA certificate, PA registration, or firm registration to submit to a peer review by a professional committee designated by the board, which committee shall report to the board concerning that holder's compliance with generally accepted accounting principles, generally accepted auditing standards, or other generally accepted technical standards; 52545  
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(7) Revoke or suspend the privileges to offer or render attest services in this state or to use a CPA title or designation in this state of an individual who holds a foreign certificate. 52553  
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(C) If the board levies a fine against or suspends the certificate of a person or registration of a person or firm for a violation of division (A)(2) or (4) of this section, it may waive 52556  
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all or any portion of the fine or suspension if the holder of the 52559  
CPA certificate, PA registration, or firm registration complies 52560  
fully with division (B)(5) or (6) of this section. 52561

(D) A person engaged in the practice of public accounting 52562  
shall not be subject to discipline by the accountancy board solely 52563  
because the person provided professional accounting services to 52564  
the holder of a license under Chapter 3796. of the Revised Code. 52565

**Sec. 4705.10.** (A) All of the following apply to an 52566  
interest-bearing trust account established under authority of 52567  
section 4705.09 of the Revised Code: 52568

(1) All funds in the account shall be subject to withdrawal 52569  
upon request and without delay, or as soon as is permitted by 52570  
federal law; 52571

(2) The rate of interest payable on the account shall not be 52572  
less than the rate paid by the depository institution to regular, 52573  
nonattorney depositors. Higher rates offered by the institution to 52574  
customers whose deposits exceed certain time or quantity 52575  
qualifications, such as those offered in the form of certificates 52576  
of deposit, may be obtained by a person or law firm establishing 52577  
the account if there is no impairment of the right to withdraw or 52578  
transfer principal immediately. 52579

(3) The depository institution shall be directed, by the 52580  
person or law firm establishing the account, to do all of the 52581  
following: 52582

(a) Remit interest or dividends, whichever is applicable, on 52583  
the average monthly balance in the account or as otherwise 52584  
computed in accordance with the institution's standard accounting 52585  
practice, less reasonable service charges, to the treasurer of 52586  
state at least quarterly for deposit in the legal aid fund 52587  
established under section 120.52 of the Revised Code; 52588

(b) Transmit to the treasurer of state, upon its request, to 52589  
the Ohio ~~Legal Assistance Foundation~~ access to justice foundation, 52590  
and the depositing attorney, law firm, or legal professional 52591  
association upon the attorney's, firm's, or association's request, 52592  
at the time of each remittance required by division (A)(3)(a) of 52593  
this section, a statement showing the name of the attorney for 52594  
whom or the law firm or legal professional association for which 52595  
the remittance is sent, the rate of interest applied, the 52596  
accounting period, the net amount remitted to the treasurer of 52597  
state for each account, the total remitted, the average account 52598  
balance for each month of the period for which the report is made, 52599  
and the amount deducted for service charges; 52600

(4) The depository institution shall notify the office of 52601  
disciplinary counsel or other entity designated by the supreme 52602  
court on each occasion when a properly payable instrument is 52603  
presented for payment from the account, and the account contains 52604  
insufficient funds. The depository institution shall provide this 52605  
notice without regard to whether the instrument is honored by the 52606  
depository institution. The depository institution shall provide 52607  
the notice described in division (A)(4) of this section by 52608  
electronic or other means within five banking days of the date 52609  
that the instrument was honored or returned as dishonored. The 52610  
notice shall contain all of the following: 52611

(a) The name and address of the depository institution; 52612

(b) The name and address of the lawyer, law firm, or legal 52613  
professional association that maintains the account; 52614

(c) The account number and either the amount of the overdraft 52615  
and the date issued or the amount of the dishonored instrument and 52616  
the date returned. 52617

(B)(1) The statements and reports of individual depositor 52618  
information made under divisions (A)(3) and (4) of this section 52619

are confidential and shall be used only for purposes of 52620  
administering the legal aid fund and for enforcement of the rules 52621  
of professional conduct adopted by the supreme court. 52622

(2) A depository institution may charge the lawyer, law firm, 52623  
or legal professional association that maintains the account with 52624  
fees associated with producing and mailing a notice required by 52625  
division (A)(4) of this section but shall not deduct such fees 52626  
from the interest earned on the account. 52627

**Sec. 4712.02.** (A) A credit services organization shall file a 52628  
registration application with, and receive a certificate of 52629  
registration from, the division of financial institutions before 52630  
conducting business in this state. The registration application 52631  
shall be accompanied by a one-hundred-dollar fee and shall contain 52632  
all of the following information: 52633

(1) The name and address of the credit services organization; 52634

(2) The name and address of any person that directly or 52635  
indirectly owns or controls ten per cent or more of the 52636  
outstanding shares of stock in the organization; 52637

(3) Either of the following: 52638

(a) A full and complete disclosure of any litigation 52639  
commenced against the organization or unresolved complaint that 52640  
relates to the operation of the organization and that is filed 52641  
with the attorney general, the secretary of state, or any other 52642  
governmental authority of the United States, this state, or any 52643  
other state of the United States; 52644

(b) A notarized statement stating that no litigation has been 52645  
commenced and no unresolved complaint relating to the operation of 52646  
the organization has been filed with the attorney general, the 52647  
secretary of state, or any other governmental authority of the 52648  
United States, this state, or any other state of the United 52649

States. 52650

(4) Any other information required at any time by the 52651  
division. 52652

(B)(1) Except as otherwise provided in division (B)(2) of 52653  
this section, each credit services organization shall notify the 52654  
division in writing within thirty days after the date of a change 52655  
in the information required by division (A) of this section. 52656

(2) Each organization shall notify the division in writing no 52657  
later than thirty days prior to any change in the information 52658  
required by division (A)(1) or (2) of this section and shall 52659  
receive approval from the division before making any such change. 52660

(C)(1) A credit services organization shall attach both of 52661  
the following to the registration application submitted pursuant 52662  
to division (A) of this section: 52663

(a) A copy of the contract that the organization intends to 52664  
execute with its customers; 52665

(b) Evidence of the bond required under section 4712.06 of 52666  
the Revised Code. 52667

(2) Any modification made to the contract described in 52668  
division (C)(1)(a) of this section shall be filed with the 52669  
division prior to its use by the organization. 52670

(D) Each credit services organization registering under this 52671  
section shall maintain a copy of the registration application in 52672  
its files. The organization shall allow a buyer to inspect the 52673  
registration application upon request. 52674

(E) Each nonresident credit services organization registering 52675  
under this section shall designate and maintain a resident of this 52676  
state as the organization's statutory agent for purposes of 52677  
receipt of service of process. 52678

(F) If, in order to issue a certificate of registration to a 52679

credit services organization, investigation by the division 52680  
outside this state is necessary, the division may require the 52681  
organization to advance sufficient funds to pay the actual 52682  
expenses of the investigation. 52683

(G) Each credit services organization registering under this 52684  
section shall use no more than one fictitious or trade name. 52685

(H)(1) A certificate of registration issued by the division 52686  
pursuant to this section shall expire annually on the thirtieth 52687  
day of April, or annually on a different date established by the 52688  
superintendent pursuant to section 1181.23 of the Revised Code. 52689

(2) A credit services organization may renew its certificate 52690  
of registration by filing with the division a renewal application 52691  
accompanied by a one-hundred-dollar renewal fee. 52692

(I) All money collected by the division pursuant to this 52693  
section shall be deposited by it in the state treasury to the 52694  
credit of the consumer finance fund. 52695

(J)(1) No credit services organization shall fail to comply 52696  
with division (A) of this section. 52697

(2) No credit services organization shall fail to comply with 52698  
division (B), (D), (E), (F), or (G) of this section. 52699

**Sec. 4713.14.** No individual shall do any of the following: 52700

(A) Use fraud or deceit in making application for a license, 52701  
permit, or registration; 52702

(B) Aid or abet any individual or entity in any of the 52703  
following: 52704

(1) Violating this chapter or a rule adopted under it; 52705

(2) Obtaining a license, permit, or registration 52706  
fraudulently; 52707

(3) Falsely pretending to hold a current, valid license or 52708

permit.	52709
(C) Practice a branch of cosmetology, for pay, free, or	52710
otherwise, without one of the following authorizing the practice	52711
of that branch of cosmetology:	52712
(1) A current, valid license under section 4713.28, 4713.30,	52713
or 4713.34 of the Revised Code;	52714
(2) A current, valid temporary pre-examination work permit	52715
issued under section 4713.22 of the Revised Code;	52716
(3) A current, valid temporary special occasion work permit	52717
issued under section 4713.37 of the Revised Code;	52718
(4) A current, valid temporary work permit issued under rules	52719
adopted by the board pursuant to section 4713.08 of the Revised	52720
Code;	52721
(5) A current, valid registration under section 4713.69 of	52722
the Revised Code.	52723
(D) Employ an individual to practice a branch of cosmetology	52724
if the individual does not hold one of the following authorizing	52725
the practice of that branch of cosmetology:	52726
(1) A current, valid license under section 4713.28, 4713.30,	52727
or 4713.34 of the Revised Code;	52728
(2) A current, valid temporary pre-examination work permit	52729
issued under section 4713.22 of the Revised Code;	52730
(3) A current, valid temporary special occasion work permit	52731
issued under section 4713.37 of the Revised Code;	52732
(4) A current, valid temporary work permit issued under rules	52733
adopted by the board pursuant to section 4713.08 of the Revised	52734
Code;	52735
(5) A current, valid registration under section 4713.69 of	52736
the Revised Code.	52737

(E) Except for apprentice instructors and as provided in 52738  
section 4713.45 of the Revised Code, teach the theory or practice 52739  
of a branch of cosmetology at a school of cosmetology without 52740  
either of the following authorizing the teaching of that branch of 52741  
cosmetology: 52742

(1) A current, valid license under section 4713.31 or 4713.34 52743  
of the Revised Code; 52744

(2) A current, valid temporary special occasion work permit 52745  
issued under section 4713.37 of the Revised Code. 52746

(F) Advertise or operate a glamour photography service in 52747  
which a branch of cosmetology is practiced unless the individual 52748  
practicing the branch of cosmetology holds either of the following 52749  
authorizing the practice of that branch of cosmetology: 52750

(1) A current, valid license under section 4713.28, 4713.30, 52751  
or 4713.34 of the Revised Code; 52752

(2) A current, valid temporary special occasion work permit 52753  
issued under section 4713.37 of the Revised Code. 52754

(G) Advertise or operate a glamour photography service in 52755  
which a branch of cosmetology is practiced at a location not 52756  
specified by rules adopted under section 4713.08 of the Revised 52757  
Code; 52758

(H) Practice a branch of cosmetology at a salon as an 52759  
independent contractor without a current, valid independent 52760  
contractor license issued under section 4713.39 of the Revised 52761  
Code; 52762

(I) Operate a salon without a current, valid license under 52763  
section 4713.41 of the Revised Code; 52764

(J) Provide cosmetic therapy or massage therapy at a salon 52765  
for pay, free, or otherwise without a current, valid ~~certificate~~ 52766  
license issued by the state medical board under section 4731.15 of 52767

the Revised Code or provide any other professional service at a 52768  
salon for pay, free, or otherwise without a current, valid license 52769  
or certificate issued by the professional regulatory board of this 52770  
state that regulates the profession; 52771

(K) Teach a branch of cosmetology at a salon, unless the 52772  
individual receiving the instruction holds either of the following 52773  
authorizing the practice of that branch of cosmetology: 52774

(1) A current, valid license under section 4713.28, 4713.30, 52775  
or 4713.34 of the Revised Code; 52776

(2) A current, valid temporary pre-examination work permit 52777  
issued under section 4713.22 of the Revised Code. 52778

(L) Operate a school of cosmetology without a current, valid 52779  
license under section 4713.44 of the Revised Code; 52780

(M) At a salon or school of cosmetology, do any of the 52781  
following: 52782

(1) Use or possess a cosmetic product containing an 52783  
ingredient that the United States food and drug administration has 52784  
prohibited by regulation; 52785

(2) Use a cosmetic product in a manner inconsistent with a 52786  
restriction established by the United States food and drug 52787  
administration by regulation; 52788

(3) Use or possess a liquid nail monomer containing any trace 52789  
of methyl methacrylate (MMA). 52790

(N) While in charge of a salon or school of cosmetology, 52791  
permit any individual to sleep in, or use for residential 52792  
purposes, any room used wholly or in part as the salon or school 52793  
of cosmetology; 52794

(O) Maintain, as an established place of business for the 52795  
practice of one or more of the branches of cosmetology, a room 52796  
used wholly or in part for sleeping or residential purposes; 52797



(P) Operate a tanning facility that is offered to the public 52798  
for a fee or other compensation without a current, valid permit 52799  
under section 4713.48 of the Revised Code; 52800

(Q) Practice a branch of cosmetology in a location other than 52801  
a licensed facility unless otherwise exempted under section 52802  
4713.16 or 4713.17 of the Revised Code; 52803

(R) Use any of the services or arts that are part of 52804  
cosmetology to treat or attempt to cure a physical or mental 52805  
disease or ailment. 52806

**Sec. 4713.16.** (A) This chapter does not prohibit any of the 52807  
following: 52808

(1) Practicing a branch of cosmetology without a license or 52809  
registration if the individual does so for free at the 52810  
individual's home for a family member who resides in the same 52811  
household as the individual; 52812

(2) The retail sale, or trial demonstration by application to 52813  
the skin for purposes of retail sale, of cosmetics, preparations, 52814  
tonics, antiseptics, creams, lotions, wigs, or hairpieces without 52815  
a practicing license or registration; 52816

(3) The retailing, at a salon, of cosmetics, preparations, 52817  
tonics, antiseptics, creams, lotions, wigs, hairpieces, clothing, 52818  
or any other items that pose no risk of creating unsanitary 52819  
conditions at the salon; 52820

(4) The provision of glamour photography services at a 52821  
licensed salon if either of the following is the case: 52822

(a) A branch of cosmetology is not practiced as part of the 52823  
services. 52824

(b) If a branch of cosmetology is practiced as part of the 52825  
services, the part of the services that is a branch of cosmetology 52826  
is performed by an individual who holds either of the following 52827

authorizing the individual to practice that branch of cosmetology: 52828

(i) A current, valid license under section 4713.28, 4713.30, 52829  
or 4713.34 of the Revised Code; 52830

(ii) A current, valid temporary special occasion work permit 52831  
issued under section 4713.37 of the Revised Code. 52832

(5) A student engaging, as a student, in work connected with 52833  
a branch of cosmetology taught at the school of cosmetology at 52834  
which the student is enrolled; 52835

(6) Practicing a branch of cosmetology without a license or 52836  
registration if the individual does so for free for the purpose of 52837  
researching or developing a cosmetic as defined in section 3715.01 52838  
of the Revised Code. 52839

(B) A student in a career-technical program learning a branch 52840  
of cosmetology may continue developing skills in the respective 52841  
branch of cosmetology after completing the required coursework or 52842  
obtaining a license in the respective branch of cosmetology by 52843  
working in the licensed career-technical school clinic if the 52844  
student does not receive any compensation. This allowance 52845  
terminates upon the graduation of the student from the 52846  
career-technical school. 52847

**Sec. 4713.17.** (A) The following persons are exempt from the 52848  
provisions of this chapter, except, as applicable, section 4713.42 52849  
of the Revised Code: 52850

(1) All individuals authorized to practice medicine, surgery, 52851  
dentistry, and nursing or any of its branches in this state; 52852

(2) Commissioned surgical and medical officers of the United 52853  
States army, navy, air force, or marine hospital service when 52854  
engaged in the actual performance of their official duties, and 52855  
attendants attached to same; 52856

(3) Funeral directors, embalmers, and apprentices licensed or 52857

registered under Chapter 4717. of the Revised Code; 52858

(4) Persons who are engaged in the retail sale, cleaning, or 52859  
beautification of wigs and hairpieces but who do not engage in any 52860  
other act constituting the practice of a branch of cosmetology; 52861

(5) Volunteers of hospitals, and homes as defined in section 52862  
3721.01 of the Revised Code, who render service to registered 52863  
patients and inpatients who reside in such hospitals or homes. 52864  
Such volunteers shall not use or work with any chemical products 52865  
such as permanent wave, hair dye, or chemical hair relaxer, which 52866  
without proper training would pose a health or safety problem to 52867  
the patient. 52868

(6) Nurse aides and other employees of hospitals and homes as 52869  
defined in section 3721.01 of the Revised Code, who practice a 52870  
branch of cosmetology on registered patients only as part of 52871  
general patient care services and who do not charge patients 52872  
directly on a fee for service basis; 52873

(7) Cosmetic therapists and massage therapists who hold 52874  
current, valid ~~certificates~~ licenses to practice cosmetic or 52875  
massage therapy issued by the state medical board under section 52876  
4731.15 of the Revised Code, to the extent their actions are 52877  
authorized by their ~~certificates to practice~~ licenses; 52878

(8) Inmates who provide services related to a branch of 52879  
cosmetology to other inmates, except when those services are 52880  
provided in a licensed school of cosmetology within a state 52881  
correctional institution for females. 52882

(B) The director of rehabilitation and correction shall 52883  
oversee the services described in division (A)(8) of this section 52884  
with respect to sanitation and adopt rules governing those types 52885  
of services provided by inmates. 52886

**Sec. 4713.42.** An individual holding a current, valid 52887

~~certificate~~ license issued under section 4731.15 of the Revised Code to provide cosmetic therapy or massage therapy may provide cosmetic therapy or massage therapy, as appropriate, in a salon. An individual holding a current, valid license or certificate issued by a professional regulatory board of this state may practice the individual's profession in a salon if the individual's profession is authorized by rules adopted under section 4713.08 of the Revised Code to practice in a salon.

An individual providing cosmetic therapy, massage therapy, or other professional service in a salon pursuant to this section shall satisfy the standards established by rules adopted under section 4713.08 of the Revised Code.

**Sec. 4715.22.** (A)(1) This section applies only when a licensed dental hygienist is not practicing in accordance with either of the following:

(a) A permit issued pursuant to section 4715.363 of the Revised Code authorizing practice under the oral health access supervision of a dentist;

(b) Section 4715.431 of the Revised Code.

(2) As used in this section, "health care facility" means either of the following:

(a) A hospital registered under section 3701.07 of the Revised Code;

(b) A ~~"home"~~ home, as defined in section 3721.01 of the Revised Code.

(B) A licensed dental hygienist shall practice under the supervision, order, control, and full responsibility of a dentist licensed under this chapter. A dental hygienist may practice in a dental office, public or private school, health care facility,

dispensary, or public institution. Except as provided in divisions 52917  
(C) to (E) of this section, a dental hygienist may not provide 52918  
dental hygiene services to a patient when the supervising dentist 52919  
is not physically present at the location where the dental 52920  
hygienist is practicing. 52921

(C) A dental hygienist may provide, for not more than fifteen 52922  
consecutive business days, dental hygiene services to a patient 52923  
when the supervising dentist is not physically present at the 52924  
location where the services are provided if all of the following 52925  
requirements are met: 52926

(1) The dental hygienist has at least one year and a minimum 52927  
of one thousand five hundred hours of experience in the practice 52928  
of dental hygiene. 52929

(2) The dental hygienist has successfully completed a course 52930  
approved by the state dental board in the identification and 52931  
prevention of potential medical emergencies. 52932

(3) The dental hygienist does not perform, while the 52933  
supervising dentist is absent from the location, procedures while 52934  
the patient is anesthetized, definitive root planing, definitive 52935  
subgingival curettage, or other procedures identified in rules the 52936  
state dental board adopts. 52937

(4) The supervising dentist has evaluated the dental 52938  
hygienist's skills. 52939

(5) The supervising dentist examined the patient not more 52940  
than one year prior to the date the dental hygienist provides the 52941  
dental hygiene services to the patient. 52942

(6) The dental hygienist complies with written protocols or 52943  
written standing orders that the supervising dentist establishes, 52944  
including those established for emergencies. 52945

(7) The supervising dentist completed and evaluated a medical 52946

and dental history of the patient not more than one year prior to 52947  
the date the dental hygienist provides dental hygiene services to 52948  
the patient and, except when the dental hygiene services are 52949  
provided in a health care facility, the supervising dentist 52950  
determines that the patient is in a medically stable condition. 52951

(8) If the dental hygiene services are provided in a health 52952  
care facility, a doctor of medicine and surgery or osteopathic 52953  
medicine and surgery ~~who holds a current certificate issued~~ 52954  
licensed under Chapter 4731. of the Revised Code or a registered 52955  
nurse licensed under Chapter 4723. of the Revised Code is present 52956  
in the health care facility when the services are provided. 52957

(9) In advance of the appointment for dental hygiene 52958  
services, the patient is notified that the supervising dentist 52959  
will be absent from the location and that the dental hygienist 52960  
cannot diagnose the patient's dental health care status. 52961

(10) The dental hygienist is employed by, or under contract 52962  
with, one of the following: 52963

(a) The supervising dentist; 52964

(b) A dentist licensed under this chapter who is one of the 52965  
following: 52966

(i) The employer of the supervising dentist; 52967

(ii) A shareholder in a professional association formed under 52968  
Chapter 1785. of the Revised Code of which the supervising dentist 52969  
is a shareholder; 52970

(iii) A member or manager of a limited liability company 52971  
formed under Chapter 1705. of the Revised Code of which the 52972  
supervising dentist is a member or manager; 52973

(iv) A shareholder in a corporation formed under division (B) 52974  
of section 1701.03 of the Revised Code of which the supervising 52975  
dentist is a shareholder; 52976

(v) A partner or employee of a partnership or a limited liability partnership formed under Chapter 1775. or 1776. of the Revised Code of which the supervising dentist is a partner or employee. 52977  
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(c) A government entity that employs the dental hygienist to provide dental hygiene services in a public school or in connection with other programs the government entity administers. 52981  
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(D) A dental hygienist may provide dental hygiene services to a patient when the supervising dentist is not physically present at the location where the services are provided if the services are provided as part of a dental hygiene program that is approved by the state dental board and all of the following requirements are met: 52984  
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(1) The program is operated through a school district board of education or the governing board of an educational service center; the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code; a national, state, district, or local dental association; or any other public or private entity recognized by the state dental board. 52990  
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(2) The supervising dentist is employed by or a volunteer for, and the patients are referred by, the entity through which the program is operated. 52997  
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(3)(a) Except as provided in division (D)(3)(b) of this section, the services are performed after examination and diagnosis by the dentist and in accordance with the dentist's written treatment plan. 53000  
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(b) The requirement in division (D)(3)(a) of this section does not apply when the only services to be provided by the dental hygienist are the placement of pit and fissure sealants and the application of fluoride varnish. 53004  
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(E) A dental hygienist may do any of the following when the supervising dentist is not physically present at the location where the services are provided, regardless of whether the dentist has examined the patient, if the dental hygienist is employed by, or under contract with, the supervising dentist or another person or government entity specified in division (C)(10)(b) or (c) of this section:

- (1) Apply fluoride varnish;
- (2) Apply desensitizing agents, excluding silver diamine fluoride;
- (3) Apply disclosing solutions;
- (4) Apply pit and fissure sealants;
- (5) Recement temporary crowns or recement crowns with temporary cement;
- (6) Conduct caries susceptibility testing;
- (7) Provide instruction on oral hygiene home care, including the use of toothbrushes and dental floss;
- (8) Discuss general nonmedical nutrition information for the purpose of maintaining good oral health.

As used in division (E)(8) of this section, "general nonmedical nutrition information" means information on the following: principles of good nutrition and food preparation, food to be included in the normal daily diet, the essential nutrients needed by the body, recommended amounts of the essential nutrients, the actions of nutrients on the body, the effects of deficiencies or excesses of nutrients, or food and supplements that are good sources of essential nutrients.

- (F) No person shall do either of the following:
- (1) Practice dental hygiene in a manner that is separate or otherwise independent from the dental practice of a supervising



dentist; 53038

(2) Establish or maintain an office or practice that is 53039  
primarily devoted to the provision of dental hygiene services. 53040

(G) The state dental board shall adopt rules under division 53041  
(C) of section 4715.03 of the Revised Code identifying procedures 53042  
a dental hygienist may not perform when practicing in the absence 53043  
of the supervising dentist pursuant to division (C) or (D) of this 53044  
section. 53045

**Sec. 4715.52.** (A) Except as provided in division (B) of this 53046  
section, no person shall practice or hold that person out as a 53047  
dental x-ray machine operator without a valid certificate issued 53048  
under section 4715.53 of the Revised Code. 53049

(B) Division (A) of this section does not apply to any of the 53050  
following: 53051

(1) Dentists or dental hygienists licensed under this 53052  
chapter; 53053

(2) As specified in 42 C.F.R. 75, radiologic personnel 53054  
employed by the federal government or serving in a branch of the 53055  
armed forces of the United States; 53056

(3) Students engaging in any of the activities performed by 53057  
dental x-ray machine operators as an integral part of a program of 53058  
study leading to receipt of a license or certificate issued under 53059  
this chapter, or a license issued under Chapter 4731., 4734.1 or 53060  
~~Chapter 4773.~~ of the Revised Code, ~~or a certificate issued under~~ 53061  
~~Chapter 4731.~~ of the Revised Code. 53062

**Sec. 4717.03.** (A) Members of the board of embalmers and 53063  
funeral directors shall annually in July, or within thirty days 53064  
after the senate's confirmation of the new members appointed in 53065  
that year, meet and organize by selecting from among its members a 53066

president, vice-president, and secretary-treasurer. The board may 53067  
hold other meetings as it determines necessary. A quorum of the 53068  
board consists of four members, of whom at least three shall be 53069  
members who are funeral directors. The concurrence of at least 53070  
four members is necessary for the board to take any action. The 53071  
president and secretary-treasurer shall sign all licenses issued 53072  
under this chapter and affix the board's seal to each license. 53073

(B) The board may appoint an individual who is not a member 53074  
of the board to serve as executive director of the board. The 53075  
executive director serves at the pleasure of the board and shall 53076  
do all of the following: 53077

(1) Serve as the board's chief administrative officer; 53078

(2) Act as custodian of the board's records; 53079

(3) Execute all of the board's orders; 53080

(4) Employ staff who are not members of the board and who 53081  
serve at the pleasure of the executive director to provide any 53082  
assistance that the board considers necessary. 53083

(C) In executing the board's orders as required by division 53084  
(B)(3) of this section, the executive director may enter the 53085  
premises, establishment, office, or place of business of any 53086  
embalmer, funeral director, or crematory operator in this state. 53087  
The executive director may serve and execute any process issued by 53088  
any court under this chapter. 53089

(D) The executive director may employ necessary inspectors, 53090  
who shall be licensed embalmers and funeral directors. An 53091  
inspector employed by the executive director may enter the 53092  
premises, establishment, office, or place of business of any 53093  
embalmer, funeral director, or crematory operator, embalming 53094  
facility, funeral home, or crematory facility in this state, for 53095  
the purposes of inspecting the facility and premises; the license, 53096

permit, and ~~registration~~ certification of embalmers, funeral 53097  
directors, and crematory operators operating in the facility; and 53098  
the license of the funeral home, embalming facility, or crematory 53099  
facility and perform any other duties delegated to the inspector 53100  
by the board or assigned to the inspector by the executive 53101  
director. The executive director may enter the facility or 53102  
premises of a funeral home, embalming facility, or crematory for 53103  
the purpose of an inspection if accompanied by an inspector or, if 53104  
an inspector is not available, when a situation presents a danger 53105  
of immediate and serious harm to the public. 53106

(E) The president of the board shall designate three of the 53107  
board's members to serve on the crematory review board, which is 53108  
hereby created, for such time as the president finds appropriate 53109  
to carry out the provisions of this chapter. Those members of the 53110  
crematory review board designated by the president to serve and 53111  
three members designated by the cemetery dispute resolution 53112  
commission shall designate, by a majority vote, one person who 53113  
holds a crematory operator permit, who is experienced in the 53114  
operation of a crematory facility, and who is not affiliated with 53115  
a cemetery or a funeral home to serve on the crematory review 53116  
board for such time as the crematory review board finds 53117  
appropriate. Members serving on the crematory review board shall 53118  
not receive any additional compensation for serving on the board, 53119  
but may be reimbursed for their actual and necessary expenses 53120  
incurred in the performance of official duties as members of the 53121  
board. Members of the crematory review board shall designate one 53122  
from among its members to serve as a chairperson for such time as 53123  
the board finds appropriate. Costs associated with conducting an 53124  
adjudicatory hearing in accordance with division (F) of this 53125  
section shall be paid from funds available to the board of 53126  
embalmers and funeral directors. 53127

(F) Upon receiving written notice from the board of embalmers 53128

and funeral directors of any of the following, the crematory 53129  
review board shall conduct an adjudicatory hearing on the matter 53130  
in accordance with Chapter 119. of the Revised Code, except as 53131  
otherwise provided in this section or division (C) of section 53132  
4717.14 of the Revised Code: 53133

(1) Notice provided under division (I) of this section of an 53134  
alleged violation of any provision of this chapter or any rules 53135  
adopted under this chapter governing or in connection with 53136  
crematory operators, crematory facilities, or cremation; 53137

(2) Notice provided under division (B) of section 4717.14 of 53138  
the Revised Code that the board of embalmers and funeral directors 53139  
proposes to refuse to grant or renew, or to suspend or revoke, a 53140  
license to operate a crematory facility; 53141

(3) Notice provided under division (C) of section 4717.14 of 53142  
the Revised Code that the board of embalmers and funeral directors 53143  
has issued an order summarily suspending a crematory operator 53144  
permit or a license to operate a crematory facility; 53145

(4) Notice provided under division (B) of section 4717.15 of 53146  
the Revised Code that the board of embalmers and funeral directors 53147  
proposes to issue a notice of violation and order requiring 53148  
payment of a forfeiture for any violation described in divisions 53149  
(A)(9)(a) to (g) of section 4717.04 of the Revised Code alleged in 53150  
connection with a crematory operator, crematory facility, or 53151  
cremation. 53152

Nothing in division (F) of this section precludes the 53153  
crematory review board from appointing an independent examiner in 53154  
accordance with section 119.09 of the Revised Code to conduct any 53155  
adjudication hearing required under division (F) of this section. 53156

The crematory review board shall submit a written report of 53157  
findings and advisory recommendations, and a written transcript of 53158  
its proceedings, to the board of embalmers and funeral directors. 53159

The board of embalmers and funeral directors shall serve a copy of 53160  
the written report of the crematory review board's findings and 53161  
advisory recommendations on the party to the adjudication or the 53162  
party's attorney, by certified mail, within five days after 53163  
receiving the report and advisory recommendations. A party may 53164  
file objections to the written report with the board of embalmers 53165  
and funeral directors within ten days after receiving the report. 53166  
No written report is final or appealable until it is issued as a 53167  
final order by the board of embalmers and funeral directors and 53168  
entered on the record of the proceedings. The board of embalmers 53169  
and funeral directors shall consider objections filed by the party 53170  
prior to issuing a final order. After reviewing the findings and 53171  
advisory recommendations of the crematory review board, the 53172  
written transcript of the crematory review board's proceedings, 53173  
and any objections filed by a party, the board of embalmers and 53174  
funeral directors shall issue a final order in the matter. Any 53175  
party may appeal the final order issued by the board of embalmers 53176  
and funeral directors in a matter described in divisions (F)(1) to 53177  
(4) of this section in accordance with section 119.12 of the 53178  
Revised Code, except that the appeal may be made to the court of 53179  
common pleas in the county in which is located the crematory 53180  
facility to which the final order pertains, or in the county in 53181  
which the party resides. 53182

(G) On its own initiative or on receiving a written complaint 53183  
from any person whose identity is made known to the board of 53184  
embalmers and funeral directors, the board shall investigate the 53185  
acts or practices of any person holding or claiming to hold a 53186  
license, permit, or ~~registration~~ certification under this chapter 53187  
that, if proven to have occurred, would violate this chapter or 53188  
any rules adopted under it. The board may compel witnesses by 53189  
subpoena to appear and testify in relation to investigations 53190  
conducted under this chapter and may require by subpoena duces 53191  
tecum the production of any book, paper, or document pertaining to 53192

an investigation. If a person does not comply with a subpoena or 53193  
subpoena duces tecum, the board may apply to the court of common 53194  
pleas of any county in this state for an order compelling the 53195  
person to comply with the subpoena or subpoena duces tecum, or for 53196  
failure to do so, to be held in contempt of court. 53197

(H) If, as a result of its investigation conducted under 53198  
division (G) of this section, the board of embalmers and funeral 53199  
directors has reasonable cause to believe that the person 53200  
investigated is violating any provision of this chapter or any 53201  
rules adopted under this chapter governing or in connection with 53202  
embalming, funeral directing, cremation, funeral homes, embalming 53203  
facilities, or cremation facilities, or the operation of funeral 53204  
homes, embalming facilities, or crematory facilities, it may, 53205  
after providing the opportunity for an adjudicatory hearing, issue 53206  
an order directing the person to cease the acts or practices that 53207  
constitute the violation. The board shall conduct the adjudicatory 53208  
hearing in accordance with Chapter 119. of the Revised Code except 53209  
that, notwithstanding the provisions of that chapter, the 53210  
following shall apply: 53211

(1) The board shall send the notice informing the person of 53212  
the person's right to a hearing by certified mail. 53213

(2) The person is entitled to a hearing only if the person 53214  
requests a hearing and if the board receives the request within 53215  
thirty days after the mailing of the notice described in division 53216  
(H)(1) of this section. 53217

(3) A stenographic record shall be taken, in the manner 53218  
prescribed in section 119.09 of the Revised Code, at every 53219  
adjudicatory hearing held under this section, regardless of 53220  
whether the record may be the basis of an appeal to a court. 53221

(I) If, as a result of its investigation conducted under 53222  
division (G) of this section, the board of embalmers and funeral 53223

directors has reasonable cause to believe that the person 53224  
investigated is violating any provision of this chapter or any 53225  
rules adopted under this chapter governing or in connection with 53226  
crematory operators, crematory facilities, or cremation, the board 53227  
shall send written notice of the alleged violation to the 53228  
crematory review board. If, after the conclusion of the 53229  
adjudicatory hearing in the matter conducted under division (F) of 53230  
this section, the board of embalmers and funeral directors finds 53231  
that a person is in violation of any provision of this chapter or 53232  
any rules adopted under this chapter governing or in connection 53233  
with crematory operators, crematory facilities, or cremation, the 53234  
board may issue a final order under that division directing the 53235  
person to cease the acts or practices that constitute the 53236  
violation. 53237

(J) The board of embalmers and funeral directors may bring a 53238  
civil action to enjoin any violation or threatened violation of 53239  
sections 4717.01 to 4717.15 of the Revised Code or a rule adopted 53240  
under any of those sections; division (A) or (B) of section 53241  
4717.23; division (B)(1) or (2), (C)(1) or (2), (D), (E), or 53242  
(F)(1) or (2), or divisions (H) to (K) of section 4717.26; 53243  
division (D)(1) of section 4717.27; divisions (A) to (C) of 53244  
section 4717.28, or division (D) or (E) of section 4717.31 of the 53245  
Revised Code. The action shall be brought in the county where the 53246  
violation occurred or the threatened violation is expected to 53247  
occur. At the request of the board, the attorney general shall 53248  
represent the board in any matter arising under this chapter. 53249

(K) The board of embalmers and funeral directors and the 53250  
crematory review board may issue subpoenas for any person holding 53251  
a license or permit under this chapter or persons holding 53252  
themselves out as such, or for any other person whose testimony, 53253  
in the opinion of either board, is necessary. The subpoena shall 53254  
require the person to appear before the appropriate board or any 53255

designated member of either board, upon any hearing conducted 53256  
under this chapter. The penalty for disobedience to the command of 53257  
such a subpoena is the same as for refusal to answer such a 53258  
process issued under authority of the court of common pleas. 53259

(L) Except as provided in section 4717.41 of the Revised 53260  
Code, all moneys received by the board of embalmers and funeral 53261  
directors from any source shall be deposited in the state treasury 53262  
to the credit of the occupational licensing and regulatory fund 53263  
created in section 4743.05 of the Revised Code. 53264

(M) The board of embalmers and funeral directors shall submit 53265  
a written report to the governor on or before the first Monday of 53266  
July of each year. This report shall contain a detailed statement 53267  
of the nature and amount of the board's receipts and the amount 53268  
and manner of its expenditures. 53269

**Sec. 4717.05.** (A) Any person who desires to be licensed as an 53270  
embalmer shall apply to the board of embalmers and funeral 53271  
directors on a form provided by the board. The applicant shall 53272  
include with the application an initial license fee as set forth 53273  
in section 4717.07 of the Revised Code and evidence, verified by 53274  
oath and satisfactory to the board, that the applicant meets all 53275  
of the following requirements: 53276

(1) The applicant is at least eighteen years of age and of 53277  
good moral character. 53278

(2) If the applicant has pleaded guilty to, has been found by 53279  
a judge or jury to be guilty of, or has had a judicial finding of 53280  
eligibility for treatment in lieu of conviction entered against 53281  
the applicant in this state for aggravated murder, murder, 53282  
voluntary manslaughter, felonious assault, kidnapping, rape, 53283  
sexual battery, gross sexual imposition, aggravated arson, 53284  
aggravated robbery, or aggravated burglary, or has pleaded guilty 53285  
to, has been found by a judge or jury to be guilty of, or has had 53286



a judicial finding of eligibility for treatment in lieu of 53287  
conviction entered against the applicant in another jurisdiction 53288  
for a substantially equivalent offense, at least five years has 53289  
elapsed since the applicant was released from incarceration, a 53290  
community control sanction, a post-release control sanction, 53291  
parole, or treatment in connection with the offense. 53292

(3) The applicant holds at least a bachelor's degree from a 53293  
college or university authorized to confer degrees by the 53294  
department of higher education or the comparable legal agency of 53295  
another state in which the college or university is located and 53296  
submits an official transcript from that college or university 53297  
with the application. 53298

(4) The applicant has satisfactorily completed at least 53299  
twelve months of instruction in a prescribed course in mortuary 53300  
science as approved by the board and has presented to the board a 53301  
certificate showing successful completion of the course. The 53302  
course of mortuary science college training may be completed 53303  
either before or after the completion of the educational standard 53304  
set forth in division (A)(3) of this section. 53305

(5) The applicant has ~~registered with~~ been certified by the 53306  
board prior to beginning an embalmer apprenticeship. 53307

(6) The applicant has satisfactorily completed at least one 53308  
year of apprenticeship under an embalmer licensed in this state 53309  
and has participated in embalming at least twenty-five dead human 53310  
bodies. 53311

(7) The applicant, upon meeting the educational standards 53312  
provided for in divisions (A)(3) and (4) of this section and 53313  
completing the apprenticeship required in division (A)(6) of this 53314  
section, has completed the examination for an embalmer's license 53315  
required by the board. 53316

(B) Upon receiving satisfactory evidence verified by oath 53317

that the applicant meets all the requirements of division (A) of 53318  
this section, the board shall issue the applicant an embalmer's 53319  
license. 53320

(C) Any person who desires to be licensed as a funeral 53321  
director shall apply to the board on a form prescribed by the 53322  
board. The application shall include an initial license fee as set 53323  
forth in section 4717.07 of the Revised Code and evidence, 53324  
verified by oath and satisfactory to the board, that the applicant 53325  
meets all of the following requirements: 53326

(1) Except as otherwise provided in division (D) of this 53327  
section, the applicant has satisfactorily met all the requirements 53328  
for an embalmer's license as described in divisions (A)(1) to (4) 53329  
of this section. 53330

(2) The applicant has ~~registered with~~ been certified by the 53331  
board prior to beginning a funeral director apprenticeship. 53332

(3) The applicant, following mortuary science college 53333  
training described in division (A)(4) of this section, has 53334  
satisfactorily completed a one-year apprenticeship under a 53335  
licensed funeral director in this state and has participated in 53336  
directing at least twenty-five funerals. 53337

(4) The applicant has satisfactorily completed the 53338  
examination for a funeral director's license as required by the 53339  
board. 53340

(D) In lieu of mortuary science college training required for 53341  
a funeral director's license under division (C)(1) of this 53342  
section, the applicant may substitute a satisfactorily completed 53343  
two-year apprenticeship under a licensed funeral director in this 53344  
state assisting that person in directing at least fifty funerals. 53345

(E) Upon receiving satisfactory evidence that the applicant 53346  
meets all the requirements of division (C) of this section, the 53347  
board shall issue to the applicant a funeral director's license. 53348

(F) A funeral director or embalmer may request the funeral director's or embalmer's license be placed on inactive status by submitting to the board a form prescribed by the board and such other information as the board may request. A funeral director or embalmer may not place the funeral director's or embalmer's license on inactive status unless the funeral director or embalmer is in good standing with the board and is in compliance with applicable continuing education requirements. A funeral director or embalmer who is granted inactive status is prohibited from participating in any activity for which a funeral director's or embalmer's license is required in this state. A funeral director or embalmer who has been granted inactive status is exempt from the continuing education requirements under section 4717.09 of the Revised Code during the period of the inactive status.

(G) A funeral director or embalmer who has been granted inactive status may not return to active status for at least two years following the date that the inactive status was granted. Following a period of at least two years of inactive status, the funeral director or embalmer may apply to return to active status upon completion of all of the following conditions:

(1) The funeral director or embalmer files with the board a form prescribed by the board seeking active status and provides any other information as the board may request;

(2) The funeral director or embalmer takes and passes the Ohio laws examination for each license being activated;

(3) The funeral director or embalmer pays a reactivation fee to the board in the amount of one hundred forty dollars for each license being reactivated.

(H) As used in this section:

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

(2) "Post-release control sanction" has the same meaning as 53380  
in section 2967.01 of the Revised Code. 53381

**Sec. 4717.07.** (A) The board of embalmers and funeral 53382  
directors shall charge and collect the following fees: 53383

(1) For applying for an initial or biennial renewal of an 53384  
embalmer's or funeral director's license, ~~one~~ two hundred ~~fifty~~ 53385  
dollars; 53386

(2) ~~For applying for an embalmer or funeral director~~ 53387  
~~registration, twenty five dollars;~~ 53388

~~(3)~~ For ~~filing~~ applying for an embalmer or funeral director 53389  
certificate of apprenticeship, ~~ten~~ thirty-five dollars; 53390

~~(4)~~(3) For the application to take the examination for a 53391  
license to practice as an embalmer or funeral director, or to 53392  
retake a section of the examination, thirty-five dollars; 53393

~~(5)~~(4) For applying for an initial license to operate a 53394  
funeral home, ~~three~~ four hundred ~~fifty~~ dollars and biennial 53395  
renewal of a license to operate a funeral home, ~~three~~ four hundred 53396  
~~fifty~~ dollars; 53397

~~(6)~~(5) For the reinstatement of a lapsed embalmer's or 53398  
funeral director's license, the renewal fee prescribed in division 53399  
(A)(1) of this section plus fifty dollars for each month or 53400  
portion of a month the license is lapsed, but not more than one 53401  
thousand dollars; 53402

~~(7)~~(6) For the reinstatement of a lapsed license to operate a 53403  
funeral home, the renewal fee prescribed in division (A)~~(5)~~(4) of 53404  
this section plus fifty dollars for each month or portion of a 53405  
month the license is lapsed until reinstatement, but not more than 53406  
one thousand dollars; 53407

~~(8)~~(7) For applying for a license to operate an embalming 53408  
facility, ~~three~~ four hundred ~~fifty~~ dollars and biennial renewal of 53409

a license to operate an embalming facility, ~~three~~ four hundred 53410  
~~fifty~~ dollars; 53411

~~(9)~~(8) For the reinstatement of a lapsed license to operate 53412  
an embalming facility, the renewal fee prescribed in division 53413  
(A)~~(8)~~(7) of this section plus fifty dollars for each month or 53414  
portion of a month the license is lapsed until reinstatement, but 53415  
not more than one thousand dollars; 53416

~~(10)~~(9) For applying for a license to operate a crematory 53417  
facility, ~~three~~ four hundred ~~fifty~~ dollars and biennial renewal of 53418  
a license to operate a crematory facility, ~~three~~ four hundred 53419  
~~fifty~~ dollars; 53420

~~(11)~~(10) For the reinstatement of a lapsed license to operate 53421  
a crematory facility, the renewal fee prescribed in division 53422  
(A)~~(10)~~(9) of this section plus fifty dollars for each month or 53423  
portion of a month the license is lapsed until reinstatement, but 53424  
not more than five hundred dollars; 53425

~~(12)~~(11) For applying for the initial or biennial renewal of 53426  
a crematory operator permit, one hundred fifty dollars; 53427

~~(13)~~(12) For the reinstatement of a lapsed crematory operator 53428  
permit, the renewal fee prescribed in division (A)~~(12)~~(11) of this 53429  
section plus fifty dollars for each month or portion of a month 53430  
the permit is lapsed, but not more than five hundred dollars; 53431

~~(14)~~(13) For the issuance of a duplicate of a license issued 53432  
under this chapter, ten dollars; 53433

~~(15)~~(14) For each preneed funeral contract sold in the state 53434  
other than those funded by the assignment of an existing insurance 53435  
policy, ten dollars. 53436

(B) In addition to the fees set forth in division (A) of this 53437  
section, an applicant shall pay the examination fee assessed by 53438  
any examining agency the board uses for any section of an 53439

examination required under this chapter. 53440

(C) Subject to the approval of the controlling board, the 53441  
board of embalmers and funeral directors may establish fees in 53442  
excess of the amounts set forth in this section, provided that 53443  
these fees do not exceed the amounts set forth in this section by 53444  
more than fifty per cent. 53445

**Sec. 4717.41.** (A) There is hereby created the preneed 53446  
recovery fund, which shall be in the custody of the treasurer of 53447  
state but shall not be part of the state treasury. All fees 53448  
collected under division (A)~~(15)~~(14) of section 4717.07 of the 53449  
Revised Code shall be deposited into the fund. The fund shall be 53450  
used to reimburse purchasers of preneed funeral contracts who have 53451  
suffered financial loss as a result of the malfeasance, 53452  
misfeasance, default, failure, or insolvency in connection with 53453  
the sale of a preneed funeral contract by any licensee under this 53454  
chapter, regardless of whether the sale of such contract occurred 53455  
before or after the establishment of the fund. The fund, and all 53456  
investment earnings thereon, shall only be used for the purposes 53457  
set forth in this section and shall not be used for any other 53458  
purposes. The fund shall be administered by the board of embalmers 53459  
and funeral directors. 53460

(B) All fees collected under division (A)~~(15)~~(14) of section 53461  
4717.07 of the Revised Code shall be deposited into the fund. 53462  
Deposits to and disbursements from the fund account shall be 53463  
subject to rules established by the board. 53464

(C) If at the end of any fiscal year for this state, the 53465  
balance in the fund exceeds two million dollars, the fee required 53466  
by division (A)~~(15)~~(14) of section 4717.07 of the Revised Code for 53467  
the upcoming fiscal year shall be reduced by fifty per cent. If 53468  
the balance in the fund at the end of a fiscal year exceeds three 53469  
million dollars, the payment of the fee required by division 53470

(A)~~(15)~~(14) of section 4717.07 of the Revised Code shall be 53471  
suspended for the upcoming fiscal year. 53472

(D) The board shall adopt rules governing management of the 53473  
fund, the presentation and processing of applications for 53474  
reimbursement, subrogation, or assignment of the rights of any 53475  
reimbursed applicant. 53476

(E) The board may expend moneys in the fund for the following 53477  
purposes: 53478

(1) To make reimbursements on approved applications; 53479

(2) To purchase insurance to cover losses as considered 53480  
appropriate by the board and not inconsistent with the purposes of 53481  
the fund; 53482

(3) To invest such portions of the fund as are not currently 53483  
needed to reimburse losses and maintain adequate reserves, as are 53484  
permitted to be made by fiduciaries under the laws of this state; 53485

(4) To pay the expenses of the board for administering the 53486  
fund, including employment of local counsel to prosecute 53487  
subrogation claims. 53488

(F) Reimbursements from the fund shall be made only to the 53489  
extent to which those losses are not bonded or otherwise covered, 53490  
protected, or reimbursed and only after the applicant has complied 53491  
with all applicable rules of the board. 53492

(G) The board shall investigate all applications made and may 53493  
reject or allow such claims in whole or in part to the extent that 53494  
moneys are available in the fund. The board shall have complete 53495  
discretion to determine the order and manner of payment of 53496  
approved applications. All payments shall be a matter of privilege 53497  
and not of right, and no person shall have any right in the fund 53498  
as a third-party beneficiary or otherwise. No attorney may be 53499  
compensated by the board for prosecuting an application for 53500

reimbursement. 53501

(H) If reimbursement is made to an applicant under this 53502  
section, the board shall be subrogated in the reimbursement amount 53503  
and may bring any action it considers advisable against any 53504  
person. The board may enforce any claims it may have for 53505  
restitution or otherwise and may employ and compensate 53506  
consultants, agents, legal counsel, accountants, and other persons 53507  
it considers appropriate. 53508

**Sec. 4723.06.** (A) The board of nursing shall: 53509

(1) Administer and enforce the provisions of this chapter, 53510  
including the taking of disciplinary action for violations of 53511  
section 4723.28 of the Revised Code, any other provisions of this 53512  
chapter, or rules adopted under this chapter; 53513

(2) Develop criteria that an applicant must meet to be 53514  
eligible to sit for the examination for licensure to practice as a 53515  
registered nurse or as a licensed practical nurse; 53516

(3) Issue and renew nursing licenses, dialysis technician 53517  
certificates, and community health worker certificates, as 53518  
provided in this chapter; 53519

(4) Define the minimum educational standards for the schools 53520  
and programs of registered nursing and practical nursing in this 53521  
state; 53522

(5) Survey, inspect, and grant full approval to prelicensure 53523  
nursing education programs in this state that meet the standards 53524  
established by rules adopted under section 4723.07 of the Revised 53525  
Code. Prelicensure nursing education programs include, but are not 53526  
limited to, diploma, associate degree, baccalaureate degree, 53527  
master's degree, and doctor of nursing programs leading to initial 53528  
licensure to practice nursing as a registered nurse and practical 53529  
nurse programs leading to initial licensure to practice nursing as 53530



a licensed practical nurse. 53531

(6) Grant conditional approval, by a vote of a quorum of the 53532  
board, to a new prelicensure nursing education program or a 53533  
program that is being reestablished after having ceased to 53534  
operate, if the program meets and maintains the minimum standards 53535  
of the board established by rules adopted under section 4723.07 of 53536  
the Revised Code. If the board does not grant conditional 53537  
approval, it shall hold an adjudication under Chapter 119. of the 53538  
Revised Code to consider conditional approval of the program. If 53539  
the board grants conditional approval, at the first meeting 53540  
following completion of the survey process required by division 53541  
(A)(5) of this section, the board shall determine whether to grant 53542  
full approval to the program. If the board does not grant full 53543  
approval or if it appears that the program has failed to meet and 53544  
maintain standards established by rules adopted under section 53545  
4723.07 of the Revised Code, the board shall hold an adjudication 53546  
under Chapter 119. of the Revised Code to consider the program. 53547  
Based on results of the adjudication, the board may continue or 53548  
withdraw conditional approval, or grant full approval. 53549

(7) Place on provisional approval, for a period of time 53550  
specified by the board, a prelicensure nursing education program 53551  
that has ceased to meet and maintain the minimum standards of the 53552  
board established by rules adopted under section 4723.07 of the 53553  
Revised Code. Prior to or at the end of the period, the board 53554  
shall reconsider whether the program meets the standards and shall 53555  
grant full approval if it does. If it does not, the board may 53556  
withdraw approval, pursuant to an adjudication under Chapter 119. 53557  
of the Revised Code. 53558

(8) Approve continuing education programs and courses under 53559  
standards established in rules adopted under sections 4723.07, 53560  
4723.69, 4723.79, and 4723.88 of the Revised Code; 53561

(9) Establish a substance ~~abuse~~ use disorder monitoring 53562

program in accordance with section 4723.35 of the Revised Code;	53563
(10) Establish the practice intervention and improvement	53564
program in accordance with section 4723.282 of the Revised Code;	53565
(11) Grant approval to the course of study in advanced	53566
pharmacology and related topics described in section 4723.482 of	53567
the Revised Code;	53568
(12) Make an annual edition of the exclusionary formulary	53569
established in rules adopted under section 4723.50 of the Revised	53570
Code available to the public by electronic means and, as soon as	53571
possible after any revision of the formulary becomes effective,	53572
make the revision available to the public by electronic means;	53573
(13) Approve under section 4723.46 of the Revised Code	53574
national certifying organizations for examination and licensure of	53575
advanced practice registered nurses, which may include separate	53576
organizations for each nursing specialty;	53577
(14) Provide guidance and make recommendations to the general	53578
assembly, the governor, state agencies, and the federal government	53579
with respect to the regulation of the practice of nursing and the	53580
enforcement of this chapter;	53581
(15) Make an annual report to the governor, which shall be	53582
open for public inspection;	53583
(16) Maintain and have open for public inspection the	53584
following records:	53585
(a) A record of all its meetings and proceedings;	53586
(b) A record of all applicants for, and holders of, licenses	53587
and certificates issued by the board under this chapter or in	53588
accordance with rules adopted under this chapter. The record shall	53589
be maintained in a format determined by the board.	53590
(c) A list of education and training programs approved by the	53591
board.	53592

(17) Deny conditional approval to a new prelicensure nursing education program or a program that is being reestablished after having ceased to operate if the program or a person acting on behalf of the program submits or causes to be submitted to the board false, misleading, or deceptive statements, information, or documentation in the process of applying for approval of the program. If the board proposes to deny approval of the program, it shall do so pursuant to an adjudication conducted under Chapter 119. of the Revised Code.

(B) The board may fulfill the requirement of division (A)(8) of this section by authorizing persons who meet the standards established in rules adopted under section 4723.07 of the Revised Code to approve continuing education programs and courses. Persons so authorized shall approve continuing education programs and courses in accordance with standards established in rules adopted under section 4723.07 of the Revised Code.

Persons seeking authorization to approve continuing education programs and courses shall apply to the board and pay the appropriate fee established under section 4723.08 of the Revised Code. Authorizations to approve continuing education programs and courses shall expire and may be renewed according to the schedule established in rules adopted under section 4723.07 of the Revised Code.

In addition to approving continuing education programs under division (A)(8) of this section, the board may sponsor continuing education activities that are directly related to the statutes and rules the board enforces.

(C)(1) The board may deny conditional approval to a new prelicensure nursing education program or program that is being reestablished after having ceased to operate if the program is controlled by a person who controls or has controlled a program that had its approval withdrawn, revoked, suspended, or restricted

by the board or a board of another jurisdiction that is a member 53625  
of the national council of state boards of nursing. If the board 53626  
proposes to deny approval, it shall do so pursuant to an 53627  
adjudication conducted under Chapter 119. of the Revised Code. 53628

(2) As used in this division, "control" means any of the 53629  
following: 53630

(a) Holding fifty per cent or more of the outstanding voting 53631  
securities or membership interest of a prelicensure nursing 53632  
education program; 53633

(b) In the case of an unincorporated prelicensure nursing 53634  
education program, having the right to fifty per cent or more of 53635  
the program's profits or in the event of a dissolution, fifty per 53636  
cent or more of the program's assets; 53637

(c) In the case of a prelicensure nursing education program 53638  
that is a for-profit or not-for-profit corporation, having the 53639  
contractual authority presently to designate fifty per cent or 53640  
more of its directors; 53641

(d) In the case of a prelicensure nursing education program 53642  
that is a trust, having the contractual authority presently to 53643  
designate fifty per cent or more of its trustees; 53644

(e) Having the authority to direct the management, policies, 53645  
or investments of a prelicensure nursing education program. 53646

(D)(1) When an action taken by the board under division 53647  
(A)(6), (7), or (17) or (C)(1) of this section is required to be 53648  
taken pursuant to an adjudication conducted under Chapter 119. of 53649  
the Revised Code, the board may, in lieu of an adjudication 53650  
hearing, enter into a consent agreement to resolve the matter. A 53651  
consent agreement, when ratified by a vote of a quorum of the 53652  
board, constitutes the findings and order of the board with 53653  
respect to the matter addressed in the agreement. If the board 53654  
refuses to ratify a consent agreement, the admissions and findings 53655

contained in the agreement are of no effect. 53656

(2) In any instance in which the board is required under 53657  
Chapter 119. of the Revised Code to give notice to a person 53658  
seeking approval of a prelicensure nursing education program of an 53659  
opportunity for a hearing and the person does not make a timely 53660  
request for a hearing in accordance with section 119.07 of the 53661  
Revised Code, the board is not required to hold a hearing, but may 53662  
adopt, by a vote of a quorum, a final order that contains the 53663  
board's findings. 53664

(3) When the board denies or withdraws approval of a 53665  
prelicensure nursing education program, the board may specify that 53666  
its action is permanent. A program subject to a permanent action 53667  
taken by the board is forever ineligible for approval and the 53668  
board shall not accept an application for the program's 53669  
reinstatement or approval. 53670

**Sec. 4723.08.** (A) The board of nursing may impose fees not to 53671  
exceed the following limits: 53672

(1) For application for licensure by examination or 53673  
endorsement to practice nursing as a registered nurse or as a 53674  
licensed practical nurse, seventy-five dollars; 53675

(2) For application for licensure to practice nursing as an 53676  
advanced practice registered nurse, one hundred fifty dollars; 53677

(3) For application for a dialysis technician intern 53678  
certificate, the amount specified in rules adopted under section 53679  
4723.79 of the Revised Code; 53680

(4) For application for a dialysis technician certificate, 53681  
the amount specified in rules adopted under section 4723.79 of the 53682  
Revised Code; 53683

(5) For providing, pursuant to division (B) of section 53684  
4723.271 of the Revised Code, written verification of a nursing 53685

license, dialysis technician certificate, medication aide	53686
certificate, or community health worker certificate to another	53687
jurisdiction, fifteen dollars;	53688
(6) For providing, pursuant to division (A) of section	53689
4723.271 of the Revised Code, a replacement copy of a wall	53690
certificate suitable for framing as described in that division,	53691
twenty-five dollars;	53692
(7) For renewal of a license to practice as a registered	53693
nurse or licensed practical nurse, sixty-five dollars;	53694
(8) For renewal of a license to practice as an advanced	53695
practice registered nurse, one hundred thirty-five dollars;	53696
(9) For renewal of a dialysis technician certificate, the	53697
amount specified in rules adopted under section 4723.79 of the	53698
Revised Code;	53699
(10) For processing a late application for renewal of a	53700
nursing license, <del>certificate of authority</del> , or dialysis technician	53701
certificate, fifty dollars;	53702
(11) For application for authorization to approve continuing	53703
education programs and courses from an applicant accredited by a	53704
national accreditation system for nursing, five hundred dollars;	53705
(12) For application for authorization to approve continuing	53706
education programs and courses from an applicant not accredited by	53707
a national accreditation system for nursing, one thousand dollars;	53708
(13) For each year for which authorization to approve	53709
continuing education programs and courses is renewed, one hundred	53710
fifty dollars;	53711
(14) For application for approval to operate a dialysis	53712
training program, the amount specified in rules adopted under	53713
section 4723.79 of the Revised Code;	53714
(15) For reinstatement of a lapsed license or certificate	53715

issued under this chapter, one hundred dollars except as provided 53716  
in section 5903.10 of the Revised Code; 53717

(16) For processing a check returned to the board by a 53718  
financial institution, twenty-five dollars; 53719

(17) The amounts specified in rules adopted under section 53720  
4723.88 of the Revised Code pertaining to the issuance of 53721  
certificates to community health workers, including fees for 53722  
application for a certificate, renewal of a certificate, 53723  
processing a late application for renewal of a certificate, 53724  
reinstatement of a lapsed certificate, application for approval of 53725  
a community health worker training program for community health 53726  
workers, and renewal of the approval of a training program for 53727  
community health workers. 53728

(B) Each quarter, for purposes of transferring funds under 53729  
section 4743.05 of the Revised Code to the nurse education 53730  
assistance fund created in section 3333.28 of the Revised Code, 53731  
the board of nursing shall certify to the director of budget and 53732  
management the number of licenses renewed under this chapter 53733  
during the preceding quarter and the amount equal to that number 53734  
times five dollars. 53735

(C) The board may charge a participant in a board-sponsored 53736  
continuing education activity an amount not exceeding fifteen 53737  
dollars for each activity. 53738

(D) The board may contract for services pertaining to the 53739  
process of providing written verification of a license or 53740  
certificate when the verification is performed for purposes other 53741  
than providing verification to another jurisdiction. The contract 53742  
may include provisions pertaining to the collection of the fee 53743  
charged for providing the written verification. As part of these 53744  
provisions, the board may permit the contractor to retain a 53745  
portion of the fees as compensation, before any amounts are 53746

deposited into the state treasury. 53747

**Sec. 4723.28.** (A) The board of nursing, by a vote of a 53748  
quorum, may impose one or more of the following sanctions if it 53749  
finds that a person committed fraud in passing an examination 53750  
required to obtain a license or dialysis technician certificate 53751  
issued by the board or to have committed fraud, misrepresentation, 53752  
or deception in applying for or securing any nursing license or 53753  
dialysis technician certificate issued by the board: deny, revoke, 53754  
suspend, or place restrictions on any nursing license or dialysis 53755  
technician certificate issued by the board; reprimand or otherwise 53756  
discipline a holder of a nursing license or dialysis technician 53757  
certificate; or impose a fine of not more than five hundred 53758  
dollars per violation. 53759

(B) The board of nursing, by a vote of a quorum, may impose 53760  
one or more of the following sanctions: deny, revoke, suspend, or 53761  
place restrictions on any nursing license or dialysis technician 53762  
certificate issued by the board; reprimand or otherwise discipline 53763  
a holder of a nursing license or dialysis technician certificate; 53764  
or impose a fine of not more than five hundred dollars per 53765  
violation. The sanctions may be imposed for any of the following: 53766

(1) Denial, revocation, suspension, or restriction of 53767  
authority to engage in a licensed profession or practice a health 53768  
care occupation, including nursing or practice as a dialysis 53769  
technician, for any reason other than a failure to renew, in Ohio 53770  
or another state or jurisdiction; 53771

(2) Engaging in the practice of nursing or engaging in 53772  
practice as a dialysis technician, having failed to renew a 53773  
nursing license or dialysis technician certificate issued under 53774  
this chapter, or while a nursing license or dialysis technician 53775  
certificate is under suspension; 53776

(3) Conviction of, a plea of guilty to, a judicial finding of 53777



guilt of, a judicial finding of guilt resulting from a plea of no	53778
contest to, or a judicial finding of eligibility for a pretrial	53779
diversion or similar program or for intervention in lieu of	53780
conviction for, a misdemeanor committed in the course of practice;	53781
(4) Conviction of, a plea of guilty to, a judicial finding of	53782
guilt of, a judicial finding of guilt resulting from a plea of no	53783
contest to, or a judicial finding of eligibility for a pretrial	53784
diversion or similar program or for intervention in lieu of	53785
conviction for, any felony or of any crime involving gross	53786
immorality or moral turpitude;	53787
(5) Selling, giving away, or administering drugs or	53788
therapeutic devices for other than legal and legitimate	53789
therapeutic purposes; or conviction of, a plea of guilty to, a	53790
judicial finding of guilt of, a judicial finding of guilt	53791
resulting from a plea of no contest to, or a judicial finding of	53792
eligibility for a pretrial diversion or similar program or for	53793
intervention in lieu of conviction for, violating any municipal,	53794
state, county, or federal drug law;	53795
(6) Conviction of, a plea of guilty to, a judicial finding of	53796
guilt of, a judicial finding of guilt resulting from a plea of no	53797
contest to, or a judicial finding of eligibility for a pretrial	53798
diversion or similar program or for intervention in lieu of	53799
conviction for, an act in another jurisdiction that would	53800
constitute a felony or a crime of moral turpitude in Ohio;	53801
(7) Conviction of, a plea of guilty to, a judicial finding of	53802
guilt of, a judicial finding of guilt resulting from a plea of no	53803
contest to, or a judicial finding of eligibility for a pretrial	53804
diversion or similar program or for intervention in lieu of	53805
conviction for, an act in the course of practice in another	53806
jurisdiction that would constitute a misdemeanor in Ohio;	53807
(8) Self-administering or otherwise taking into the body any	53808

dangerous drug, as defined in section 4729.01 of the Revised Code, 53809  
in any way that is not in accordance with a legal, valid 53810  
prescription issued for that individual, or self-administering or 53811  
otherwise taking into the body any drug that is a schedule I 53812  
controlled substance; 53813

(9) Habitual or excessive use of controlled substances, other 53814  
habit-forming drugs, or alcohol or other chemical substances to an 53815  
extent that impairs the individual's ability to provide safe 53816  
nursing care or safe dialysis care; 53817

(10) Impairment of the ability to practice according to 53818  
acceptable and prevailing standards of safe nursing care or safe 53819  
dialysis care because of the use of drugs, alcohol, or other 53820  
chemical substances; 53821

(11) Impairment of the ability to practice according to 53822  
acceptable and prevailing standards of safe nursing care or safe 53823  
dialysis care because of a physical or mental disability; 53824

(12) Assaulting or causing harm to a patient or depriving a 53825  
patient of the means to summon assistance; 53826

(13) Misappropriation or attempted misappropriation of money 53827  
or anything of value in the course of practice; 53828

(14) Adjudication by a probate court of being mentally ill or 53829  
mentally incompetent. The board may reinstate the person's nursing 53830  
license or dialysis technician certificate upon adjudication by a 53831  
probate court of the person's restoration to competency or upon 53832  
submission to the board of other proof of competency. 53833

(15) The suspension or termination of employment by the 53834  
United States department of defense or department of veterans 53835  
affairs for any act that violates or would violate this chapter; 53836

(16) Violation of this chapter or any rules adopted under it; 53837

(17) Violation of any restrictions placed by the board on a 53838

nursing license or dialysis technician certificate;	53839
(18) Failure to use universal and standard precautions	53840
established by rules adopted under section 4723.07 of the Revised	53841
Code;	53842
(19) Failure to practice in accordance with acceptable and	53843
prevailing standards of safe nursing care or safe dialysis care;	53844
(20) In the case of a registered nurse, engaging in	53845
activities that exceed the practice of nursing as a registered	53846
nurse;	53847
(21) In the case of a licensed practical nurse, engaging in	53848
activities that exceed the practice of nursing as a licensed	53849
practical nurse;	53850
(22) In the case of a dialysis technician, engaging in	53851
activities that exceed those permitted under section 4723.72 of	53852
the Revised Code;	53853
(23) Aiding and abetting a person in that person's practice	53854
of nursing without a license or practice as a dialysis technician	53855
without a certificate issued under this chapter;	53856
(24) In the case of an advanced practice registered nurse,	53857
except as provided in division (M) of this section, either of the	53858
following:	53859
(a) Waiving the payment of all or any part of a deductible or	53860
copayment that a patient, pursuant to a health insurance or health	53861
care policy, contract, or plan that covers such nursing services,	53862
would otherwise be required to pay if the waiver is used as an	53863
enticement to a patient or group of patients to receive health	53864
care services from that provider;	53865
(b) Advertising that the nurse will waive the payment of all	53866
or any part of a deductible or copayment that a patient, pursuant	53867
to a health insurance or health care policy, contract, or plan	53868

that covers such nursing services, would otherwise be required to pay.	53869 53870
(25) Failure to comply with the terms and conditions of participation in the substance use disorder monitoring program established under section 4723.35 of the Revised Code;	53871 53872 53873
(26) Failure to comply with the terms and conditions required under the practice intervention and improvement program established under section 4723.282 of the Revised Code;	53874 53875 53876
(27) In the case of an advanced practice registered nurse:	53877
(a) Engaging in activities that exceed those permitted for the nurse's nursing specialty under section 4723.43 of the Revised Code;	53878 53879 53880
(b) Failure to meet the quality assurance standards established under section 4723.07 of the Revised Code.	53881 53882
(28) In the case of an advanced practice registered nurse other than a certified registered nurse anesthetist, failure to maintain a standard care arrangement in accordance with section 4723.431 of the Revised Code or to practice in accordance with the standard care arrangement;	53883 53884 53885 53886 53887
(29) In the case of an advanced practice registered nurse who is designated as a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner, failure to prescribe drugs and therapeutic devices in accordance with section 4723.481 of the Revised Code;	53888 53889 53890 53891 53892
(30) Prescribing any drug or device to perform or induce an abortion, or otherwise performing or inducing an abortion;	53893 53894
(31) Failure to establish and maintain professional boundaries with a patient, as specified in rules adopted under section 4723.07 of the Revised Code;	53895 53896 53897
(32) Regardless of whether the contact or verbal behavior is	53898

consensual, engaging with a patient other than the spouse of the 53899  
registered nurse, licensed practical nurse, or dialysis technician 53900  
in any of the following: 53901

(a) Sexual contact, as defined in section 2907.01 of the 53902  
Revised Code; 53903

(b) Verbal behavior that is sexually demeaning to the patient 53904  
or may be reasonably interpreted by the patient as sexually 53905  
demeaning. 53906

(33) Assisting suicide, as defined in section 3795.01 of the 53907  
Revised Code; 53908

(34) Failure to comply with the requirements in section 53909  
3719.061 of the Revised Code before issuing for a minor a 53910  
prescription for an opioid analgesic, as defined in section 53911  
3719.01 of the Revised Code; 53912

(35) Failure to comply with section 4723.487 of the Revised 53913  
Code, unless the state board of pharmacy no longer maintains a 53914  
drug database pursuant to section 4729.75 of the Revised Code; 53915

(36) The revocation, suspension, restriction, reduction, or 53916  
termination of clinical privileges by the United States department 53917  
of defense or department of veterans affairs or the termination or 53918  
suspension of a certificate of registration to prescribe drugs by 53919  
the drug enforcement administration of the United States 53920  
department of justice. 53921

(C) Disciplinary actions taken by the board under divisions 53922  
(A) and (B) of this section shall be taken pursuant to an 53923  
adjudication conducted under Chapter 119. of the Revised Code, 53924  
except that in lieu of a hearing, the board may enter into a 53925  
consent agreement with an individual to resolve an allegation of a 53926  
violation of this chapter or any rule adopted under it. A consent 53927  
agreement, when ratified by a vote of a quorum, shall constitute 53928  
the findings and order of the board with respect to the matter 53929

addressed in the agreement. If the board refuses to ratify a 53930  
consent agreement, the admissions and findings contained in the 53931  
agreement shall be of no effect. 53932

(D) The hearings of the board shall be conducted in 53933  
accordance with Chapter 119. of the Revised Code, the board may 53934  
appoint a hearing examiner, as provided in section 119.09 of the 53935  
Revised Code, to conduct any hearing the board is authorized to 53936  
hold under Chapter 119. of the Revised Code. 53937

In any instance in which the board is required under Chapter 53938  
119. of the Revised Code to give notice of an opportunity for a 53939  
hearing and the applicant, licensee, or certificate holder does 53940  
not make a timely request for a hearing in accordance with section 53941  
119.07 of the Revised Code, the board is not required to hold a 53942  
hearing, but may adopt, by a vote of a quorum, a final order that 53943  
contains the board's findings. In the final order, the board may 53944  
order any of the sanctions listed in division (A) or (B) of this 53945  
section. 53946

(E) If a criminal action is brought against a registered 53947  
nurse, licensed practical nurse, or dialysis technician for an act 53948  
or crime described in divisions (B)(3) to (7) of this section and 53949  
the action is dismissed by the trial court other than on the 53950  
merits, the board shall conduct an adjudication to determine 53951  
whether the registered nurse, licensed practical nurse, or 53952  
dialysis technician committed the act on which the action was 53953  
based. If the board determines on the basis of the adjudication 53954  
that the registered nurse, licensed practical nurse, or dialysis 53955  
technician committed the act, or if the registered nurse, licensed 53956  
practical nurse, or dialysis technician fails to participate in 53957  
the adjudication, the board may take action as though the 53958  
registered nurse, licensed practical nurse, or dialysis technician 53959  
had been convicted of the act. 53960

If the board takes action on the basis of a conviction, plea, 53961

or a judicial finding as described in divisions (B)(3) to (7) of 53962  
this section that is overturned on appeal, the registered nurse, 53963  
licensed practical nurse, or dialysis technician may, on 53964  
exhaustion of the appeal process, petition the board for 53965  
reconsideration of its action. On receipt of the petition and 53966  
supporting court documents, the board shall temporarily rescind 53967  
its action. If the board determines that the decision on appeal 53968  
was a decision on the merits, it shall permanently rescind its 53969  
action. If the board determines that the decision on appeal was 53970  
not a decision on the merits, it shall conduct an adjudication to 53971  
determine whether the registered nurse, licensed practical nurse, 53972  
or dialysis technician committed the act on which the original 53973  
conviction, plea, or judicial finding was based. If the board 53974  
determines on the basis of the adjudication that the registered 53975  
nurse, licensed practical nurse, or dialysis technician committed 53976  
such act, or if the registered nurse, licensed practical nurse, or 53977  
dialysis technician does not request an adjudication, the board 53978  
shall reinstate its action; otherwise, the board shall permanently 53979  
rescind its action. 53980

Notwithstanding the provision of division (C)(2) of section 53981  
2953.32 of the Revised Code specifying that if records pertaining 53982  
to a criminal case are sealed under that section the proceedings 53983  
in the case shall be deemed not to have occurred, sealing of the 53984  
following records on which the board has based an action under 53985  
this section shall have no effect on the board's action or any 53986  
sanction imposed by the board under this section: records of any 53987  
conviction, guilty plea, judicial finding of guilt resulting from 53988  
a plea of no contest, or a judicial finding of eligibility for a 53989  
pretrial diversion program or intervention in lieu of conviction. 53990

The board shall not be required to seal, destroy, redact, or 53991  
otherwise modify its records to reflect the court's sealing of 53992  
conviction records. 53993

(F) The board may investigate an individual's criminal background in performing its duties under this section. As part of such investigation, the board may order the individual to submit, at the individual's expense, a request to the bureau of criminal identification and investigation for a criminal records check and check of federal bureau of investigation records in accordance with the procedure described in section 4723.091 of the Revised Code.

(G) During the course of an investigation conducted under this section, the board may compel any registered nurse, licensed practical nurse, or dialysis technician or applicant under this chapter to submit to a mental or physical examination, or both, as required by the board and at the expense of the individual, if the board finds reason to believe that the individual under investigation may have a physical or mental impairment that may affect the individual's ability to provide safe nursing care. Failure of any individual to submit to a mental or physical examination when directed constitutes an admission of the allegations, unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence.

If the board finds that an individual is impaired, the board shall require the individual to submit to care, counseling, or treatment approved or designated by the board, as a condition for initial, continued, reinstated, or renewed authority to practice. The individual shall be afforded an opportunity to demonstrate to the board that the individual can begin or resume the individual's occupation in compliance with acceptable and prevailing standards of care under the provisions of the individual's authority to practice.

For purposes of this division, any registered nurse, licensed practical nurse, or dialysis technician or applicant under this



chapter shall be deemed to have given consent to submit to a 54026  
mental or physical examination when directed to do so in writing 54027  
by the board, and to have waived all objections to the 54028  
admissibility of testimony or examination reports that constitute 54029  
a privileged communication. 54030

(H) The board shall investigate evidence that appears to show 54031  
that any person has violated any provision of this chapter or any 54032  
rule of the board. Any person may report to the board any 54033  
information the person may have that appears to show a violation 54034  
of any provision of this chapter or rule of the board. In the 54035  
absence of bad faith, any person who reports such information or 54036  
who testifies before the board in any adjudication conducted under 54037  
Chapter 119. of the Revised Code shall not be liable for civil 54038  
damages as a result of the report or testimony. 54039

(I) All of the following apply under this chapter with 54040  
respect to the confidentiality of information: 54041

(1) Information received by the board pursuant to a complaint 54042  
or an investigation is confidential and not subject to discovery 54043  
in any civil action, except that the board may disclose 54044  
information to law enforcement officers and government entities 54045  
for purposes of an investigation of either a licensed health care 54046  
professional, including a registered nurse, licensed practical 54047  
nurse, or dialysis technician, or a person who may have engaged in 54048  
the unauthorized practice of nursing or dialysis care. No law 54049  
enforcement officer or government entity with knowledge of any 54050  
information disclosed by the board pursuant to this division shall 54051  
divulge the information to any other person or government entity 54052  
except for the purpose of a government investigation, a 54053  
prosecution, or an adjudication by a court or government entity. 54054

(2) If an investigation requires a review of patient records, 54055  
the investigation and proceeding shall be conducted in such a 54056  
manner as to protect patient confidentiality. 54057

(3) All adjudications and investigations of the board shall 54058  
be considered civil actions for the purposes of section 2305.252 54059  
of the Revised Code. 54060

(4) Any board activity that involves continued monitoring of 54061  
an individual as part of or following any disciplinary action 54062  
taken under this section shall be conducted in a manner that 54063  
maintains the individual's confidentiality. Information received 54064  
or maintained by the board with respect to the board's monitoring 54065  
activities is not subject to discovery in any civil action and is 54066  
confidential, except that the board may disclose information to 54067  
law enforcement officers and government entities for purposes of 54068  
an investigation of a licensee or certificate holder. 54069

(J) Any action taken by the board under this section 54070  
resulting in a suspension from practice shall be accompanied by a 54071  
written statement of the conditions under which the person may be 54072  
reinstated to practice. 54073

(K) When the board refuses to grant a license or certificate 54074  
to an applicant, revokes a license or certificate, or refuses to 54075  
reinstate a license or certificate, the board may specify that its 54076  
action is permanent. An individual subject to permanent action 54077  
taken by the board is forever ineligible to hold a license or 54078  
certificate of the type that was refused or revoked and the board 54079  
shall not accept from the individual an application for 54080  
reinstatement of the license or certificate or for a new license 54081  
or certificate. 54082

(L) No unilateral surrender of a nursing license, ~~certificate~~ 54083  
~~of authority,~~ or dialysis technician certificate issued under this 54084  
chapter shall be effective unless accepted by majority vote of the 54085  
board. No application for a nursing license, ~~certificate of~~ 54086  
~~authority,~~ or dialysis technician certificate issued under this 54087  
chapter may be withdrawn without a majority vote of the board. The 54088  
board's jurisdiction to take disciplinary action under this 54089

section is not removed or limited when an individual has a license 54090  
or certificate classified as inactive or fails to renew a license 54091  
or certificate. 54092

(M) Sanctions shall not be imposed under division (B)(24) of 54093  
this section against any licensee who waives deductibles and 54094  
copayments as follows: 54095

(1) In compliance with the health benefit plan that expressly 54096  
allows such a practice. Waiver of the deductibles or copayments 54097  
shall be made only with the full knowledge and consent of the plan 54098  
purchaser, payer, and third-party administrator. Documentation of 54099  
the consent shall be made available to the board upon request. 54100

(2) For professional services rendered to any other person 54101  
licensed pursuant to this chapter to the extent allowed by this 54102  
chapter and the rules of the board. 54103

**Sec. 4723.94.** (A) As used in this section: 54104

(1) "Facility fee" means any fee charged or billed for 54105  
telemedicine services provided in a facility that is intended to 54106  
compensate the facility for its operational expenses and is 54107  
separate and distinct from a professional fee. 54108

(2) "Health plan issuer" has the same meaning as in section 54109  
3922.01 of the Revised Code. 54110

(3) "Telemedicine services" has the same meaning as in 54111  
section 3902.30 of the Revised Code. 54112

(B) An advanced practice registered nurse providing 54113  
telemedicine services shall not charge a facility fee, an 54114  
origination fee, or any fee associated with the cost of the 54115  
equipment used to provide telemedicine services to a health plan 54116  
issuer covering telemedicine services under section 3902.30 of the 54117  
Revised Code. 54118

Sec. 4727.03. (A) As used in this section, "experience and fitness in the capacity involved" means that the applicant for a pawnbroker's license demonstrates sufficient financial responsibility, reputation, and experience in the pawnbroker business, or in a related business, to act as a pawnbroker in compliance with this chapter. "Experience and fitness in the capacity involved" shall be determined by:

(1) Prior or current ownership or management of, or employment in, a pawnshop;

(2) Demonstration to the satisfaction of the superintendent of financial institutions of a thorough working knowledge of all pawnbroker laws and rules as they relate to the actual operation of a pawnshop.

A demonstration shall include a demonstration of an ability to properly complete forms, knowledge of how to properly calculate interest and storage charges, and knowledge of legal notice and forfeiture procedures. The final determination of whether an applicant's demonstration is adequate rests with the superintendent.

(3) A submission by the applicant and any stockholders, owners, managers, directors, or officers of the pawnshop, and employees of the applicant to a police record check; and

(4) Liquid assets in a minimum amount of one hundred twenty-five thousand dollars at the time of applying for initial licensure and demonstration of the ability to maintain the liquid assets at a minimum amount of seventy-five thousand dollars for the duration of holding a valid pawnbroker's license. If an applicant holds a pawnbroker's license at the time of application or is applying for more than one license, this requirement shall be met separately for each license.

(B) The superintendent may grant a license to act as a pawnbroker to any person of good character and having experience and fitness in the capacity involved to engage in the business of pawnbroking upon the payment to the superintendent of a license fee determined by the superintendent pursuant to section 1321.20 of the Revised Code. A license is not transferable or assignable.

(C) The superintendent may consider an application withdrawn and may retain the investigation fee required under division (D) of this section if both of the following are true:

(1) An application for a license does not contain all of the information required under division (B) of this section.

(2) The information is not submitted to the superintendent within ninety days after the superintendent requests the information from the applicant in writing.

(D) The superintendent shall require an applicant for a pawnbroker's license to pay to the superintendent a nonrefundable initial investigation fee of two hundred dollars, which is for the exclusive use of the state.

(E)(1) Except as otherwise provided in division (E)(2) of this section, a pawnbroker's license issued by the superintendent expires on the thirtieth day of June next following the date of its issuance, or on a different date set by the superintendent pursuant to section 1181.23 of the Revised Code, and may be renewed annually ~~by the thirtieth day of June~~ in accordance with the standard renewal procedure set forth in Chapter 4745. of the Revised Code. Fifty per cent of the annual license fee shall be for the use of the state, and fifty per cent shall be paid by the state to the municipal corporation, or if outside the limits of any municipal corporation, to the county, in which the office of the licensee is located. All such fees payable to municipal corporations or counties shall be paid annually.

(2) A pawnbroker's license issued or renewed by the 54180  
superintendent on or after January 1, 2006, expires on the 54181  
thirtieth day of June in the even-numbered year next following the 54182  
date of its issuance or renewal, as applicable, and may be renewed 54183  
biennially by the thirtieth day of June in accordance with the 54184  
standard renewal procedure set forth in Chapter 4745. of the 54185  
Revised Code. Fifty per cent of the biennial license fee shall be 54186  
for the use of the state, and fifty per cent shall be paid by the 54187  
state to the municipal corporation, or if outside the limits of 54188  
any municipal corporation, to the county, in which the office of 54189  
the licensee is located. All such fees payable to municipal 54190  
corporations or counties shall be paid biennially. If deemed 54191  
necessary for participation, the superintendent may reset the 54192  
renewal date and require annual registration pursuant to section 54193  
1181.23 of the Revised Code. 54194

(F) The fee for renewal of a license shall be equivalent to 54195  
the fee for an initial license established by the superintendent 54196  
pursuant to section 1321.20 of the Revised Code. Any licensee who 54197  
wishes to renew the pawnbroker's license but who fails to do so on 54198  
or before the date the license expires shall reapply for licensure 54199  
in the same manner and pursuant to the same requirements as for 54200  
initial licensure, unless the licensee pays to the superintendent 54201  
on or before the thirty-first day of August of the year the 54202  
license expires, a late renewal penalty of one hundred dollars in 54203  
addition to the regular renewal fee. Any licensee who fails to 54204  
renew the license on or before the date the license expires is 54205  
prohibited from acting as a pawnbroker until the license is 54206  
renewed or a new license is issued under this section. Any 54207  
licensee who renews a license between the first day of July and 54208  
the thirty-first day of August of the year the license expires is 54209  
not relieved from complying with this division. The superintendent 54210  
may refuse to issue to or renew the license of any licensee who 54211  
violates this division. 54212

(G) No license shall be granted to any person not a resident 54213  
of or the principal office of which is not located in the 54214  
municipal corporation or county designated in such license unless 54215  
that applicant, in writing and in due form approved by and filed 54216  
with the superintendent, first appoints an agent, a resident of 54217  
the state, and city or county where the office is to be located, 54218  
upon whom all judicial and other process, or legal notice, 54219  
directed to the applicant may be served. In case of the death, 54220  
removal from the state, or any legal disability or any 54221  
disqualification of any such agent, service of such process or 54222  
notice may be made upon the superintendent. 54223

The superintendent may, upon notice to the licensee and 54224  
reasonable opportunity to be heard, suspend or revoke any license 54225  
or assess a penalty against the licensee if the licensee, or the 54226  
licensee's officers, agents, or employees, has violated this 54227  
chapter. Any penalty shall be appropriate to the violation but in 54228  
no case shall the penalty be less than two hundred nor more than 54229  
two thousand dollars. Whenever, for any cause, a license is 54230  
suspended or revoked, the superintendent shall not issue another 54231  
license to the licensee nor to the legal spouse of the licensee, 54232  
nor to any business entity of which the licensee is an officer or 54233  
member or partner, nor to any person employed by the licensee, 54234  
until the expiration of at least two years from the date of 54235  
revocation or suspension of the license. The superintendent shall 54236  
deposit all penalties allocated pursuant to this section into the 54237  
state treasury to the credit of the consumer finance fund. 54238

Any proceedings for the revocation or suspension of a license 54239  
or to assess a penalty against a licensee are subject to Chapter 54240  
119. of the Revised Code. 54241

(H) If a licensee surrenders or chooses not to renew the 54242  
pawnbroker's license, the licensee shall notify the superintendent 54243  
thirty days prior to the date on which the licensee intends to 54244

close the licensee's business as a pawnbroker. Prior to the date, 54245  
the licensee shall do either of the following with respect to all 54246  
active loans: 54247

(1) Dispose of an active loan by selling the loan to another 54248  
person holding a valid pawnbroker's license issued under this 54249  
section; 54250

(2) Reduce the rate of interest on pledged articles held as 54251  
security for a loan to eight per cent per annum or less effective 54252  
on the date that the pawnbroker's license is no longer valid. 54253

**Sec. 4728.03.** (A) As used in this section, "experience and 54254  
fitness in the capacity involved" means that the applicant for a 54255  
precious metals dealer's license has had sufficient financial 54256  
responsibility, reputation, and experience in the business of 54257  
precious metals dealer, or a related business, to act as a 54258  
precious metals dealer in compliance with this chapter. 54259

(B)(1) The division of financial institutions in the 54260  
department of commerce may grant a precious metals dealer's 54261  
license to any person of good character, having experience and 54262  
fitness in the capacity involved, who demonstrates a net worth of 54263  
at least ten thousand dollars and the ability to maintain that net 54264  
worth during the licensure period. The superintendent of financial 54265  
institutions shall compute the applicant's net worth according to 54266  
generally accepted accounting principles. 54267

(2) In place of the demonstration of net worth required by 54268  
division (B)(1) of this section, an applicant may obtain a surety 54269  
bond issued by a surety company authorized to do business in this 54270  
state if all of the following conditions are met: 54271

(a) A copy of the surety bond is filed with the division; 54272

(b) The bond is in favor of any person, and of the state for 54273  
the benefit of any person, injured by any violation of this 54274



chapter; 54275

(c) The bond is in the amount of not less than ten thousand 54276  
dollars. 54277

(3) Before granting a license under this division, the 54278  
division shall determine that the applicant meets the requirements 54279  
of division (B)(1) or (2) of this section. 54280

(C) The division shall require an applicant for a precious 54281  
metals dealer's license to pay to the division a nonrefundable, 54282  
initial investigation fee of two hundred dollars which shall be 54283  
for the exclusive use of the state. The license fee for a precious 54284  
metals dealer's license and the renewal fee shall be determined by 54285  
the superintendent, provided that the fee may not exceed three 54286  
hundred dollars. A license issued by the division shall expire on 54287  
the last day of June next following the date of its issuance or 54288  
annually on a different date set by the superintendent pursuant to 54289  
section 1181.23 of the Revised Code. Fifty per cent of license 54290  
fees shall be for the use of the state, and fifty per cent shall 54291  
be paid to the municipal corporation, or if outside the limits of 54292  
any municipal corporation, to the county in which the office of 54293  
the licensee is located. All portions of license fees payable to 54294  
municipal corporations or counties shall be paid as they accrue, 54295  
by the treasurer of state, on vouchers issued by the director of 54296  
budget and management. 54297

(D) Every such license shall be renewed annually by the last 54298  
day of June, or annually on a different date set by the 54299  
superintendent pursuant to section 1181.23 of the Revised Code, 54300  
according to the standard renewal procedure of Chapter 4745. of 54301  
the Revised Code. No license shall be granted to any person not a 54302  
resident of or the principal office of which is not located in the 54303  
municipal corporation or county designated in such license, 54304  
unless, and until such applicant shall, in writing and in due 54305  
form, to be first approved by and filed with the division, appoint 54306

an agent, a resident of the state, and city or county where the office is to be located, upon whom all judicial and other process, or legal notice, directed to the applicant may be served; and in case of the death, removal from the state, or any legal disability or any disqualification of any agent, service of process or notice may be made upon the superintendent.

(E) The division may, pursuant to Chapter 119. of the Revised Code, upon notice to the licensee and after giving the licensee reasonable opportunity to be heard, revoke or suspend any license, if the licensee or the licensee's officers, agents, or employees violate this chapter. Whenever, for any cause, the license is revoked or suspended, the division shall not issue another license to the licensee nor to the husband or wife of the licensee, nor to any copartnership or corporation of which the licensee is an officer, nor to any person employed by the licensee, until the expiration of at least one year from the date of revocation of the license.

(F) In conducting an investigation to determine whether an applicant satisfies the requirements for licensure under this section, the superintendent may request that the superintendent of the bureau of criminal identification and investigation investigate and determine whether the bureau has procured any information pursuant to section 109.57 of the Revised Code pertaining to the applicant.

If the superintendent of financial institutions determines that conducting an investigation to determine whether an applicant satisfies the requirements for licensure under this section will require procuring information outside the state, then, in addition to the fee established under division (C) of this section, the superintendent may require the applicant to pay any of the actual expenses incurred by the division to conduct such an investigation, provided that the superintendent shall assess the

applicant a total no greater than one thousand dollars for such 54339  
expenses. The superintendent may require the applicant to pay in 54340  
advance of the investigation, sufficient funds to cover the 54341  
estimated cost of the actual expenses. If the superintendent 54342  
requires the applicant to pay investigation expenses, the 54343  
superintendent shall provide to the applicant an itemized 54344  
statement of the actual expenses incurred by the division to 54345  
conduct the investigation. 54346

(G)(1) Except as otherwise provided in division (G)(2) of 54347  
this section a precious metals dealer licensed under this section 54348  
shall maintain a net worth of at least ten thousand dollars, 54349  
computed as required under division (B)(1) of this section, for as 54350  
long as the licensee holds a valid precious metals dealer's 54351  
license issued pursuant to this section. 54352

(2) A licensee who obtains a surety bond under division 54353  
(B)(2) of this section is exempt from the requirement of division 54354  
(G)(1) of this section, but shall maintain the bond for at least 54355  
two years after the date on which the licensee ceases to conduct 54356  
business in this state. 54357

Sec. 4729.48. When filling a prescription, if a pharmacist, 54358  
pharmacy intern, or terminal distributor of dangerous drugs has 54359  
information indicating that the cost-sharing amount required by 54360  
the patient's health benefit plan exceeds the amount that may 54361  
otherwise be charged for the same drug, both of the following 54362  
apply: 54363

(A) The pharmacist, pharmacy intern, or terminal distributor 54364  
shall provide this information to the patient. 54365

(B) The patient shall not be charged the higher amount. 54366

**Sec. 4729.514.** (A) As used in this section, "service entity" 54367  
means a public or private entity that ~~provides~~ may provide 54368

services to individuals who there is reason to believe may be at 54369  
risk of experiencing an opioid-related overdose. "Service entity" 54370  
includes a church or other place of worship, college or 54371  
university, school, local health department, community addiction 54372  
services provider, court, probation department, halfway house, 54373  
prison, jail, community residential center, homeless shelter, or 54374  
similar entity. 54375

(B) A service entity may procure naloxone for use in 54376  
emergency situations. 54377

(C) A service entity or an employee, volunteer, or contractor 54378  
of a service entity is not liable for or subject to any of the 54379  
following for injury, death, or loss to person or property that 54380  
allegedly arises from an act or omission associated with 54381  
procuring, maintaining, accessing, or using naloxone under this 54382  
section, unless the act or omission constitutes willful or wanton 54383  
misconduct: damages in any civil action, prosecution in any 54384  
criminal proceeding, or professional disciplinary action. 54385

This section does not eliminate, limit, or reduce any other 54386  
immunity or defense that a service entity or an employee, 54387  
volunteer, or contractor of a service entity may be entitled to 54388  
under Chapter 2305. or any other provision of the Revised Code or 54389  
under the common law of this state. 54390

**Sec. 4729.571.** (A) The state board of pharmacy may suspend 54391  
without a hearing the license of a terminal distributor of 54392  
dangerous drugs if the board determines that there is clear and 54393  
convincing evidence of a danger of immediate and serious harm to 54394  
others due to either of the following: 54395

(1) The method used by the terminal distributor to possess or 54396  
distribute dangerous drugs; 54397

(2) The method of prescribing dangerous drugs used by a 54398

licensed health professional authorized to prescribe drugs who 54399  
holds a terminal distributor license or practices in the employ of 54400  
or under contract with a terminal distributor. 54401

(B) The board shall follow the procedure for suspension 54402  
without a prior hearing in section 119.07 of the Revised Code. The 54403  
suspension shall remain in effect, unless removed by the board, 54404  
until the board's final adjudication order becomes effective, 54405  
except that if the board does not issue its final adjudication 54406  
order within one hundred twenty days after the suspension, the 54407  
suspension shall be void on the one hundred twenty-first day after 54408  
the suspension. 54409

If the terminal distributor holds a license with a pain 54410  
management clinic classification issued under section 4729.552 of 54411  
the Revised Code or a license with an office-based opioid 54412  
treatment classification issued under section 4729.553 of the 54413  
Revised Code and the person holding the license also holds a 54414  
~~certificate~~ license issued under Chapter 4731. of the Revised Code 54415  
to practice medicine and surgery or osteopathic medicine and 54416  
surgery, prior to suspending the license without a hearing, the 54417  
board shall consult with the secretary of the state medical board 54418  
or, if the secretary is unavailable, another physician member of 54419  
the board. 54420

**Sec. 4729.65.** (A) Except as provided in division (B) of this 54421  
section, all receipts of the state board of pharmacy, from any 54422  
source, shall be deposited into the state treasury to the credit 54423  
of the occupational licensing and regulatory fund. All vouchers of 54424  
the board shall be approved by the president or executive director 54425  
of the board, or both, as authorized by the board. All initial 54426  
issuance fees and renewal fees required by sections 4729.01 to 54427  
4729.54 of the Revised Code shall be payable by the applicant at 54428  
the time of making application. 54429

(B)(1) There is hereby created in the state treasury the 54430  
board of pharmacy drug law enforcement fund. All moneys that are 54431  
derived from any fines, mandatory fines, or forfeited bail to 54432  
which the board may be entitled under Chapter 2925., division (C) 54433  
of section 2923.42, or division (B) of section 2925.42 of the 54434  
Revised Code and all moneys that are derived from forfeitures of 54435  
property to which the board may be entitled pursuant to Chapter 54436  
2925. or 2981. of the Revised Code, any other provision of the 54437  
Revised Code, or federal law shall be deposited into the fund. 54438  
Subject to division (B)(2) of this section, division (B) of 54439  
section 2923.44, and divisions (B), (C), and (D) of section 54440  
2981.13 of the Revised Code, the moneys in the fund shall be used 54441  
solely to subsidize the drug law enforcement efforts of the board. 54442

(2) There is hereby created in the state treasury the board 54443  
of pharmacy federal equitable sharing justice fund and the board 54444  
of pharmacy federal equitable sharing treasury fund. 54445

Notwithstanding any contrary provision in the Revised Code, moneys 54446  
that are derived from forfeitures of property pursuant to federal 54447  
law ~~and that are~~ shall be deposited into the board of pharmacy 54448  
~~drug law enforcement~~ federal equitable sharing justice fund or 54449  
board of pharmacy federal equitable sharing treasury fund in 54450  
~~accordance with division (B)(1) of this section as determined by~~ 54451  
the source of the money, shall be used and accounted for in 54452  
accordance with the applicable federal law, and the board 54453  
otherwise shall comply with that law in connection with the 54454  
moneys. All investment earnings of the board of pharmacy federal 54455  
equitable sharing justice fund shall be credited to that fund. All 54456  
investment earnings of the board of pharmacy federal equitable 54457  
sharing treasury fund shall be credited to that fund. 54458

(C) All fines and forfeited bonds assessed and collected 54459  
under prosecution or prosecution commenced in the enforcement of 54460  
this chapter shall be paid to the executive director of the board 54461

within thirty days and by the executive director paid into the 54462  
state treasury to the credit of the occupational licensing and 54463  
regulatory fund. 54464

(D)(1) Except as provided in divisions (D)(2) and (3) of this 54465  
section, the board, subject to the approval of the controlling 54466  
board, may establish fees in excess of the amounts provided by 54467  
this chapter, provided that such fees do not exceed the amounts 54468  
permitted by this chapter by more than fifty per cent. 54469

(2) Division (D)(1) of this section does not apply to fees 54470  
required by this chapter to be established at amounts adequate to 54471  
cover designated expenses. 54472

(3) Fees established under division (D)(1) of this section or 54473  
described in division (D)(2) of this section are subject to the 54474  
limitation on fee increases specified in division (A) of section 54475  
4729.83 of the Revised Code. 54476

**Sec. 4729.80.** (A) If the state board of pharmacy establishes 54477  
and maintains a drug database pursuant to section 4729.75 of the 54478  
Revised Code, the board is authorized or required to provide 54479  
information from the database only as follows: 54480

(1) On receipt of a request from a designated representative 54481  
of a government entity responsible for the licensure, regulation, 54482  
or discipline of health care professionals with authority to 54483  
prescribe, administer, or dispense drugs, the board may provide to 54484  
the representative information from the database relating to the 54485  
professional who is the subject of an active investigation being 54486  
conducted by the government entity or relating to a professional 54487  
who is acting as an expert witness for the government entity in 54488  
such an investigation. 54489

(2) On receipt of a request from a federal officer, or a 54490  
state or local officer of this or any other state, whose duties 54491

include enforcing laws relating to drugs, the board shall provide 54492  
to the officer information from the database relating to the 54493  
person who is the subject of an active investigation of a drug 54494  
abuse offense, as defined in section 2925.01 of the Revised Code, 54495  
being conducted by the officer's employing government entity. 54496

(3) Pursuant to a subpoena issued by a grand jury, the board 54497  
shall provide to the grand jury information from the database 54498  
relating to the person who is the subject of an investigation 54499  
being conducted by the grand jury. 54500

(4) Pursuant to a subpoena, search warrant, or court order in 54501  
connection with the investigation or prosecution of a possible or 54502  
alleged criminal offense, the board shall provide information from 54503  
the database as necessary to comply with the subpoena, search 54504  
warrant, or court order. 54505

(5) On receipt of a request from a prescriber or the 54506  
prescriber's delegate approved by the board, the board shall 54507  
provide to the prescriber a report of information from the 54508  
database relating to a patient who is either a current patient of 54509  
the prescriber or a potential patient of the prescriber based on a 54510  
referral of the patient to the prescriber, if all of the following 54511  
conditions are met: 54512

(a) The prescriber certifies in a form specified by the board 54513  
that it is for the purpose of providing medical treatment to the 54514  
patient who is the subject of the request; 54515

(b) The prescriber has not been denied access to the database 54516  
by the board. 54517

(6) On receipt of a request from a pharmacist or the 54518  
pharmacist's delegate approved by the board, the board shall 54519  
provide to the pharmacist information from the database relating 54520  
to a current patient of the pharmacist, if the pharmacist 54521  
certifies in a form specified by the board that it is for the 54522



purpose of the pharmacist's practice of pharmacy involving the 54523  
patient who is the subject of the request and the pharmacist has 54524  
not been denied access to the database by the board. 54525

(7) On receipt of a request from an individual seeking the 54526  
individual's own database information in accordance with the 54527  
procedure established in rules adopted under section 4729.84 of 54528  
the Revised Code, the board may provide to the individual the 54529  
individual's own prescription history. 54530

(8) On receipt of a request from a ~~medical director or a~~ 54531  
~~pharmacy director~~ of a managed care organization that has entered 54532  
into a contract with the department of medicaid under section 54533  
5167.10 of the Revised Code and a data security agreement with the 54534  
board required by section 5167.14 of the Revised Code, the board 54535  
shall provide to the ~~medical director or the pharmacy director~~ 54536  
organization information from the database relating to a medicaid 54537  
recipient enrolled in the ~~managed care organization~~ organization's 54538  
medicaid MCO plan, as defined in section 5167.01 of the Revised 54539  
Code, including information in the database related to 54540  
prescriptions for the recipient that were not covered or 54541  
reimbursed under a program administered by the department of 54542  
medicaid. 54543

(9) On receipt of a request from the medicaid director, the 54544  
board shall provide to the director information from the database 54545  
relating to a recipient of a program administered by the 54546  
department of medicaid, including information in the database 54547  
related to prescriptions for the recipient that were not covered 54548  
or paid by a program administered by the department. 54549

(10) On receipt of a request from a medical director of a 54550  
managed care organization that has entered into a contract with 54551  
the administrator of workers' compensation under division (B)(4) 54552  
of section 4121.44 of the Revised Code and a data security 54553  
agreement with the board required by section 4121.447 of the 54554

Revised Code, the board shall provide to the medical director 54555  
information from the database relating to a claimant under Chapter 54556  
4121., 4123., 4127., or 4131. of the Revised Code assigned to the 54557  
managed care organization, including information in the database 54558  
related to prescriptions for the claimant that were not covered or 54559  
reimbursed under Chapter 4121., 4123., 4127., or 4131. of the 54560  
Revised Code, if the administrator of workers' compensation 54561  
confirms, upon request from the board, that the claimant is 54562  
assigned to the managed care organization. 54563

(11) On receipt of a request from the administrator of 54564  
workers' compensation, the board shall provide to the 54565  
administrator information from the database relating to a claimant 54566  
under Chapter 4121., 4123., 4127., or 4131. of the Revised Code, 54567  
including information in the database related to prescriptions for 54568  
the claimant that were not covered or reimbursed under Chapter 54569  
4121., 4123., 4127., or 4131. of the Revised Code. 54570

(12) On receipt of a request from a prescriber or the 54571  
prescriber's delegate approved by the board, the board shall 54572  
provide to the prescriber information from the database relating 54573  
to a patient's mother, if the prescriber certifies in a form 54574  
specified by the board that it is for the purpose of providing 54575  
medical treatment to a newborn or infant patient diagnosed as 54576  
opioid dependent and the prescriber has not been denied access to 54577  
the database by the board. 54578

(13) On receipt of a request from the director of health, the 54579  
board shall provide to the director information from the database 54580  
relating to the duties of the director or the department of health 54581  
in implementing the Ohio violent death reporting system 54582  
established under section 3701.93 of the Revised Code. 54583

(14) On receipt of a request from a requestor described in 54584  
division (A)(1), (2), (5), or (6) of this section who is from or 54585  
participating with another state's prescription monitoring 54586

program, the board may provide to the requestor information from 54587  
the database, but only if there is a written agreement under which 54588  
the information is to be used and disseminated according to the 54589  
laws of this state. 54590

(15) On receipt of a request from a delegate of a retail 54591  
dispensary licensed under Chapter 3796. of the Revised Code who is 54592  
approved by the board to serve as the dispensary's delegate, the 54593  
board shall provide to the delegate a report of information from 54594  
the database pertaining only to a patient's use of medical 54595  
marijuana, if both of the following conditions are met: 54596

(a) The delegate certifies in a form specified by the board 54597  
that it is for the purpose of dispensing medical marijuana for use 54598  
in accordance with Chapter 3796. of the Revised Code. 54599

(b) The retail dispensary or delegate has not been denied 54600  
access to the database by the board. 54601

(16) On receipt of a request from a judge of a program 54602  
certified by the Ohio supreme court as a specialized docket 54603  
program for drugs, the board shall provide to the judge, or an 54604  
employee of the program who is designated by the judge to receive 54605  
the information, information from the database that relates 54606  
specifically to a current or prospective program participant. 54607

(17) On receipt of a request from a coroner, deputy coroner, 54608  
or coroner's delegate approved by the board, the board shall 54609  
provide to the requestor information from the database relating to 54610  
a deceased person about whom the coroner is conducting or has 54611  
conducted an autopsy or investigation. 54612

(18) On receipt of a request from a prescriber, the board may 54613  
provide to the prescriber a summary of the prescriber's 54614  
prescribing record if such a record is created by the board. 54615  
Information in the summary is subject to the confidentiality 54616  
requirements of this chapter. 54617

(19)(a) On receipt of a request from a pharmacy's responsible person, the board may provide to the responsible person a summary of the pharmacy's dispensing record if such a record is created by the board. Information in the summary is subject to the confidentiality requirements of this chapter.

(b) As used in division (A)(19)(a) of this section, "responsible person" has the same meaning as in rules adopted by the board under section 4729.26 of the Revised Code.

(20) The board may provide information from the database without request to a prescriber or pharmacist who is authorized to use the database pursuant to this chapter.

(21)(a) On receipt of a request from a prescriber or pharmacist, or the prescriber's or pharmacist's delegate, who is a designated representative of a peer review committee, the board shall provide to the committee information from the database relating to a prescriber who is subject to the committee's evaluation, supervision, or discipline if the information is to be used for one of those purposes. The board shall provide only information that it determines, in accordance with rules adopted under section 4729.84 of the Revised Code, is appropriate to be provided to the committee.

(b) As used in division (A)(21)(a) of this section, "peer review committee" has the same meaning as in section 2305.25 of the Revised Code, except that it includes only a peer review committee of a hospital or a peer review committee of a nonprofit health care corporation that is a member of the hospital or of which the hospital is a member.

(22) On receipt of a request from a requestor described in division (A)(5) or (6) of this section who is from or participating with a prescription monitoring program that is operated by a federal agency and approved by the board, the board

may provide to the requestor information from the database, but 54649  
only if there is a written agreement under which the information 54650  
is to be used and disseminated according to the laws of this 54651  
state. 54652

(23) Any personal health information submitted to the board 54653  
pursuant to section 4729.772 of the Revised Code may be provided 54654  
by the board only as authorized by the submitter of the 54655  
information and in accordance with rules adopted under section 54656  
4729.84 of the Revised Code. 54657

(B) The state board of pharmacy shall maintain a record of 54658  
each individual or entity that requests information from the 54659  
database pursuant to this section. In accordance with rules 54660  
adopted under section 4729.84 of the Revised Code, the board may 54661  
use the records to document and report statistics and law 54662  
enforcement outcomes. 54663

The board may provide records of an individual's requests for 54664  
database information only to the following: 54665

(1) A designated representative of a government entity that 54666  
is responsible for the licensure, regulation, or discipline of 54667  
health care professionals with authority to prescribe, administer, 54668  
or dispense drugs who is involved in an active criminal or 54669  
disciplinary investigation being conducted by the government 54670  
entity of the individual who submitted the requests for database 54671  
information; 54672

(2) A federal officer, or a state or local officer of this or 54673  
any other state, whose duties include enforcing laws relating to 54674  
drugs and who is involved in an active investigation being 54675  
conducted by the officer's employing government entity of the 54676  
individual who submitted the requests for database information; 54677

(3) A designated representative of the department of medicaid 54678  
regarding a prescriber who is treating or has treated a recipient 54679

of a program administered by the department and who submitted the 54680  
requests for database information. 54681

(C) Information contained in the database and any information 54682  
obtained from it is confidential and is not a public record. 54683  
Information contained in the records of requests for information 54684  
from the database is confidential and is not a public record. 54685  
Information contained in the database that does not identify a 54686  
person, including any licensee or registrant of the board or other 54687  
entity, may be released in summary, statistical, or aggregate 54688  
form. 54689

(D) A pharmacist or prescriber shall not be held liable in 54690  
damages to any person in any civil action for injury, death, or 54691  
loss to person or property on the basis that the pharmacist or 54692  
prescriber did or did not seek or obtain information from the 54693  
database. 54694

Sec. 4729.801. If the state board of pharmacy establishes and 54695  
maintains a drug database pursuant to section 4729.75 of the 54696  
Revised Code, all of the following apply to each request for 54697  
information from the database as described in division (A)(8) of 54698  
section 4729.80 of the Revised Code: 54699

(A) A managed care organization may submit a request to the 54700  
board for information about all medicaid recipients enrolled in 54701  
the organization's medicaid MCO plan, as defined in section 54702  
5167.01 of the Revised Code. 54703

(B) The board shall provide the information described in 54704  
division (A) of this section to the organization in a single 54705  
electronic file or format. 54706

**Sec. 4729.86.** If the state board of pharmacy establishes and 54707  
maintains a drug database pursuant to section 4729.75 of the 54708  
Revised Code, all of the following apply: 54709

(A)(1) No person identified in divisions (A)(1) to (13), (15) 54710  
to ~~(22)~~(23), or (B) of section 4729.80 of the Revised Code shall 54711  
disseminate any written or electronic information the person 54712  
receives from the drug database or otherwise provide another 54713  
person access to the information that the person receives from the 54714  
database, except as follows: 54715

(a) When necessary in the investigation or prosecution of a 54716  
possible or alleged criminal offense; 54717

(b) When a person provides the information to the prescriber, 54718  
pharmacist, or retail dispensary licensed under Chapter 3796. of 54719  
the Revised Code for whom the person is approved by the board to 54720  
serve as a delegate of the prescriber, pharmacist, or retail 54721  
dispensary for purposes of requesting and receiving information 54722  
from the drug database under division (A)(5), (6), or (15) of 54723  
section 4729.80 of the Revised Code; 54724

(c) When a prescriber, pharmacist, or retail dispensary 54725  
licensed under Chapter 3796. of the Revised Code provides the 54726  
information to a person who is approved by the board to serve as 54727  
such a delegate of the prescriber, pharmacist, or retail 54728  
dispensary; 54729

(d) When a prescriber or pharmacist includes the information 54730  
in a medical record, as defined in section 3701.74 of the Revised 54731  
Code. 54732

(2) No person shall provide false information to the state 54733  
board of pharmacy with the intent to obtain or alter information 54734  
contained in the drug database. 54735

(3) No person shall obtain drug database information by any 54736  
means except as provided under section 4729.80 or 4729.81 of the 54737  
Revised Code. 54738

(B) A person shall not use information obtained pursuant to 54739  
division (A) of section 4729.80 of the Revised Code as evidence in 54740

any civil or administrative proceeding. 54741

(C)(1) Except as provided in division (C)(2) of this section, 54742  
after providing notice and affording an opportunity for a hearing 54743  
in accordance with Chapter 119. of the Revised Code, the board may 54744  
restrict a person from obtaining further information from the drug 54745  
database if any of the following is the case: 54746

(a) The person violates division (A)(1), (2), or (3) of this 54747  
section; 54748

(b) The person is a requestor identified in division (A)(14) 54749  
or (22) of section 4729.80 of the Revised Code and the board 54750  
determines that the person's actions in another state would have 54751  
constituted a violation of division (A)(1), (2), or (3) of this 54752  
section; 54753

(c) The person fails to comply with division (B) of this 54754  
section, regardless of the jurisdiction in which the failure to 54755  
comply occurred; 54756

(d) The person creates, by clear and convincing evidence, a 54757  
threat to the security of information contained in the database. 54758

(2) If the board determines that allegations regarding a 54759  
person's actions warrant restricting the person from obtaining 54760  
further information from the drug database without a prior 54761  
hearing, the board may summarily impose the restriction. A 54762  
telephone conference call may be used for reviewing the 54763  
allegations and taking a vote on the summary restriction. The 54764  
summary restriction shall remain in effect, unless removed by the 54765  
board, until the board's final adjudication order becomes 54766  
effective. 54767

(3) The board shall determine the extent to which the person 54768  
is restricted from obtaining further information from the 54769  
database. 54770



Sec. 4730.02. (A) No person shall hold that person out as 54771  
being able to function as a physician assistant, or use any words 54772  
or letters indicating or implying that the person is a physician 54773  
assistant, without a current, valid license to practice as a 54774  
physician assistant issued pursuant to this chapter. 54775

(B) No person shall practice as a physician assistant without 54776  
the supervision, control, and direction of a physician. 54777

(C) No person shall practice as a physician assistant without 54778  
having entered into a supervision agreement with a supervising 54779  
physician under section 4730.19 of the Revised Code. 54780

(D) No person acting as the supervising physician of a 54781  
physician assistant shall authorize the physician assistant to 54782  
perform services if either of the following is the case: 54783

(1) The services are not within the physician's normal course 54784  
of practice and expertise; 54785

(2) The services are inconsistent with the supervision 54786  
agreement under which the physician assistant is being supervised, 54787  
including, if applicable, the policies of the health care facility 54788  
in which the physician and physician assistant are practicing. 54789

(E) No person practicing as a physician assistant shall 54790  
prescribe any drug or device to perform or induce an abortion, or 54791  
otherwise perform or induce an abortion. 54792

(F) No person shall advertise to provide services as a 54793  
physician assistant, except for the purpose of seeking employment. 54794

(G) No person practicing as a physician assistant shall fail 54795  
to wear at all times when on duty a placard, plate, or other 54796  
device identifying that person as a "physician assistant." 54797

(H) Division (A) of this section does not apply to a person 54798  
who meets ~~both~~ all of the following conditions: 54799

(1) The person holds in good standing a valid license or 54800  
other form of authority to practice as a physician assistant 54801  
issued by another state. 54802

(2) The person is practicing as a volunteer without 54803  
remuneration during a charitable event that lasts not more than 54804  
seven days. 54805

(3) The medical care provided by the person will be 54806  
supervised by the medical director of the charitable event or by 54807  
another physician. 54808

When a person meets the conditions of this division, the 54809  
person shall be deemed to hold, during the course of the 54810  
charitable event, a license to practice as a physician assistant 54811  
from the state medical board and shall be subject to the 54812  
provisions of this chapter authorizing the board to take 54813  
disciplinary action against a license holder. Not less than seven 54814  
calendar days before the first day of the charitable event, the 54815  
person or the event's organizer shall notify the board of the 54816  
person's intent to practice as a physician assistant at the event. 54817  
During the course of the charitable event, the person's scope of 54818  
practice is limited to the procedures that a physician assistant 54819  
licensed under this chapter is authorized to perform unless the 54820  
person's scope of practice in the other state is more restrictive 54821  
than in this state. If the latter is the case, the person's scope 54822  
of practice is limited to the procedures that a physician 54823  
assistant in the other state may perform. 54824

**Sec. 4730.10.** (A) An individual seeking a license to practice 54825  
as a physician assistant shall file with the state medical board a 54826  
written application on a form prescribed and supplied by the 54827  
board. The application shall include all of the following: 54828

(1) The applicant's name, residential address, business 54829  
address, if any, and social security number; 54830

(2) Satisfactory proof that the applicant meets the age and moral character requirements specified in divisions (A)(1) and (2) of section 4730.11 of the Revised Code;

(3) Satisfactory proof that the applicant meets either the educational requirements specified in division (B)(1) or (2) of section 4730.11 of the Revised Code or the educational or other applicable requirements specified in division (C)(1), (2), or (3) of that section;

(4) Any other information the board requires.

(B) At the time of making application for a license to practice, the applicant shall pay the board a fee of ~~five~~ four hundred dollars, no part of which shall be returned. The fees shall be deposited in accordance with section 4731.24 of the Revised Code.

**Sec. 4730.12.** (A) The state medical board shall review each application ~~received under section 4730.10 of the Revised Code~~ for a license to practice as a physician assistant received under section 4730.10 of the Revised Code. Not later than sixty days after receiving a complete application, the board shall determine whether the applicant meets the requirements to receive the license, as specified in section 4730.11 of the Revised Code. ~~An affirmative vote of not fewer than six members of the board is required to determine that an applicant meets the requirements to receive a license to practice as a physician assistant.~~

(B) If the board determines that an applicant meets the requirements to receive the license, the secretary of the board shall register the applicant as a physician assistant and issue to the applicant a license to practice as a physician assistant.

**Sec. 4730.14.** (A) A license to practice as a physician assistant shall be valid for a two-year period unless revoked or

~~suspended, shall expire biennially on the date that is two years~~ 54861  
~~after the date of issuance, and may be renewed for additional~~ 54862  
~~two-year periods~~ in accordance with this section. A person seeking 54863  
to renew a license ~~to practice as a physician assistant shall, on~~ 54864  
~~or before the thirty first day of January of each even numbered~~ 54865  
~~year, apply to the state medical board for renewal of the license~~ 54866  
~~prior to the license's expiration date.~~ The ~~state medical~~ board 54867  
shall provide renewal notices to license holders at least one 54868  
month prior to the expiration date. 54869

Applications shall be submitted to the board in a manner 54870  
prescribed by the board. Each application shall be accompanied by 54871  
a biennial renewal fee of two hundred dollars. The board shall 54872  
deposit the fees in accordance with section 4731.24 of the Revised 54873  
Code. 54874

The applicant shall report any criminal offense that 54875  
constitutes grounds for refusing to issue a license to practice 54876  
under section 4730.25 of the Revised Code to which the applicant 54877  
has pleaded guilty, of which the applicant has been found guilty, 54878  
or for which the applicant has been found eligible for 54879  
intervention in lieu of conviction, since last signing an 54880  
application for a license to practice as a physician assistant. 54881

(B) To be eligible for renewal of a license, an applicant is 54882  
subject to all of the following: 54883

(1) The applicant must certify to the board that the 54884  
applicant has maintained certification by the national commission 54885  
on certification of physician assistants or a successor 54886  
organization that is recognized by the board by meeting the 54887  
standards to hold current certification from the commission or its 54888  
successor, including ~~completion of continuing medical education~~ 54889  
~~requirements and~~ passing periodic recertification examinations; 54890

(2) Except as provided in ~~division (F) of this section and~~ 54891

section 5903.12 of the Revised Code, the applicant must certify to 54892  
the board that the applicant ~~has completed during the current~~ 54893  
~~licensure period not less than one hundred hours of~~ is in 54894  
compliance with the continuing medical education acceptable to the 54895  
board requirements necessary to hold current certification from 54896  
the commission or its successor. 54897

(3) The applicant must comply with the renewal eligibility 54898  
requirements established under section 4730.49 of the Revised Code 54899  
that pertain to the applicant. 54900

~~(C) The board shall adopt rules in accordance with Chapter 54901  
119. of the Revised Code specifying the types of continuing 54902  
medical education that must be completed to fulfill the board's 54903  
requirements under division (B)(2) of this section. Except when 54904  
additional continuing medical education is required, as specified 54905  
in section 4730.49 of the Revised Code, the board shall not adopt 54906  
rules that require a physician assistant to complete in any 54907  
licensure period more than one hundred hours of continuing medical 54908  
education acceptable to the board. In fulfilling the board's 54909  
requirements, a physician assistant may use continuing medical 54910  
education courses or programs completed to maintain certification 54911  
by the national commission on certification of physician 54912  
assistants or a successor organization that is recognized by the 54913  
board if the standards for acceptable courses and programs of the 54914  
commission or its successor are at least equivalent to the 54915  
standards established by the board.~~ 54916

~~(D)~~ If an applicant submits a complete renewal application 54917  
and qualifies for renewal pursuant to division (B) of this 54918  
section, the board shall issue to the applicant a renewed license 54919  
to practice as a physician assistant. 54920

~~(E)~~(D) The board may require a random sample of physician 54921  
assistants to submit materials documenting certification both of 54922  
the following: 54923

(1) Certification by the national commission on certification 54924  
of physician assistants or a successor organization that is 54925  
recognized by the board ~~and completion of;~~ 54926

(2) Completion of the required number of hours of continuing 54927  
medical education required to hold current certification from the 54928  
commission or its successor. 54929

~~(F) The board shall provide for pro rata reductions by month 54930  
of the number of hours of continuing education that must be 54931  
completed for individuals who are in their first licensure period, 54932  
who have been disabled due to illness or accident, or who have 54933  
been absent from the country. The board shall adopt rules, in 54934  
accordance with Chapter 119. of the Revised Code, as necessary to 54935  
implement this division.~~ 54936

~~(G)(1)~~ Division (D) of this section does not limit the 54937  
board's authority to conduct investigations pursuant to section 54938  
4730.25 of the Revised Code. 54939

(E) A license to practice that is not renewed on or before 54940  
its expiration date is automatically suspended on its expiration 54941  
date. Continued practice after suspension of the license shall be 54942  
considered as practicing in violation of division (A) of section 54943  
4730.02 of the Revised Code. 54944

~~(2)(F)~~ (E) If a license has been suspended pursuant to division 54945  
~~(G)(1)~~ (E) of this section for two years or less, it may be 54946  
reinstated. The board shall reinstate a license suspended for 54947  
failure to renew upon an applicant's submission of a renewal 54948  
application, the biennial renewal fee, and any applicable monetary 54949  
penalty. 54950

If a license has been suspended pursuant to division 54951  
~~(G)(1)~~ (E) of this section for more than two years, it may be 54952  
restored. In accordance with section 4730.28 of the Revised Code, 54953  
the board may restore a license suspended for failure to renew 54954

upon an applicant's submission of a restoration application, the 54955  
biennial renewal fee, and any applicable monetary penalty and 54956  
compliance with sections 4776.01 to 4776.04 of the Revised Code. 54957  
The board shall not restore to an applicant a license to practice 54958  
as a physician assistant unless the board, in its discretion, 54959  
decides that the results of the criminal records check do not make 54960  
the applicant ineligible for a license issued pursuant to section 54961  
4730.12 of the Revised Code. 54962

The penalty for reinstatement shall be fifty dollars and the 54963  
penalty for restoration shall be one hundred dollars. The board 54964  
shall deposit penalties in accordance with section 4731.24 of the 54965  
Revised Code. 54966

~~(H) If an individual certifies that the individual has 54967  
completed the number of hours and type of continuing medical 54968  
education required for renewal or reinstatement of a license to 54969  
practice as a physician assistant, and the board finds through a 54970  
random sample conducted under division (E) of this section or 54971  
through any other means that the individual did not complete the 54972  
requisite continuing medical education, the board may impose a 54973  
civil penalty of not more than five thousand dollars. 54974~~

~~A civil penalty imposed under this division may be in 54975  
addition to or in lieu of any other action the board may take 54976  
under section 4730.25 of the Revised Code. The board shall deposit 54977  
civil penalties in accordance with section 4731.24 of the Revised 54978  
Code. The board shall not conduct an adjudication under Chapter 54979  
119. of the Revised Code if the board imposes only a civil penalty 54980~~

(G)(1) If, through a random sample conducted under division 54981  
(D) of this section or any other means, the board finds that an 54982  
individual who certified completion of the continuing medical 54983  
education required to renew, reinstate, or restore a license to 54984  
practice did not complete the requisite continuing medical 54985  
education, the board may do either of the following: 54986

(a) Take disciplinary action against the individual under section 4730.25 of the Revised Code, impose a civil penalty, or both; 54987  
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(b) Permit the individual to agree in writing to complete the continuing medical education and pay a civil penalty. 54990  
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(2) The board's finding in any disciplinary action taken under division (G)(1)(a) of this section shall be made pursuant to an adjudication under Chapter 119. of the Revised Code and by an affirmative vote of not fewer than six of its members. 54992  
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(3) A civil penalty imposed under division (G)(1)(a) of this section or paid under division (G)(1)(b) of this section shall be in an amount specified by the board of not more than five thousand dollars. The board shall deposit civil penalties in accordance with section 4731.24 of the Revised Code. 54996  
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**Sec. 4730.19.** (A) Before initiating supervision of one or more physician assistants licensed under this chapter, a physician shall enter into a supervision agreement with each physician assistant who will be supervised. A supervision agreement may apply to one or more physician assistants, but, except as provided in division (B)(2)(e) of this section, may apply to not more than one physician. The supervision agreement shall specify that the physician agrees to supervise the physician assistant and the physician assistant agrees to practice under that physician's supervision. 55001  
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The agreement shall clearly state that the supervising physician is legally responsible and assumes legal liability for the services provided by the physician assistant. The agreement shall be signed by the physician and the physician assistant. 55011  
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(B) A supervision agreement shall include either or both of the following: 55015  
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(1) If a physician assistant will practice within a health care facility, the agreement shall include terms that require the physician assistant to practice in accordance with the policies of the health care facility.

(2) If a physician assistant will practice outside a health care facility, the agreement shall include terms that specify all of the following:

(a) The responsibilities to be fulfilled by the physician in supervising the physician assistant;

(b) The responsibilities to be fulfilled by the physician assistant when performing services under the physician's supervision;

(c) Any limitations on the responsibilities to be fulfilled by the physician assistant;

(d) The circumstances under which the physician assistant is required to refer a patient to the supervising physician;

(e) If the supervising physician chooses to designate physicians to act as alternate supervising physicians, the names, business addresses, and business telephone numbers of the physicians who have agreed to act in that capacity.

(C) A supervision agreement may be amended to modify the responsibilities of one or more physician assistants or to include one or more additional physician assistants.

(D) A The supervising physician who entered into a supervision agreement shall ~~be kept~~ retain a copy of the agreement in the records maintained by the supervising physician. Each physician assistant who entered into the supervision agreement shall retain a copy of the agreement in the records maintained by the physician assistant.

(E)(1) ~~The~~ If the board may impose a civil penalty of not

~~more than five thousand dollars if it finds,~~ through a review 55047  
conducted under this section or through any other means, any of 55048  
the following, the board may take disciplinary action against the 55049  
individual under section 4730.25 or 4731.22 of the Revised Code, 55050  
impose a civil penalty, or both: 55051

(a) That a physician assistant has practiced in a manner that 55052  
departs from, or fails to conform to, the terms of a supervision 55053  
agreement entered into under this section; 55054

(b) That a physician has supervised a physician assistant in 55055  
a manner that departs from, or fails to conform to, the terms of a 55056  
supervision agreement entered into under this section; 55057

(c) That a physician or physician assistant failed to comply 55058  
with division (A) or (B) of this section. 55059

(2) If the board finds, through a review conducted under this 55060  
section or through any other means, that a physician or physician 55061  
assistant failed to comply with division (D) of this section, the 55062  
board may do either of the following: 55063

(a) Take disciplinary action against the individual under 55064  
section 4730.25 or 4731.22 of the Revised Code, impose a civil 55065  
penalty, or both; 55066

(b) Permit the individual to agree in writing to update the 55067  
records to comply with division (D) of this section and pay a 55068  
civil penalty. 55069

(3) The board's finding in any disciplinary action taken 55070  
under division ~~(A)(1)(E)~~ of this section shall be made pursuant to 55071  
an adjudication conducted under Chapter 119. of the Revised Code. 55072  
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(4) A civil penalty imposed under that division may be in 55074  
addition to or in lieu of any other action the board may take 55075  
under section 4730.25 or 4731.22 of the Revised Code (E)(1) or 55076

(2)(a) of this section or paid under division (E)(2)(b) of this 55077  
section shall be in an amount specified by the board of not more 55078  
than five thousand dollars and shall be deposited in accordance 55079  
with section 4731.24 of the Revised Code. 55080

**Sec. 4730.25.** (A) The state medical board, by an affirmative 55081  
vote of not fewer than six members, may revoke or may refuse to 55082  
grant a license to practice as a physician assistant to a person 55083  
found by the board to have committed fraud, misrepresentation, or 55084  
deception in applying for or securing the license. 55085

(B) The board, by an affirmative vote of not fewer than six 55086  
members, shall, to the extent permitted by law, limit, revoke, or 55087  
suspend an individual's license to practice as a physician 55088  
assistant or prescriber number, refuse to issue a license to an 55089  
applicant, refuse to renew a ~~certificate~~ license, refuse to 55090  
reinstate a license, or reprimand or place on probation the holder 55091  
of a license for any of the following reasons: 55092

(1) Failure to practice in accordance with the supervising 55093  
physician's supervision agreement with the physician assistant, 55094  
including, if applicable, the policies of the health care facility 55095  
in which the supervising physician and physician assistant are 55096  
practicing; 55097

(2) Failure to comply with the requirements of this chapter, 55098  
Chapter 4731. of the Revised Code, or any rules adopted by the 55099  
board; 55100

(3) Violating or attempting to violate, directly or 55101  
indirectly, or assisting in or abetting the violation of, or 55102  
conspiring to violate, any provision of this chapter, Chapter 55103  
4731. of the Revised Code, or the rules adopted by the board; 55104

(4) Inability to practice according to acceptable and 55105  
prevailing standards of care by reason of mental illness or 55106

physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills; 55107  
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(5) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice; 55109  
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(6) Administering drugs for purposes other than those authorized under this chapter; 55113  
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(7) Willfully betraying a professional confidence; 55115

(8) Making a false, fraudulent, deceptive, or misleading statement in soliciting or advertising for employment as a physician assistant; in connection with any solicitation or advertisement for patients; in relation to the practice of medicine as it pertains to physician assistants; or in securing or attempting to secure a license to practice as a physician assistant. 55116  
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As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived. 55123  
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(9) Representing, with the purpose of obtaining compensation or other advantage personally or for any other person, that an incurable disease or injury, or other incurable condition, can be permanently cured; 55131  
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(10) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice; 55135  
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(11) A plea of guilty to, a judicial finding of guilt of, or	55138
a judicial finding of eligibility for intervention in lieu of	55139
conviction for, a felony;	55140
(12) Commission of an act that constitutes a felony in this	55141
state, regardless of the jurisdiction in which the act was	55142
committed;	55143
(13) A plea of guilty to, a judicial finding of guilt of, or	55144
a judicial finding of eligibility for intervention in lieu of	55145
conviction for, a misdemeanor committed in the course of practice;	55146
(14) A plea of guilty to, a judicial finding of guilt of, or	55147
a judicial finding of eligibility for intervention in lieu of	55148
conviction for, a misdemeanor involving moral turpitude;	55149
(15) Commission of an act in the course of practice that	55150
constitutes a misdemeanor in this state, regardless of the	55151
jurisdiction in which the act was committed;	55152
(16) Commission of an act involving moral turpitude that	55153
constitutes a misdemeanor in this state, regardless of the	55154
jurisdiction in which the act was committed;	55155
(17) A plea of guilty to, a judicial finding of guilt of, or	55156
a judicial finding of eligibility for intervention in lieu of	55157
conviction for violating any state or federal law regulating the	55158
possession, distribution, or use of any drug, including	55159
trafficking in drugs;	55160
(18) Any of the following actions taken by the state agency	55161
responsible for regulating the practice of physician assistants in	55162
another state, for any reason other than the nonpayment of fees:	55163
the limitation, revocation, or suspension of an individual's	55164
license to practice; acceptance of an individual's license	55165
surrender; denial of a license; refusal to renew or reinstate a	55166
license; imposition of probation; or issuance of an order of	55167
censure or other reprimand;	55168

(19) A departure from, or failure to conform to, minimal standards of care of similar physician assistants under the same or similar circumstances, regardless of whether actual injury to a patient is established;	55169 55170 55171 55172
(20) Violation of the conditions placed by the board on a license to practice as a physician assistant;	55173 55174
(21) Failure to use universal blood and body fluid precautions established by rules adopted under section 4731.051 of the Revised Code;	55175 55176 55177
(22) Failure to cooperate in an investigation conducted by the board under section 4730.26 of the Revised Code, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board at a deposition or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue;	55178 55179 55180 55181 55182 55183 55184 55185 55186
(23) Assisting suicide, as defined in section 3795.01 of the Revised Code;	55187 55188
(24) Prescribing any drug or device to perform or induce an abortion, or otherwise performing or inducing an abortion;	55189 55190
(25) Failure to comply with section 4730.53 of the Revised Code, unless the board no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;	55191 55192 55193
(26) Failure to comply with the requirements in section 3719.061 of the Revised Code before issuing for a minor a prescription for an opioid analgesic, as defined in section 3719.01 of the Revised Code;	55194 55195 55196 55197
(27) Having certification by the national commission on	55198

certification of physician assistants or a successor organization 55199  
expire, lapse, or be suspended or revoked; 55200

(28) The revocation, suspension, restriction, reduction, or 55201  
termination of clinical privileges by the United States department 55202  
of defense or department of veterans affairs or the termination or 55203  
suspension of a certificate of registration to prescribe drugs by 55204  
the drug enforcement administration of the United States 55205  
department of justice. 55206

(C) Disciplinary actions taken by the board under divisions 55207  
(A) and (B) of this section shall be taken pursuant to an 55208  
adjudication under Chapter 119. of the Revised Code, except that 55209  
in lieu of an adjudication, the board may enter into a consent 55210  
agreement with a physician assistant or applicant to resolve an 55211  
allegation of a violation of this chapter or any rule adopted 55212  
under it. A consent agreement, when ratified by an affirmative 55213  
vote of not fewer than six members of the board, shall constitute 55214  
the findings and order of the board with respect to the matter 55215  
addressed in the agreement. If the board refuses to ratify a 55216  
consent agreement, the admissions and findings contained in the 55217  
consent agreement shall be of no force or effect. 55218

(D) For purposes of divisions (B)(12), (15), and (16) of this 55219  
section, the commission of the act may be established by a finding 55220  
by the board, pursuant to an adjudication under Chapter 119. of 55221  
the Revised Code, that the applicant or license holder committed 55222  
the act in question. The board shall have no jurisdiction under 55223  
these divisions in cases where the trial court renders a final 55224  
judgment in the license holder's favor and that judgment is based 55225  
upon an adjudication on the merits. The board shall have 55226  
jurisdiction under these divisions in cases where the trial court 55227  
issues an order of dismissal upon technical or procedural grounds. 55228

(E) The sealing of conviction records by any court shall have 55229  
no effect upon a prior board order entered under the provisions of 55230

this section or upon the board's jurisdiction to take action under 55231  
the provisions of this section if, based upon a plea of guilty, a 55232  
judicial finding of guilt, or a judicial finding of eligibility 55233  
for intervention in lieu of conviction, the board issued a notice 55234  
of opportunity for a hearing prior to the court's order to seal 55235  
the records. The board shall not be required to seal, destroy, 55236  
redact, or otherwise modify its records to reflect the court's 55237  
sealing of conviction records. 55238

(F) For purposes of this division, any individual who holds a 55239  
license issued under this chapter, or applies for a license issued 55240  
under this chapter, shall be deemed to have given consent to 55241  
submit to a mental or physical examination when directed to do so 55242  
in writing by the board and to have waived all objections to the 55243  
admissibility of testimony or examination reports that constitute 55244  
a privileged communication. 55245

(1) In enforcing division (B)(4) of this section, the board, 55246  
upon a showing of a possible violation, may compel any individual 55247  
who holds a license issued under this chapter or who has applied 55248  
for a license pursuant to this chapter to submit to a mental 55249  
examination, physical examination, including an HIV test, or both 55250  
a mental and physical examination. The expense of the examination 55251  
is the responsibility of the individual compelled to be examined. 55252  
Failure to submit to a mental or physical examination or consent 55253  
to an HIV test ordered by the board constitutes an admission of 55254  
the allegations against the individual unless the failure is due 55255  
to circumstances beyond the individual's control, and a default 55256  
and final order may be entered without the taking of testimony or 55257  
presentation of evidence. If the board finds a physician assistant 55258  
unable to practice because of the reasons set forth in division 55259  
(B)(4) of this section, the board shall require the physician 55260  
assistant to submit to care, counseling, or treatment by 55261  
physicians approved or designated by the board, as a condition for 55262



an initial, continued, reinstated, or renewed license. An 55263  
individual affected under this division shall be afforded an 55264  
opportunity to demonstrate to the board the ability to resume 55265  
practicing in compliance with acceptable and prevailing standards 55266  
of care. 55267

(2) For purposes of division (B)(5) of this section, if the 55268  
board has reason to believe that any individual who holds a 55269  
license issued under this chapter or any applicant for a license 55270  
suffers such impairment, the board may compel the individual to 55271  
submit to a mental or physical examination, or both. The expense 55272  
of the examination is the responsibility of the individual 55273  
compelled to be examined. Any mental or physical examination 55274  
required under this division shall be undertaken by a treatment 55275  
provider or physician qualified to conduct such examination and 55276  
chosen by the board. 55277

Failure to submit to a mental or physical examination ordered 55278  
by the board constitutes an admission of the allegations against 55279  
the individual unless the failure is due to circumstances beyond 55280  
the individual's control, and a default and final order may be 55281  
entered without the taking of testimony or presentation of 55282  
evidence. If the board determines that the individual's ability to 55283  
practice is impaired, the board shall suspend the individual's 55284  
license or deny the individual's application and shall require the 55285  
individual, as a condition for initial, continued, reinstated, or 55286  
renewed licensure, to submit to treatment. 55287

Before being eligible to apply for reinstatement of a license 55288  
suspended under this division, the physician assistant shall 55289  
demonstrate to the board the ability to resume practice or 55290  
prescribing in compliance with acceptable and prevailing standards 55291  
of care. The demonstration shall include the following: 55292

(a) Certification from a treatment provider approved under 55293  
section 4731.25 of the Revised Code that the individual has 55294

successfully completed any required inpatient treatment; 55295

(b) Evidence of continuing full compliance with an aftercare 55296  
contract or consent agreement; 55297

(c) Two written reports indicating that the individual's 55298  
ability to practice has been assessed and that the individual has 55299  
been found capable of practicing according to acceptable and 55300  
prevailing standards of care. The reports shall be made by 55301  
individuals or providers approved by the board for making such 55302  
assessments and shall describe the basis for their determination. 55303

The board may reinstate a license suspended under this 55304  
division after such demonstration and after the individual has 55305  
entered into a written consent agreement. 55306

When the impaired physician assistant resumes practice or 55307  
prescribing, the board shall require continued monitoring of the 55308  
physician assistant. The monitoring shall include compliance with 55309  
the written consent agreement entered into before reinstatement or 55310  
with conditions imposed by board order after a hearing, and, upon 55311  
termination of the consent agreement, submission to the board for 55312  
at least two years of annual written progress reports made under 55313  
penalty of falsification stating whether the physician assistant 55314  
has maintained sobriety. 55315

(G) If the secretary and supervising member determine that 55316  
there is clear and convincing evidence that a physician assistant 55317  
has violated division (B) of this section and that the 55318  
individual's continued practice or prescribing presents a danger 55319  
of immediate and serious harm to the public, they may recommend 55320  
that the board suspend the individual's license without a prior 55321  
hearing. Written allegations shall be prepared for consideration 55322  
by the board. 55323

The board, upon review of those allegations and by an 55324  
affirmative vote of not fewer than six of its members, excluding 55325

the secretary and supervising member, may suspend a license 55326  
without a prior hearing. A telephone conference call may be 55327  
utilized for reviewing the allegations and taking the vote on the 55328  
summary suspension. 55329

The board shall issue a written order of suspension by 55330  
certified mail or in person in accordance with section 119.07 of 55331  
the Revised Code. The order shall not be subject to suspension by 55332  
the court during pendency of any appeal filed under section 119.12 55333  
of the Revised Code. If the physician assistant requests an 55334  
adjudicatory hearing by the board, the date set for the hearing 55335  
shall be within fifteen days, but not earlier than seven days, 55336  
after the physician assistant requests the hearing, unless 55337  
otherwise agreed to by both the board and the license holder. 55338

A summary suspension imposed under this division shall remain 55339  
in effect, unless reversed on appeal, until a final adjudicative 55340  
order issued by the board pursuant to this section and Chapter 55341  
119. of the Revised Code becomes effective. The board shall issue 55342  
its final adjudicative order within sixty days after completion of 55343  
its hearing. Failure to issue the order within sixty days shall 55344  
result in dissolution of the summary suspension order, but shall 55345  
not invalidate any subsequent, final adjudicative order. 55346

(H) If the board takes action under division (B)(11), (13), 55347  
or (14) of this section, and the judicial finding of guilt, guilty 55348  
plea, or judicial finding of eligibility for intervention in lieu 55349  
of conviction is overturned on appeal, upon exhaustion of the 55350  
criminal appeal, a petition for reconsideration of the order may 55351  
be filed with the board along with appropriate court documents. 55352  
Upon receipt of a petition and supporting court documents, the 55353  
board shall reinstate the individual's license. The board may then 55354  
hold an adjudication under Chapter 119. of the Revised Code to 55355  
determine whether the individual committed the act in question. 55356  
Notice of opportunity for hearing shall be given in accordance 55357

with Chapter 119. of the Revised Code. If the board finds, 55358  
pursuant to an adjudication held under this division, that the 55359  
individual committed the act, or if no hearing is requested, it 55360  
may order any of the sanctions identified under division (B) of 55361  
this section. 55362

(I) The license to practice issued to a physician assistant 55363  
and the physician assistant's practice in this state are 55364  
automatically suspended as of the date the physician assistant 55365  
pleads guilty to, is found by a judge or jury to be guilty of, or 55366  
is subject to a judicial finding of eligibility for intervention 55367  
in lieu of conviction in this state or treatment or intervention 55368  
in lieu of conviction in another state for any of the following 55369  
criminal offenses in this state or a substantially equivalent 55370  
criminal offense in another jurisdiction: aggravated murder, 55371  
murder, voluntary manslaughter, felonious assault, kidnapping, 55372  
rape, sexual battery, gross sexual imposition, aggravated arson, 55373  
aggravated robbery, or aggravated burglary. Continued practice 55374  
after the suspension shall be considered practicing without a 55375  
license. 55376

The board shall notify the individual subject to the 55377  
suspension by certified mail or in person in accordance with 55378  
section 119.07 of the Revised Code. If an individual whose license 55379  
is suspended under this division fails to make a timely request 55380  
for an adjudication under Chapter 119. of the Revised Code, the 55381  
board shall enter a final order permanently revoking the 55382  
individual's license to practice. 55383

(J) In any instance in which the board is required by Chapter 55384  
119. of the Revised Code to give notice of opportunity for hearing 55385  
and the individual subject to the notice does not timely request a 55386  
hearing in accordance with section 119.07 of the Revised Code, the 55387  
board is not required to hold a hearing, but may adopt, by an 55388  
affirmative vote of not fewer than six of its members, a final 55389

order that contains the board's findings. In that final order, the board may order any of the sanctions identified under division (A) or (B) of this section.

(K) Any action taken by the board under division (B) of this section resulting in a suspension shall be accompanied by a written statement of the conditions under which the physician assistant's license may be reinstated. The board shall adopt rules in accordance with Chapter 119. of the Revised Code governing conditions to be imposed for reinstatement. Reinstatement of a license suspended pursuant to division (B) of this section requires an affirmative vote of not fewer than six members of the board.

(L) When the board refuses to grant or issue to an applicant a license to practice as a physician assistant, revokes an individual's license, refuses to renew an individual's license, or refuses to reinstate an individual's license, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold the license and the board shall not accept an application for reinstatement of the license or for issuance of a new license.

(M) Notwithstanding any other provision of the Revised Code, all of the following apply:

(1) The surrender of a license issued under this chapter is not effective unless or until accepted by the board. Reinstatement of a license surrendered to the board requires an affirmative vote of not fewer than six members of the board.

(2) An application made under this chapter for a license may not be withdrawn without approval of the board.

(3) Failure by an individual to renew a license in accordance with section 4730.14 of the Revised Code shall not remove or limit

the board's jurisdiction to take disciplinary action under this 55421  
section against the individual. 55422

~~Sec. 4730.28. (A) An individual whose license to practice as 55423  
a physician assistant issued under this chapter has been suspended 55424  
or is in an inactive state for any cause for more than two years 55425  
may apply to the state medical board to have the license restored. 55426~~

~~(B)(1) The board shall not restore a license under this 55427  
section unless the applicant complies with sections 4776.01 to 55428  
4776.04 of the Revised Code. The board shall determine the 55429  
applicant's present fitness to resume practice. The board shall 55430  
consider the moral background and the activities of the applicant 55431  
during the period of suspension or inactivity. 55432~~

~~(2) When restoring a license, the board may impose terms and 55433  
conditions, including the following: 55434~~

~~(a) Requiring the applicant to obtain additional training and 55435  
pass an examination upon completion of the training; 55436~~

~~(b) Restricting or limiting the extent, scope, or type of 55437  
practice as a physician assistant that the individual may resume 55438  
This section applies to both of the following: 55439~~

~~(1) An applicant seeking restoration of a license issued 55440  
under this chapter that has been in a suspended or inactive state 55441  
for any cause for more than two years; 55442~~

~~(2) An applicant seeking issuance of a license pursuant to 55443  
this chapter who for more than two years has not been practicing 55444  
as a physician assistant as either of the following: 55445~~

~~(a) An active practitioner; 55446~~

~~(b) A student in a program as described in division (B) or 55447  
(C) of section 4730.11 of the Revised Code. 55448~~

~~(B) Before issuing a license to an applicant subject to this 55449~~

section or restoring a license to good standing for an applicant 55450  
subject to this section, the state medical board may impose terms 55451  
and conditions including any one or more of the following: 55452

(1) Requiring the applicant to pass an oral or written 55453  
examination, or both, to determine the applicant's present fitness 55454  
to resume practice; 55455

(2) Requiring the applicant to obtain additional training and 55456  
to pass an examination upon completion of such training; 55457

(3) Requiring an assessment of the applicant's physical 55458  
skills for purposes of determining whether the applicant's 55459  
coordination, fine motor skills, and dexterity are sufficient for 55460  
performing evaluations and procedures in a manner that meets the 55461  
minimal standards of care; 55462

(4) Requiring an assessment of the applicant's skills in 55463  
recognizing and understanding diseases and conditions; 55464

(5) Requiring the applicant to undergo a comprehensive 55465  
physical examination, which may include an assessment of physical 55466  
abilities, evaluation of sensory capabilities, or screening for 55467  
the presence of neurological disorders; 55468

(6) Restricting or limiting the extent, scope, or type of 55469  
practice of the applicant. 55470

The board shall consider the moral background and the 55471  
activities of the applicant during the period of suspension or 55472  
inactivity. The board shall not issue or restore a license under 55473  
this section unless the applicant complies with sections 4776.01 55474  
to 4776.04 of the Revised Code. 55475

**Sec. 4730.43.** (A) A physician assistant who holds a valid 55476  
prescriber number issued by the state medical board and has been 55477  
granted physician-delegated prescriptive authority may personally 55478  
furnish to a patient samples of drugs and therapeutic devices that 55479

are included in the physician assistant's physician-delegated prescriptive authority, subject to all of the following: 55480  
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(1) The amount of the sample furnished shall not exceed a seventy-two-hour supply, except when the minimum available quantity of the sample is packaged in an amount that is greater than a seventy-two-hour supply, in which case the physician assistant may furnish the sample in the package amount. 55482  
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(2) No charge may be imposed for the sample or for furnishing it. 55487  
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(3) Samples of controlled substances may not be personally furnished. 55489  
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(B) A physician assistant who holds a valid prescriber number issued by the state medical board and has been granted physician-delegated prescriptive authority may personally furnish to a patient a complete or partial supply of the drugs and therapeutic devices that are included in the physician assistant's physician-delegated prescriptive authority, subject to all of the following: 55491  
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(1) The physician assistant shall personally furnish only antibiotics, antifungals, scabicides, contraceptives, prenatal vitamins, antihypertensives, drugs and devices used in the treatment of diabetes, drugs and devices used in the treatment of asthma, and drugs used in the treatment of dyslipidemia. 55498  
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(2) The physician assistant shall not furnish the drugs and devices in locations other than a health department operated by the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code, a federally funded comprehensive primary care clinic, or a nonprofit health care clinic or program. 55503  
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(3) The physician assistant shall comply with all standards 55509



and procedures for personally furnishing supplies of drugs and 55510  
devices, as established in rules adopted under section 4730.39 of 55511  
the Revised Code. 55512

**Sec. 4730.49.** (A) To be eligible for renewal of a license to 55513  
practice as a physician assistant, an applicant who has been 55514  
granted physician-delegated prescriptive authority is subject to 55515  
both of the following: 55516

(1) The applicant shall complete every two years at least 55517  
twelve hours of continuing education in pharmacology obtained 55518  
through a program or course approved by the state medical board or 55519  
a person the board has authorized to approve continuing 55520  
pharmacology education programs and courses. Except as provided ~~in~~ 55521  
~~division (B) of this section and~~ in section 5903.12 of the Revised 55522  
Code, the continuing education shall be completed not later than 55523  
the ~~thirty first day of January of each even numbered year~~ date on 55524  
which the applicant's license expires. 55525

(2)(a) Except as provided in division (A)(2)(b) of this 55526  
section, in the case of an applicant who prescribes opioid 55527  
analgesics or benzodiazepines, as defined in section 3719.01 of 55528  
the Revised Code, the applicant shall certify to the board whether 55529  
the applicant has been granted access to the drug database 55530  
established and maintained by the state board of pharmacy pursuant 55531  
to section 4729.75 of the Revised Code. 55532

(b) The requirement described in division (A)(2)(a) of this 55533  
section does not apply if any of the following is the case: 55534

(i) The state board of pharmacy notifies the state medical 55535  
board pursuant to section 4729.861 of the Revised Code that the 55536  
applicant has been restricted from obtaining further information 55537  
from the drug database. 55538

(ii) The state board of pharmacy no longer maintains the drug 55539

database. 55540

(iii) The applicant does not practice as a physician 55541  
assistant in this state. 55542

(c) If an applicant certifies to the state medical board that 55543  
the applicant has been granted access to the drug database and the 55544  
board finds through an audit or other means that the applicant has 55545  
not been granted access, the board may take action under section 55546  
4730.25 of the Revised Code. 55547

(B) The state medical board shall provide for pro rata 55548  
reductions by month of the number of hours of continuing education 55549  
in pharmacology that is required to be completed for physician 55550  
assistants ~~who are in their first licensure period after~~ 55551  
~~completing the period of supervision required under section~~ 55552  
~~4730.44 of the Revised Code,~~ who have been disabled due to illness 55553  
or accident, or ~~who~~ have been absent from the country. The board 55554  
shall adopt rules, in accordance with Chapter 119. of the Revised 55555  
Code, as necessary to implement this division. 55556

(C) The continuing education required by this section is in 55557  
addition to the continuing education required under section 55558  
4730.14 of the Revised Code. 55559

(D) If the board chooses to authorize persons to approve 55560  
continuing pharmacology education programs and courses, it shall 55561  
establish standards for granting that authority and grant the 55562  
authority in accordance with the standards. 55563

**Sec. 4731.04.** As used in this chapter: 55564

(A) "Cosmetic therapy" means the permanent removal of hair 55565  
from the human body through the use of electric modalities 55566  
approved by the state medical board for use in cosmetic therapy 55567  
and may include the systematic friction, stroking, slapping, and 55568  
kneading or tapping of the face, neck, scalp, or shoulders. 55569

(B) "Fifth pathway training" means supervised clinical training obtained in the United States as a substitute for the internship or social service requirements of a foreign medical school.

(C) "Graduate medical education" means education received through any of the following:

(1) An internship ~~or~~, residency, or clinical fellowship program conducted in the United States and accredited by either the accreditation council for graduate medical education of the American medical association or the American osteopathic association;

(2) A clinical fellowship program that is not accredited as described in division (C)(1) of this section, but is conducted in the United States at an institution with a residency program that is accredited ~~by either the accreditation council for graduate medical education of the American medical association or the American osteopathic association that~~ as described in that division and is in a clinical field the same as or related to the clinical field of the fellowship program;

(3) An internship program conducted in Canada and accredited by the committee on accreditation of preregistration physician training programs of the federation of provincial medical licensing authorities of Canada;

(4) A residency program conducted in Canada and accredited by either the royal college of physicians and surgeons of Canada or the college of family physicians of Canada.

(D) "Massage therapy" means the treatment of disorders of the human body by the manipulation of soft tissue through the systematic external application of massage techniques including touch, stroking, friction, vibration, percussion, kneading, stretching, compression, and joint movements within the normal

physiologic range of motion; and adjunctive thereto, the external 55601  
application of water, heat, cold, topical preparations, and 55602  
mechanical devices. 55603

**Sec. 4731.05.** (A) The state medical board shall adopt rules 55604  
in accordance with Chapter 119. of the Revised Code to carry out 55605  
the purposes of this chapter. All adjudicative proceedings of the 55606  
state medical board shall be conducted in accordance with Chapter 55607  
119. of the Revised Code. 55608

(B) The state medical board shall appoint an executive 55609  
director who shall be in the unclassified service of the state. 55610  
The board may appoint other employees of the board as are 55611  
necessary and shall prescribe their titles and duties. 55612

(C) The state medical board shall develop requirements for 55613  
and provide appropriate initial and continuing training for 55614  
investigators employed by the board to carry out its duties under 55615  
Chapter 4731. of the Revised Code. The training and continuing 55616  
education may include enrollment in courses operated or approved 55617  
by the Ohio peace officer training commission that the board 55618  
considers appropriate under conditions set forth in section 109.79 55619  
of the Revised Code. 55620

(D)(1) The state medical board shall adopt internal 55621  
management rules pursuant to section 111.15 of the Revised Code. 55622  
The rules shall set forth criteria for assessing the board's 55623  
accomplishments, activities, and performance data, including 55624  
metrics detailing the board's revenues and reimbursements; budget 55625  
distribution; investigation and licensing activity, including 55626  
issuance of licenses and processing time frames; and enforcement 55627  
data, including processing time frames. The board shall include 55628  
the assessment in the annual report required by section 149.01 of 55629  
the Revised Code. 55630

(2) The state medical board shall cause the internal 55631

management rules and annual report described in division (D)(1) of 55632  
this section to be publicly accessible on the state medical 55633  
board's web site. 55634

**Sec. 4731.07.** (A) The state medical board shall keep a record 55635  
of its proceedings. The minutes of a meeting of the board shall, 55636  
on approval by the board, constitute an official record of its 55637  
proceedings. 55638

(B) The board shall keep a register of applicants for 55639  
licenses and certificates issued under this chapter and Chapters 55640  
4760., 4762., and 4774. of the Revised Code and; licenses issued 55641  
under this chapter and Chapters 4730., 4759., 4761., 4760., 4762., 55642  
4774., and 4778.; and licenses and limited permits issued under 55643  
Chapters 4759. and 4761. of the Revised Code. The register shall 55644  
show the name of the applicant and whether the applicant was 55645  
granted or refused a certificate or the license, certificate, or 55646  
limited permit being sought. With 55647

With respect to applicants to practice medicine and surgery 55648  
or osteopathic medicine and surgery, the register shall show the 55649  
name of the institution that granted the applicant the degree of 55650  
doctor of medicine or osteopathic medicine. With respect to 55651  
applicants to practice respiratory care, the register shall show 55652  
the addresses of the person's last known place of business and 55653  
residence, the effective date and identification number of the 55654  
license or limited permit, and, if applicable, the name and 55655  
location of the institution that granted the person's degree or 55656  
certificate of completion of respiratory care educational 55657  
requirements, and the date the degree or certificate of completion 55658  
was issued. ~~The~~ 55659

(C) The books and records of the board shall be prima-facie 55660  
evidence of matters therein contained. 55661

**Sec. 4731.14.** (A) The state medical board shall review all 55662  
applications submitted under section 4731.09 ~~or 4731.296~~ of the 55663  
Revised Code and determine whether each applicant meets the 55664  
requirements for a license to practice medicine and surgery or 55665  
osteopathic medicine and surgery. ~~An affirmative vote of not fewer~~ 55666  
~~than six members of the board is necessary for the board to~~ 55667  
~~determine that an applicant meets the requirements for a license.~~ 55668

(B) If the board determines that the evidence submitted with 55669  
an application is satisfactory and the applicant meets the 55670  
requirements for a license, the board shall issue to the applicant 55671  
a license to practice medicine and surgery or osteopathic medicine 55672  
and surgery, as applicable. If the applicant holds a medical 55673  
degree other than the degree of doctor of medicine or doctor of 55674  
osteopathic medicine, the license shall indicate that the 55675  
applicant is authorized to practice medicine and surgery pursuant 55676  
to the laws of this state. Each license issued by the board shall 55677  
be signed by its president and secretary, and attested by its 55678  
seal. 55679

(C) The holder of a license to practice medicine and surgery 55680  
issued under this chapter may use the titles "Dr.," "doctor," 55681  
"M.D.," or "physician." The holder of a license to practice 55682  
osteopathic medicine and surgery issued under this chapter may use 55683  
the titles "Dr.," "doctor," "D.O.," or "physician." 55684

(D) The holder of a license issued under this section shall 55685  
either provide verification of licensure status from the board's 55686  
internet web site on request or prominently display a wall 55687  
certificate in the license holder's office or place where the 55688  
majority of the holder's practice is conducted. 55689

**Sec. 4731.15.** (A) The state medical board also shall regulate 55690  
the following limited branches of medicine: massage therapy and 55691

cosmetic therapy, and to the extent specified in section 4731.151 55692  
of the Revised Code, naprapathy and mechanotherapy. The board 55693  
shall adopt rules governing the limited branches of medicine under 55694  
its jurisdiction. The rules shall be adopted in accordance with 55695  
Chapter 119. of the Revised Code. 55696

(B) A ~~eertificate~~ license to practice a limited branch of 55697  
medicine issued by the state medical board is valid for a two-year 55698  
period, ~~except when an initial certificate is issued for a shorter~~ 55699  
~~period or when division (C)(2) of this section is applicable~~ 55700  
unless revoked or suspended and expires on the date that is two 55701  
years after the date of issuance. The ~~eertificate~~ license may be 55702  
renewed for additional two-year periods in accordance with 55703  
division (C) of this section. 55704

~~(C)(1) Except as provided in division (C)(2) of this section,~~ 55705  
~~both~~ Both of the following apply with respect to the renewal of 55706  
~~eertificates~~ licenses to practice a limited branch of medicine: 55707

~~(a)(1)~~ Each person seeking to renew a ~~eertificate~~ license to 55708  
practice a limited branch of medicine shall apply for biennial 55709  
renewal with the state medical board in a manner prescribed by the 55710  
board. An applicant for renewal shall pay a biennial renewal fee 55711  
of one hundred dollars. 55712

~~(b)(2)~~ At least one month before a ~~eertificate~~ license 55713  
expires, the board shall provide a renewal notice to the 55714  
~~eertificate~~ license holder. 55715

~~(2) The board shall implement a staggered renewal system that~~ 55716  
~~is substantially similar to the staggered renewal system the board~~ 55717  
~~uses under division (A) of section 4731.281 of the Revised Code.~~ 55718

(D) All persons who hold a ~~eertificate~~ license to practice a 55719  
limited branch of medicine issued by the state medical board shall 55720  
provide the board notice of any change of address. The notice 55721  
shall be submitted to the board not later than thirty days after 55722

the change of address. 55723

(E) A ~~certificate~~ license to practice a limited branch of 55724  
medicine shall be automatically suspended if the ~~certificate~~ 55725  
license holder fails to renew the ~~certificate~~ license in 55726  
accordance with division (C) of this section. Continued practice 55727  
after the suspension of the ~~certificate~~ license to practice shall 55728  
be considered as practicing in violation of sections 4731.34 and 55729  
4731.41 of the Revised Code. 55730

If a ~~certificate to practice~~ license has been suspended 55731  
pursuant to this division for two years or less, it may be 55732  
reinstated. The board shall reinstate the ~~certificate~~ license upon 55733  
an applicant's submission of a renewal application and payment of 55734  
a reinstatement fee of one hundred twenty-five dollars. With 55735  
regard to reinstatement of a ~~certificate~~ license to practice 55736  
cosmetic therapy, the applicant also shall submit with the 55737  
application a certification that the number of hours of continuing 55738  
education necessary to have a suspended ~~certificate~~ license 55739  
reinstated have been completed, as specified in rules the board 55740  
shall adopt in accordance with Chapter 119. of the Revised Code. 55741

If a ~~certificate~~ license has been suspended pursuant to this 55742  
division for more than two years, it may be restored. Subject to 55743  
section 4731.222 of the Revised Code, the board may restore the 55744  
~~certificate~~ license upon an applicant's submission of a 55745  
restoration application and a restoration fee of one hundred fifty 55746  
dollars and compliance with sections 4776.01 to 4776.04 of the 55747  
Revised Code. The board shall not restore to an applicant a 55748  
~~certificate~~ license to practice unless the board, in its 55749  
discretion, decides that the results of the criminal records check 55750  
do not make the applicant ineligible for a ~~certificate~~ license 55751  
issued pursuant to section 4731.17 of the Revised Code. 55752

**Sec. 4731.155.** (A) The state medical board may adopt rules 55753



that establish continuing education requirements for renewal under 55754  
section 4731.15 of the Revised Code of a ~~certificate~~ license to 55755  
practice a limited branch of medicine. The rules shall be adopted 55756  
in accordance with Chapter 119. of the Revised Code. 55757

(B)(1) If the board adopts rules establishing continuing 55758  
education requirements for holders of licenses to practice a 55759  
limited branch of medicine, the board may require a holder to 55760  
certify to the board that the holder has satisfied the continuing 55761  
education requirements. 55762

(2) The board may require a random sample of license holders 55763  
to submit materials documenting that the continuing education 55764  
requirements adopted under this section have been satisfied. 55765

Division (B)(2) of this section does not limit the board's 55766  
authority to conduct investigations pursuant to section 4731.22 of 55767  
the Revised Code. 55768

(3) If, through a random sample conducted under division 55769  
(B)(2) of this section or any other means, the board finds that an 55770  
individual who certified completion of the number of hours and 55771  
type of continuing education required to renew, reinstate, or 55772  
restore a license to practice did not complete the requisite 55773  
continuing education, the board may do either of the following: 55774

(a) Take disciplinary action against the individual under 55775  
section 4731.22 of the Revised Code, impose a civil penalty, or 55776  
both; 55777

(b) Permit the individual to agree in writing to complete the 55778  
continuing education and pay a civil penalty. 55779

(4) The board's finding in any disciplinary action taken 55780  
under division (B)(3)(a) of this section shall be made pursuant to 55781  
an adjudication under Chapter 119. of the Revised Code and by an 55782  
affirmative vote of not fewer than six of its members. 55783

(5) A civil penalty imposed under division (B)(3)(a) of this section or paid under division (B)(3)(b) of this section shall be in an amount specified by the board of not more than five thousand dollars. The board shall deposit civil penalties in accordance with section 4731.24 of the Revised Code. 55784  
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**Sec. 4731.17.** (A) The state medical board shall review all applications received under section 4731.19 of the Revised Code. The board shall determine whether an applicant meets the requirements for a certificate license to practice the applicable limited branch of medicine. ~~An affirmative vote of not fewer than six members of the board is required to determine that an applicant meets the requirements for a certificate.~~ 55789  
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(B) If the board determines that the applicant meets the requirements for a certificate license and that the documentation required for a certificate license is acceptable, the board shall issue to the applicant the appropriate certificate license to practice. Each certificate license shall be signed by the president and secretary of the board and attested by its seal. 55796  
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(C) A certificate license shall authorize the holder to practice the limited branch of medicine for which the certificate license was issued. No person who holds a certificate license to practice a limited branch of medicine issued by the board under this section shall do any of the following: 55802  
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(1) Practice a limited branch of medicine other than the limited branch of medicine for which the certificate license was issued; 55807  
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(2) Treat infectious, contagious, or venereal diseases; 55810

(3) Prescribe or administer drugs; 55811

(4) Perform surgery or practice medicine in any other form. 55812

**Sec. 4731.171.** In addition to any other eligibility 55813  
requirement set forth in this chapter, each applicant for a 55814  
~~certificate~~ license to practice massage therapy or cosmetic 55815  
therapy shall comply with sections 4776.01 to 4776.04 of the 55816  
Revised Code. The state medical board shall not grant to an 55817  
applicant a ~~certificate~~ license to practice massage therapy or 55818  
cosmetic therapy unless the board, in its discretion, decides that 55819  
the results of the criminal records check do not make the 55820  
applicant ineligible for a ~~certificate~~ license issued pursuant to 55821  
section 4731.17 of the Revised Code. 55822

**Sec. 4731.19.** (A) A person seeking a ~~certificate~~ license to 55823  
practice a limited branch of medicine shall file with the state 55824  
medical board an application in a manner prescribed by the board. 55825  
The application shall include or be accompanied by all of the 55826  
following: 55827

(1) Evidence that the applicant is at least eighteen years of 55828  
age and of good moral character; 55829

(2) Evidence that the applicant has attained high school 55830  
graduation or its equivalent; 55831

(3) Evidence that the applicant holds one of the following: 55832

(a) A diploma or certificate from a school, college, or 55833  
institution in good standing as determined by the board, showing 55834  
the completion of the required courses of instruction; 55835

(b) A diploma or certificate from a school, college, or 55836  
institution in another state or jurisdiction showing completion of 55837  
a course of instruction that meets course requirements determined 55838  
by the board through rules adopted under section 4731.05 of the 55839  
Revised Code; 55840

(c) ~~For not less than five years~~ During the five-year period 55841  
immediately preceding the date of application, a current license, 55842

registration, or certificate in good standing in another state for 55843  
massage therapy or cosmetic therapy. 55844

(4) Evidence that the applicant has successfully passed an 55845  
examination, prescribed in rules described in section 4731.16 of 55846  
the Revised Code, to determine competency to practice the 55847  
applicable limited branch of medicine; 55848

(5) An attestation that the information submitted under this 55849  
section is accurate and truthful and that the applicant consents 55850  
to release of information; 55851

(6) Any other information the board requires. 55852

(B) An applicant for a ~~certificate~~ license to practice a 55853  
limited branch of medicine shall comply with the requirements of 55854  
section 4731.171 of the Revised Code. 55855

(C) At the time of making application for a ~~certificate~~ 55856  
license to practice a limited branch of medicine, the applicant 55857  
shall pay to the board a fee of one hundred fifty dollars, no part 55858  
of which shall be returned. No application shall be considered 55859  
filed until the board receives the appropriate fee. 55860

(D) The board may investigate the application materials 55861  
received under this section and contact any agency or organization 55862  
for recommendations or other information about the applicant. 55863

**Sec. 4731.222.** (A) This section applies to both of the 55864  
following: 55865

(1) An applicant seeking restoration of a license or 55866  
certificate issued under this chapter that has been in a suspended 55867  
or inactive state for any cause for more than two years; 55868

(2) An applicant seeking issuance of a license or certificate 55869  
pursuant to this chapter who for more than two years has not been 55870  
engaged in the practice of medicine and surgery, osteopathic 55871  
medicine and surgery, podiatric medicine and surgery, or a limited 55872

branch of medicine as any of the following:	55873
(a) An active practitioner;	55874
(b) A participant in a program of graduate medical education, as defined in section 4731.04 of the Revised Code;	55875 55876
(c) A participant in a podiatric internship, residency, or clinical fellowship program;	55877 55878
(d) A student in a college of podiatry determined by the state medical board to be in good standing;	55879 55880
(e) A student in a school, college, or institution giving instruction in a limited branch of medicine determined by the board to be in good standing under section 4731.16 of the Revised Code.	55881 55882 55883 55884
(B) Before <del>restoring a license or certificate to good standing for or</del> issuing a license or certificate to an applicant subject to this section <u>or restoring a license or certificate to good standing for an applicant subject to this section</u> , the state medical board may impose terms and conditions including any one or more of the following:	55885 55886 55887 55888 55889 55890
(1) Requiring the applicant to pass an oral or written examination, or both, to determine the applicant's present fitness to resume practice;	55891 55892 55893
(2) Requiring the applicant to obtain additional training and to pass an examination upon completion of such training;	55894 55895
(3) Requiring an assessment of the applicant's physical skills for purposes of determining whether the applicant's coordination, fine motor skills, and dexterity are sufficient for performing medical evaluations and procedures in a manner that meets the minimal standards of care;	55896 55897 55898 55899 55900
(4) Requiring an assessment of the applicant's skills in recognizing and understanding diseases and conditions;	55901 55902

(5) Requiring the applicant to undergo a comprehensive physical examination, which may include an assessment of physical abilities, evaluation of sensory capabilities, or screening for the presence of neurological disorders;

(6) Restricting or limiting the extent, scope, or type of practice of the applicant.

The board shall consider the moral background and the activities of the applicant during the period of suspension or inactivity, in accordance with section 4731.09, 4731.19, or 4731.52 of the Revised Code. The board shall not issue or restore a license or certificate under this section unless the applicant complies with sections 4776.01 to 4776.04 of the Revised Code.

**Sec. 4731.228.** (A) As used in this section:

(1) "Federally qualified health center" has the same meaning as in section 3701.047 of the Revised Code.

(2) "Federally qualified health center look-alike" has the same meaning as in section 3701.047 of the Revised Code.

(3) "Health care entity" means any of the following that employs a physician to provide physician services:

(a) A hospital registered with the department of health under section 3701.07 of the Revised Code;

(b) A corporation formed under division (B) of section 1701.03 of the Revised Code;

(c) A corporation formed under Chapter 1702. of the Revised Code;

(d) A limited liability company formed under Chapter 1705. of the Revised Code;

(e) A health insuring corporation holding a certificate of authority under Chapter 1751. of the Revised Code;

(f) A partnership;	55932
(g) A professional association formed under Chapter 1785. of the Revised Code.	55933 55934
(4) "Physician" means an individual authorized under this chapter to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery.	55935 55936 55937
(5) "Physician services" means direct patient care services provided by a physician <del>pursuant to a certificate issued to the physician by the state medical board.</del>	55938 55939 55940
(6) "Termination" means the end of a physician's employment with a health care entity for any reason.	55941 55942
(B) This section applies when a physician's employment with a health care entity to provide physician services is terminated for any reason, unless the physician continues to provide medical services for patients of the health care entity on an independent contractor basis.	55943 55944 55945 55946 55947
(C)(1) Except as provided in division (C)(2) of this section, a health care entity shall send notice of the termination of a physician's employment to each patient who received physician services from the physician in the two-year period immediately preceding the date of employment termination. Only patients of the health care entity who received services from the physician are to receive the notice.	55948 55949 55950 55951 55952 55953 55954
(2) If the health care entity provides to the physician a list of patients treated and patient contact information, the health care entity may require the physician to send the notice required by this section.	55955 55956 55957 55958
(D) The notice provided under division (C) of this section shall be provided not later than the date of termination or thirty days after the health care entity has actual knowledge of	55959 55960 55961

termination or resignation of the physician, whichever is later. 55962

The notice shall be provided in accordance with rules adopted by 55963

the state medical board under section 4731.05 of the Revised Code. 55964

The notice shall include at least all of the following: 55965

(1) A notice to the patient that the physician will no longer 55966

be practicing medicine as an employee of the health care entity; 55967

(2) Except in situations in which the health care entity has 55968

a good faith concern that the physician's conduct or the medical 55969

care provided by the physician would jeopardize the health and 55970

safety of patients, the physician's name and, if known by the 55971

health care entity, information provided by the physician that the 55972

patient may use to contact the physician; 55973

(3) The date on which the physician ceased or will cease to 55974

practice as an employee of the health care entity; 55975

(4) Contact information for an alternative physician or 55976

physicians employed by the health care entity or contact 55977

information for a group practice that can provide care for the 55978

patient; 55979

(5) Contact information that enables the patient to obtain 55980

information on the patient's medical records. 55981

(E) The requirements of this section do not apply to any of 55982

the following: 55983

(1) A physician rendering services to a patient on an 55984

episodic basis or in an emergency department or urgent care 55985

center, when it should not be reasonably expected that related 55986

medical services will be rendered by the physician to the patient 55987

in the future; 55988

(2) A medical director or other physician providing services 55989

in a similar capacity to a medical director to patients through a 55990

hospice care program licensed pursuant to section 3712.04 of the 55991



Revised Code. 55992

(3) Medical residents, interns, and fellows who work in 55993  
hospitals, health systems, federally qualified health centers, and 55994  
federally qualified health center look-alikes as part of their 55995  
medical education and training. 55996

(4) A physician providing services to a patient through a 55997  
community mental health ~~agency~~ services provider certified by the 55998  
director of mental health and addiction services under section 55999  
~~5119.611~~ 5119.36 of the Revised Code or ~~an alcohol and drug~~ 56000  
~~addiction program~~ a community addiction services provider 56001  
certified by the ~~department of alcohol and drug addiction services~~ 56002  
director under that section ~~3793.06~~ of the Revised Code. 56003

(5) A physician providing services to a patient through a 56004  
federally qualified health center or a federally qualified health 56005  
center look-alike. 56006

**Sec. 4731.229.** Any disciplinary action taken on an 56007  
individual's ~~certificate~~ license to practice by the state medical 56008  
board under section 4731.22 of the Revised Code operates 56009  
automatically on the individual's certificate to recommend and 56010  
remains in effect for as long as the action remains in effect on 56011  
the ~~certificate~~ license to practice. 56012

**Sec. 4731.281.** (A)(1) ~~Each person holding a~~ A license issued 56013  
under this chapter to practice medicine and surgery, osteopathic 56014  
medicine and surgery, or podiatric medicine and surgery ~~wishing to~~ 56015  
~~renew that license shall apply to the board for renewal~~ shall be 56016  
valid for a two-year period unless revoked or suspended. A license 56017  
shall expire on the date that is two years from the date of 56018  
issuance and may be renewed for additional two-year periods. 56019  
Applications for renewal shall be submitted to the state medical 56020  
board in a manner prescribed by the board. ~~Each~~ 56021

~~Each application shall be accompanied by a biennial renewal fee of three hundred five dollars. Applications shall be submitted according to the following schedule:~~

~~(a) Persons whose last name begins with the letters "A" through "B," on or before the first day of July of every odd-numbered year;~~

~~(b) Persons whose last name begins with the letters "C" through "D," on or before the first day of April of every odd-numbered year;~~

~~(c) Persons whose last name begins with the letters "E" through "G," on or before the first day of January of every odd-numbered year;~~

~~(d) Persons whose last name begins with the letters "H" through "K," on or before the first day of October of every even-numbered year;~~

~~(e) Persons whose last name begins with the letters "L" through "M," on or before the first day of July of every even-numbered year;~~

~~(f) Persons whose last name begins with the letters "N" through "R," on or before the first day of April of every even-numbered year;~~

~~(g) Persons whose last name begins with the letter "S," on or before the first day of January of every even-numbered year;~~

~~(h) Persons whose last name begins with the letters "T" through "Z," on or before the first day of October of every odd-numbered year.~~

The board shall deposit the fee in accordance with section 4731.24 of the Revised Code, except that the board shall deposit twenty dollars of the fee into the state treasury to the credit of the physician loan repayment fund created by section 3702.78 of

the Revised Code. 56052

(2) The board shall provide a renewal notice to every person 56053  
holding a license to practice medicine and surgery, osteopathic 56054  
medicine and surgery, or podiatric medicine and surgery, a renewal 56055  
notice ~~or~~. The board may provide the notice to the person through 56056  
the secretary of any recognized medical, osteopathic, or podiatric 56057  
society. The notice shall be provided to the person at least one 56058  
month prior to the date on which the person's license expires. 56059

(3) Failure of any person to receive a notice of renewal from 56060  
the board shall not excuse the person from the requirements 56061  
contained in this section. 56062

(4) The board's notice shall inform the applicant of the 56063  
renewal procedure. The board shall provide the application for 56064  
renewal in a form determined by the board. 56065

(5) The applicant shall provide in the application the 56066  
applicant's full name; the applicant's residence address, business 56067  
address, and electronic mail address; the number of the 56068  
applicant's license to practice; and any other information 56069  
required by the board. 56070

(6)(a) Except as provided in division (A)(6)(b) of this 56071  
section, in the case of an applicant who prescribes or personally 56072  
furnishes opioid analgesics or benzodiazepines, as defined in 56073  
section 3719.01 of the Revised Code, the applicant shall certify 56074  
to the board whether the applicant has been granted access to the 56075  
drug database established and maintained by the state board of 56076  
pharmacy pursuant to section 4729.75 of the Revised Code. 56077

(b) The requirement described in division (A)(6)(a) of this 56078  
section does not apply if any of the following is the case: 56079

(i) The state board of pharmacy notifies the state medical 56080  
board pursuant to section 4729.861 of the Revised Code that the 56081  
applicant has been restricted from obtaining further information 56082

from the drug database. 56083

(ii) The state board of pharmacy no longer maintains the drug 56084  
database. 56085

(iii) The applicant does not practice medicine and surgery, 56086  
osteopathic medicine and surgery, or podiatric medicine and 56087  
surgery in this state. 56088

(c) If an applicant certifies to the state medical board that 56089  
the applicant has been granted access to the drug database and the 56090  
board finds through an audit or other means that the applicant has 56091  
not been granted access, the board may take action under section 56092  
4731.22 of the Revised Code. 56093

(7) The applicant shall indicate whether the applicant 56094  
currently collaborates, as that term is defined in section 4723.01 56095  
of the Revised Code, with any clinical nurse specialists, 56096  
certified nurse-midwives, or certified nurse practitioners. 56097

(8) The applicant shall report any criminal offense to which 56098  
the applicant has pleaded guilty, of which the applicant has been 56099  
found guilty, or for which the applicant has been found eligible 56100  
for intervention in lieu of conviction, since last submitting an 56101  
application for a license to practice or renewal of a license. 56102

(9) The applicant shall execute and deliver the application 56103  
to the board in a manner prescribed by the board. 56104

(B) The board shall renew a license under this chapter to 56105  
practice medicine and surgery, osteopathic medicine and surgery, 56106  
or podiatric medicine and surgery upon application and 56107  
qualification therefor in accordance with this section. A renewal 56108  
shall be valid for a two-year period. 56109

(C) Failure of any license holder to renew and comply with 56110  
this section shall operate automatically to suspend the holder's 56111  
license to practice and if applicable, the holder's certificate to 56112

recommend issued under section 4731.30 of the Revised Code. 56113  
Continued practice after the suspension shall be considered as 56114  
practicing in violation of section 4731.41, 4731.43, or 4731.60 of 56115  
the Revised Code. 56116

If the license has been suspended pursuant to this division 56117  
for two years or less, it may be reinstated. The board shall 56118  
reinstate a license to practice suspended for failure to renew 56119  
upon an applicant's submission of a renewal application and 56120  
payment of a reinstatement fee of four hundred five dollars. 56121

If the license has been suspended pursuant to this division 56122  
for more than two years, it may be restored. Subject to section 56123  
4731.222 of the Revised Code, the board may restore a license to 56124  
practice suspended for failure to renew upon an applicant's 56125  
submission of a restoration application, payment of a restoration 56126  
fee of five hundred five dollars, and compliance with sections 56127  
4776.01 to 4776.04 of the Revised Code. The board shall not 56128  
restore to an applicant a license ~~to practice~~ unless the board, in 56129  
its discretion, decides that the results of the criminal records 56130  
check do not make the applicant ineligible for a license issued 56131  
pursuant to section 4731.14 or 4731.56 of the Revised Code. ~~Any~~ 56132

Any reinstatement or restoration of a license to practice 56133  
under this section shall operate automatically to renew the 56134  
holder's certificate to recommend. 56135

(D) The state medical board may obtain information not 56136  
protected by statutory or common law privilege from courts and 56137  
other sources concerning malpractice claims against any person 56138  
holding a license to practice under this chapter or practicing as 56139  
provided in section 4731.36 of the Revised Code. 56140

(E) Each ~~mailing sent~~ renewal notice provided by the board 56141  
under division (A)(2) of this section to a person holding a 56142  
license to practice medicine and surgery or osteopathic medicine 56143

and surgery shall inform the applicant of the reporting 56144  
requirement established by division (H) of section 3701.79 of the 56145  
Revised Code. At the discretion of the board, the information may 56146  
be included on the application for renewal or on an accompanying 56147  
page. 56148

(F) Each person holding a license to practice medicine and 56149  
surgery, osteopathic medicine and surgery, or podiatric medicine 56150  
and surgery shall give notice to the board of a change in the 56151  
license holder's residence address, business address, or 56152  
electronic mail address not later than thirty days after the 56153  
change occurs. 56154

**Sec. 4731.282.** (A)(1) Except as provided in division (D) of 56155  
this section, each person holding a license to practice medicine 56156  
and surgery, osteopathic medicine and surgery, or podiatric 56157  
medicine and surgery issued by the state medical board shall 56158  
complete biennially not less than ~~one hundred~~ fifty hours of 56159  
continuing medical education that has been approved by the board. 56160

(2) Each person holding a license to practice shall be given 56161  
sufficient choice of continuing education programs to ensure that 56162  
the person has had a reasonable opportunity to participate in 56163  
continuing education programs that are relevant to the person's 56164  
medical practice in terms of subject matter and level. 56165

(B) In determining whether a course, program, or activity 56166  
qualifies for credit as continuing medical education, the board 56167  
shall approve all of the following: 56168

(1) Continuing medical education completed by holders of 56169  
licenses to practice medicine and surgery that is certified by the 56170  
Ohio state medical association; 56171

(2) Continuing medical education completed by holders of 56172  
licenses to practice osteopathic medicine and surgery that is 56173

certified by the Ohio osteopathic association; 56174

(3) Continuing medical education completed by holders of 56175  
licenses to practice podiatric medicine and surgery that is 56176  
certified by the Ohio podiatric medical association. 56177

(C) The board shall approve one or more continuing medical 56178  
education courses of study included within the programs certified 56179  
by the Ohio state medical association and the Ohio osteopathic 56180  
association under divisions (B)(1) and (2) of this section that 56181  
assist doctors of medicine and doctors of osteopathic medicine in 56182  
both of the following: 56183

(1) Recognizing the signs of domestic violence and its 56184  
relationship to child abuse; 56185

(2) Diagnosing and treating chronic pain, as defined in 56186  
section 4731.052 of the Revised Code. 56187

(D) The board shall adopt rules providing for pro rata 56188  
reductions by month of the number of hours of continuing education 56189  
that must be completed for license holders who ~~are in their first~~ 56190  
~~renewal period,~~ have been disabled by illness or accident, or have 56191  
been absent from the country. The board shall adopt the rules in 56192  
accordance with Chapter 119. of the Revised Code. 56193

(E) The board may require a random sample of holders of 56194  
licenses to practice medicine and surgery, osteopathic medicine 56195  
and surgery, or podiatric medicine and surgery to submit materials 56196  
documenting completion of the required number of hours of 56197  
continuing medical education. This division does not limit the 56198  
board's authority to conduct investigations pursuant to section 56199  
4731.22 of the Revised Code. 56200

(F)(1) If, through a random sample conducted under division 56201  
(E) of this section or any other means, the board finds that an 56202  
individual who certified completion of the number of hours and 56203  
type of continuing medical education required to renew, reinstate, 56204

or restore a license to practice did not complete the requisite 56205  
continuing medical education, the board may do either of the 56206  
following: 56207

(a) Take disciplinary action against the individual under 56208  
section 4731.22 of the Revised Code, ~~7~~ impose a civil penalty, or 56209  
both; 56210

(b) Permit the individual to agree in writing to complete the 56211  
continuing medical education and pay a civil penalty. 56212

(2) The board's finding in any disciplinary action taken 56213  
under division (F)(1)(a) of this section shall be made pursuant to 56214  
an adjudication under Chapter 119. of the Revised Code and by an 56215  
affirmative vote of not fewer than six of its members. 56216

(3) A civil penalty ~~paid~~ imposed under division (F)(1)~~(b)~~(a) 56217  
of this section or ~~imposed~~ paid under division (F)(1)~~(a)~~(b) of 56218  
this section shall be in an amount specified by the board of not 56219  
more than five thousand dollars. The board shall deposit civil 56220  
penalties in accordance with section 4731.24 of the Revised Code. 56221

**Sec. 4731.291.** (A) An individual seeking to pursue an 56222  
internship, residency, clinical fellowship program, or elective 56223  
clinical rotation in this state, who does not hold a license to 56224  
practice medicine and surgery or osteopathic medicine or surgery 56225  
issued under this chapter, shall apply to the state medical board 56226  
for a training certificate. The application shall be made on forms 56227  
that the board shall furnish and shall be accompanied by an 56228  
application fee of one hundred thirty dollars. 56229

An applicant for a training certificate shall furnish to the 56230  
board all of the following: 56231

(1) Evidence satisfactory to the board that the applicant is 56232  
at least eighteen years of age and is of good moral character. 56233

(2) Evidence satisfactory to the board that the applicant has 56234



been accepted or appointed to participate in this state in one of 56235  
the following: 56236

(a) An internship ~~or~~, residency, or clinical fellowship 56237  
program accredited by either the accreditation council for 56238  
graduate medical education of the American medical association or 56239  
the American osteopathic association; 56240

(b) A clinical fellowship program that is not accredited as 56241  
described in division (A)(2)(a) of this section, but is conducted 56242  
at an institution with a residency program that is accredited by 56243  
~~either the accreditation council for graduate medical education of~~ 56244  
~~the American medical association or the American osteopathic~~ 56245  
~~association that~~ as described in that division and is in a 56246  
clinical field the same as or related to the clinical field of the 56247  
fellowship program; 56248

(c) An elective clinical rotation that lasts not more than 56249  
one year and is offered to interns, residents, or clinical fellows 56250  
participating in programs that are located outside this state and 56251  
meet the requirements of division (A)(2)(a) or (b) of this 56252  
section. 56253

(3) Information identifying the beginning and ending dates of 56254  
the period for which the applicant has been accepted or appointed 56255  
to participate in the internship, residency, or clinical 56256  
fellowship program; 56257

(4) Any other information that the board requires. 56258

(B) If no grounds for denying a license or certificate under 56259  
section 4731.22 of the Revised Code apply, and the applicant meets 56260  
the requirements of division (A) of this section, the board shall 56261  
issue a training certificate to the applicant. The board shall not 56262  
require an examination as a condition of receiving a training 56263  
certificate. 56264

A training certificate issued pursuant to this section shall 56265

be valid only for three years, but may ~~in the discretion of the~~ 56266  
~~board and upon application duly made,~~ be renewed by the board for 56267  
one additional three-year period. ~~The~~ To renew a training 56268  
certificate, the holder shall apply to the board on or before the 56269  
certificate's expiration date. 56270

The fee for renewal of a training certificate shall be one 56271  
hundred dollars. A late application may be submitted not more than 56272  
thirty days after the certificate's expiration date. In such a 56273  
case, the holder shall include with the application a 56274  
one-hundred-fifty-dollar reinstatement fee. 56275

~~The board shall maintain a register of all individuals who~~ 56276  
~~hold training certificates.~~ 56277

(C) The holder of a valid training certificate shall be 56278  
entitled to perform such acts as may be prescribed by or 56279  
incidental to the holder's internship, residency, or clinical 56280  
fellowship program, but the holder shall not be entitled otherwise 56281  
to engage in the practice of medicine and surgery or osteopathic 56282  
medicine and surgery in this state. The holder shall limit 56283  
activities under the certificate to the programs of the hospitals 56284  
or facilities for which the training certificate is issued. The 56285  
holder shall train only under the supervision of the physicians 56286  
responsible for supervision as part of the internship, residency, 56287  
or clinical fellowship program. 56288

A training certificate may be revoked by the board upon 56289  
proof, satisfactory to the board, that the holder thereof has 56290  
engaged in practice in this state outside the scope of the 56291  
internship, residency, or clinical fellowship program for which 56292  
the training certificate has been issued, or upon proof, 56293  
satisfactory to the board, that the holder thereof has engaged in 56294  
unethical conduct or that there are grounds for action against the 56295  
holder under section 4731.22 of the Revised Code. 56296

(D) The board may adopt rules as the board finds necessary to 56297  
effect the purpose of this section. 56298

**Sec. 4731.293.** (A) The state medical board may issue, without 56299  
examination, a clinical research faculty certificate to practice 56300  
medicine and surgery, osteopathic medicine and surgery, or 56301  
podiatric medicine and surgery to any person who applies for the 56302  
certificate and provides to the board all of the following: 56303

(1) Evidence satisfactory to the board of all of the 56304  
following: 56305

(a) That the applicant holds a current, unrestricted license 56306  
to practice medicine and surgery, osteopathic medicine and 56307  
surgery, or podiatric medicine and surgery issued by another state 56308  
or country; 56309

(b) That the applicant has been appointed to serve in this 56310  
state on the academic staff of a medical school accredited by the 56311  
liaison committee on medical education, an osteopathic medical 56312  
school accredited by the American osteopathic association, or a 56313  
college of podiatric medicine and surgery in good standing with 56314  
the board; 56315

(c) That the applicant is an international medical graduate 56316  
who holds a medical degree from an educational institution listed 56317  
in the international medical education directory. 56318

(2) An affidavit and supporting documentation from the dean 56319  
of the school or college, or the department director or 56320  
chairperson of a teaching hospital affiliated with the school or 56321  
college, that the applicant is qualified to perform teaching and 56322  
research activities and will be permitted to work only under the 56323  
authority of the department director or chairperson of a teaching 56324  
hospital affiliated with the school or college where the 56325  
applicant's teaching and research activities will occur; 56326

(3) A description from the school, college, or teaching hospital of the scope of practice in which the applicant will be involved, including the types of teaching, research, and procedures in which the applicant will be engaged;

(4) A description from the school, college, or teaching hospital of the type and amount of patient contact that will occur in connection with the applicant's teaching and research activities.

(B) An applicant for an initial clinical research faculty certificate shall pay a fee of three hundred seventy-five dollars.

(C) The holder of a clinical research faculty certificate may do one of the following, as applicable:

(1) Practice medicine and surgery or osteopathic medicine and surgery only as is incidental to the certificate holder's teaching or research duties at the medical school or a teaching hospital affiliated with the school;

(2) Practice podiatric medicine and surgery only as is incidental to the certificate holder's teaching or research duties at the college of podiatric medicine and surgery or a teaching hospital affiliated with the college.

(D) The board may revoke a certificate on receiving proof satisfactory to the board that the certificate holder has engaged in practice in this state outside the scope of the certificate or that there are grounds for action against the certificate holder under section 4731.22 of the Revised Code.

(E) A clinical research faculty certificate is valid for three years, except that the certificate ceases to be valid if the holder's academic staff appointment described in division

(A)(1)(b) of this section is no longer valid or the certificate is revoked pursuant to division (D) of this section.

(F)(1) The board shall provide a renewal notice to the certificate holder at least one month before the certificate expires. Failure of a certificate holder to receive a notice of renewal from the board shall not excuse the certificate holder from the requirements contained in this section. The notice shall inform the certificate holder of the renewal procedure. The notice also shall inform the certificate holder of the reporting requirement established by division (H) of section 3701.79 of the Revised Code. At the discretion of the board, the information may be included on the application for renewal or on an accompanying page.

(2) A clinical research faculty certificate may be renewed for an additional three-year period. There is no limit on the number of times a certificate may be renewed. A person seeking renewal of a certificate shall apply to the board. The board shall provide the application for renewal in a form determined by the board.

(3) An applicant is eligible for renewal if the applicant does all of the following:

(a) Pays a renewal fee of three hundred seventy-five dollars;

(b) Reports any criminal offense to which the applicant has pleaded guilty, of which the applicant has been found guilty, or for which the applicant has been found eligible for intervention in lieu of conviction, since last filing an application for a clinical research faculty certificate;

(c) Provides to the board an affidavit and supporting documentation from the dean of the school or college, or the department director or chairperson of a teaching hospital affiliated with the school or college, that the applicant is in compliance with the applicant's current clinical research faculty certificate;

(d) Provides evidence satisfactory to the board of all of the following: 56388  
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(i) That the applicant continues to maintain a current, unrestricted license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery issued by another state or country; 56390  
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(ii) That the applicant's initial appointment to serve in this state on the academic staff of a school or college is still valid or has been renewed; 56394  
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(iii) That the applicant has completed ~~one hundred fifty~~ seventy-five hours of continuing medical education that meet the requirements set forth in section 4731.282 of the Revised Code. 56397  
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(4) Regardless of whether the certificate has expired, a person who was granted a visiting medical faculty certificate under this section as it existed immediately prior to June 6, 2012, may apply for a clinical research faculty certificate as a renewal. The board may issue the clinical research faculty certificate if the applicant meets the requirements of division (F)(3) of this section. The board may not issue a clinical research faculty certificate if the visiting medical faculty certificate was revoked. 56400  
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~~(G) The board shall maintain a register of all persons who hold clinical research faculty certificates.~~ 56409  
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~~(H)~~ The board may adopt any rules it considers necessary to implement this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code. 56411  
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**Sec. 4731.294.** (A) The state medical board may issue, without examination, a special activity certificate to any person seeking to practice medicine and surgery or osteopathic medicine and surgery in conjunction with a special activity, program, or event 56414  
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taking place in this state. 56418

(B) An applicant for a special activity certificate shall 56419  
~~hold a telemedicine certificate issued under section 4731.296 of~~ 56420  
~~the Revised Code or~~ submit evidence satisfactory to the board of 56421  
all of the following: 56422

(1) The applicant holds a current, unrestricted license to 56423  
practice medicine and surgery or osteopathic medicine and surgery 56424  
issued by another state or country and that within the two-year 56425  
period immediately preceding application, the applicant has done 56426  
one of the following: 56427

(a) Actively practiced medicine and surgery or osteopathic 56428  
medicine and surgery in the United States; 56429

(b) Participated in a graduate medical education program 56430  
accredited by either the accreditation council for graduate 56431  
medical education of the American medical association or the 56432  
American osteopathic association; 56433

(c) Successfully passed the federation licensing examination 56434  
established by the federation of state medical boards, a special 56435  
examination established by the federation of state medical boards, 56436  
or all parts of a standard medical licensing examination 56437  
established for purposes of determining the competence of 56438  
individuals to practice medicine and surgery or osteopathic 56439  
medicine and surgery in the United States. 56440

(2) The applicant meets the same educational requirements 56441  
that individuals must meet under sections 4731.09 and 4731.14 of 56442  
the Revised Code. 56443

(3) The applicant's practice in conjunction with the special 56444  
activity, program, or event will be in the public interest. 56445

(C) The applicant shall pay a fee of one hundred twenty-five 56446  
dollars ~~unless the applicant holds a telemedicine certificate~~ 56447

~~issued under section 4731.296 of the Revised Code. If the 56448  
applicant holds a telemedicine certificate, the board shall not 56449  
charge a fee for issuing a certificate under this section. The 56450  
board shall maintain a register of all persons who hold a special 56451  
activity certificate. 56452~~

(D) The holder of a special activity certificate may practice 56453  
medicine and surgery or osteopathic medicine and surgery only in 56454  
conjunction with the special activity, event, or program for which 56455  
the certificate is issued. The board may revoke a certificate on 56456  
receiving proof satisfactory to the board that the holder of the 56457  
certificate has engaged in practice in this state outside the 56458  
scope of the certificate or that there are grounds for action 56459  
against the certificate holder under section 4731.22 of the 56460  
Revised Code. 56461

(E) A special activity certificate is valid for the shorter 56462  
of thirty days or the duration of the special activity, program, 56463  
or event. The certificate may not be renewed. 56464

(F) The state medical board shall adopt rules in accordance 56465  
with Chapter 119. of the Revised Code that specify how often an 56466  
applicant may be granted a certificate under this section. 56467

**Sec. 4731.299.** (A) The state medical board may issue, without 56468  
examination, to an applicant who meets all of the requirements of 56469  
this section an expedited license to practice medicine and surgery 56470  
or osteopathic medicine and surgery by endorsement. 56471

(B) An individual who seeks an expedited license by 56472  
endorsement shall file with the board a written application on a 56473  
form prescribed and supplied by the board. The application shall 56474  
include all of the information the board considers necessary to 56475  
process it. 56476  
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(C) To be eligible to receive an expedited license by endorsement, an applicant shall do both of the following:	56478 56479
(1) Provide evidence satisfactory to the board that the applicant meets all of the following requirements:	56480 56481
(a) Has passed one of the following:	56482
(i) Steps one, two, and three of the United States medical licensing examination;	56483 56484
(ii) Levels one, two, and three of the comprehensive osteopathic medical licensing examination of the United States;	56485 56486
(iii) Any other medical licensing examination recognized by the board.	56487 56488
(b) <del>For at least five years</del> <u>During the five-year period</u> immediately preceding the date of application, has held a current, unrestricted license to practice medicine and surgery or osteopathic medicine and surgery issued by the licensing authority of another state or a Canadian province;	56489 56490 56491 56492 56493
(c) For at least two years immediately preceding the date of application, has actively practiced medicine and surgery or osteopathic medicine and surgery in a clinical setting;	56494 56495 56496
(d) Is in compliance with the medical education and training requirements in sections 4731.09 and 4731.14 of the Revised Code.	56497 56498
(2) Certify to the board that all of the following are the case:	56499 56500
(a) Not more than two malpractice claims, <u>which resulted in a finding of liability or in payment</u> , have been filed against the applicant <del>within a</del> <u>during the ten-year period of ten years immediately preceding the date of application</u> and no malpractice claim against the applicant <u>during that ten-year period</u> has resulted in total payment of more than five hundred thousand dollars.	56501 56502 56503 56504 56505 56506 56507

(b) The applicant does not have a criminal record according to the criminal records check required by section 4731.08 of the Revised Code.

(c) The applicant does not have a medical condition that could affect the applicant's ability to practice according to acceptable and prevailing standards of care.

(d) No adverse action has been taken against the applicant by a health care institution.

(e) To the applicant's knowledge, no federal agency, medical society, medical association, or branch of the United States military has investigated or taken action against the applicant.

(f) No professional licensing or regulatory authority has filed a complaint against, investigated, or taken action against the applicant and the applicant has not withdrawn a professional license application.

(g) The applicant has not been suspended or expelled from any institution of higher education or school, including a medical school.

(D) An applicant for an expedited license by endorsement shall comply with section 4731.08 of the Revised Code.

(E) At the time of application, the applicant shall pay to the board a fee of one thousand dollars, no part of which shall be returned. No application shall be considered filed until the board receives the fee.

(F) The secretary and supervising member of the board shall review all applications received under this section.

If the secretary and supervising member determine that an applicant meets the requirements for an expedited license by endorsement, the board shall issue the license to the applicant.

If the secretary and supervising member determine that an

applicant does not meet the requirements for an expedited license 56538  
by endorsement, the application shall be treated as an application 56539  
under section 4731.09 of the Revised Code. 56540

(G) Each license issued by the board under this section shall 56541  
be signed by the president and secretary of the board and attested 56542  
by the board's seal. 56543

(H) Within sixty days after September 29, 2013, the board 56544  
shall approve acceptable means of demonstrating compliance with 56545  
sections 4731.09 and 4731.14 of the Revised Code as required by 56546  
division (C)(1)(d) of this section. 56547

Sec. 4731.2910. (A) As used in this section: 56548

(1) "Facility fee" has the same meaning as in section 4723.94 56549  
of the Revised Code. 56550

(2) "Health care professional" means: 56551

(a) A physician licensed under this chapter to practice 56552  
medicine and surgery, osteopathic medicine and surgery, or 56553  
podiatric medicine and surgery; 56554

(b) A physician assistant licensed under Chapter 4730. of the 56555  
Revised Code. 56556

(3) "Health plan issuer" has the same meaning as in section 56557  
3922.01 of the Revised Code. 56558

(4) "Telemedicine services" has the same meaning as in 56559  
section 3902.30 of the Revised Code. 56560

(B) A health care professional providing telemedicine 56561  
services shall not charge a facility fee, an origination fee, or 56562  
any fee associated with the cost of the equipment used to provide 56563  
telemedicine services to a health plan issuer covering 56564  
telemedicine services under section 3902.30 of the Revised Code. 56565

**Sec. 4731.56.** (A) The state medical board shall review all 56566  
applications received under section 4731.52 of the Revised Code. 56567  
The board shall determine whether an applicant meets the 56568  
requirements for a license to practice podiatric medicine and 56569  
surgery. ~~An affirmative vote of not fewer than six members of the~~ 56570  
~~board is required to determine that an applicant meets the~~ 56571  
~~requirements for a license.~~ 56572

(B) If the board determines that the applicant meets the 56573  
requirements for a license and that the documentation provided is 56574  
satisfactory to the board, the board shall issue to the applicant 56575  
a license to practice podiatric medicine and surgery. Each license 56576  
shall be signed by the president and secretary of the board and 56577  
attested by its seal. 56578

(C) A person who holds a license to practice podiatric 56579  
medicine and surgery issued under this section may use the title 56580  
"Dr.," "doctor," "D.P.M.," "physician," or "surgeon." 56581

(D) The holder of a license issued under this section shall 56582  
either provide verification of licensure status from the board's 56583  
internet web site on request or prominently display a wall 56584  
certificate in the license holder's office or the place where a 56585  
major portion of the license holder's practice is conducted. 56586

**Sec. 4731.572.** (A) The state medical board may issue, without 56587  
examination, a visiting podiatric faculty certificate to any 56588  
person who holds a current, unrestricted license to practice 56589  
podiatric medicine and surgery issued by another state or country 56590  
and has been appointed to serve in this state on the academic 56591  
staff of an approved college of podiatric medicine and surgery in 56592  
good standing, as determined by the board. 56593

(B) An applicant for a visiting podiatric faculty certificate 56594  
shall submit evidence satisfactory to the board that the applicant 56595

meets the requirements of division (A) of this section. The 56596  
applicant shall pay a fee of one hundred twenty-five dollars. The 56597  
~~board shall maintain a register of all persons who hold a visiting~~ 56598  
~~podiatric faculty certificate.~~ 56599

(C) The holder of a visiting podiatric faculty certificate 56600  
may practice podiatric medicine and surgery only as is incidental 56601  
to the certificate holder's teaching duties at the college or the 56602  
teaching hospitals affiliated with the college. The board may 56603  
revoke a certificate on receiving proof satisfactory to the board 56604  
that the holder of the certificate has engaged in practice in this 56605  
state outside the scope of the certificate or that there are 56606  
grounds for action against the certificate holder under section 56607  
4731.22 of the Revised Code. 56608

(D) A visiting podiatric faculty certificate is valid for the 56609  
shorter of one year or the duration of the holder's appointment to 56610  
the academic staff of the college. The certificate may not be 56611  
renewed. 56612

**Sec. 4731.573.** (A) An individual seeking to pursue an 56613  
internship, residency, or clinical fellowship program in podiatric 56614  
medicine and surgery in this state, who does not hold a license to 56615  
practice podiatric medicine and surgery issued under this chapter, 56616  
shall apply to the state medical board for a training certificate. 56617  
The application shall be made on forms that the board shall 56618  
furnish and shall be accompanied by an application fee of one 56619  
hundred thirty dollars. 56620

An applicant for a training certificate shall furnish to the 56621  
board all of the following: 56622

(1) Evidence satisfactory to the board that the applicant is 56623  
at least eighteen years of age and is of good moral character; 56624

(2) Evidence satisfactory to the board that the applicant has 56625

been accepted or appointed to participate in this state in one of 56626  
the following: 56627

(a) An internship ~~or~~, residency, or clinical fellowship 56628  
program accredited by either the council on podiatric medical 56629  
education or the American podiatric medical association; 56630

(b) A clinical fellowship program that is not accredited as 56631  
described in division (A)(2)(a) of this section, but is conducted 56632  
at an institution with a residency program that is accredited by 56633  
~~either the council on podiatric medical education or the American~~ 56634  
~~podiatric medical association that~~ as described in that division 56635  
and is in a clinical field the same as or related to the clinical 56636  
field of the fellowship program. 56637

(3) Information identifying the beginning and ending dates of 56638  
the period for which the applicant has been accepted or appointed 56639  
to participate in the internship, residency, or clinical 56640  
fellowship program; 56641

(4) Any other information that the board requires. 56642

(B) If no grounds for denying a license or certificate under 56643  
section 4731.22 of the Revised Code apply and the applicant meets 56644  
the requirements of division (A) of this section, the board shall 56645  
issue a training certificate to the applicant. The board shall not 56646  
require an examination as a condition of receiving a training 56647  
certificate. 56648

A training certificate issued pursuant to this section shall 56649  
be valid only for three years, but may ~~in the discretion of the~~ 56650  
~~board and upon application duly made,~~ be renewed by the board for 56651  
one additional three-year period. The To renew a training 56652  
certificate, the holder shall apply to the board on or before the 56653  
certificate's expiration date. 56654

The fee for renewal of a training certificate shall be one 56655  
hundred dollars. A late application may be submitted not more than 56656

thirty days after the certificate's expiration date. In such a 56657  
case, the holder shall include with the application a 56658  
one-hundred-fifty-dollar reinstatement fee. 56659

~~The board shall maintain a register of all individuals who~~ 56660  
~~hold training certificates.~~ 56661

(C) The holder of a valid training certificate shall be 56662  
entitled to perform such acts as may be prescribed by or 56663  
incidental to the holder's internship, residency, or clinical 56664  
fellowship program, but the holder shall not be entitled otherwise 56665  
to engage in the practice of podiatric medicine and surgery in 56666  
this state. The holder shall limit activities under the 56667  
certificate to the programs of the hospitals or facilities for 56668  
which the training certificate is issued. The holder shall train 56669  
only under the supervision of the podiatrists responsible for 56670  
supervision as part of the internship, residency, or clinical 56671  
fellowship program. A training certificate may be revoked by the 56672  
board upon proof, satisfactory to the board, that the holder 56673  
thereof has engaged in practice in this state outside the scope of 56674  
the internship, residency, or clinical fellowship program for 56675  
which the training certificate has been issued, or upon proof, 56676  
satisfactory to the board, that the holder thereof has engaged in 56677  
unethical conduct or that there are grounds for action against the 56678  
holder under section 4731.22 of the Revised Code. 56679

(D) The board may adopt rules as the board finds necessary to 56680  
effect the purpose of this section. 56681

**Sec. 4734.281.** Except in cases where a chiropractor holds a 56682  
~~certificate~~ license issued under section 4762.04 of the Revised 56683  
Code or is an individual described in division (B) of section 56684  
4762.02 of the Revised Code, a chiropractor licensed under this 56685  
chapter shall not engage in the practice of acupuncture unless the 56686  
chiropractor holds a valid certificate to practice acupuncture 56687

issued by the state chiropractic board under this chapter. 56688

**Sec. 4735.023.** (A) An oil and gas land professional who is 56689  
not otherwise permitted to engage in the activities described in 56690  
division (A) of section 4735.01 of the Revised Code may perform 56691  
such activities, if the oil and gas land professional does all of 56692  
the following: 56693

(1)(a) Registers on an annual basis as an oil and gas land 56694  
professional with the superintendent of real estate by such date 56695  
specified and on a form approved by the superintendent, which form 56696  
includes both of the following: 56697

(i) The name and address of the oil and gas land 56698  
professional; 56699

(ii) Evidence of the oil and gas land professional's 56700  
membership in good standing in a national, state, or local 56701  
professional organization that has been in existence for at least 56702  
three years and has, as part of its mission, developed a set of 56703  
standards of performance and ethics for oil and gas land 56704  
professionals. 56705

(b) Pays an annual fee, established by the superintendent in 56706  
an amount not to exceed one hundred dollars, which shall accompany 56707  
the registration. 56708

(2) At or prior to first contacting any landowner or other 56709  
person with an interest in real estate for the purpose of engaging 56710  
in the activities of an oil and gas land professional, and on a 56711  
form approved by the superintendent, discloses to the landowner or 56712  
other person all of the following: 56713

(a) The oil and gas land professional's name and address as 56714  
registered with the superintendent; 56715

(b) That the oil and gas land professional is registered as 56716  
such with the superintendent and is a member in good standing in a 56717



national, state, or local professional organization that has been 56718  
in existence for at least three years and has, as part of its 56719  
mission, developed a set of standards of performance and ethics 56720  
for oil and gas land professionals; 56721

(c) That the oil and gas land professional is not a licensed 56722  
real estate broker or real estate salesperson under Chapter 4735. 56723  
of the Revised Code; 56724

(d) That the landowner or other person with an interest in 56725  
real estate may seek legal counsel in connection with any 56726  
transaction with the oil and gas land professional; 56727

(e) That the oil and gas land professional is not 56728  
representing the landowner or other person with an interest in 56729  
real estate. 56730

(3) At or prior to entering into any agreements for the 56731  
purpose of exploring for, transporting, producing, or developing 56732  
oil and gas mineral interests including, but not limited to, oil 56733  
and gas leases and pipeline easements with any landowner or other 56734  
person with an interest in real estate, and on a form approved by 56735  
the superintendent, discloses to the landowner or other person 56736  
with an interest in real estate all of the following: 56737

(a) The oil and gas land professional's name and address as 56738  
registered with the superintendent; 56739

(b) That the oil and gas land professional is registered as 56740  
such with the superintendent and a member in good standing in a 56741  
national, state, or local professional organization that has been 56742  
in existence for at least three years and has, as part of its 56743  
mission, developed a set of standards of performance and ethics 56744  
for oil and gas land professionals; 56745

(c) That the oil and gas land professional is not a licensed 56746  
real estate broker or real estate salesperson under Chapter 4735. 56747  
of the Revised Code; 56748

(d) That the landowner or other person may seek legal counsel 56749  
in connection with any transaction with the oil and gas land 56750  
professional; 56751

(e) That the oil and gas land professional is not 56752  
representing the landowner or other person with an interest in 56753  
real estate. 56754

(B) Any oil and gas land professional who must be registered 56755  
as such with the superintendent pursuant to this section who 56756  
ceases to be a member in good standing of an organization 56757  
described in division (A)(1)(a)(ii) of this section shall report 56758  
the change in membership status to the superintendent within 56759  
thirty days of that change. Failure to report such change in 56760  
membership status shall result in the automatic suspension of 56761  
registration status and subject the registrant to the penalties 56762  
for unlicensed activity as found in section ~~4735.02~~ 4735.052 of 56763  
the Revised Code. 56764

(C) Any oil and gas land professional who fails to register 56765  
with the superintendent pursuant to this section is subject to the 56766  
penalties for unlicensed activity as found in section ~~4735.02~~ 56767  
4735.052 of the Revised Code. 56768

**Sec. 4735.052.** (A) Upon receipt of a written complaint or 56769  
upon the superintendent's own motion, the superintendent may 56770  
investigate any person that has allegedly violated section 56771  
4735.02, 4735.023, or 4735.25 of the Revised Code, except that the 56772  
superintendent shall not initiate an investigation, pursuant to 56773  
this section, of any person who held a suspended or inactive 56774  
license under this chapter on the date of the alleged violation. 56775

(B) If, after investigation, the superintendent determines 56776  
there exists reasonable evidence of a violation of section 56777  
4735.02, 4735.023, or 4735.25 of the Revised Code, within fourteen 56778  
business days after that determination, the superintendent shall 56779

send the party who is the subject of the investigation, a written notice, by regular mail, that includes all of the following information:

(1) A description of the activity in which the party allegedly is engaging or has engaged that is a violation of section 4735.02, 4735.023, or 4735.25 of the Revised Code;

(2) The applicable law allegedly violated;

(3) A statement informing the party that a hearing concerning the alleged violation will be held, upon the party's request, before a hearing examiner pursuant to Chapter 119. of the Revised Code.

(C)(1) If a hearing is requested, the hearing examiner shall hear the testimony of all parties present at the hearing and consider any written testimony submitted pursuant to this section, and determine if there has been a violation of section 4735.02, 4735.023, or 4735.25 of the Revised Code.

(2) After the conclusion of formal hearings, the hearing examiner shall file a report of findings of fact and conclusions of law with the superintendent, the commission, the complainant, and the parties. Within twenty days of receipt of such copy of the written report of findings of fact and conclusions of law, the parties and the division may file with the commission written objections to the report, which shall be considered by the commission before approving, modifying, or disapproving the report.

(3) The commission shall review the hearing examiner's report at the next regularly scheduled commission meeting held at least twenty business days after receipt of the hearing examiner's report. The commission shall hear the testimony of the complainant or the parties upon request.

(4) The commission shall decide whether to impose

disciplinary sanctions upon a party for a violation of section 56811  
4735.02 or 4735.023 of the Revised Code. If the commission finds 56812  
that a violation has occurred, the commission may assess a civil 56813  
penalty, in an amount it determines, not to exceed one thousand 56814  
dollars per violation. Each day a violation occurs or continues is 56815  
a separate violation. The commission shall determine the terms of 56816  
payment. The commission shall maintain a record of the proceedings 56817  
of the hearing and issue a written opinion to all parties, citing 56818  
its findings and grounds for any action taken. 56819

(D) Civil penalties collected under this section shall be 56820  
deposited in the real estate operating fund, which is created in 56821  
the state treasury under section 4735.211 of the Revised Code. 56822

(E) If a party fails to pay a civil penalty assessed pursuant 56823  
to this section within the time prescribed by the commission, the 56824  
superintendent shall forward to the attorney general the name of 56825  
the party and the amount of the civil penalty, for the purpose of 56826  
collecting that civil penalty. In addition to the civil penalty 56827  
assessed pursuant to this section, the party also shall pay any 56828  
fee assessed by the attorney general for collection of the civil 56829  
penalty. 56830

(F) The superintendent may reserve the right to bring a civil 56831  
action against a party that fails to pay a civil penalty for 56832  
breach of contract in a court of competent jurisdiction. 56833

**Sec. 4735.06.** (A) Application for a license as a real estate 56834  
broker shall be made to the superintendent of real estate on forms 56835  
furnished by the superintendent and filed with the superintendent 56836  
and shall be signed by the applicant or its members or officers. 56837  
Each application shall state the name of the person applying and 56838  
the location of the place of business for which the license is 56839  
desired, and give such other information as the superintendent 56840  
requires in the form of application prescribed by the 56841

superintendent. 56842

(B)(1) If the applicant is a partnership, limited liability 56843  
company, limited liability partnership, or association, the names 56844  
of all the members also shall be stated, and, if the applicant is 56845  
a corporation, the names of its president and of each of its 56846  
officers also shall be stated. 56847

The superintendent has the right to reject the application of 56848  
any partnership, association, limited liability company, limited 56849  
liability partnership, or corporation if the name proposed to be 56850  
used by such partnership, association, limited liability company, 56851  
limited liability partnership, or corporation is likely to mislead 56852  
the public or if the name is not such as to distinguish it from 56853  
the name of any existing partnership, association, limited 56854  
liability company, limited liability partnership, or corporation 56855  
licensed under this chapter, unless there is filed with the 56856  
application the written consent of such existing partnership, 56857  
association, limited liability company, limited liability 56858  
partnership, or corporation, executed by a duly authorized 56859  
representative of it, permitting the use of the name of such 56860  
existing partnership, association, limited liability company, 56861  
limited liability partnership, or corporation. 56862

(2) The superintendent shall approve the use of a trade name 56863  
by a brokerage, if the name meets both of the following criteria: 56864

(a) The proposed name is not the same as or is clearly 56865  
distinguishable from a name registered with the division of real 56866  
estate and professional licensing by another existing brokerage. 56867  
If the superintendent determines that the proposed name is not 56868  
clearly distinguishable from any other existing brokerage, the 56869  
superintendent may approve the use of the trade name if there is 56870  
filed with the superintendent the written consent of the existing 56871  
brokerage with the same or similar name. 56872

(b) The name is not misleading or likely to mislead the public. 56873  
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(3) The superintendent may approve the use of more than one trade name for a brokerage. 56875  
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(4) When a brokerage has received the approval of the superintendent to conduct business under one or more trade names, those trade names shall be the only identifying names used by the brokerage in all advertising. 56877  
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(C) A fee of one hundred thirty-five dollars shall accompany the application for a real estate broker's license. The initial licensing period commences at the time the license is issued and ends on the applicant's first birthday thereafter. However, if the applicant was an inactive or active salesperson immediately preceding application for a broker's license, then the initial licensing period shall commence at the time the broker's license is issued and ends on the date the licensee's continuing education is due as set when the applicant was a salesperson. The application fee shall be nonrefundable. A fee of one hundred thirty-five dollars shall be charged by the superintendent for each successive application made by an applicant. In the case of issuance of a three-year license, upon passing the examination, or upon waiver of the examination requirement, if the superintendent determines it is necessary, the applicant shall submit an additional fee determined by the superintendent based upon the number of years remaining in a real estate salesperson's licensing period. 56881  
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(D) One dollar of each application fee for a real estate broker's license shall be credited to the real estate education and research fund, which is hereby created in the state treasury. The Ohio real estate commission may use the fund in discharging the duties prescribed in divisions (E), (F), (G), and (H) of section 4735.03 of the Revised Code and shall use it in the 56899  
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advancement of education and research in real estate at any 56905  
institution of higher education in the state, or in contracting 56906  
with any such institution or a trade organization for a particular 56907  
research or educational project in the field of real estate, or in 56908  
advancing loans, not exceeding two thousand dollars, to applicants 56909  
for salesperson licenses, to defray the costs of satisfying the 56910  
educational requirements of division (F) of section 4735.09 of the 56911  
Revised Code. Such loans shall be made according to rules 56912  
established by the commission under the procedures of Chapter 119. 56913  
of the Revised Code, and they shall be repaid to the fund within 56914  
three years of the time they are made. No more than twenty-five 56915  
thousand dollars shall be lent from the fund in any one fiscal 56916  
year. 56917

The governor may appoint a representative from the executive 56918  
branch to be a member ex officio of the commission for the purpose 56919  
of advising on research requests or educational projects. The 56920  
commission shall report to the general assembly on the third 56921  
Tuesday after the third Monday in January of each year setting 56922  
forth the total amount contained in the fund and the amount of 56923  
each research grant that it has authorized and the amount of each 56924  
research grant requested. A copy of all research reports shall be 56925  
submitted to the state library of Ohio and the library of the 56926  
legislative service commission. 56927

(E) If the superintendent, with the consent of the 56928  
commission, enters into an agreement with a national testing 56929  
service to administer the real estate broker's examination, 56930  
pursuant to division (A) of section 4735.07 of the Revised Code, 56931  
the superintendent may require an applicant to pay the testing 56932  
service's examination fee directly to the testing service. If the 56933  
superintendent requires the payment of the examination fee 56934  
directly to the testing service, each applicant shall submit to 56935  
the superintendent a processing fee in an amount determined by the 56936

Ohio real estate commission pursuant to division (A)(2) of section 56937  
4735.10 of the Revised Code. 56938

**Sec. 4735.09.** (A) Application for a license as a real estate 56939  
salesperson shall be made to the superintendent of real estate on 56940  
forms furnished by the superintendent and signed by the applicant. 56941  
The application shall be in the form prescribed by the 56942  
superintendent and shall contain such information as is required 56943  
by this chapter and the rules of the Ohio real estate commission. 56944  
The application shall be accompanied by the recommendation of the 56945  
real estate broker with whom the applicant is associated or with 56946  
whom the applicant intends to be associated, certifying that the 56947  
applicant is honest, truthful, and of good reputation, has not 56948  
been convicted of a felony or a crime involving moral turpitude, 56949  
and has not been finally adjudged by a court to have violated any 56950  
municipal, state, or federal civil rights laws relevant to the 56951  
protection of purchasers or sellers of real estate, which 56952  
conviction or adjudication the applicant has not disclosed to the 56953  
superintendent, and recommending that the applicant be admitted to 56954  
the real estate salesperson examination. 56955

(B) A fee of ~~sixty~~ eighty-one dollars shall accompany the 56956  
application, which fee includes the fee for the initial year of 56957  
the licensing period, if a license is issued. The initial year of 56958  
the licensing period commences at the time the license is issued 56959  
and ends on the applicant's first birthday thereafter. The 56960  
application fee shall be nonrefundable. A fee of ~~sixty~~ eighty-one 56961  
dollars shall be charged by the superintendent for each successive 56962  
application made by the applicant. One dollar of each application 56963  
fee shall be credited to the real estate education and research 56964  
fund. 56965

(C) There shall be no limit placed on the number of times an 56966  
applicant may retake the examination. 56967



(D) The superintendent, with the consent of the commission, 56968  
may enter into an agreement with a recognized national testing 56969  
service to administer the real estate salesperson's examination 56970  
under the superintendent's supervision and control, consistent 56971  
with the requirements of this chapter as to the contents of the 56972  
examination. 56973

If the superintendent, with the consent of the commission, 56974  
enters into an agreement with a national testing service to 56975  
administer the real estate salesperson's examination, the 56976  
superintendent may require an applicant to pay the testing 56977  
service's examination fee directly to the testing service. If the 56978  
superintendent requires the payment of the examination fee 56979  
directly to the testing service, each applicant shall submit to 56980  
the superintendent a processing fee in an amount determined by the 56981  
Ohio real estate commission pursuant to division (A)(1) of section 56982  
4735.10 of the Revised Code. 56983

(E) The superintendent shall issue a real estate 56984  
salesperson's license when satisfied that the applicant has 56985  
received a passing score on each portion of the salesperson's 56986  
examination as determined by rule by the real estate commission, 56987  
except that the superintendent may waive one or more of the 56988  
requirements of this section in the case of an applicant who is a 56989  
licensed real estate salesperson in another state pursuant to a 56990  
reciprocity agreement with the licensing authority of the state 56991  
from which the applicant holds a valid real estate salesperson's 56992  
license. 56993

(F) No applicant for a salesperson's license shall take the 56994  
salesperson's examination who has not established to the 56995  
satisfaction of the superintendent that the applicant: 56996

(1) Is honest, truthful, and of good reputation; 56997

(2)(a) Has not been convicted of a felony or crime of moral 56998

turpitude or, if the applicant has been so convicted, the 56999  
superintendent has disregarded the conviction because the 57000  
applicant has proven to the superintendent, by a preponderance of 57001  
the evidence, that the applicant's activities and employment 57002  
record since the conviction show that the applicant is honest, 57003  
truthful, and of good reputation, and there is no basis in fact 57004  
for believing that the applicant again will violate the laws 57005  
involved; 57006

(b) Has not been finally adjudged by a court to have violated 57007  
any municipal, state, or federal civil rights laws relevant to the 57008  
protection of purchasers or sellers of real estate or, if the 57009  
applicant has been so adjudged, at least two years have passed 57010  
since the court decision and the superintendent has disregarded 57011  
the adjudication because the applicant has proven, by a 57012  
preponderance of the evidence, that the applicant is honest, 57013  
truthful, and of good reputation, and there is no basis in fact 57014  
for believing that the applicant again will violate the laws 57015  
involved. 57016

(3) Has not, during any period in which the applicant was 57017  
licensed under this chapter, violated any provision of, or any 57018  
rule adopted pursuant to this chapter, or, if the applicant has 57019  
violated such provision or rule, has established to the 57020  
satisfaction of the superintendent that the applicant will not 57021  
again violate such provision or rule; 57022

(4) Is at least eighteen years of age; 57023

(5) If born after the year 1950, has a high school diploma or 57024  
a certificate of high school equivalence issued by the department 57025  
of education; 57026

(6) Has successfully completed at an institution of higher 57027  
education all of the following credit-eligible courses by either 57028  
classroom instruction or distance education: 57029

- (a) Forty hours of instruction in real estate practice; 57030
- (b) Forty hours of instruction that includes the subjects of 57031  
Ohio real estate law, municipal, state, and federal civil rights 57032  
law, new case law on housing discrimination, desegregation issues, 57033  
and methods of eliminating the effects of prior discrimination. If 57034  
feasible, the instruction in Ohio real estate law shall be taught 57035  
by a member of the faculty of an accredited law school. If 57036  
feasible, the instruction in municipal, state, and federal civil 57037  
rights law, new case law on housing discrimination, desegregation 57038  
issues, and methods of eliminating the effects of prior 57039  
discrimination shall be taught by a staff member of the Ohio civil 57040  
rights commission who is knowledgeable with respect to those 57041  
subjects. The requirements of this division do not apply to an 57042  
applicant who is admitted to practice before the supreme court. 57043
- (c) Twenty hours of instruction in real estate appraisal; 57044
- (d) Twenty hours of instruction in real estate finance. 57045
- (G)(1) Successful completion of the instruction required by 57046  
division (F)(6) of this section shall be determined by the law in 57047  
effect on the date the instruction was completed. 57048
- (2) Division (F)(6)(c) of this section does not apply to any 57049  
new applicant who holds a valid Ohio real estate appraiser license 57050  
or certificate issued prior to the date of application for a real 57051  
estate salesperson's license. 57052
- (H) Only for noncredit course offerings, an institution of 57053  
higher education shall obtain approval from the appropriate state 57054  
authorizing entity prior to offering a real estate course that is 57055  
designed and marketed as satisfying the salesperson license 57056  
education requirements of division (F)(6) of this section. The 57057  
state authorizing entity may consult with the superintendent in 57058  
reviewing the course for compliance with this section. 57059
- (I) Any person who has not been licensed as a real estate 57060

salesperson or broker within a four-year period immediately 57061  
preceding the person's current application for the salesperson's 57062  
examination shall have successfully completed the prelicensure 57063  
instruction required by division (F)(6) of this section within a 57064  
ten-year period immediately preceding the person's current 57065  
application for the salesperson's examination. 57066

(J) Not earlier than the date of issue of a real estate 57067  
salesperson's license to a licensee, but not later than twelve 57068  
months after the date of issue of a real estate salesperson 57069  
license to a licensee, the licensee shall submit proof 57070  
satisfactory to the superintendent, on forms made available by the 57071  
superintendent, of the completion of twenty hours of instruction 57072  
that shall be completed in schools, seminars, and educational 57073  
institutions approved by the commission. The instruction shall 57074  
include, but is not limited to, current practices relating to 57075  
commercial real estate, property management, short sales, and land 57076  
contracts; contract law; federal and state programs; economic 57077  
conditions; and fiduciary responsibility. Approval of the 57078  
curriculum and providers shall be granted according to rules 57079  
adopted pursuant to section 4735.10 of the Revised Code and may be 57080  
taken through classroom instruction or distance education. 57081

If proof of completion of the required instruction is not 57082  
submitted within twelve months of the date a license is issued 57083  
under this section, the licensee's license is suspended 57084  
automatically without the taking of any action by the 57085  
superintendent. The superintendent immediately shall notify the 57086  
broker with whom such salesperson is associated of the suspension 57087  
of the salesperson's license. A salesperson whose license has been 57088  
suspended under this division shall have twelve months after the 57089  
date of the suspension of the salesperson's license to submit 57090  
proof of successful completion of the instruction required under 57091  
this division. No such license shall be reactivated by the 57092

superintendent until it is established, to the satisfaction of the 57093  
superintendent, that the requirements of this division have been 57094  
met and that the licensee is in compliance with this chapter. A 57095  
licensee's license is revoked automatically without the taking of 57096  
any action by the superintendent when the licensee fails to submit 57097  
the required proof of completion of the education requirements 57098  
under division (I) of this section within twelve months of the 57099  
date the license is suspended. 57100

(K) Examinations shall be administered with reasonable 57101  
accommodations in accordance with the requirements of the 57102  
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 57103  
U.S.C. 12189. The contents of an examination shall be consistent 57104  
with the classroom instructional requirements of division (F)(6) 57105  
of this section. An applicant who has completed the classroom 57106  
instructional requirements of division (F)(6) of this section at 57107  
the time of application shall be examined no later than twelve 57108  
months after the applicant is notified of the applicant's 57109  
admission to the examination. 57110

**Sec. 4735.12.** (A) The real estate recovery fund is hereby 57111  
created in the state treasury, to be administered by the 57112  
superintendent of real estate. Amounts collected by the 57113  
superintendent as prescribed in this section and interest earned 57114  
on the assets of the fund shall be credited by the treasurer of 57115  
state to the fund. The amount of money in the fund shall be 57116  
ascertained by the superintendent as of the first day of July of 57117  
each year. 57118

The commission, in accordance with rules adopted under 57119  
division (A)(2)(g) of section 4735.10 of the Revised Code, shall 57120  
impose a special assessment not to exceed ten dollars per year for 57121  
each year of a licensing period on each licensee filing a notice 57122  
of renewal under section 4735.14 of the Revised Code if the amount 57123

available in the fund is less than ~~five~~ two hundred fifty thousand 57124  
dollars on the first day of July preceding that filing. ~~The~~ 57125  
~~commission may impose a special assessment not to exceed five~~ 57126  
~~dollars per year for each year of a licensing period if the amount~~ 57127  
~~available in the fund is greater than one million dollars, but~~ 57128  
~~less than two million dollars on the first day of July preceding~~ 57129  
~~that filing.~~ The commission shall not impose a special assessment 57130  
if the amount available in the fund exceeds two ~~million~~ hundred  
fifty thousand dollars on the first day of July preceding that 57131  
filing. 57132  
57133

(B)(1) Any person who obtains a final judgment in any court 57134  
of competent jurisdiction against any broker or salesperson 57135  
licensed under this chapter, on the grounds of conduct that is in 57136  
violation of this chapter or the rules adopted under it, and that 57137  
is associated with an act or transaction that only a licensed real 57138  
estate broker or licensed real estate salesperson is authorized to 57139  
perform as specified in division (A) or (C) of section 4735.01 of 57140  
the Revised Code, may file a verified application, as described in 57141  
division (B)(3) of this section, in the court of common pleas of 57142  
Franklin county for an order directing payment out of the real 57143  
estate recovery fund of the portion of the judgment that remains 57144  
unpaid and that represents the actual and direct loss sustained by 57145  
the applicant. 57146

(2) Punitive damages, attorney's fees, and interest on a 57147  
judgment are not recoverable from the fund. In the discretion of 57148  
the superintendent of real estate, court costs may be recovered 57149  
from the fund, and, if the superintendent authorizes the recovery 57150  
of court costs, the order of the court of common pleas then may 57151  
direct their payment from the fund. 57152

(3) The application shall specify the nature of the act or 57153  
transaction upon which the underlying judgment was based, the 57154  
activities of the applicant in pursuit of remedies available under 57155

law for the collection of judgments, and the actual and direct 57156  
losses, attorney's fees, and the court costs sustained or incurred 57157  
by the applicant. The applicant shall attach to the application a 57158  
copy of each pleading and order in the underlying court action. 57159

(4) The court shall order the superintendent to make such 57160  
payments out of the fund when the person seeking the order has 57161  
shown all of the following: 57162

(a) The person has obtained a judgment, as provided in this 57163  
division; 57164

(b) All appeals from the judgment have been exhausted and the 57165  
person has given notice to the superintendent, as required by 57166  
division (C) of this section; 57167

(c) The person is not a spouse of the judgment debtor, or the 57168  
personal representative of such spouse; 57169

(d) The person has diligently pursued the person's remedies 57170  
against all the judgment debtors and all other persons liable to 57171  
the person in the transaction for which the person seeks recovery 57172  
from the fund; 57173

(e) The person is making the person's application not more 57174  
than one year after termination of all proceedings, including 57175  
appeals, in connection with the judgment. 57176

(5) Divisions (B)(1) to (4) of this section do not apply to 57177  
any of the following: 57178

(a) Actions arising from property management accounts 57179  
maintained in the name of the property owner; 57180

(b) A bonding company when it is not a principal in a real 57181  
estate transaction; 57182

(c) A person in an action for the payment of a commission or 57183  
fee for the performance of an act or transaction specified or 57184  
comprehended in division (A) or (C) of section 4735.01 of the 57185

Revised Code; 57186

(d) Losses incurred by investors in real estate if the 57187  
applicant and the licensee are principals in the investment. 57188

(C) A person who applies to a court of common pleas for an 57189  
order directing payment out of the fund shall file notice of the 57190  
application with the superintendent. The superintendent may defend 57191  
any such action on behalf of the fund and shall have recourse to 57192  
all appropriate means of defense and review, including examination 57193  
of witnesses, verification of actual and direct losses, and 57194  
challenges to the underlying judgment required in division 57195  
(B)(4)(a) of this section to determine whether the underlying 57196  
judgment is based on activity only a licensed broker or licensed 57197  
salesperson is permitted to perform. The superintendent may move 57198  
the court at any time to dismiss the application when it appears 57199  
there are no triable issues and the application is without merit. 57200  
The motion may be supported by affidavit of any person having 57201  
knowledge of the facts and may be made on the basis that the 57202  
application, including the judgment referred to in it, does not 57203  
form the basis for a meritorious recovery claim; provided, that 57204  
the superintendent shall give written notice to the applicant at 57205  
least ten days before such motion. The superintendent may, subject 57206  
to court approval, compromise a claim based upon the application 57207  
of an aggrieved party. The superintendent shall not be bound by 57208  
any prior compromise or stipulation of the judgment debtor. 57209

(D) Notwithstanding any other provision of this section, the 57210  
liability of the fund shall not exceed forty thousand dollars for 57211  
any one licensee. If a licensee's license is reactivated as 57212  
provided in division (E) of this section, the liability of the 57213  
fund for the licensee under this section shall again be forty 57214  
thousand dollars, but only for transactions that occur subsequent 57215  
to the time of reactivation. 57216

If the forty-thousand-dollar liability of the fund is 57217



insufficient to pay in full the valid claims of all aggrieved 57218  
persons by whom claims have been filed against any one licensee, 57219  
the forty thousand dollars shall be distributed among them in the 57220  
ratio that their respective claims bear to the aggregate of valid 57221  
claims or in such other manner as the court finds equitable. 57222  
Distribution of moneys shall be among the persons entitled to 57223  
share in it, without regard to the order of priority in which 57224  
their respective judgments may have been obtained or their claims 57225  
have been filed. Upon petition of the superintendent, the court 57226  
may require all claimants and prospective claimants against one 57227  
licensee to be joined in one action, to the end that the 57228  
respective rights of all such claimants to the fund may be 57229  
equitably adjudicated and settled. 57230

(E) If the superintendent pays from the fund any amount in 57231  
settlement of a claim or toward satisfaction of a judgment against 57232  
a licensed broker or salesperson, the license of the broker or 57233  
salesperson shall be automatically suspended upon the date of 57234  
payment from the fund. The superintendent shall not reactivate the 57235  
suspended license of that broker or salesperson until the broker 57236  
or salesperson has repaid in full, plus interest per annum at the 57237  
rate specified in division (A) of section 1343.03 of the Revised 57238  
Code, the amount paid from the fund on the broker's or 57239  
salesperson's account. A discharge in bankruptcy does not relieve 57240  
a person from the suspension and requirements for reactivation 57241  
provided in this section unless the underlying judgment has been 57242  
included in the discharge and has not been reaffirmed by the 57243  
debtor. 57244

(F) If, at any time, the money deposited in the fund is 57245  
insufficient to satisfy any duly authorized claim or portion of a 57246  
claim, the superintendent shall, when sufficient money has been 57247  
deposited in the fund, satisfy such unpaid claims or portions, in 57248  
the order that such claims or portions were originally filed, plus 57249

accumulated interest per annum at the rate specified in division 57250  
(A) of section 1343.03 of the Revised Code. 57251

(G) When, upon the order of the court, the superintendent has 57252  
paid from the fund any sum to the judgment creditor, the 57253  
superintendent shall be subrogated to all of the rights of the 57254  
judgment creditor to the extent of the amount so paid, and the 57255  
judgment creditor shall assign all the judgment creditor's right, 57256  
title, and interest in the judgment to the superintendent to the 57257  
extent of the amount so paid. Any amount and interest so recovered 57258  
by the superintendent on the judgment shall be deposited in the 57259  
fund. 57260

(H) Nothing contained in this section shall limit the 57261  
authority of the superintendent to take disciplinary action 57262  
against any licensee under other provisions of this chapter; nor 57263  
shall the repayment in full of all obligations to the fund by any 57264  
licensee nullify or modify the effect of any other disciplinary 57265  
proceeding brought pursuant to this chapter. 57266

(I) The superintendent shall collect from the fund a service 57267  
fee in an amount equivalent to the interest rate specified in 57268  
division (A) of section 1343.03 of the Revised Code multiplied by 57269  
the annual interest earned on the assets of the fund, to defray 57270  
the expenses incurred in the administration of the fund. 57271

**Sec. 4735.13.** (A) Every real estate broker licensed under 57272  
this chapter shall have and maintain a definite place of business 57273  
in this state. A post office box address is not a definite place 57274  
of business for purposes of this section. The license of a real 57275  
estate broker shall be prominently displayed in the office or 57276  
place of business of the broker, and no license shall authorize 57277  
the licensee to do business except from the location specified in 57278  
it. If the broker maintains more than one place of business within 57279  
the state, the broker shall apply for and procure a duplicate 57280

license for each branch office maintained by the broker. Each 57281  
branch office shall be in the charge of a licensed broker or 57282  
salesperson. The branch office license shall be prominently 57283  
displayed at the branch office location. 57284

(B) The license of each real estate salesperson shall be 57285  
mailed to and remain in the possession of the licensed broker with 57286  
whom the salesperson is or is to be associated until the licensee 57287  
places the license on inactive or resigned status or until the 57288  
salesperson leaves the brokerage or is terminated. The broker 57289  
shall keep each salesperson's license in a way that it can, and 57290  
shall on request, be made immediately available for public 57291  
inspection at the office or place of business of the broker. 57292  
Except as provided in divisions (G) and (H) of this section, 57293  
immediately upon the salesperson's leaving the association or 57294  
termination of the association of a real estate salesperson with 57295  
the broker, the broker shall return the salesperson's license to 57296  
the superintendent of real estate. 57297

The failure of a broker to return the license of a real 57298  
estate salesperson or broker who leaves or who is terminated, via 57299  
certified mail return receipt requested, within three business 57300  
days of the receipt of a written request from the superintendent 57301  
for the return of the license, is prima-facie evidence of 57302  
misconduct under division (A)(6) of section 4735.18 of the Revised 57303  
Code. 57304

(C) A licensee shall notify the superintendent in writing 57305  
within fifteen days of any of the following occurrences: 57306

(1) The licensee is convicted of a felony. 57307

(2) The licensee is convicted of a crime involving moral 57308  
turpitude. 57309

(3) The licensee is found to have violated any federal, 57310  
state, or municipal civil rights law pertaining to discrimination 57311

in housing. 57312

(4) The licensee is found to have engaged in a discriminatory 57313  
practice pertaining to housing accommodations described in 57314  
division (H) of section 4112.02 of the Revised Code. 57315

(5) The licensee is the subject of an order by the department 57316  
of commerce, the department of insurance, or the department of 57317  
agriculture revoking or permanently surrendering any professional 57318  
license, certificate, or registration. 57319

(6) The licensee is the subject of an order by any government 57320  
agency concerning real estate, financial matters, or the 57321  
performance of fiduciary duties with respect to any license, 57322  
certificate, or registration. 57323

If a licensee fails to notify the superintendent within the 57324  
required time, the superintendent immediately may suspend the 57325  
license of the licensee. 57326

Any court that convicts a licensee of a violation of any 57327  
municipal civil rights law pertaining to housing discrimination 57328  
also shall notify the Ohio civil rights commission within fifteen 57329  
days of the conviction. 57330

(D) In case of any change of business location, a broker 57331  
shall give notice to the superintendent, on a form prescribed by 57332  
the superintendent, within thirty days after the change of 57333  
location, whereupon the superintendent shall issue new licenses 57334  
for the unexpired period without charge. If a broker changes a 57335  
business location without giving the required notice and without 57336  
receiving new licenses that action is prima-facie evidence of 57337  
misconduct under division (A)(6) of section 4735.18 of the Revised 57338  
Code. 57339

(E) If a real estate broker desires to associate with another 57340  
real estate broker in the capacity of a real estate salesperson, 57341  
the broker shall apply to the superintendent to deposit the 57342

broker's real estate broker's license with the superintendent and 57343  
for the issuance of a real estate salesperson's license. The 57344  
application shall be made on a form prescribed by the 57345  
superintendent and shall be accompanied by the recommendation of 57346  
the real estate broker with whom the applicant intends to become 57347  
associated and a fee of ~~twenty-five~~ thirty-four dollars for the 57348  
real estate salesperson's license. One dollar of the fee shall be 57349  
credited to the real estate education and research fund. If the 57350  
superintendent is satisfied that the applicant is honest, 57351  
truthful, and of good reputation, has not been convicted of a 57352  
felony or a crime involving moral turpitude, and has not been 57353  
finally adjudged by a court to have violated any municipal, state, 57354  
or federal civil rights laws relevant to the protection of 57355  
purchasers or sellers of real estate, and that the association of 57356  
the real estate broker and the applicant will be in the public 57357  
interest, the superintendent shall grant the application and issue 57358  
a real estate salesperson's license to the applicant. Any license 57359  
so deposited with the superintendent shall be subject to this 57360  
chapter. A broker who intends to deposit the broker's license with 57361  
the superintendent, as provided in this section, shall give 57362  
written notice of this fact in a format prescribed by the 57363  
superintendent to all salespersons associated with the broker when 57364  
applying to place the broker's license on deposit. 57365

(F) If a real estate broker desires to become a member or 57366  
officer of a partnership, association, limited liability company, 57367  
limited liability partnership, or corporation that is or intends 57368  
to become a licensed real estate broker, the broker shall notify 57369  
the superintendent of the broker's intentions. The notice of 57370  
intention shall be on a form prescribed by the superintendent and 57371  
shall be accompanied by a fee of ~~twenty-five~~ thirty-four dollars. 57372  
One dollar of the fee shall be credited to the real estate 57373  
education and research fund. 57374

A licensed real estate broker who is a member or officer of a partnership, association, limited liability company, limited liability partnership, or corporation shall only act as a real estate broker for such partnership, association, limited liability company, limited liability partnership, or corporation.

(G)(1) If a real estate broker or salesperson enters the armed forces, the broker or salesperson may place the broker's or salesperson's license on deposit with the Ohio real estate commission. The licensee shall not be required to renew the license until the renewal date that follows the date of discharge from the armed forces. Any license deposited with the commission shall be subject to this chapter.

Any licensee whose license is on deposit under this division and who fails to meet the continuing education requirements of section 4735.141 of the Revised Code because the licensee is in the armed forces shall satisfy the commission that the licensee has complied with the continuing education requirements within twelve months of the licensee's first birthday after discharge or within the amount of time equal to the total number of months the licensee spent on active duty, whichever is greater. The licensee shall submit proper documentation of active duty service and the length of that active duty service to the superintendent. The extension shall not exceed the total number of months that the licensee served in active duty. The superintendent shall notify the licensee of the licensee's obligations under section 4735.141 of the Revised Code at the time the licensee applies for reactivation of the licensee's license.

(2) If a licensee is a spouse of a member of the armed forces and the spouse's service resulted in the licensee's absence from this state, both of the following apply:

(a) The licensee shall not be required to renew the license until the renewal date that follows the date of the spouse's

discharge from the armed forces. 57407

(b) If the licensee fails to meet the continuing education 57408  
requirements of section 4735.141 of the Revised Code, the licensee 57409  
shall satisfy the commission that the licensee has complied with 57410  
the continuing education requirements within twelve months after 57411  
the licensee's first birthday after the spouse's discharge or 57412  
within the amount of time equal to the total number of months the 57413  
licensee's spouse spent on active duty, whichever is greater. The 57414  
licensee shall submit proper documentation of the spouse's active 57415  
duty service and the length of that active duty service. This 57416  
extension shall not exceed the total number of months that the 57417  
licensee's spouse served in active duty. 57418

(3) In the case of a licensee as described in division (G)(2) 57419  
of this section, who holds the license through a reciprocity 57420  
agreement with another state, the spouse's service shall have 57421  
resulted in the licensee's absence from the licensee's state of 57422  
residence for the provisions of that division to apply. 57423

(4) As used in this division, "armed forces" means the armed 57424  
forces of the United States or reserve component of the armed 57425  
forces of the United States including the Ohio national guard or 57426  
the national guard of any other state. 57427

(H) If a licensed real estate salesperson submits an 57428  
application to the superintendent to leave the association of one 57429  
broker to associate with a different broker, the broker possessing 57430  
the licensee's license need not return the salesperson's license 57431  
to the superintendent. The superintendent may process the 57432  
application regardless of whether the licensee's license is 57433  
returned to the superintendent. 57434

Sec. 4735.143. (A) Each person applying for a license 57435  
pursuant to section 4735.07 or 4735.09 of the Revised Code shall 57436  
submit one complete set of fingerprint impressions directly to the 57437

superintendent of the bureau of criminal identification and 57438  
investigation for the purpose of conducting a criminal records 57439  
check. The applicant shall provide the fingerprint impressions 57440  
using a method the superintendent of the bureau of criminal 57441  
identification and investigation prescribes and fill out the form 57442  
the superintendent prescribes pursuant to division (C) of section 57443  
109.572 of the Revised Code. Upon receiving an application under 57444  
this section, the superintendent of real estate and professional 57445  
licensing shall request the superintendent of the bureau of 57446  
criminal identification and investigation, or a vendor approved by 57447  
the bureau, to conduct a criminal records check based on the 57448  
applicant's fingerprint impressions in accordance with division 57449  
(A)(16) of section 109.572 of the Revised Code. Notwithstanding 57450  
division (K) of section 121.08 of the Revised Code, the 57451  
superintendent of real estate and professional licensing shall 57452  
request that criminal record information based on the applicant's 57453  
fingerprints be obtained from the federal bureau of investigation 57454  
as part of the criminal records check. Any fee required under 57455  
division (C)(3) of section 109.572 of the Revised Code shall be 57456  
paid by the applicant. 57457

(B) An applicant who disclosed on the application that the 57458  
applicant has been convicted of any criminal offense shall only be 57459  
permitted to take the examination after the results of the 57460  
criminal records check have been received by the superintendent 57461  
and the superintendent has made a determination to disregard the 57462  
conviction because the applicant has proven to the superintendent, 57463  
by a preponderance of the evidence, that the applicant's 57464  
activities and employment record since the conviction show that 57465  
the applicant is honest, truthful, and of good reputation, and 57466  
there is no basis in fact for believing that the applicant again 57467  
will violate the laws involved. 57468

(C) Persons who have indicated on the application that they 57469



have not been convicted of any criminal offense, shall, if all 57470  
other requirements for licensure have been satisfied, be permitted 57471  
to take the real estate examination for which the applicant has 57472  
applied prior to the superintendent's receipt of the results of 57473  
the criminal records check. If the applicant receives a passing 57474  
score on the examination and meets the other requirements for the 57475  
license, the superintendent shall issue a provisional license 57476  
pending the results of the criminal records check. During this 57477  
provisional status, the licensee may perform acts that require a 57478  
real estate license. If the results of the criminal records check 57479  
subsequently confirm that the licensee has no convictions, the 57480  
provisional status shall be removed. If it is determined that the 57481  
licensee has been convicted of any criminal offense, the 57482  
superintendent may immediately suspend the license of the 57483  
licensee. 57484

(D) Any entity offering the prelicensure education required 57485  
to obtain a real estate license in this state shall, prior to a 57486  
student's enrollment in a class, notify the student of both of the 57487  
following: 57488

(1) That a conviction of a criminal offense may disqualify an 57489  
individual from obtaining a real estate license; 57490

(2) The student's rights under section 9.78 of the Revised 57491  
Code to request a determination as to whether such a conviction 57492  
will disqualify the student. 57493

**Sec. 4735.15.** (A) The nonrefundable fees for reactivation or 57494  
transfer of a license shall be as follows: 57495

(1) Reactivation or transfer of a broker's license into or 57496  
out of a partnership, association, limited liability company, 57497  
limited liability partnership, or corporation or from one 57498  
partnership, association, limited liability company, limited 57499  
liability partnership, or corporation to another partnership, 57500

association, limited liability company, limited liability 57501  
partnership, or corporation, ~~twenty-five~~ thirty-four dollars. An 57502  
application for such transfer shall be made to the superintendent 57503  
of real estate on forms provided by the superintendent. 57504

(2) Reactivation or transfer of a license by a real estate 57505  
salesperson, ~~twenty-five~~ thirty-four dollars. 57506

(B) Except as may otherwise be specified pursuant to division 57507  
(F) of this section or any rules adopted by the Ohio real estate 57508  
commission pursuant to division (A)(2)(b) of section 4735.10 of 57509  
the Revised Code, the nonrefundable fees ~~for a branch office~~ 57510  
~~license, license renewal, late filing, and foreign real estate~~ 57511  
~~dealer and salesperson license~~ are as follows ~~per year~~ for each 57512  
~~year of a~~ licensing period: 57513

(1) Branch office license, ~~fifteen~~ twenty dollars; 57514

(2) Renewal of a three-year real estate broker's license, 57515  
~~sixty two hundred forty-three~~ dollars. If the licensee is a 57516  
partnership, association, limited liability company, limited 57517  
liability partnership, or corporation, the full broker's renewal 57518  
fee shall be required for each member of such partnership, 57519  
association, limited liability company, limited liability 57520  
partnership, or corporation that is a real estate broker. If the 57521  
real estate broker has not less than eleven nor more than twenty 57522  
real estate salespersons associated with the broker, an additional 57523  
fee of sixty-four dollars shall be assessed to the brokerage. For 57524  
every additional ten real estate salespersons or fraction of that 57525  
number, the brokerage assessment fee shall be increased in the 57526  
amount of thirty-seven dollars. 57527

(3) Renewal of a three-year real estate salesperson's 57528  
license, ~~forty-five~~ one hundred eighty-two dollars; 57529

(4) Renewal of a real estate broker's or salesperson's 57530  
license filed within twelve months after the licensee's renewal 57531

date, an additional late filing penalty of fifty per cent of the 57532  
required three-year fee; 57533

(5) Foreign real estate dealer's license and each renewal of 57534  
the license, thirty dollars per salesperson employed by the 57535  
dealer, but not less than ~~one~~ two hundred ~~fifty~~ three dollars; 57536

(6) Foreign real estate salesperson's license and each 57537  
renewal of the license, ~~fifty~~ sixty-eight dollars. 57538

(C) All fees collected under this section shall be paid to 57539  
the treasurer of state. One dollar of each such fee shall be 57540  
credited to the real estate education and research fund, except 57541  
that for fees that are assessed only once every three years, three 57542  
dollars of each triennial fee shall be credited to the real estate 57543  
education and research fund. 57544

(D) In all cases, the fee and any penalty shall accompany the 57545  
application for the license, license transfer, or license 57546  
reactivation or shall accompany the filing of the renewal. 57547

(E) The commission may establish by rule reasonable fees for 57548  
services not otherwise established by this chapter. 57549

(F) The commission may adopt rules that provide for a 57550  
reduction in the fees established in divisions (B)(2) and (3) of 57551  
this section. 57552

**Sec. 4735.18.** (A) Subject to section 4735.32 of the Revised 57553  
Code, the superintendent of real estate, upon the superintendent's 57554  
own motion, may investigate the conduct of any licensee. Subject 57555  
to division (E) of this section and section 4735.32 of the Revised 57556  
Code, the Ohio real estate commission shall impose disciplinary 57557  
sanctions upon any licensee who, whether or not acting in the 57558  
licensee's capacity as a real estate broker or salesperson, or in 57559  
handling the licensee's own property, is found to have been 57560  
convicted of a felony or a crime of moral turpitude, and may 57561

impose disciplinary sanctions upon any licensee who, in the 57562  
licensee's capacity as a real estate broker or salesperson, or in 57563  
handling the licensee's own property, is found guilty of: 57564

(1) Knowingly making any misrepresentation; 57565

(2) Making any false promises with intent to influence, 57566  
persuade, or induce; 57567

(3) A continued course of misrepresentation or the making of 57568  
false promises through agents, salespersons, advertising, or 57569  
otherwise; 57570

(4) Acting for more than one party in a transaction except as 57571  
permitted by and in compliance with section 4735.71 of the Revised 57572  
Code; 57573

(5) Failure within a reasonable time to account for or to 57574  
remit any money coming into the licensee's possession which 57575  
belongs to others; 57576

(6) Dishonest or illegal dealing, gross negligence, 57577  
incompetency, or misconduct; 57578

(7)(a) By final adjudication by a court, a violation of any 57579  
municipal or federal civil rights law relevant to the protection 57580  
of purchasers or sellers of real estate or, by final adjudication 57581  
by a court, any unlawful discriminatory practice pertaining to the 57582  
purchase or sale of real estate prohibited by Chapter 4112. of the 57583  
Revised Code, provided that such violation arose out of a 57584  
situation wherein parties were engaged in bona fide efforts to 57585  
purchase, sell, or lease real estate, in the licensee's practice 57586  
as a licensed real estate broker or salesperson; 57587

(b) A second or subsequent violation of any unlawful 57588  
discriminatory practice pertaining to the purchase or sale of real 57589  
estate prohibited by Chapter 4112. of the Revised Code or any 57590  
second or subsequent violation of municipal or federal civil 57591

rights laws relevant to purchasing or selling real estate whether 57592  
or not there has been a final adjudication by a court, provided 57593  
that such violation arose out of a situation wherein parties were 57594  
engaged in bona fide efforts to purchase, sell, or lease real 57595  
estate. For any second offense under this division, the commission 57596  
shall suspend for a minimum of two months or revoke the license of 57597  
the broker or salesperson. For any subsequent offense, the 57598  
commission shall revoke the license of the broker or salesperson. 57599

(8) Procuring a license under this chapter, for the licensee 57600  
or any salesperson by fraud, misrepresentation, or deceit; 57601

(9) Having violated or failed to comply with any provision of 57602  
sections 4735.51 to 4735.74 of the Revised Code or having 57603  
willfully disregarded or violated any other provisions of this 57604  
chapter; 57605

(10) As a real estate broker, having demanded, without 57606  
reasonable cause, other than from a broker licensed under this 57607  
chapter, a commission to which the licensee is not entitled, or, 57608  
as a real estate salesperson, having demanded, without reasonable 57609  
cause, a commission to which the licensee is not entitled; 57610

(11) Except as permitted under section 4735.20 of the Revised 57611  
Code, having paid commissions or fees to, or divided commissions 57612  
or fees with, anyone not licensed as a real estate broker or 57613  
salesperson under this chapter or anyone not operating as an 57614  
out-of-state commercial real estate broker or salesperson under 57615  
section 4735.022 of the Revised Code; 57616

(12) Having falsely represented membership in any real estate 57617  
professional association of which the licensee is not a member; 57618

(13) Having accepted, given, or charged any undisclosed 57619  
commission, rebate, or direct profit on expenditures made for a 57620  
principal; 57621

(14) Having offered anything of value other than the 57622

consideration recited in the sales contract as an inducement to a 57623  
person to enter into a contract for the purchase or sale of real 57624  
estate or having offered real estate or the improvements on real 57625  
estate as a prize in a lottery or scheme of chance; 57626

(15) Having acted in the dual capacity of real estate broker 57627  
and undisclosed principal, or real estate salesperson and 57628  
undisclosed principal, in any transaction; 57629

(16) Having guaranteed, authorized, or permitted any person 57630  
to guarantee future profits which may result from the resale of 57631  
real property; 57632

(17) Having advertised or placed a sign on any property 57633  
offering it for sale or for rent without the consent of the owner 57634  
or the owner's authorized agent; 57635

(18) Having induced any party to a contract of sale or lease 57636  
to break such contract for the purpose of substituting in lieu of 57637  
it a new contract with another principal; 57638

(19) Having negotiated the sale, exchange, or lease of any 57639  
real property directly with a seller, purchaser, lessor, or tenant 57640  
knowing that such seller, purchaser, lessor, or tenant is 57641  
represented by another broker under a written exclusive agency 57642  
agreement, exclusive right to sell or lease listing agreement, or 57643  
exclusive purchaser agency agreement with respect to such property 57644  
except as provided for in section 4735.75 of the Revised Code; 57645

(20) Having offered real property for sale or for lease 57646  
without the knowledge and consent of the owner or the owner's 57647  
authorized agent, or on any terms other than those authorized by 57648  
the owner or the owner's authorized agent; 57649

(21) Having published advertising, whether printed, radio, 57650  
display, or of any other nature, which was misleading or 57651  
inaccurate in any material particular, or in any way having 57652  
misrepresented any properties, terms, values, policies, or 57653

services of the business conducted; 57654

(22) Having knowingly withheld from or inserted in any 57655  
statement of account or invoice any statement that made it 57656  
inaccurate in any material particular; 57657

(23) Having published or circulated unjustified or 57658  
unwarranted threats of legal proceedings which tended to or had 57659  
the effect of harassing competitors or intimidating their 57660  
customers; 57661

(24) Having failed to keep complete and accurate records of 57662  
all transactions for a period of three years from the date of the 57663  
transaction, such records to include copies of listing forms, 57664  
earnest money receipts, offers to purchase and acceptances of 57665  
them, records of receipts and disbursements of all funds received 57666  
by the licensee as broker and incident to the licensee's 57667  
transactions as such, and records required pursuant to divisions 57668  
(C)(4) and (5) of section 4735.20 of the Revised Code, and any 57669  
other instruments or papers related to the performance of any of 57670  
the acts set forth in the definition of a real estate broker; 57671

(25) Failure of a real estate broker or salesperson to 57672  
furnish all parties involved in a real estate transaction true 57673  
copies of all listings and other agreements to which they are a 57674  
party, at the time each party signs them; 57675

(26) Failure to maintain at all times a special or trust bank 57676  
account in a depository located in this state. The account shall 57677  
be noninterest-bearing, separate and distinct from any personal or 57678  
other account of the broker, and, except as provided in division 57679  
(A)(27) of this section, shall be used for the deposit and 57680  
maintenance of all escrow funds, security deposits, and other 57681  
moneys received by the broker in a fiduciary capacity. The name, 57682  
account number, if any, and location of the depository wherein 57683  
such special or trust account is maintained shall be submitted in 57684

writing to the superintendent. Checks drawn on such special or trust bank accounts are deemed to meet the conditions imposed by section 1349.21 of the Revised Code. Funds deposited in the trust or special account in connection with a purchase agreement shall be maintained in accordance with section 4735.24 of the Revised Code.

(27) Failure to maintain at all times a special or trust bank account in a depository in this state, to be used exclusively for the deposit and maintenance of all rents, security deposits, escrow funds, and other moneys received by the broker in a fiduciary capacity in the course of managing real property. This account shall be separate and distinct from any other account maintained by the broker. The name, account number, and location of the depository shall be submitted in writing to the superintendent. This account may earn interest, which shall be paid to the property owners on a pro rata basis.

Division (A)(27) of this section does not apply to brokers who are not engaged in the management of real property on behalf of real property owners.

(28) Having failed to put definite expiration dates in all written agency agreements to which the broker is a party;

(29) Having an unsatisfied final judgment or lien in any court of record against the licensee arising out of the licensee's conduct as a licensed broker or salesperson;

(30) Failing to render promptly upon demand a full and complete statement of the expenditures by the broker or salesperson of funds advanced by or on behalf of a party to a real estate transaction to the broker or salesperson for the purpose of performing duties as a licensee under this chapter in conjunction with the real estate transaction;

(31) Failure within a reasonable time, after the receipt of



the commission by the broker, to render an accounting to and pay a real estate salesperson the salesperson's earned share of it; 57716  
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(32) Performing any service for another constituting the practice of law, as determined by any court of law; 57718  
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(33) Having been adjudicated incompetent for the purpose of holding the license by a court, as provided in section 5122.301 of the Revised Code. A license revoked or suspended under this division shall be reactivated upon proof to the commission of the removal of the disability. 57720  
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(34) Having authorized or permitted a person to act as an agent in the capacity of a real estate broker, or a real estate salesperson, who was not then licensed as a real estate broker or real estate salesperson under this chapter or who was not then operating as an out-of-state commercial real estate broker or salesperson under section 4735.022 of the Revised Code; 57725  
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(35) Having knowingly inserted or participated in inserting any materially inaccurate term in a document, including naming a false consideration; 57731  
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(36) Having failed to inform the licensee's client of the existence of an offer or counteroffer or having failed to present an offer or counteroffer in a timely manner, unless otherwise instructed by the client, provided the instruction of the client does not conflict with any state or federal law; 57734  
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(37) Having failed to comply with section 4735.24 of the Revised Code; 57739  
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(38) Having acted as a broker without authority, impeded the ability of a principal broker to perform any of the duties described in section 4735.081 of the Revised Code, or impeded the ability a management level licensee to perform the licensee's duties. 57741  
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(B) Whenever the commission, pursuant to section 4735.051 of the Revised Code, imposes disciplinary sanctions for any violation of this section, the commission also may impose such sanctions upon the broker with whom the salesperson is affiliated if the commission finds that the broker had knowledge of the salesperson's actions that violated this section.

(C) The commission shall, pursuant to section 4735.051 of the Revised Code, impose disciplinary sanctions upon any foreign real estate dealer or salesperson who, in that capacity or in handling the dealer's or salesperson's own property, is found guilty of any of the acts or omissions specified or comprehended in division (A) of this section insofar as the acts or omissions pertain to foreign real estate. If the commission imposes such sanctions upon a foreign real estate salesperson for a violation of this section, the commission also may suspend or revoke the license of the foreign real estate dealer with whom the salesperson is affiliated if the commission finds that the dealer had knowledge of the salesperson's actions that violated this section.

(D) The commission may suspend, in whole or in part, the imposition of the penalty of suspension of a license under this section.

(E) A person licensed under this chapter who represents a party to a transaction or a proposed transaction involving the sale, purchase, exchange, lease, or management of real property that is or will be used in the cultivation, processing, dispensing, or testing of medical marijuana under Chapter 3796. of the Revised Code, or who receives, holds, or disburses funds from a real estate brokerage trust account in connection with such a transaction, shall not be subject to disciplinary sanctions under this chapter solely because the licensed person engaged in activities permitted under this chapter and related to activities under Chapter 3796. of the Revised Code.

Sec. 4735.182. If a check or other draft instrument used to 57778  
pay any fee required under this chapter is returned to the 57779  
superintendent unpaid by the financial institution upon which it 57780  
is drawn for any reason, the superintendent shall notify the 57781  
entity or person that the check or other draft instrument was 57782  
returned for insufficient funds. 57783

(A) If the check or draft instrument was submitted by a 57784  
licensee, the superintendent shall also notify the licensee that 57785  
the licensee's license will be suspended unless the licensee, 57786  
within fifteen days after the mailing of the notice, submits the 57787  
fee and a one-hundred-dollar fee to the superintendent. If the 57788  
licensee does not submit both fees within that time period, or if 57789  
any check or other draft instrument used to pay either of those 57790  
fees is returned to the superintendent unpaid by the financial 57791  
institution upon which it is drawn for any reason, the license 57792  
shall be suspended immediately without a hearing and the licensee 57793  
shall cease activity as a licensee under this chapter. 57794

(B) If the check or draft instrument was remitted by a person 57795  
or entity applying to qualify foreign real estate or renew a 57796  
property registration, the superintendent shall also notify the 57797  
applicant that registration will be suspended, unless the 57798  
applicant, within fifteen days after the mailing of the notice, 57799  
submits the fee and a one-hundred-dollar fee to the 57800  
superintendent. If the applicant does not submit both fees within 57801  
that time period, or if any check or other draft instrument used 57802  
to pay either of the fees is returned to the superintendent unpaid 57803  
by the financial institution upon which it is drawn for any 57804  
reason, the property registration shall be suspended immediately 57805  
without a hearing and the applicant shall cease activity. 57806

(C) If the check or draft instrument was remitted by an 57807  
applicant for licensure, that application shall automatically be 57808

rejected or approval withdrawn, unless the applicant, within 57809  
fifteen days after the mailing of the notice, submits the fee and 57810  
a one-hundred-dollar fee to the superintendent. If the applicant 57811  
does not submit both fees within that time period, or if any check 57812  
or other draft instrument used to pay either of those fees is 57813  
returned to the superintendent unpaid by the financial institution 57814  
upon which it is drawn for any reason, the application shall be 57815  
denied or approval withdrawn. 57816

(D) If the check or draft instrument was remitted by an 57817  
education course provider or course provider applicant, that 57818  
application shall automatically be rejected or approval withdrawn, 57819  
unless the applicant, within fifteen days after the mailing of the 57820  
notice, submits the fee and a ~~one-hundred-dollar~~ 57821  
one-hundred-thirty-five-dollar fee to the superintendent. If the 57822  
applicant does not submit both fees within that time period, or if 57823  
any check or other draft instrument used to pay either of those 57824  
fees is returned to the superintendent unpaid by the financial 57825  
institution upon which it is drawn for any reason, the application 57826  
shall be denied or approval withdrawn. 57827

**Sec. 4735.27.** (A) An application to act as a foreign real 57828  
estate dealer shall be in writing and filed with the 57829  
superintendent of real estate. It shall be in the form the 57830  
superintendent prescribes and shall contain the following 57831  
information: 57832

(1) The name and address of the applicant; 57833

(2) A description of the applicant, including, if the 57834  
applicant is a partnership, unincorporated association, or any 57835  
similar form of business organization, the names and the residence 57836  
and business addresses of all partners, officers, directors, 57837  
trustees, or managers of the organization, and the limitation of 57838  
the liability of any partner or member; and if the applicant is a 57839

corporation, a list of its officers and directors, and the 57840  
residence and business addresses of each, and, if it is a foreign 57841  
corporation, a copy of its articles of incorporation in addition; 57842

(3) The location and addresses of the principal office and 57843  
all other offices of the applicant; 57844

(4) A general description of the business of the applicant 57845  
prior to the application, including a list of states in which the 57846  
applicant is a licensed foreign real estate dealer; 57847

(5) The names and addresses of all ~~salesmen~~ salespersons of 57848  
the applicant at the date of the application; 57849

(6) The nature of the business of the applicant, and its 57850  
places of business, for the ten-year period preceding the date of 57851  
application. 57852

(B) Every nonresident applicant shall name a person within 57853  
this state upon whom process against the applicant may be served 57854  
and shall give the complete residence and business address of the 57855  
person designated. Every applicant shall file an irrevocable 57856  
written consent, executed and acknowledged by an individual duly 57857  
authorized to give such consent, that actions growing out of a 57858  
fraud committed by the applicant in connection with the sale in 57859  
this state of foreign real estate may be commenced against it, in 57860  
the proper court of any county in this state in which a cause of 57861  
action for such fraud may arise or in which the plaintiff in such 57862  
action may reside, by serving on the secretary of state any proper 57863  
process or pleading authorized by the laws of this state, in the 57864  
event that the applicant if a resident of this state, or the 57865  
person designated by the nonresident applicant, cannot be found at 57866  
the address given. The consent shall stipulate that the service of 57867  
process on the secretary of state shall be taken in all courts to 57868  
be as valid and binding as if service had been made upon the 57869  
foreign real estate dealer. If the applicant is a corporation or 57870

an unincorporated association, the consent shall be accompanied by 57871  
a certified copy of the resolution of the board of directors, 57872  
trustees, or managers of the corporation or association, 57873  
authorizing such individual to execute the consent. 57874

(C) The superintendent may investigate any applicant for a 57875  
dealer's license, and may require any additional information ~~he~~ 57876  
the superintendent considers necessary to determine the business 57877  
repute and qualifications of the applicant to act as a foreign 57878  
real estate dealer. If the application for a dealer's license 57879  
involves investigation outside this state, the superintendent may 57880  
require the applicant to advance sufficient funds to pay any of 57881  
the actual expenses of the investigation, and an itemized 57882  
statement of such expense shall be furnished to the applicant. 57883

(D) Every applicant shall take a written examination, 57884  
prescribed and conducted by the superintendent, which covers ~~his~~ 57885  
the applicant's knowledge of the principles of real estate 57886  
practice, real estate law, financing and appraisal, real estate 57887  
transactions and instruments relating to them, canons of business 57888  
ethics relating to real estate transactions, and the duties of 57889  
foreign real estate dealers and ~~salesmen~~ salespersons. The fee for 57890  
the examination, when administered by the superintendent, is 57891  
~~seventy-five~~ one hundred one dollars. If the applicant does not 57892  
appear for the examination, the fee shall be forfeited and a new 57893  
application and fee shall be filed, unless good cause for the 57894  
failure to appear is shown to the superintendent. The requirement 57895  
of an examination may be waived in whole or in part by the 57896  
superintendent if an applicant is licensed as a real estate broker 57897  
by any state. 57898

Any applicant who fails the examination twice shall wait six 57899  
months before applying to retake the examination. 57900

(E) No person shall take the foreign real estate dealer's 57901  
examination who has not established to the satisfaction of the 57902

superintendent that ~~he~~ the person: 57903

(1) Has not been convicted of a felony or a crime of moral 57904  
turpitude or, if ~~he~~ the applicant has been so convicted, the 57905  
superintendent has disregarded the conviction because the 57906  
applicant has proven to the superintendent, by a preponderance of 57907  
the evidence, that ~~his~~ the applicant's activities and employment 57908  
record since the conviction show that ~~he~~ the applicant is honest, 57909  
truthful, and of good reputation, and there is no basis in fact 57910  
for believing that ~~he~~ the applicant again will violate the laws 57911  
involved; 57912

(2) Has not been finally adjudged by a court to have violated 57913  
any municipal, state, or federal civil rights laws relevant to the 57914  
protection of purchasers or sellers of real estate or, if ~~he~~ the 57915  
applicant has been so adjudged, at least two years have passed 57916  
since the court decision and the superintendent has disregarded 57917  
the adjudication because the applicant has proven, by a 57918  
preponderance of the evidence, that ~~his~~ the applicant's activities 57919  
and employment record since the adjudication show that ~~he~~ the 57920  
applicant is honest, truthful, and of good reputation, and there 57921  
is no basis in fact for believing that ~~he~~ the applicant again will 57922  
violate the laws involved; 57923

(3) Has not, during any period for which ~~he~~ the applicant was 57924  
licensed under this chapter or any former section of the Revised 57925  
Code applicable to licensed foreign real estate dealers or 57926  
~~salesmen~~ salespersons, violated any provision of, or any rule 57927  
adopted pursuant to, this chapter or that section, or, if ~~he~~ the 57928  
applicant has violated any such provision or rule, has established 57929  
to the satisfaction of the superintendent that ~~he~~ the applicant 57930  
will not again violate the provision or rule. 57931

(F) If the superintendent finds that an applicant for a 57932  
license as a foreign real estate dealer, or each named member, 57933  
manager, or officer of a partnership, association, or corporate 57934

applicant is at least eighteen years of age, is of good business 57935  
repute, has passed the examination required under this section or 57936  
has had the requirement of an examination waived, and appears 57937  
otherwise qualified, the superintendent shall issue a license to 57938  
the applicant to engage in business in this state as a foreign 57939  
real estate dealer. Dealers licensed pursuant to this section 57940  
shall employ as ~~salesmen~~ salespersons of foreign real estate only 57941  
persons licensed pursuant to section 4735.28 of the Revised Code. 57942  
If at any time such ~~salesmen~~ salespersons resign or are discharged 57943  
or new ~~salesmen~~ salespersons are added, the dealer forthwith shall 57944  
notify the superintendent and shall file with the division of real 57945  
estate the names and addresses of new ~~salesmen~~ salespersons. 57946

(G) If the applicant merely is renewing ~~his~~ the applicant's 57947  
license for the previous year, the application need contain only 57948  
the information required by divisions (A)(2), (3), and (6) of this 57949  
section. 57950

**Sec. 4735.28.** (A) An application to act as a foreign real 57951  
estate ~~salesman~~ salesperson shall be in writing and filed with the 57952  
superintendent of real estate. It shall be in the form the 57953  
superintendent prescribes and shall contain the following 57954  
information: 57955

(1) The name and complete residence and business addresses of 57956  
the applicant; 57957

(2) The name of the foreign real estate dealer who is 57958  
employing the applicant or who intends to employ ~~him~~ the 57959  
applicant; 57960

(3) The age and education of the applicant, and ~~his~~ the 57961  
applicant's experience in the sale of foreign real estate; whether 57962  
~~he~~ the applicant has ever been licensed by the superintendent, and 57963  
if so, when; whether ~~he~~ the applicant has ever been refused a 57964  
license by the superintendent; and whether ~~he~~ the applicant has 57965



ever been licensed or refused a license or any similar permit by 57966  
any division or superintendent of real estate, by whatsoever name 57967  
known or designated, anywhere; 57968

(4) The nature of the employment, and the names and addresses 57969  
of the employers, of the applicant for the period of ten years 57970  
immediately preceding the date of the application. 57971

(B) Every applicant shall take a written examination, 57972  
prescribed and conducted by the superintendent, which covers ~~his~~ 57973  
the applicant's knowledge of the principles of real estate 57974  
practice, real estate law, financing and appraisal, real estate 57975  
transactions and instruments relating to them, canons of business 57976  
ethics relating to real estate transactions, and the duties of 57977  
foreign real estate ~~salesmen~~ salespersons. The fee for the 57978  
examination, when administered by the superintendent, is ~~fifty~~ 57979  
sixty-eight dollars. If the applicant does not appear for the 57980  
examination, the fee shall be forfeited and a new application and 57981  
fee shall be filed, unless good cause for the failure to appear is 57982  
shown to the superintendent. The requirement of an examination may 57983  
be waived in whole or in part by the superintendent if an 57984  
applicant is licensed as a real estate broker or ~~salesman~~ 57985  
salesperson by any state. 57986

Any applicant who fails the examination twice shall wait six 57987  
months before applying to retake the examination. 57988

(C) No person shall take the foreign real estate ~~salesman's~~ 57989  
salesperson's examination who has not established to the 57990  
satisfaction of the superintendent that ~~he~~ the person: 57991

(1) Has not been convicted of a felony or a crime of moral 57992  
turpitude or, if ~~he~~ the applicant has been so convicted, the 57993  
superintendent has disregarded the conviction because the 57994  
applicant has proven to the superintendent, by a preponderance of 57995  
the evidence, that ~~his~~ the applicant's activities and employment 57996

record since the conviction show that ~~he~~ the applicant is honest, 57997  
truthful, and of good reputation, and there is no basis in fact 57998  
for believing that ~~he~~ the applicant again will violate the laws 57999  
involved; 58000

(2) Has not been finally adjudged by a court to have violated 58001  
any municipal, state, or federal civil rights laws relevant to the 58002  
protection of purchasers or sellers of real estate or, if ~~he~~ the 58003  
applicant has been so adjudged, at least two years have passed 58004  
since the court decision and the superintendent has disregarded 58005  
the adjudication because the applicant has proven, by a 58006  
preponderance of the evidence, that ~~his~~ the applicant's activities 58007  
and employment record since the adjudication show that ~~he~~ the 58008  
applicant is honest, truthful, and of good reputation, and there 58009  
is no basis in fact for believing that ~~he~~ the applicant will again 58010  
violate the laws; 58011

(3) Has not, during any period for which ~~he~~ the applicant was 58012  
licensed under this chapter or any former section of the Revised 58013  
Code ~~aplicable~~ applicable to licensed foreign real estate dealers 58014  
or ~~salesmen~~ salespersons, violated any provision of, or any rule 58015  
adopted pursuant to, this chapter or that section, or, if ~~he~~ the 58016  
applicant has violated any such provision or rule, has established 58017  
to the satisfaction of the superintendent that ~~he~~ the applicant 58018  
will not again violate the provision or rule. 58019

(D) Every ~~salesman~~ salesperson of foreign real estate shall 58020  
be licensed by the superintendent of real estate and shall be 58021  
employed only by the licensed foreign real estate dealer specified 58022  
on ~~his~~ the salesperson's license. 58023

(E) If the superintendent finds that the applicant is of good 58024  
business repute, appears to be qualified to act as a foreign real 58025  
estate ~~salesman~~ salesperson, and has fully complied with the 58026  
provisions of this chapter, and that the dealer in the application 58027  
is a licensed foreign real estate dealer, the superintendent, upon 58028

payment of the fees prescribed by section 4735.15 of the Revised Code, shall issue a license to the applicant authorizing ~~him~~ the applicant to act as ~~salesman~~ a salesperson for the dealer named in the application.

**Sec. 4737.045.** (A) To register as a scrap metal dealer or a bulk merchandise container dealer with the director of public safety as required by division (B) of section 4737.04 of the Revised Code, a person shall do all of the following:

(1) Provide the name and street address of the dealer's place of business;

(2) Provide the name of the primary owner of the business, and of the manager of the business, if the manager is not the primary owner;

(3) Provide the electronic mail address of the business;

(4) Provide confirmation that the dealer has the capabilities to electronically connect with the department of public safety for the purpose of sending and receiving information;

(5) Provide any other information required by the director in rules the director adopts pursuant to sections 4737.01 to 4737.045 of the Revised Code;

(6) Pay an initial registration fee of two hundred dollars.

(B) A person engaging in the business of a scrap metal dealer or a bulk merchandise container dealer in this state on or before September 28, 2012, shall register with the director not later than January 1, 2013. With respect to a person who commences engaging in the business of a scrap metal dealer or a bulk merchandise container dealer after September 28, 2012, the person shall register with the director pursuant to this section prior to commencing business as a scrap metal dealer or a bulk merchandise container dealer.

(C) A registration issued to a scrap metal dealer or a bulk merchandise container dealer pursuant to this section is valid for a period of one year. A dealer shall renew the registration in accordance with the rules adopted by the director and pay a renewal fee of one hundred fifty dollars to cover the costs of operating and maintaining the registry created pursuant to division (E) of this section.

(D) A scrap metal dealer or a bulk merchandise container dealer registered under this section shall prominently display a copy of the annual registration certificate received from the director pursuant to division (E)(2) of this section.

(E) The director shall do all of the following:

(1) Develop and implement, by January 1, 2014, and maintain as a registry a secure database for use by law enforcement agencies that is capable of all of the following:

(a) Receiving and securely storing all of the information required by division (A) of this section and the daily transaction data that scrap metal dealers and bulk merchandise dealers are required to send pursuant to division (E)(1) of section 4737.04 of the Revised Code;

(b) Providing secure search capabilities to law enforcement agencies for enforcement purposes;

(c) Creating a link and retransmission capability for receipt of routine scrap theft alerts published by the institute of scrap recycling industries for transmission to dealers and law enforcement agencies in the state;

(d) Making the electronic lists prepared pursuant to division (F)(2) of section 4737.04 of the Revised Code available through an electronic searchable format for individual law enforcement agencies and for dealers in the state;

(e) Providing, without charge, interlink programming enabling the transfer of information to dealers. 58089  
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(2) Issue, reissue, or deny registration to dealers; 58091

(3) Adopt rules to enforce sections 4737.01 to 4737.045 of the Revised Code, rules establishing procedures to renew a registration issued under this section, rules for the format and maintenance for the records required under division (A) of section 4737.012 of the Revised Code or division (C) of section 4737.04 of the Revised Code, and rules regarding the delivery of the report required by division (E)(1) of section 4737.04 of the Revised Code to the registry, which shall be used exclusively by law enforcement agencies. 58092  
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(F) A scrap metal dealer or bulk merchandise container dealer may search, modify, or update only the dealer's own business data contained within the registry established in division (E) of this section. 58101  
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(G) All fees received by the director pursuant to this section and division (F) of section 4737.99 of the Revised Code shall be used to develop and maintain the registry required under this section and for the department of public safety's operating expenses. The fees shall be deposited into the infrastructure protection fund which is hereby created in the state treasury. 58105  
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**Sec. 4743.02.** The examination papers of each applicant examined by boards, commissions, or agencies created under or by virtue of Chapters 4701. to 4741., 4751., and 4757. of the Revised Code shall be open for inspection by the applicant or his attorney for at least ninety days subsequent to the announcement of the applicant's grade; provided, papers not graded by members of examining boards or their employees and which by terms of a contract with any testing company the papers are not available for inspection, need not be made available for inspection; but it 58111  
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shall be the applicant's right to have any such paper regraded 58120  
manually, upon written request of either himself or his attorney 58121  
made to the board within ninety days after announcement of the 58122  
grade. 58123

**Sec. 4745.04.** (A) As used in this section: 58124

(1) "Indigent and uninsured person" and "volunteer" have the 58125  
same meanings as in section 2305.234 of the Revised Code. 58126

(2) "Licensing agency that licenses health care 58127  
professionals" means all of the following: 58128

(a) The state dental board established under Chapter 4715. of 58129  
the Revised Code; 58130

(b) The board of nursing established under Chapter 4723. of 58131  
the Revised Code; 58132

(c) The state vision professionals board established under 58133  
Chapter 4725. of the Revised Code; 58134

(d) The state board of pharmacy established under Chapter 58135  
4729. of the Revised Code; 58136

(e) The state medical board established under Chapter 4731. 58137  
of the Revised Code; 58138

(f) The state board of psychology established under Chapter 58139  
4732. of the Revised Code; 58140

(g) The state chiropractic board established under Chapter 58141  
4734. of the Revised Code; 58142

(h) The Ohio occupational therapy, physical therapy, and 58143  
athletic trainers board established under Chapter 4755. of the 58144  
Revised Code; 58145

(i) The counselor, social worker, and marriage and family 58146  
therapist board established under Chapter 4757. of the Revised 58147  
Code; 58148

(j) The chemical dependency professionals board established under Chapter 4758. of the Revised Code;	58149 58150
(k) The state board of emergency medical services established under Chapter 4765. of the Revised Code;	58151 58152
(l) The state speech and hearing professionals board established under Chapter 4744. of the Revised Code;	58153 58154
(m) Any other licensing agency that considers its licensees to be health care professionals.	58155 58156
(B) Notwithstanding any provision of the Revised Code to the contrary, a licensing agency that licenses health care professionals shall apply toward the satisfaction of a portion of a licensee's continuing education requirement the provision of health care services if all of the following apply:	58157 58158 58159 58160 58161
(1) The licensing agency that licenses health care professionals requires a licensee to complete continuing education as a condition of having a license renewed by the agency.	58162 58163 58164
(2) The licensee provides the health care services to an indigent and uninsured person.	58165 58166
(3) The licensee provides the health care services as a volunteer.	58167 58168
(4) The licensee satisfies the requirements of section 2305.234 of the Revised Code to qualify for the immunity from liability granted under that section.	58169 58170 58171
(5) The health care services provided are within the scope of authority of the licensee renewing the license.	58172 58173
(C) <del>A</del> <u>(1) Except as provided in division (C)(2) of this section,</u> a licensing agency that licenses health care professionals shall permit a licensee to satisfy up to one-third of the licensee's continuing education requirement by providing health care services as a volunteer. A licensing agency that	58174 58175 58176 58177 58178

licenses health care professionals shall permit a licensee to earn 58179  
continuing education credits at the rate of one credit hour for 58180  
each sixty minutes spent providing health care services as a 58181  
volunteer. 58182

(2) In the case of a person holding a license to practice 58183  
medicine and surgery, osteopathic medicine and surgery, or 58184  
podiatric medicine and surgery, the state medical board shall 58185  
permit the person to satisfy not more than three hours of the 58186  
person's continuing education requirement by providing health care 58187  
services as a volunteer. 58188

(D) A licensing agency that licenses health care 58189  
professionals shall adopt rules as necessary to implement this 58190  
section. The rules shall be adopted in accordance with Chapter 58191  
119. of the Revised Code. 58192

(E) Continuing education credit received under this section 58193  
for providing health care services is not compensation or any 58194  
other form of remuneration for purposes of section 2305.234 of the 58195  
Revised Code and does not make the provider of those services 58196  
ineligible for the immunity from liability granted under that 58197  
section. 58198

**Sec. 4751.01.** As used in ~~sections 4751.01 to 4751.13 of the~~ 58199  
~~Revised Code~~ this chapter: 58200

(A) "Health-care licensing agency" means any department, 58201  
division, board, section of a board, or other government unit that 58202  
is authorized by a statute of this or another state to issue a 58203  
license, certificate, permit, card, or other authority to do 58204  
either of the following in the context of health care: 58205

(1) Engage in a specific profession, occupation, or 58206  
occupational activity; 58207

(2) Have charge of and operate certain specified equipment, 58208



machinery, or premises. 58209

(B) "Licensed health services executive" means an individual 58210  
who holds a valid health services executive license. 58211

(C) "Licensed nursing home administrator" means an individual 58212  
who holds a valid nursing home administrator license. 58213

(D) "Licensed temporary nursing home administrator" means an 58214  
individual who holds a valid temporary nursing home administrator 58215  
license. 58216

(E) "Long-term services and supports ~~settings~~ setting" means 58217  
any institutional or community-based setting in which medical, 58218  
health, ~~psycho-social~~ psychosocial, habilitative, rehabilitative, 58219  
or personal care services are provided to individuals on a 58220  
post-acute care basis. 58221

~~(B) "Nursing home administrator" means any individual~~ 58222  
~~responsible for planning, organizing, directing, and managing the~~ 58223  
~~operation of a nursing home, or who in fact performs such~~ 58224  
~~function, whether or not such functions and duties are shared by~~ 58225  
~~one or more other persons.~~ 58226

~~(C)~~(F) "Nursing home" means a nursing home as defined by or 58227  
under the authority of section 3721.01 of the Revised Code, or a 58228  
nursing home operated by a governmental agency. 58229

~~(D) "Temporary license" means a license for a period not to~~ 58230  
~~exceed one hundred eighty days issued pursuant to division (B) of~~ 58231  
~~section 4751.06 of the Revised Code.~~ 58232

~~(E)~~(G) "Nursing home administration" means planning, 58233  
organizing, directing, and managing the operation of a nursing 58234  
home. 58235

(H) "Nursing home administrator" means any individual who 58236  
engages in the practice of nursing home administration, whether or 58237  
not the individual shares the functions and duties of nursing home 58238

administration with one or more other individuals. 58239

(I) "Valid health services executive license" means a health services executive license to which all of the following apply: 58240  
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(1) It was issued by the board of executives of long-term services and supports under section 4751.21, 4751.23, 4751.25, or 4751.33 of the Revised Code; 58242  
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(2) It was not sold, fraudulently furnished, or fraudulently obtained in violation of division (F) of section 4751.10 of the Revised Code; 58245  
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(3) It is current and in good standing. 58248

(J) "Valid nursing home administrator license" means a nursing home administrator license to which all of the following apply: 58249  
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(1) It was issued by the board under section 4751.20, 4751.201, 4751.23, 4751.24, or 4751.33 of the Revised Code; 58252  
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(2) It was not sold, fraudulently furnished, or fraudulently obtained in violation of division (F) of section 4751.10 of the Revised Code; 58254  
58255  
58256

(3) It is current and in good standing. 58257

(K) "Valid temporary nursing home administrator license" means a temporary nursing home administrator license to which all of the following apply: 58258  
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(1) It was issued by the board under section 4751.202, 4751.23, or 4751.33 of the Revised Code; 58261  
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(2) It was not sold, fraudulently furnished, or fraudulently obtained in violation of division (F) of section 4751.10 of the Revised Code; 58263  
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(3) It is current and in good standing. 58266

~~Sec. 4751.03~~ 4751.02. (A) There is hereby established in the 58267  
department of aging a board of executives of long-term services 58268  
and supports, which board shall be composed of the following 58269  
eleven members: 58270

(1) Four members who are nursing home administrators, owners 58271  
of nursing homes, or officers of corporations owning nursing 58272  
homes, and who shall have an understanding of person-centered 58273  
care, and experience with a range of long-term services and 58274  
supports settings; 58275

(2)(a) Three members who work in long-term services and 58276  
supports settings that are not nursing homes, and who shall have 58277  
an understanding of person-centered care, and experience with a 58278  
range of long-term services and supports settings; 58279

(b) At least one of the members described in division 58280  
(A)(2)(a) of this section shall be a home health administrator, 58281  
hospice administrator, an owner of a home health agency or hospice 58282  
care program, or an officer of a home health agency or hospice 58283  
care program. 58284

(3) One member who is a member of the academic community; 58285

(4) One member who is a consumer of services offered in a 58286  
long-term services and supports setting; 58287

(5) One nonvoting member who is a representative of the 58288  
department of health, designated by the director of health, who is 58289  
involved in the nursing home survey and certification process, who 58290  
shall serve in an advisory capacity only; 58291

(6) One nonvoting member who is a representative of the 58292  
office of the state long-term care ombudsman, designated by the 58293  
state long-term care ombudsman, who shall serve in an advisory 58294  
capacity only. 58295

All members of the board shall be citizens of the United 58296

States and residents of this state. No member of the board who is 58297  
appointed under divisions (A)(3) to (6) of this section may have 58298  
or acquire any direct financial interest in a nursing home or 58299  
long-term services and supports settings. 58300

(B) The term of office for each appointed member of the board 58301  
shall be for three years, commencing on the twenty-eighth day of 58302  
May and ending on the twenty-seventh day of May. Each member shall 58303  
serve from the date of appointment until the end of the term for 58304  
which appointed. No member shall serve more than two consecutive 58305  
full terms. 58306

(C) Appointments to the board shall be made by the governor. 58307  
Any member appointed to fill a vacancy occurring prior to the 58308  
expiration of the term for which the member's predecessor was 58309  
appointed shall hold office for the remainder of such term. Any 58310  
appointed member shall continue in office subsequent to the 58311  
expiration date of the member's term until the member's successor 58312  
takes office, or until a period of sixty days has elapsed, 58313  
whichever occurs first. 58314

(D) The governor may remove any member of the board for 58315  
misconduct, incapacity, incompetence, or neglect of duty after the 58316  
member so charged has been served with a written statement of 58317  
charges and has been given an opportunity to be heard. 58318

(E) Each member of the board, except the member designated by 58319  
the director of health and the member designated by the ombudsman, 58320  
shall be paid in accordance with section 124.15 of the Revised 58321  
Code and each member shall be reimbursed for the member's actual 58322  
and necessary expenses incurred in the discharge of such duties. 58323

(F) The board shall elect annually from its membership a 58324  
chairperson and a vice-chairperson. 58325

(G) The board shall hold and conduct meetings quarterly and 58326  
at such other times as its business requires. A majority of the 58327

voting members of the board shall constitute a quorum. The 58328  
affirmative vote of a majority of the voting members of the board 58329  
is necessary for the board to act. 58330

(H) The board shall appoint a secretary who has no financial 58331  
interest in a long-term services and supports setting, and may 58332  
employ and prescribe the powers and duties of such employees and 58333  
consultants as are necessary to carry out this chapter and the 58334  
rules adopted under it. 58335

**Sec. ~~4751.042~~ 4751.021.** (A) The board of executives of 58336  
long-term services and supports shall enter into a written 58337  
agreement with the department of aging for the department to serve 58338  
as the board's fiscal agent. The fiscal agent shall be responsible 58339  
for all the board's fiscal matters and financial transactions, as 58340  
specified in the agreement. The written agreement shall specify 58341  
the fees that the board shall pay to the fiscal agent for services 58342  
performed under the agreement, and such fees shall be in 58343  
proportion to the services performed for the board. 58344

(1) The agreement shall require the fiscal agent to provide 58345  
the following services: 58346

(a) Preparation and processing of payroll and other personnel 58347  
documents that the board approves; 58348

(b) Maintenance of ledgers of accounts and reports of account 58349  
balances, and monitoring of budgets and allotment plans in 58350  
consultation with the board; 58351

(c) Performance of other routine support services, specified 58352  
in the agreement, that the fiscal agent considers appropriate to 58353  
achieve efficiency. 58354

(2) The agreement may require the fiscal agent to provide the 58355  
following services: 58356

(a) Any shared services between the board and the fiscal 58357

agent; 58358

(b) Any other services agreed to by the board and the 58359  
department, including administrative or technical services. 58360

(B) The board, in conjunction and consultation with the 58361  
fiscal agent, has the following authority and responsibility 58362  
relative to fiscal matters: 58363

(1) Sole authority to expend funds from the board's accounts 58364  
for programs and any other necessary expenses the board may incur; 58365

(2) Responsibility to cooperate with and inform the fiscal 58366  
agent fully of all financial transactions. 58367

(C) The board shall follow all state procurement, fiscal, 58368  
human resources, information technology, statutory, and 58369  
administrative rule requirements. 58370

(D) In its role as fiscal agent for the board, the department 58371  
shall serve as a contractor of the board, and does not assume 58372  
responsibility for the debts or fiscal obligations of the board. 58373

**Sec. ~~4751.14~~ 4751.03.** There is hereby created in the state 58374  
treasury the board of executives of long-term services and 58375  
supports fund. The fund shall consist of the amounts the board of 58376  
executives of long-term services and supports collects under this 58377  
chapter as ~~license and registration fees, other~~ fees, civil 58378  
penalties, and fines. ~~Money~~ The board shall use the money in the 58379  
fund ~~shall be used by the board of executives of long term~~ 58380  
~~services and supports~~ to administer and enforce this chapter and 58381  
the rules adopted under ~~it~~ section 4751.04 of the Revised Code. 58382  
Investment earnings of the fund shall be credited to the fund. 58383

**Sec. 4751.04.** The board of executives of long-term services 58384  
and supports shall adopt rules in accordance with Chapter 119. of 58385  
the Revised Code as necessary to implement and enforce this 58386

chapter. 58387

Sec. 4751.10. No person shall knowingly do any of the 58388  
following: 58389

(A) Operate a nursing home unless it is under the supervision 58390  
of an administrator whose principal occupation is nursing home 58391  
administration or hospital administration and who is a licensed 58392  
nursing home administrator or licensed temporary nursing home 58393  
administrator; 58394

(B) Practice or offer to practice nursing home administration 58395  
unless the person is a licensed nursing home administrator or 58396  
licensed temporary nursing home administrator; 58397

(C) Use any of the following unless the person is a licensed 58398  
nursing home administrator: 58399

(1) The title "licensed nursing home administrator," "nursing 58400  
home administrator," "licensed assistant nursing home 58401  
administrator," or "assistant nursing home administrator"; 58402

(2) The acronym "LNHA," "L.N.H.A.," "NHA," "N.H.A.," "LANHA," 58403  
"L.A.N.H.A.," "ANHA," or "A.N.H.A." after the person's name; 58404

(3) Any other words, letters, signs, cards, or devices that 58405  
tend to indicate or imply that the person is a licensed nursing 58406  
home administrator. 58407

(D) Use any of the following unless the person is a licensed 58408  
temporary nursing home administrator: 58409

(1) The title "licensed temporary nursing home 58410  
administrator," "temporary nursing home administrator," "licensed 58411  
temporary assistant nursing home administrator," or "temporary 58412  
assistant nursing home administrator"; 58413

(2) The acronym "LTNHA," "L.T.N.H.A.," "TNHA," "T.N.H.A.," 58414  
"LTANHA," "L.T.A.N.H.A.," "TANHA," or "T.A.N.H.A." after the 58415

<u>person's name;</u>	58416
<u>(3) Any other words, letters, signs, cards, or devices that</u>	58417
<u>tend to indicate or imply that the person is a licensed temporary</u>	58418
<u>nursing home administrator.</u>	58419
<u>(E) Use any of the following unless the person is a licensed</u>	58420
<u>health services executive:</u>	58421
<u>(1) The title "licensed health services executive" or "health</u>	58422
<u>services executive";</u>	58423
<u>(2) The acronym "LHSE," "L.H.S.E.," "HSE," or "H.S.E." after</u>	58424
<u>the person's name;</u>	58425
<u>(3) Any other words, letters, signs, cards, or devices that</u>	58426
<u>tend to indicate or imply that the person is a licensed health</u>	58427
<u>services executive.</u>	58428
<u>(F) Sell, fraudulently furnish, fraudulently obtain, or aid</u>	58429
<u>or abet another person in selling, fraudulently furnishing, or</u>	58430
<u>fraudulently obtaining any of the following:</u>	58431
<u>(1) A nursing home administrator license;</u>	58432
<u>(2) A temporary nursing home administrator license;</u>	58433
<u>(3) A health services executive license.</u>	58434
<u>(G) Otherwise violate any of the provisions of this chapter</u>	58435
<u>or the rules adopted under section 4751.04 of the Revised Code.</u>	58436
<u>Sec. 4751.101. Nothing in this chapter or the rules adopted</u>	58437
<u>under it shall be construed as requiring either of the following:</u>	58438
<u>(A) An individual to be a licensed health services executive</u>	58439
<u>in order to do either of the following:</u>	58440
<u>(1) Practice nursing home administration;</u>	58441
<u>(2) Serve in a leadership position at a long-term services</u>	58442
<u>and supports setting or direct the practices of others in such a</u>	58443



setting. 58444

(B) An applicant for a nursing home administrator license or temporary nursing home administrator license who is employed by an institution for the care and treatment of the sick to demonstrate proficiency in any medical techniques or to meet any medical educational qualifications or medical standards not in accord with the remedial care and treatment provided by the institution if all of the following apply to the institution: 58445  
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(1) It is operated exclusively for patients who use spiritual means for healing and for whom the acceptance of medical care is inconsistent with their religious beliefs. 58452  
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(2) It is accredited by a national accrediting organization. 58455

(3) It is exempt from federal income taxation under section 501 of the "Internal Revenue Code of 1986," 26 U.S.C. 501. 58456  
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(4) It provides twenty-four hour nursing care pursuant to the exemption in division (E) of section 4723.32 of the Revised Code from the licensing requirements of Chapter 4723. of the Revised Code. 58458  
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**Sec. 4751.102.** Every operator of a nursing home shall report to the board of executives of long-term services and supports the name and license number of each licensed nursing home administrator and licensed temporary nursing home administrator who practices nursing home administration at the nursing home not later than ten days after the following dates: 58462  
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(A) The date the licensed nursing home administrator or licensed temporary nursing home administrator begins to practice nursing home administration at the nursing home; 58468  
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(B) The date the licensed nursing home administrator or licensed temporary nursing home administrator ceases to practice nursing home administration at the nursing home. 58471  
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~~Sec. 4751.05 4751.15.~~ (A) The board of executives of 58474  
long-term services and supports, ~~or shall administer, or contract~~ 58475  
~~with~~ a government or private entity ~~under contract with the board~~ 58476  
to administer, examinations for licensure as that an individual 58477  
must pass to obtain a nursing home administrator, ~~shall admit to~~ 58478  
~~an examination any candidate who:~~ 58479

~~(1) Pays the application fee of fifty dollars;~~ 58480

~~(2) Submits evidence of good moral character and suitability;~~ 58481

~~(3) Is at least eighteen years of age;~~ 58482

~~(4) Has completed educational requirements and work~~ 58483  
~~experience satisfactory to the board;~~ 58484

~~(5) Submits an application on forms prescribed by the board;~~ 58485

~~(6) Pays license under section 4751.20 or 4751.201 of the~~ 58486  
Revised Code. If the board contracts with a government or private 58487  
entity to administer the examinations, the contract may authorize 58488  
the entity to collect and keep, as all or part of the entity's 58489  
compensation under the contract, any fee an individual pays to 58490  
take the examination. The entity is not required to deposit the 58491  
fee into the state treasury. 58492

To be admitted to an examination administered under this 58493  
section, an individual must pay the examination fee charged by the 58494  
board or government or private entity. 58495

~~(B) Nothing in Chapter 4751. of the Revised Code or the rules~~ 58496  
~~adopted thereunder shall be construed to require an applicant for~~ 58497  
~~licensure or a temporary license, who is employed by an~~ 58498  
~~institution for the care and treatment of the sick to demonstrate~~ 58499  
~~proficiency in any medical techniques or to meet any medical~~ 58500  
~~educational qualifications or medical standards not in accord with~~ 58501  
~~the remedial care and treatment provided by the institution if the~~ 58502  
~~institution is all of the following:~~ 58503

~~(1) Operated exclusively for patients who use spiritual means for healing and for whom the acceptance of medical care is inconsistent with their religious beliefs;~~ 58504  
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~~(2) Accredited by a national accrediting organization;~~ 58507

~~(3) Exempt from federal income taxation under section 501 of the Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C.A. 1, as amended;~~ 58508  
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~~(4) Providing twenty four hour nursing care pursuant to the exemption in division (E) of section 4723.32 of the Revised Code from the licensing requirements of Chapter 4723. of the Revised Code.~~ 58511  
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~~(C) entity. If a person an individual fails three times to attain a passing grade on pass the examination, said person the individual, before the person may again be being admitted to the examination a subsequent time, shall meet such additional also must satisfy any education ~~or~~ requirements, experience requirements, or both, ~~as~~ that may be prescribed ~~by the board~~ in rules adopted under section 4751.04 of the Revised Code in addition to any education requirements or experience requirements that must be satisfied to obtain a nursing home administrator license under section 4751.20 or 4751.201 of the Revised Code.~~ 58515  
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~~**Sec. 4751.041 4751.151.** Except when the board of executives of long-term services and supports considers it necessary, the board shall not disclose test materials, examinations, or evaluation tools used in an examination ~~for licensure as a nursing home administrator that the board administers~~ administered under section 4751.04 4751.15 of the Revised Code ~~or contracts under that section with a private or government entity to administer.~~~~ 58525  
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~~**Sec. 4751.06 4751.20.** (A) An applicant for licensure as Subject to section 4751.32 of the Revised Code, the board of~~ 58532  
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executives of long-term services and supports shall issue a 58534  
nursing home administrator who has successfully completed the 58535  
requirements of section 4751.05 of the Revised Code, license to an 58536  
individual under this section if all of the following requirements 58537  
are satisfied: 58538

(1) The individual has submitted to the board a completed 58539  
application for the license in accordance with rules adopted under 58540  
section 4751.04 of the Revised Code. 58541

(2) If the individual is required by rules adopted under 58542  
section 4751.04 of the Revised Code to serve as a nursing home 58543  
administrator in training, the individual has paid to the board 58544  
the administrator in training fee of fifty dollars. 58545

(3) The individual is at least twenty-one years of age. 58546

(4) The individual has successfully completed educational 58547  
requirements and work experience specified in rules adopted under 58548  
section 4751.04 of the Revised Code, including, if so required by 58549  
the rules, experience obtained as a nursing home administrator in 58550  
training. 58551

(5) The individual is of good moral character. 58552

(6) The individual has complied with section 4776.02 of the 58553  
Revised Code regarding a criminal records check. 58554

(7) The board, in its discretion, has determined that the 58555  
results of the criminal records check do not make the individual 58556  
ineligible for the license. 58557

(8) The individual has passed the licensing examination 58558  
administered by the board of executives of long term services and 58559  
supports or a government or private entity under contract with the 58560  
board, and paid section 4751.15 of the Revised Code. 58561

(9) The individual has paid to the board an original a 58562  
license fee of two hundred fifty dollars shall be issued a license 58563

~~on a form provided by the board. Such~~ 58564

~~(10) The individual has satisfied any additional requirements  
as may be prescribed in rules adopted under section 4751.04 of the  
Revised Code.~~ 58565  
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~~(B) A nursing home administrator license shall certify that  
the applicant individual to whom it was issued has met the  
licensure applicable requirements of Chapter 4751. this chapter  
and any applicable rules adopted under section 4751.04 of the  
Revised Code and is entitled authorized to practice as a licensed  
nursing home administrator administration while the license is  
valid.~~ 58568  
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~~(B) A temporary license for a period not to exceed one  
hundred eighty days may be issued to an individual temporarily  
filling the position of a nursing home administrator vacated by  
reason of death, illness, or other unexpected cause, pursuant to  
regulations adopted by the board.~~ 58575  
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~~(C) The fee for a temporary license is one hundred dollars.  
Said fee must accompany the application for the temporary license.~~ 58580  
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~~(D) Any license or temporary license issued by the board  
pursuant to this section shall be under the hand of the  
chairperson and the secretary of the board.~~ 58582  
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~~(E) A duplicate of the original certificate of registration  
or license may be secured to replace one that has been lost or  
destroyed by submitting to the board a notarized statement  
explaining the conditions of the loss, mutilation, or destruction  
of the certificate or license and by paying a fee of twenty five  
dollars.~~ 58585  
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~~(F) A duplicate certificate of registration and license may  
be issued in the event of a legal change of name by submitting to  
the board a certified copy of the court order or marriage license  
establishing the change of name, by returning at the same time the~~ 58591  
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~~original license and certificate of registration, and by paying a~~ 58595  
~~fee of twenty five dollars.~~ 58596

**Sec. ~~4751.08~~ 4751.201.** The (A) Subject to section 4751.32 of 58597  
the Revised Code, the board of executives of long-term services 58598  
and supports, in its discretion, and otherwise subject to Chapter 58599  
4751. of the Revised Code and the rules adopted by the board 58600  
thereunder prescribing the qualifications for a nursing home 58601  
administrator license, may license issue a nursing home 58602  
administrator without examination if the nursing home 58603  
administrator has a valid license issued by the proper authorities 58604  
of any other state, upon payment of to an individual under this 58605  
section if all of the following requirements are satisfied: 58606

(1) The individual is legally authorized to practice nursing 58607  
home administration in another state. 58608

(2) The individual has submitted to the board a completed 58609  
application for the license in accordance with rules adopted under 58610  
section 4751.04 of the Revised Code. 58611

(3) The individual is at least twenty-one years of age. 58612

(4) The individual holds at least a bachelor's degree from an 58613  
accredited educational institution. 58614

(5) The individual is of good moral character. 58615

(6) The individual has complied with section 4776.02 of the 58616  
Revised Code regarding a criminal records check. 58617

(7) The board, in its discretion, has determined that the 58618  
results of the criminal records check do not make the individual 58619  
ineligible for the license. 58620

(8) The individual has passed the licensing examination 58621  
administered under section 4751.15 of the Revised Code. 58622

(9) The individual has paid to the board a license fee of ~~one~~ 58623

~~two hundred fifty dollars, and upon submission of evidence~~ 58624  
~~satisfactory to the board both:~~ 58625

~~(A) That such other state maintained a system and standard of~~ 58626  
~~qualifications and examinations for a nursing home administrator~~ 58627  
~~license which were substantially equivalent to those required in~~ 58628  
~~this state at the time such other license was issued by such other~~ 58629  
~~state:~~ 58630

~~(B) That such other state gives similar recognition to~~ 58631  
~~nursing home administrators licensed in this state.~~ 58632

(10) The individual has satisfied any additional requirements 58633  
as may be prescribed in rules adopted under section 4751.04 of the 58634  
Revised Code. 58635

(B) A nursing home administrator license shall certify that 58636  
the individual to whom it was issued has met the applicable 58637  
requirements of this chapter and any applicable rules adopted 58638  
under section 4751.04 of the Revised Code and is authorized to 58639  
practice nursing home administration while the license is valid. 58640

**Sec. 4751.202.** (A) Subject to section 4751.32 of the Revised 58641  
Code, the board of executives of long-term services and supports 58642  
may issue a temporary nursing home administrator license to an 58643  
individual if all of the following requirements are satisfied: 58644

(1) The operator of a nursing home has requested that the 58645  
board issue a temporary nursing home administrator license to the 58646  
individual to authorize the individual to temporarily practice 58647  
nursing home administration at the nursing home because of a 58648  
vacancy in the position of nursing home administrator at the 58649  
nursing home resulting from a death, illness, or other unexpected 58650  
cause. 58651

(2) The individual is at least twenty-one years of age. 58652

(3) The individual is of good moral character. 58653

(4) The individual has complied with section 4776.02 of the Revised Code regarding a criminal records check. 58654  
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(5) The board, in its discretion, has determined that the results of the criminal records check do not make the individual ineligible for the license. 58656  
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(6) The individual has paid to the board a fee for the temporary license of one hundred dollars. 58659  
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(7) The individual has satisfied any additional requirements as may be prescribed in rules adopted under section 4751.04 of the Revised Code. 58661  
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(B) A temporary nursing home administrator license shall certify that the individual to whom it was issued has met the applicable requirements of this chapter and any applicable rules adopted under section 4751.04 of the Revised Code and is authorized to practice nursing home administration while the temporary license is valid. 58664  
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(C) Except as provided in section 4751.32 of the Revised Code, a temporary nursing home administrator license is valid for a period of time the board shall specify on the temporary license. That period shall not exceed one hundred eighty days. If that period is less than one hundred eighty days, the individual holding the temporary license may apply to the board for renewal of the temporary license in accordance with rules the board shall adopt under section 4751.04 of the Revised Code. Except as provided in section 4751.32 of the Revised Code, a renewed temporary nursing home administrator license is valid for a period of time the board shall specify on the renewed temporary license. That period shall not exceed the difference between one hundred eighty days and the number of days for which the original temporary license was valid. A renewed temporary nursing home administrator license shall not be renewed. A licensed temporary 58670  
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nursing home administrator who intends to continue to practice 58685  
nursing home administration after the temporary license, 58686  
including, if applicable, the renewed temporary license, expires 58687  
must obtain a nursing home administrator license under section 58688  
4751.20 of the Revised Code. 58689

**Sec. 4751.21.** (A) Subject to section 4751.32 of the Revised 58690  
Code, the board of executives of long-term services and supports 58691  
shall issue a health services executive license to an individual 58692  
if all of the following requirements are satisfied: 58693

(1) The individual has submitted to the board a completed 58694  
application for the license in accordance with rules adopted under 58695  
section 4751.04 of the Revised Code. 58696

(2) The individual is a licensed nursing home administrator. 58697

(3) The individual has obtained the health services executive 58698  
qualification through the national association of long-term care 58699  
administrator boards. 58700

(4) The individual has complied with section 4776.02 of the 58701  
Revised Code regarding a criminal records check. 58702

(5) The board, in its discretion, has determined that the 58703  
results of the criminal records check do not make the individual 58704  
ineligible for the license. 58705

(6) The individual has paid to the board a license fee of one 58706  
hundred dollars. 58707

(B) A health services executive license shall certify that 58708  
the individual to whom it was issued has met the applicable 58709  
requirements of this chapter and any applicable rules adopted 58710  
under section 4751.04 of the Revised Code and is a licensed health 58711  
services executive while the license is valid. 58712

**Sec. 4751.22.** All licenses and temporary licenses that the 58713

board of executives of long-term services and supports issues 58714  
under this chapter shall include the signatures of the board's 58715  
chairperson and secretary. 58716

**Sec. 4751.23.** (A) Subject to section 4751.32 of the Revised 58717  
Code, the board of executives of long-term services and supports 58718  
may issue to a licensed nursing home administrator, licensed 58719  
temporary nursing home administrator, or licensed health services 58720  
executive a duplicate of the individual's nursing home 58721  
administrator license, temporary nursing home administrator 58722  
license, or health services executive license if the license or 58723  
temporary license has been lost, mutilated, or destroyed and the 58724  
individual does both of the following: 58725

(1) Submits to the board a notarized statement explaining the 58726  
conditions of the loss, mutilation, or destruction; 58727

(2) Pays to the board a fee of twenty-five dollars. 58728

(B) Subject to section 4751.32 of the Revised Code, the board 58729  
may issue to a licensed nursing home administrator, licensed 58730  
temporary nursing home administrator, or licensed health services 58731  
executive whose name has been legally changed a duplicate of the 58732  
individual's nursing home administrator license, temporary nursing 58733  
home administrator license, or health services executive license 58734  
that has the individual's new name if the individual does all of 58735  
the following: 58736

(1) Submits to the board a certified copy of the court order 58737  
or marriage license establishing the change of name; 58738

(2) Returns to the board the license or temporary license 58739  
that has the individual's previous name; 58740

(3) Pays to the board a fee of twenty-five dollars. 58741

**Sec. 4751.07 4751.24.** (A) Every individual who holds a valid 58742

~~license as a nursing home administrator issued under division (A) of section 4751.06 of the Revised Code, shall immediately upon issuance thereof be registered with the board of executives of long term services and supports and be issued a certificate of registration. Such individual shall annually apply to the board for a new certificate of registration on forms provided for such purpose prior to the expiration of the certificate of registration and shall at the same time submit~~ Subject to section 4751.32 of the Revised Code, a nursing home administrator license is valid for one year and may be renewed and reinstated in accordance with this section.

(B) If a licensed nursing home administrator intends to continue to practice nursing home administration without interruption after the administrator's license expires, the administrator shall apply to the board of executives of long-term services and supports for a renewed nursing home administrator license. Subject to section 4751.32 of the Revised Code, the board shall renew the license if the administrator does all of the following before the license expires:

(1) Submits to the board a completed application for license renewal in accordance with rules adopted under section 4751.04 of the Revised Code;

(2) Pays to the board the license renewal fee of three hundred dollars;

(3) Submits to the board satisfactory evidence to the board of having attended such continuing education programs or courses of study as may be prescribed in rules adopted by the board under section 4751.04 of the Revised Code;

(4) Satisfies any other requirements as may be prescribed in rules adopted under section 4751.04 of the Revised Code.

~~(B) Upon making an application for a new certificate of~~

~~registration such individual shall pay the annual registration fee of three hundred dollars.~~ 58774  
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~~(C) Upon receipt of such application for registration and the registration fee required by divisions (A) and (B) of this section, the board shall issue a certificate of registration to such nursing home administrator. If a nursing home administrator license issued under section 4751.20 or 4751.201 of the Revised Code is not renewed before it expires, the individual who held the license may apply to the board for the license's reinstatement. Subject to section 4751.32 of the Revised Code, the board shall reinstate the license if the individual does all of the following not later than one year after the date the license expired:~~ 58776  
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~~(1) Submits to the board the completed application for license reinstatement in accordance with rules adopted under section 4751.04 of the Revised Code;~~ 58786  
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~~(2) Pays to the board the license reinstatement fee equal to the sum of the following:~~ 58789  
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~~(a) Three hundred dollars;~~ 58791

~~(b) Fifty dollars for each calendar quarter that occurs during the period beginning on the date the license expires and ending on the last day of the calendar quarter during which the individual applies for license reinstatement, up to a maximum of two hundred dollars.~~ 58792  
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~~(3) Submits to the board satisfactory evidence of having attended such continuing education programs or courses of study as may be prescribed in rules adopted by the board under section 4751.04 of the Revised Code;~~ 58797  
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~~(4) Satisfies any other requirements as may be prescribed in rules adopted under section 4751.04 of the Revised Code.~~ 58801  
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~~(D) The license of a nursing home administrator who fails to~~ 58803

~~comply with this section shall automatically lapse.~~ 58804

~~(E) A licensed nursing home administrator who has been 58805  
licensed and registered in this state who determines to 58806  
temporarily abandon the practice of nursing home administration 58807  
shall notify the board in writing immediately; ~~provided, that such 58808  
individual. The former administrator~~ may thereafter register to 58809  
resume the practice of nursing home administration within the 58810  
state upon complying with the requirements of this section 58811  
regarding annual registration license renewal or license 58812  
reinstatement, whichever is applicable. 58813~~

~~(F) Only an individual who has qualified as a licensed and 58814  
registered nursing home administrator under Chapter 4751. of the 58815  
Revised Code and the rules adopted thereunder, and who holds a 58816  
valid current registration certificate pursuant to this section, 58817  
may use the title "nursing home administrator," or the 58818  
abbreviation "N.H.A." after the individual's name. No other person 58819  
shall use such title or such abbreviation or any other words, 58820  
letters, sign, card, or device tending to indicate or to imply 58821  
that the person is a licensed and registered nursing home 58822  
administrator. 58823~~

~~(G) Every person holding a valid license entitling the person 58824  
to practice nursing home administration in this state shall 58825  
display said license in the nursing home which is the person's 58826  
principal place of employment, and while engaged in the practice 58827  
of nursing home administration shall have at hand the current 58828  
registration certificate. 58829~~

~~(H) Every person holding a valid temporary license shall have 58830  
such license at hand while engaged in the practice of nursing home 58831  
administration. 58832~~

Sec. 4751.25. (A) Subject to section 4751.32 of the Revised 58833  
Code, a health services executive license is valid for one year 58834

and may be renewed and reinstated in accordance with this section. 58835

(B) A licensed health services executive may apply to the 58836  
board of executives of long-term services and supports for a 58837  
renewed license. Subject to section 4751.32 of the Revised Code, 58838  
the board shall renew the license if the licensed health services 58839  
executive does all of the following before the license expires: 58840

(1) Submits to the board the completed application for 58841  
license renewal in accordance with rules adopted under section 58842  
4751.04 of the Revised Code; 58843

(2) Pays to the board the license renewal fee of fifty 58844  
dollars; 58845

(3) Submits to the board satisfactory evidence of having 58846  
attended such continuing education programs or courses of study as 58847  
may be prescribed in rules adopted under section 4751.04 of the 58848  
Revised Code. 58849

(C)(1) If a health services executive license is not renewed 58850  
before it expires, the individual who held the license may apply 58851  
to the board for the license's reinstatement. Subject to section 58852  
4751.32 of the Revised Code, the board shall reinstate the license 58853  
if the individual does all of the following not later than one 58854  
year after the date the license expired: 58855

(a) Submits to the board the completed application for 58856  
license reinstatement in accordance with rules adopted under 58857  
section 4751.04 of the Revised Code; 58858

(b) Pays to the board the license reinstatement fee specified 58859  
in division (C)(2) of this section; 58860

(c) Submits to the board satisfactory evidence of having 58861  
attended such continuing education programs or courses of study as 58862  
may be prescribed in rules adopted under section 4751.04 of the 58863  
Revised Code. 58864

<u>(2) The fee to reinstate a health services executive license</u>	58865
<u>under division (C)(1) of this section is the following:</u>	58866
<u>(a) If the individual applying for reinstatement has, at the</u>	58867
<u>same time, applied for reinstatement of a nursing home</u>	58868
<u>administrator license under division (C) of section 4751.24 of the</u>	58869
<u>Revised Code and paid the reinstatement fee required by division</u>	58870
<u>(C)(2) of that section, one hundred dollars;</u>	58871
<u>(b) If division (C)(2)(a) of this section does not apply to</u>	58872
<u>the individual, the sum of the following:</u>	58873
<u>(i) One hundred dollars;</u>	58874
<u>(ii) Twenty-five dollars for each calendar quarter that</u>	58875
<u>occurs during the period beginning on the date the license expired</u>	58876
<u>and ending on the last day of the calendar quarter during which</u>	58877
<u>the individual applies for license reinstatement, up to a maximum</u>	58878
<u>of one hundred dollars.</u>	58879
<b>Sec. 4751.044 4751.26.</b> The board of executives of long-term	58880
services and supports shall approve continuing education courses	58881
for <u>licensed</u> nursing home administrators <u>and licensed health</u>	58882
<u>services executives</u> . The board may establish a fee for approval of	58883
such courses that is adequate to cover any expense the board	58884
incurs in the approval process.	58885
<b>Sec. 4751.30.</b> (A) <u>Any person may submit to the board of</u>	58886
<u>executives of long-term services and supports a complaint that the</u>	58887
<u>person reasonably believes that another person has violated, or</u>	58888
<u>failed to comply with a requirement of, this chapter or a rule</u>	58889
<u>adopted under section 4751.04 of the Revised Code. All of the</u>	58890
<u>following apply to complaints submitted to the board under this</u>	58891
<u>section:</u>	58892
<u>(1) They are not subject to discovery in any civil action.</u>	58893

<u>(2) They are not public records for purposes of section 149.43 of the Revised Code.</u>	58894
	58895
<u>(3) They are not subject to inspection or copying under section 1347.08 of the Revised Code.</u>	58896
	58897
<u>(B) Except as provided in division (D) of section 4751.31 of the Revised Code, the board shall protect the confidentiality of each person who submits a complaint to the board under this section.</u>	58898
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<b><u>Sec. 4751.31.</u></b> <u>(A) The board of executives of long-term services and supports shall receive, investigate, and take appropriate action with respect to any complaint submitted to the board under section 4751.30 of the Revised Code and any other credible information the board possesses that indicates a person may have violated, or failed to comply with a requirement of, this chapter or a rule adopted under section 4751.04 of the Revised Code.</u>	58902
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<u>(B) In conducting an investigation under this section, the board may do any of the following:</u>	58910
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<u>(1) Question witnesses;</u>	58912
<u>(2) Conduct interviews;</u>	58913
<u>(3) Inspect and copy any books, accounts, papers, records, or other documents;</u>	58914
	58915
<u>(4) Issue subpoenas;</u>	58916
<u>(5) Compel the attendance of witnesses and the production of documents and testimony.</u>	58917
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<u>(C) No member of the board who supervises an investigation conducted under this section shall participate in any adjudication arising from the investigation.</u>	58919
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<u>(D) The board may disclose any information it receives as</u>	58922



part of an investigation conducted under this section, including 58923  
the identity of a person who submits a complaint under section 58924  
4751.30 of the Revised Code, to a law enforcement agency, 58925  
licensing board, or other government agency that investigates, 58926  
prosecutes, or adjudicates alleged violations of statutes or 58927  
rules. An agency or board that receives such information shall 58928  
protect the confidentiality of a person who submits a complaint 58929  
under section 4751.30 of the Revised Code in the same manner as 58930  
the board of executives of long-term services and supports, 58931  
notwithstanding any other information that the agency or other 58932  
board possesses. 58933

**Sec. ~~4751.10~~ 4751.32.** (A) The license or registration, or 58934  
both, or the temporary license of any person practicing or 58935  
offering to practice nursing home administration, shall be revoked 58936  
or suspended by the board of executives of long-term services and 58937  
supports may take any of the actions authorized by division (B) of 58938  
this section against an individual who has applied for or holds a 58939  
nursing home administrator license, temporary nursing home 58940  
administrator license, or health services executive license if 58941  
such licensee or temporary licensee any of the following apply to 58942  
the individual: 58943

(A) Is (1) The individual has failed to satisfy any 58944  
requirement established by this chapter or the rules adopted under 58945  
section 4751.04 of the Revised Code that must be satisfied to 58946  
obtain the license or temporary license. 58947

(2) The individual has violated, or failed to comply with a 58948  
requirement of, this chapter or a rule adopted under section 58949  
4751.04 of the Revised Code regarding the practice of nursing home 58950  
administration, including the requirements of sections 4751.40 and 58951  
4751.41 of the Revised Code. 58952

(3) The individual is unfit or incompetent to practice 58953

nursing home administration, serve in a leadership position at a 58954  
long-term services and supports setting, or direct the practices 58955  
of others in such a setting by reason of negligence, habits, or 58956  
other causes; 58957

~~(B) Has willfully or repeatedly violated any of the~~ 58958  
~~provisions of Chapter 4751. of the Revised Code or the regulations~~ 58959  
~~adopted thereunder; or willfully or repeatedly, including the~~ 58960  
individual's habitual or excessive use or abuse of drugs, alcohol, 58961  
or other substances. 58962

(4) The individual has acted in a manner inconsistent with 58963  
the health and safety of either of the patients following: 58964

(a) The residents of the nursing home in at which the 58965  
~~licensee or temporary licensee is the administrator~~ individual 58966  
practices nursing home administration; 58967

~~(C) Is guilty of fraud or deceit in the practice of nursing~~ 58968  
~~home administration or in the licensee's or temporary licensee's~~ 58969  
~~admission to such practice;~~ 58970

~~(D) Has~~ (b) The consumers of services and supports provided 58971  
by a long-term services and supports setting at which the 58972  
individual serves in a leadership position or directs the 58973  
practices of others. 58974

(5) The individual has been convicted of, or pleaded guilty 58975  
to, either of the following in a court of competent jurisdiction, 58976  
either within or without this state, ~~of a:~~ 58977

(a) A felony; 58978

(b) An offense of moral turpitude that constitutes a 58979  
misdemeanor in this state. 58980

(6) The individual made a false, fraudulent, deceptive, or 58981  
misleading statement in seeking to obtain, or obtaining, a nursing 58982  
home administrator license, temporary nursing home administrator 58983

<u>license, or health services executive license.</u>	58984
<u>(7) The individual made a fraudulent misrepresentation in attempting to obtain, or obtaining, money or anything of value in the practice of nursing home administration or while serving in a leadership position at a long-term services and supports setting or directing the practices of others in such a setting.</u>	58985
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<u>(8) The individual has substantially deviated from the board's code of ethics.</u>	58990
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<u>(9) Another health care licensing agency has taken any of the following actions against the individual for any reason other than nonpayment of a fee:</u>	58992
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<u>(a) Denied, refused to renew or reinstate, limited, revoked, or suspended, or accepted the surrender of, a license or other authorization to practice;</u>	58995
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<u>(b) Imposed probation;</u>	58998
<u>(c) Issued a censure or other reprimand.</u>	58999
<u>(10) The individual has failed to do any of the following:</u>	59000
<u>(a) Cooperate with an investigation conducted by the board under section 4751.31 of the Revised Code;</u>	59001
	59002
<u>(b) Respond to or comply with a subpoena issued by the board in an investigation of the individual;</u>	59003
	59004
<u>(c) Comply with any disciplinary action the board has taken against the individual pursuant to this section.</u>	59005
	59006
<u>(B) The following are the actions that the board may take for the purpose of division (A) of this section:</u>	59007
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<u>(1) Deny the individual any of the following:</u>	59009
<u>(a) A nursing home administrator license under section 4751.20, 4751.201, 4751.23, or 4751.24 of the Revised Code;</u>	59010
	59011
<u>(b) A temporary nursing home administrator license under</u>	59012

<u>section 4751.202 or 4751.23 of the Revised Code;</u>	59013
<u>(c) A health services executive license under section</u>	59014
<u>4751.21, 4751.23, or 4751.25 of the Revised Code.</u>	59015
<u>(2) Suspend the individual's nursing home administrator</u>	59016
<u>license, temporary nursing home administrator license, or health</u>	59017
<u>services executive license;</u>	59018
<u>(3) Revoke the individual's nursing home administrator</u>	59019
<u>license, temporary nursing home administrator license, or health</u>	59020
<u>services executive license, either permanently or for a period of</u>	59021
<u>time the board specifies;</u>	59022
<u>(4) Place a limitation on the individual's nursing home</u>	59023
<u>administrator license, temporary nursing home administrator</u>	59024
<u>license, or health services executive license;</u>	59025
<u>(5) Place the individual on probation;</u>	59026
<u>(6) Issue a written reprimand of the individual;</u>	59027
<u>(7) Impose on the individual a civil penalty, fine, or other</u>	59028
<u>sanction specified in rules adopted under section 4751.04 of the</u>	59029
<u>Revised Code.</u>	59030
<u>(C) The board shall take actions authorized by division (B)</u>	59031
<u>of this section in accordance with Chapter 119. of the Revised</u>	59032
<u>Code, except that the board may enter into a consent agreement</u>	59033
<u>with an individual to resolve an alleged violation of this chapter</u>	59034
<u>or a rule adopted under section 4751.04 of the Revised Code in</u>	59035
<u>lieu of making an adjudication regarding the alleged violation. A</u>	59036
<u>consent agreement constitutes the board's findings and order with</u>	59037
<u>respect to the matter addressed in the consent agreement if the</u>	59038
<u>board ratifies the consent agreement. Any admissions or findings</u>	59039
<u>included in a proposed consent agreement have no force or effect</u>	59040
<u>if the board refuses to ratify the consent agreement.</u>	59041
<b>Sec. <del>4751.11</del> 4751.33.</b> (A) The board of executives of	59042

long-term services and supports may, in its discretion, reissue a 59043  
nursing home administrator license or registration, or both, 59044  
temporary nursing home administrator license, or health services 59045  
executive license to any ~~person~~ individual whose license or 59046  
registration, or both, temporary license has been ~~revoked.~~ 59047

~~(B)~~ revoked. Application for the reissuance of ~~a license or~~ 59048  
~~registration, or both,~~ shall not be made prior to one year after 59049  
revocation and shall be made in such manner as the board may 59050  
direct. 59051

~~(C)~~ (B) If ~~a person~~ an individual who has been convicted of, 59052  
or pleaded guilty to, a felony is subsequently pardoned by the 59053  
governor of the state where such conviction or plea was had or by 59054  
the president of the United States, or receives a final release 59055  
granted by the adult parole authority of this state or its 59056  
equivalent agency of another state, the board may, in its 59057  
discretion, on application of ~~such person~~ the individual and on 59058  
the submission of evidence satisfactory to the board, ~~restore to~~ 59059  
~~such person~~ the individual's nursing home ~~administrator's~~ 59060  
administrator license or registration, temporary nursing home 59061  
administrator license, or both health services executive license. 59062

**Sec. ~~4751.12~~ 4751.35.** On receipt of a notice pursuant to 59063  
section 3123.43 of the Revised Code, the board of executives of 59064  
long-term services and supports shall comply with sections 3123.41 59065  
to 3123.50 of the Revised Code and any applicable rules adopted 59066  
under section 3123.63 of the Revised Code with respect to a 59067  
license or temporary license issued pursuant to this chapter. 59068

**Sec. ~~4751.13~~ 4751.36.** The board of executives of long-term 59069  
services and supports shall comply with section 4776.20 of the 59070  
Revised Code. 59071

**Sec. 4751.37.** The board of executives of long-term services 59072

and supports shall take such actions as may be necessary to enable 59073  
the state to meet the requirements set forth in section 1908 of 59074  
the "Social Security Act," 42 U.S.C. 1396g. 59075

**Sec. 4751.38.** The board of executives of long-term services 59076  
and supports shall create opportunities for the education, 59077  
training, and credentialing of nursing home administrators, 59078  
persons in leadership positions who practice in long-term services 59079  
and supports settings or who direct the practices of others in 59080  
those settings, and persons interested in serving in those roles. 59081  
In carrying out this duty, the board shall do both the following: 59082

(A) Identify core competencies and areas of knowledge that 59083  
are appropriate for nursing home administrators, credentialed 59084  
individuals, and others working within the long-term services and 59085  
supports settings system, with an emphasis on all of the 59086  
following: 59087

(1) Leadership; 59088

(2) Person-centered care; 59089

(3) Principles of management within both the business and 59090  
regulatory environments; 59091

(4) An understanding of all post-acute settings, including 59092  
transitions from acute settings and between post-acute settings. 59093

(B) Assist in the development of a strong, competitive market 59094  
in this state for making training, continuing education, and 59095  
degree programs available to individuals seeking to practice 59096  
nursing home administration, serve in a leadership position at a 59097  
long-term services and support setting, or direct the practice of 59098  
others in such a setting. 59099

**Sec. 4751.043 4751.381.** (A) Training and education programs 59100  
developed by the board of executives of long-term services and 59101

supports pursuant to ~~division (A)(10) of~~ section 4751.04 4751.38 59102  
of the Revised Code may be conducted in person or through 59103  
electronic media. The board may establish and charge a fee for the 59104  
education and training programs. 59105

(B) The board may enter into a contract with a government or 59106  
private entity to perform the board's duties under ~~division~~ 59107  
~~(A)(10) of~~ section 4751.04 4751.38 of the Revised Code to develop 59108  
and conduct education and training programs. If the board enters 59109  
into such a contract, the contract may authorize the entity to pay 59110  
any or all costs associated with the education or training 59111  
programs and to collect and keep, as all or part of the entity's 59112  
compensation under the contract, any fee an applicant for 59113  
education or training pays to enroll in the education or training 59114  
program. 59115

Sec. 4751.40. Each licensed nursing home administrator, 59116  
licensed temporary nursing home administrator, and licensed health 59117  
services executive shall report to the board of executives of 59118  
long-term services and supports any change in any of the following 59119  
not later than ten days after the change: 59120

(A) The individual's residence mailing address; 59121

(B) The name and address of each place at which the 59122  
individual practices nursing home administration; 59123

(C) The name and address of each long-term services and 59124  
supports setting at which the individual serves in a leadership 59125  
position or directs the practices of others. 59126

Sec. 4751.41. Every licensed nursing home administrator, 59127  
licensed temporary nursing home administrator, and licensed health 59128  
services executive shall display the individual's license or 59129  
temporary license in the place at which the individual practices 59130

nursing home administration and the long-term services and 59131  
supports setting at which the individual serves in a leadership 59132  
position or directs the practices of others. 59133

**Sec. 4751.45.** An individual who is a licensed nursing home 59134  
administrator, licensed temporary nursing home administrator, or 59135  
licensed health services executive may request that the board of 59136  
executives of long-term services and supports provide to a 59137  
licensing board or agency of another state verification of the 59138  
individual's licensure status under this chapter and other related 59139  
information in the board's possession. The board shall provide the 59140  
licensing board or agency of the other state the verification and 59141  
other related information so requested if the individual pays to 59142  
the board the fee for this service. The board shall adopt a rule 59143  
under section 4751.04 of the Revised Code establishing the fee. 59144

**Sec. 4751.99.** Whoever violates section ~~4751.02~~ or ~~4751.09~~ 59145  
4751.10 of the Revised Code may be fined not more than five 59146  
hundred dollars for the first offense; for each subsequent offense 59147  
such person may be fined not more than five hundred dollars or 59148  
imprisoned for not more than ninety days, or both. 59149

The imposition of fines pursuant to this section does not 59150  
preclude the imposition of any civil penalties or fines authorized 59151  
~~under~~ by section ~~4751.04~~ 4751.32 or any other section of the 59152  
Revised Code. 59153

**Sec. 4757.10.** (A) The counselor, social worker, and marriage 59154  
and family therapist board may adopt any rules necessary to carry 59155  
out this chapter. 59156

(B) The board shall adopt rules that do all of the following: 59157

~~(A)~~(1) Concern intervention for and treatment of any impaired 59158  
person holding a license or certificate of registration issued 59159



under this chapter;	59160
<del>(B)</del> <u>(2)</u> Establish standards for training and experience of supervisors described in division (C) of section 4757.30 of the Revised Code;	59161 59162 59163
<del>(C)</del> <u>(3)</u> Define the requirement that an applicant be of good moral character in order to be licensed or registered under this chapter;	59164 59165 59166
<del>(D)</del> <u>(4)</u> Establish requirements for criminal records checks of applicants under section 4776.03 of the Revised Code;	59167 59168
<del>(E)</del> <u>(5)</u> Establish a graduated system of fines based on the scope and severity of violations and the history of compliance, not to exceed five hundred dollars per incident, that any professional standards committee of the board may charge for a disciplinary violation described in section 4757.36 of the Revised Code;	59169 59170 59171 59172 59173 59174
<del>(F)</del> <u>(6)</u> Establish the amount and content of corrective action courses required by the board under section <del>4755.36</del> <u>4757.36</u> of the Revised Code;	59175 59176 59177
<del>(G)</del> <u>(7)</u> Provide for voluntary registration of all of the following:	59178 59179
<del>(1)</del> <u>(a)</u> Master's level counselor trainees enrolled in practice and internships;	59180 59181
<del>(2)</del> <u>(b)</u> Master's level social worker trainees enrolled in fieldwork, practice, and internships;	59182 59183
<del>(3)</del> <u>(c)</u> Master's level marriage and family therapist trainees enrolled in practice and internships.	59184 59185
<u>(8) Establish a schedule of deadlines for renewal.</u>	59186
<u>(C)</u> Rules adopted under division <del>(G)</del> <u>(B)</u> <u>(7)</u> of this section shall not require a trainee to register with the board, and if a trainee has not registered, shall prohibit any adverse effect with	59187 59188 59189

respect to a trainee's application for licensure by the board. 59190

(D) All rules adopted under this section shall be adopted in 59191  
accordance with Chapter 119. of the Revised Code. When it adopts 59192  
rules under this section or any other section of this chapter, the 59193  
board may consider standards established by any national 59194  
association or other organization representing the interests of 59195  
those involved in professional counseling, social work, or 59196  
marriage and family therapy. 59197

**Sec. 4757.13.** ~~(A) Each individual who engages in the practice 59198  
of professional counseling, social work, or marriage and family 59199  
therapy shall prominently display, in a conspicuous place in the 59200  
office or place where a major portion of the individual's practice 59201  
is conducted, and in such a manner as to be easily seen and read, 59202  
the license granted to the individual by the state counselor, 59203  
social worker, and marriage and family therapist board. 59204~~

~~(B) A person holding a license holder issued under this 59205  
chapter who is engaged in a private individual practice, 59206  
partnership, or group practice shall prominently display the 59207  
license holder's fee schedule in the office or place where a major 59208  
portion of the license holder's practice is conducted. The bottom 59209  
of the first page of the fee schedule shall include the following 59210  
statement, which shall be followed by the name, address, and 59211  
telephone number of the board: 59212~~

~~"This information is required by the Counselor, Social 59213  
Worker, and Marriage and Family Therapist Board, which regulates 59214  
the practices of professional counseling, social work, and 59215  
marriage and family therapy in this state." 59216~~

**Sec. 4757.18.** The counselor, social worker, and marriage and 59217  
family therapist board may enter into a reciprocal agreement with 59218  
any state that regulates individuals practicing in the same 59219

capacities as those regulated under this chapter if the board 59220  
finds that the state has requirements substantially equivalent to 59221  
the requirements this state has for receipt of a license or 59222  
certificate of registration under this chapter. In a reciprocal 59223  
agreement, the board agrees to issue the appropriate license or 59224  
certificate of registration to any resident of the other state 59225  
whose practice is currently authorized by that state if that 59226  
state's regulatory body agrees to authorize the appropriate 59227  
practice of any resident of this state who holds a valid license 59228  
or certificate of registration issued under this chapter. 59229

The Subject to section 4757.25 of the Revised Code, the 59230  
professional standards committees of the board may, by 59231  
endorsement, issue the appropriate license or certificate of 59232  
registration to a resident of a state with which the board does 59233  
not have a reciprocal agreement, if the person submits proof 59234  
satisfactory to the committee of currently being licensed, 59235  
certified, registered, or otherwise authorized to practice by that 59236  
state. 59237

**Sec. 4757.22.** (A) The counselors professional standards 59238  
committee of the counselor, social worker, and marriage and family 59239  
therapist board shall issue a license to practice as a licensed 59240  
professional clinical counselor to each applicant who submits a 59241  
properly completed application, pays the fee established under 59242  
section 4757.31 of the Revised Code, and meets the requirements 59243  
specified in division (B) of this section. 59244

(B)(1) To be eligible for a licensed professional clinical 59245  
counselor license, an individual must meet the following 59246  
requirements: 59247

(a) The individual must be of good moral character. 59248

(b) The individual must hold a graduate degree in counseling 59249

as described in division (B)(2) of this section.	59250
(c) The individual must complete a minimum of ninety quarter	59251
hours or sixty semester hours of graduate credit in counselor	59252
training acceptable to the committee, including instruction in the	59253
following areas:	59254
(i) Clinical psychopathology, personality, and abnormal	59255
behavior;	59256
(ii) Evaluation of mental and emotional disorders;	59257
(iii) Diagnosis of mental and emotional disorders;	59258
(iv) Methods of prevention, intervention, and treatment of	59259
mental and emotional disorders.	59260
(d) The individual must complete, in either a private or	59261
clinical counseling setting, supervised experience in counseling	59262
that is of a type approved by the committee, is supervised by a	59263
licensed professional clinical counselor or other qualified	59264
professional approved by the committee, and is in the following	59265
amounts:	59266
(i) In the case of an individual holding only a master's	59267
degree, not less than two years of experience, which must be	59268
completed after the award of the master's degree;	59269
(ii) In the case of an individual holding a doctorate, not	59270
less than one year of experience, which must be completed after	59271
the award of the doctorate.	59272
(e) The individual must pass a field evaluation that meets	59273
the following requirements:	59274
(i) Has been completed by the applicant's instructors,	59275
employers, supervisors, or other persons determined by the	59276
committee to be competent to evaluate an individual's professional	59277
competence;	59278
(ii) Includes documented evidence of the quality, scope, and	59279

nature of the applicant's experience and competence in diagnosing 59280  
and treating mental and emotional disorders. 59281

(f) The individual must pass an examination administered by 59282  
the board for the purpose of determining ability to practice as a 59283  
licensed professional clinical counselor. 59284

(2) To meet the requirement of division (B)(1)(b) of this 59285  
section, a graduate degree in counseling obtained from a ~~mental~~ 59286  
~~health~~ counseling program in this state after January 1, 2018, 59287  
must be from one of the following: 59288

(a) A ~~clinical mental health counseling program, a clinical~~ 59289  
~~rehabilitation counseling program, or an addiction~~ counseling 59290  
program accredited by the council for accreditation of counseling 59291  
and related educational programs; 59292

(b) A counseling education program approved by the board in 59293  
accordance with rules adopted by the board under division (G) of 59294  
this section. 59295

(3) All of the following meet the educational requirements of 59296  
division (B)(1)(c) of this section: 59297

(a) A clinical mental health counseling program accredited by 59298  
the council for accreditation of counseling and related 59299  
educational programs; 59300

(b) Until January 1, 2018, a mental health counseling program 59301  
accredited by the council for accreditation of counseling and 59302  
related educational programs; 59303

(c) A graduate degree in counseling issued by another state 59304  
from a clinical mental health counseling program, a clinical 59305  
rehabilitation counseling program, or an addiction counseling 59306  
program that is accredited by the council for accreditation of 59307  
counseling and related educational programs; 59308

(d) A counseling education program approved by the board in 59309

accordance with rules adopted under division (G) of this section. 59310

(C) To be accepted by the committee for purposes of division 59311  
(B) of this section, counselor training must include at least the 59312  
following: 59313

(1) Instruction in human growth and development; counseling 59314  
theory; counseling techniques; group dynamics, processing, and 59315  
counseling; appraisal of individuals; research and evaluation; 59316  
professional, legal, and ethical responsibilities; social and 59317  
cultural foundations; and lifestyle and career development; 59318

(2) Participation in a supervised practicum and clinical 59319  
internship in counseling. 59320

(D) The committee may issue a temporary license to an 59321  
applicant who meets all of the requirements to be licensed under 59322  
this section, pending the receipt of transcripts or action by the 59323  
committee to issue a license to practice as a licensed 59324  
professional clinical counselor. 59325

(E) An individual may not sit for the licensing examination 59326  
unless the individual meets the educational requirements to be 59327  
licensed under this section. An individual who is denied admission 59328  
to the licensing examination may appeal the denial in accordance 59329  
with Chapter 119. of the Revised Code. 59330

(F) The board shall adopt any rules necessary for the 59331  
committee to implement this section. The rules shall do both of 59332  
the following: 59333

(1) Establish criteria for the committee to use in 59334  
determining whether an applicant's training should be accepted and 59335  
supervised experience approved; 59336

(2) Establish course content requirements for qualifying 59337  
counseling degrees issued by institutions in other states from 59338  
clinical mental health counseling programs, clinical 59339

rehabilitation counseling programs, and addiction counseling 59340  
programs that are not accredited by the council for accreditation 59341  
of counseling and related educational programs. 59342

Rules adopted under this division shall be adopted in 59343  
accordance with Chapter 119. of the Revised Code. 59344

(G)(1) The board may adopt rules to temporarily approve a 59345  
counseling education program created after January 1, 2018, that 59346  
has not been accredited by the council for accreditation of 59347  
counseling and related educational programs. If the board adopts 59348  
rules under this division, the board shall do all of the following 59349  
in the rules: 59350

(a) Create an application process under which a program 59351  
administrator may apply to the board for approval of the program; 59352

(b) Identify the educational requirements that an individual 59353  
must satisfy to receive a graduate degree in counseling from the 59354  
approved program; 59355

(c) Establish a time period during which an individual may 59356  
use an unaccredited degree granted under the program to satisfy 59357  
the requirements of divisions (B)(1)(b) and (c) of this section; 59358

(d) Specify that, if the program is denied accreditation, a 59359  
student enrolled in the program before the accreditation is denied 59360  
may apply for licensure before completing the program and, on 59361  
receiving a degree from the program, is considered to satisfy 59362  
divisions (B)(1)(b) and (c) of this section. 59363

(2) A degree from a counseling education program approved by 59364  
the board pursuant to the rules adopted under division (G)(1) of 59365  
this section satisfies the requirements of divisions (B)(1)(b) and 59366  
(c) of this section for the time period approved by the board. 59367

**Sec. 4757.23.** (A) The counselors professional standards 59368  
committee of the counselor, social worker, and marriage and family 59369

therapist board shall issue a license as a licensed professional 59370  
counselor to each applicant who submits a properly completed 59371  
application, pays the fee established under section 4757.31 of the 59372  
Revised Code, and meets the requirements established under 59373  
division (B) of this section. 59374

(B)(1) To be eligible for a license as a licensed 59375  
professional counselor, an individual must meet the following 59376  
requirements: 59377

(a) The individual must be of good moral character. 59378

(b) The individual must hold a graduate degree in counseling 59379  
as described in division (B)(2) of this section. 59380

(c) The individual must complete a minimum of ninety quarter 59381  
hours or sixty semester hours of graduate credit in counselor 59382  
training acceptable to the committee, which the individual may 59383  
complete while working toward receiving a graduate degree in 59384  
counseling, or subsequent to receiving the degree, and which shall 59385  
include training in the following areas: 59386

(i) Clinical psychopathology, personality, and abnormal 59387  
behavior; 59388

(ii) Evaluation of mental and emotional disorders; 59389

(iii) Diagnosis of mental and emotional disorders; 59390

(iv) Methods of prevention, intervention, and treatment of 59391  
mental and emotional disorders. 59392

(d) The individual must pass an examination administered by 59393  
the board for the purpose of determining ability to practice as a 59394  
licensed professional counselor. 59395

(2) To meet the requirement of division (B)(1)(b) of this 59396  
section, a graduate degree in counseling obtained from a ~~mental~~ 59397  
~~health~~ counseling program in this state after January 1, 2018, 59398



must be from one of the following:	59399
(a) A <del>clinical mental health counseling program, clinical rehabilitation counseling program, or addiction</del> counseling program	59400
accredited by the council for accreditation of counseling and	59401
related educational programs;	59402
	59403
(b) A counseling education program approved by the board in	59404
accordance with rules adopted by the board under division (G) of	59405
this section.	59406
(3) All of the following meet the educational requirements of	59407
division (B)(1)(c) of this section:	59408
(a) A clinical mental health counseling program accredited by	59409
the council for accreditation of counseling and related	59410
educational programs;	59411
(b) Until January 1, 2018, a mental health counseling program	59412
accredited by the council for accreditation of counseling and	59413
related educational programs;	59414
(c) A graduate degree in counseling issued by an institution	59415
in another state from a clinical mental health counseling program,	59416
a clinical rehabilitation counseling program, or an addiction	59417
counseling program that is accredited by the council for	59418
accreditation of counseling and related educational programs;	59419
(d) A counseling education program approved by the board in	59420
accordance with rules adopted under division (G) of this section.	59421
(C) To be accepted by the committee for purposes of division	59422
(B) of this section, counselor training must include at least the	59423
following:	59424
(1) Instruction in human growth and development; counseling	59425
theory; counseling techniques; group dynamics, processing, and	59426
counseling; appraisal of individuals; research and evaluation;	59427
professional, legal, and ethical responsibilities; social and	59428

cultural foundations; and lifestyle and career development; 59429

(2) Participation in a supervised practicum and clinical 59430  
internship in counseling. 59431

(D) The committee may issue a temporary license to practice 59432  
as a licensed professional counselor to an applicant who meets all 59433  
of the requirements to be licensed under this section as follows: 59434

(1) Pending the receipt of transcripts or action by the 59435  
committee to issue a license as a licensed professional counselor; 59436

(2) For a period not to exceed ninety days, to an applicant 59437  
who provides the board with a statement from the applicant's 59438  
academic institution indicating that the applicant has met the 59439  
academic requirements for the applicant's degree and the projected 59440  
date the applicant will receive the applicant's transcript showing 59441  
a conferred degree. 59442

On application to the committee, a temporary license issued 59443  
under division (D)(2) of this section may be renewed for good 59444  
cause shown. 59445

(E) An individual may not sit for the licensing examination 59446  
unless the individual meets the educational requirements to be 59447  
licensed under this section. An individual who is denied admission 59448  
to the licensing examination may appeal the denial in accordance 59449  
with Chapter 119. of the Revised Code. 59450

(F) The board shall adopt any rules necessary for the 59451  
committee to implement this section. The rules shall do both of 59452  
the following: 59453

(1) Establish criteria for the committee to use in 59454  
determining whether an applicant's training should be accepted and 59455  
supervised experience approved; 59456

(2) Establish course content requirements for qualifying 59457  
counseling degrees issued by institutions in other states from 59458

clinical mental health counseling programs, clinical 59459  
rehabilitation counseling programs, and addiction counseling 59460  
programs that are not accredited by the council for accreditation 59461  
of counseling and related educational programs. 59462

Rules adopted under this division shall be adopted in 59463  
accordance with Chapter 119. of the Revised Code. 59464

(G)(1) The board may adopt rules to temporarily approve a 59465  
counseling education program created after January 1, 2018, that 59466  
has not been accredited by the council for accreditation of 59467  
counseling and related educational programs. If the board adopts 59468  
rules under this division, the board shall do all of the following 59469  
in the rules: 59470

(a) Create an application process under which a program 59471  
administrator may apply to the board for approval of the program; 59472

(b) Identify the educational requirements that an individual 59473  
must satisfy to receive a graduate degree in counseling from the 59474  
approved program; 59475

(c) Establish a time period during which an individual may 59476  
use an unaccredited degree granted under the program to satisfy 59477  
the requirements of divisions (B)(1)(b) and (c) of this section; 59478

(d) Specify that, if the program is denied accreditation, a 59479  
student enrolled in the program before the accreditation is denied 59480  
may apply for licensure before completing the program and, on 59481  
receiving a degree from the program, is considered to satisfy 59482  
divisions (B)(1)(b) and (c) of this section. 59483

(2) A degree from a counseling education program approved by 59484  
the board pursuant to the rules adopted under division (G)(1) of 59485  
this section satisfies the requirements of divisions (B)(1)(b) and 59486  
(c) of this section for the time period approved by the board. 59487

**Sec. 4757.25.** (A) Notwithstanding any provision in sections 59488

4757.22 and 4757.23 of the Revised Code to the contrary, the 59489  
counselors professional standards committee of the counselor, 59490  
social worker, and marriage and family therapist board may, by 59491  
endorsement, issue a license to practice as a licensed 59492  
professional clinical counselor or a licensed professional 59493  
counselor to a person who is authorized to practice in another 59494  
state even though the person does not hold a graduate degree in 59495  
counseling if the person meets all of the following requirements: 59496

(1) The person has a graduate degree in a field of study that 59497  
demonstrates an education in the diagnosis and treatment of mental 59498  
and emotional disorders. 59499

(2) The person has continuously engaged in the practice of 59500  
professional counseling in the other state for a period of five 59501  
years or more immediately preceding the date the application is 59502  
submitted. 59503

(3) The person's scope of practice in the other state is 59504  
comparable to the scope of practice associated with the license 59505  
the person is requesting. 59506

(4) The person's license, certificate, registration, or other 59507  
authorization to practice in the other state is in good standing 59508  
at the time the person submits the application. 59509

(5) The person has not been disciplined by the regulatory 59510  
authority of the other state that issued the license, certificate, 59511  
registration, or other authorization for a period of five years or 59512  
more preceding the date the application is submitted. 59513

(6) The person has achieved a passing score on the 59514  
examination required by the board for licensure as a licensed 59515  
professional clinical counselor or a licensed professional 59516  
counselor, as applicable. 59517

(B) To meet the requirement of division (A)(1) of this 59518

section, the coursework the person completed to obtain the 59519  
graduate degree must be comparable to the coursework required to 59520  
obtain a degree in clinical mental health counseling from a 59521  
program accredited by the council for accreditation of counseling 59522  
and related educational programs. 59523

(C) Before issuing a license to practice as a licensed 59524  
professional clinical counselor by endorsement under this section, 59525  
the committee shall require an applicant to complete not less than 59526  
seven hundred fifty hours of supervised experience that is of a 59527  
type approved by the committee. 59528

**Sec. 4757.32.** A license or certificate of registration issued 59529  
under this chapter ~~expires two years after it is issued and is~~ 59530  
valid without further recommendation or examination until revoked 59531  
or suspended or until the license or certificate of registration 59532  
expires for failure to renew as provided for in this section. 59533  
Licenses and certificates of registration shall be renewed 59534  
biennially in accordance with the schedule established in rules 59535  
adopted by the counselor, social worker, and marriage and family 59536  
therapist board under section 4757.10 of the Revised Code. A 59537  
license or certificate of registration may be renewed in 59538  
accordance with the standard renewal procedure established under 59539  
Chapter 4745. of the Revised Code. 59540

Subject to section 4757.36 of the Revised Code, the staff of 59541  
the appropriate professional standards committee of the ~~counselor,~~ 59542  
~~social worker, and marriage and family therapist~~ board shall, on 59543  
behalf of each committee, issue a renewed license or certificate 59544  
of registration to each applicant who has paid the renewal fee 59545  
established by the board under section 4757.31 of the Revised Code 59546  
and satisfied the continuing education requirements established by 59547  
the board under section 4757.33 of the Revised Code. 59548

A license or certificate of registration that is not renewed 59549

lapses on its expiration date. A license or certificate of 59550  
registration that has lapsed may be restored if the individual, 59551  
not later than two years after the license or certificate expired, 59552  
applies for restoration of the license or certificate. The staff 59553  
of the appropriate professional standards committee shall issue a 59554  
restored license or certificate of registration to the applicant 59555  
if the applicant pays the renewal fee established under section 59556  
4757.31 of the Revised Code and satisfies the continuing education 59557  
requirements established under section 4757.33 of the Revised Code 59558  
for restoring the license or certificate of registration. The 59559  
board and its professional standards committees shall not require 59560  
a person to take an examination as a condition of having a lapsed 59561  
license or certificate of registration restored. 59562

**Sec. 4759.02.** (A) Except as otherwise provided in this 59563  
section or in section 4759.10 of the Revised Code, no person shall 59564  
practice, offer to practice, or hold self forth to practice 59565  
dietetics unless the person has been licensed under section 59566  
4759.06 of the Revised Code. 59567

(B) Except for a person licensed under section 4759.06 of the 59568  
Revised Code, or as otherwise provided in this section or in 59569  
section 4759.10 of the Revised Code: 59570

(1) No person shall use the title "dietitian"; 59571

(2) No person except for a person licensed under Title XLVII 59572  
of the Revised Code, when acting within the scope of their 59573  
practice, shall use any other title, designation, words, letters, 59574  
abbreviation, or insignia or combination of any title, 59575  
designation, words, letters, abbreviation, or insignia tending to 59576  
indicate that the person is practicing dietetics. 59577

(C) Notwithstanding division (B) of this section, a person 59578  
who is a dietitian registered by the commission on dietetic 59579  
registration and who does not violate division (A) of this section 59580

may use the designation "registered dietitian" and the 59581  
abbreviation "R.D." 59582

(D) Division (A) of this section does not apply to: 59583

(1) A student enrolled in an academic program that is in 59584  
compliance with division (A)(4) of section 4759.06 of the Revised 59585  
Code who is engaging in the practice of dietetics under the 59586  
supervision of a dietitian licensed under section 4759.06 of the 59587  
Revised Code or a dietitian registered by the commission on 59588  
dietetic registration, as part of the academic program; 59589

(2) A person participating in the pre-professional experience 59590  
required by division (A)(5) of section 4759.06 of the Revised 59591  
Code; 59592

(3) A person holding a limited permit under division ~~(E)~~(G) 59593  
of section 4759.06 of the Revised Code. 59594

(E) The attorney general, the prosecuting attorney of any 59595  
county in which the offense was committed or the offender resides, 59596  
the state medical board, or any other person having knowledge of a 59597  
person who either directly or by complicity is in violation of 59598  
this section, may, in accordance with provisions of the Revised 59599  
Code governing injunctions, maintain an action in the name of the 59600  
state to enjoin any person from engaging either directly or by 59601  
complicity in the unlawful activity by applying for an injunction 59602  
in the Franklin county court of common pleas or any other court of 59603  
competent jurisdiction. 59604

Prior to application for such injunction, the secretary of 59605  
the state medical board shall notify the person allegedly engaged 59606  
either directly or by complicity in the unlawful activity by 59607  
registered mail that the secretary has received information 59608  
indicating that the person is so engaged. The person shall answer 59609  
the secretary within thirty days showing that the person is either 59610  
properly licensed for the stated activity or that the person is 59611

not in violation of this chapter. If the answer is not forthcoming 59612  
within thirty days after notice by the secretary, the secretary 59613  
shall request that the attorney general, the prosecuting attorney 59614  
of the county in which the offense was committed or the offender 59615  
resides, or the state medical board proceed as authorized in this 59616  
section. 59617

Upon the filing of a verified petition in court, the court 59618  
shall conduct a hearing on the petition and shall give the same 59619  
preference to this proceeding as is given all proceedings under 59620  
Chapter 119. of the Revised Code, irrespective of the position of 59621  
the proceeding on the calendar of the court. Injunction 59622  
proceedings shall be in addition to, and not in lieu of, all 59623  
penalties and other remedies provided under this chapter. 59624

**Sec. 4759.05.** (A) The state medical board shall adopt, amend, 59625  
or rescind rules pursuant to Chapter 119. of the Revised Code to 59626  
carry out the provisions of this chapter, including rules 59627  
governing the following: 59628

(1) Selection and approval of a dietitian licensure 59629  
examination offered by the commission on dietetic registration or 59630  
any other examination; 59631

(2) The examination of applicants for licensure as a 59632  
dietitian, as required under division (A) of section 4759.06 of 59633  
the Revised Code; 59634

(3) Requirements for pre-professional dietetic experience of 59635  
applicants for licensure as a dietitian that are at least 59636  
equivalent to the requirements adopted by the commission on 59637  
dietetic registration; 59638

(4) Requirements for a person holding a limited permit under 59639  
division ~~(E)~~(G) of section 4759.06 of the Revised Code, including 59640  
the duration of validity of a limited permit and procedures for 59641



renewal; 59642

(5) Continuing education requirements for renewal of a 59643  
license, including rules providing for pro rata reductions by 59644  
month of the number of hours of continuing education that must be 59645  
completed for license holders who ~~are in their first renewal~~ 59646  
~~period~~, have been disabled by illness or accident, or have been 59647  
absent from the country. Rules adopted under this division shall 59648  
be consistent with the continuing education requirements adopted 59649  
by the commission on dietetic registration. 59650

(6) Any additional education requirements the board considers 59651  
necessary, for applicants who have not practiced dietetics within 59652  
five years of the initial date of application for licensure; 59653

(7) Standards of professional responsibility and practice for 59654  
persons licensed under this chapter that are consistent with those 59655  
standards of professional responsibility and practice adopted by 59656  
the academy of nutrition and dietetics; 59657

(8) Formulation of an application form for licensure or 59658  
license renewal; 59659

(9) Procedures for license renewal; 59660

(10) Requirements for criminal records checks of applicants 59661  
under section 4776.03 of the Revised Code. 59662

(B)(1) The board shall investigate evidence that appears to 59663  
show that a person has violated any provision of this chapter or 59664  
any rule adopted under it. Any person may report to the board in a 59665  
signed writing any information that the person may have that 59666  
appears to show a violation of any provision of this chapter or 59667  
any rule adopted under it. In the absence of bad faith, any person 59668  
who reports information of that nature or who testifies before the 59669  
board in any adjudication conducted under Chapter 119. of the 59670  
Revised Code shall not be liable in damages in a civil action as a 59671  
result of the report or testimony. Each complaint or allegation of 59672

a violation received by the board shall be assigned a case number 59673  
and shall be recorded by the board. 59674

(2) Investigations of alleged violations of this chapter or 59675  
any rule adopted under it shall be supervised by the supervising 59676  
member elected by the board in accordance with section 4731.02 of 59677  
the Revised Code and by the secretary as provided in section 59678  
4759.012 of the Revised Code. The president may designate another 59679  
member of the board to supervise the investigation in place of the 59680  
supervising member. No member of the board who supervises the 59681  
investigation of a case shall participate in further adjudication 59682  
of the case. 59683

(3) In investigating a possible violation of this chapter or 59684  
any rule adopted under this chapter, the board may issue 59685  
subpoenas, question witnesses, conduct interviews, administer 59686  
oaths, order the taking of depositions, inspect and copy any 59687  
books, accounts, papers, records, or documents, and compel the 59688  
attendance of witnesses and the production of books, accounts, 59689  
papers, records, documents, and testimony, except that a subpoena 59690  
for patient record information shall not be issued without 59691  
consultation with the attorney general's office and approval of 59692  
the secretary and supervising member of the board. 59693

Before issuance of a subpoena for patient record information, 59694  
the secretary and supervising member shall determine whether there 59695  
is probable cause to believe that the complaint filed alleges a 59696  
violation of this chapter or any rule adopted under it and that 59697  
the records sought are relevant to the alleged violation and 59698  
material to the investigation. The subpoena may apply only to 59699  
records that cover a reasonable period of time surrounding the 59700  
alleged violation. 59701

On failure to comply with any subpoena issued by the board 59702  
and after reasonable notice to the person being subpoenaed, the 59703  
board may move for an order compelling the production of persons 59704

or records pursuant to the Rules of Civil Procedure. 59705

A subpoena issued by the board may be served by a sheriff, 59706  
the sheriff's deputy, or a board employee or agent designated by 59707  
the board. Service of a subpoena issued by the board may be made 59708  
by delivering a copy of the subpoena to the person named therein, 59709  
reading it to the person, or leaving it at the person's usual 59710  
place of residence, usual place of business, or address on file 59711  
with the board. When serving a subpoena to an applicant for or the 59712  
holder of a license or limited permit issued under this chapter, 59713  
service of the subpoena may be made by certified mail, return 59714  
receipt requested, and the subpoena shall be deemed served on the 59715  
date delivery is made or the date the person refuses to accept 59716  
delivery. If the person being served refuses to accept the 59717  
subpoena or is not located, service may be made to an attorney who 59718  
notifies the board that the attorney is representing the person. 59719

A sheriff's deputy who serves a subpoena shall receive the 59720  
same fees as a sheriff. Each witness who appears before the board 59721  
in obedience to a subpoena shall receive the fees and mileage 59722  
provided for under section 119.094 of the Revised Code. 59723

(4) All hearings, investigations, and inspections of the 59724  
board shall be considered civil actions for the purposes of 59725  
section 2305.252 of the Revised Code. 59726

(5) A report required to be submitted to the board under this 59727  
chapter, a complaint, or information received by the board 59728  
pursuant to an investigation is confidential and not subject to 59729  
discovery in any civil action. 59730

The board shall conduct all investigations or inspections and 59731  
proceedings in a manner that protects the confidentiality of 59732  
patients and persons who file complaints with the board. The board 59733  
shall not make public the names or any other identifying 59734  
information about patients or complainants unless proper consent 59735

is given. 59736

The board may share any information it receives pursuant to 59737  
an investigation or inspection, including patient records and 59738  
patient record information, with law enforcement agencies, other 59739  
licensing boards, and other governmental agencies that are 59740  
prosecuting, adjudicating, or investigating alleged violations of 59741  
statutes or administrative rules. An agency or board that receives 59742  
the information shall comply with the same requirements regarding 59743  
confidentiality as those with which the state medical board must 59744  
comply, notwithstanding any conflicting provision of the Revised 59745  
Code or procedure of the agency or board that applies when it is 59746  
dealing with other information in its possession. In a judicial 59747  
proceeding, the information may be admitted into evidence only in 59748  
accordance with the Rules of Evidence, but the court shall require 59749  
that appropriate measures are taken to ensure that confidentiality 59750  
is maintained with respect to any part of the information that 59751  
contains names or other identifying information about patients or 59752  
complainants whose confidentiality was protected by the state 59753  
medical board when the information was in the board's possession. 59754  
Measures to ensure confidentiality that may be taken by the court 59755  
include sealing its records or deleting specific information from 59756  
its records. 59757

(6) On a quarterly basis, the board shall prepare a report 59758  
that documents the disposition of all cases during the preceding 59759  
three months. The report shall contain the following information 59760  
for each case with which the board has completed its activities: 59761

(a) The case number assigned to the complaint or alleged 59762  
violation; 59763

(b) The type of license, if any, held by the individual 59764  
against whom the complaint is directed; 59765

(c) A description of the allegations contained in the 59766

complaint;	59767
(d) The disposition of the case.	59768
The report shall state how many cases are still pending and shall be prepared in a manner that protects the identity of each person involved in each case. The report shall be a public record under section 149.43 of the Revised Code.	59769 59770 59771 59772
(C) The board shall keep records as are necessary to carry out the provisions of this chapter.	59773 59774
(D) The board shall maintain and publish on its internet web site the board's rules and requirements for licensure adopted under division (A) of this section.	59775 59776 59777
<b>Sec. 4759.06.</b> (A) The state medical board shall issue a license to practice dietetics to an applicant who meets all of the following requirements:	59778 59779 59780
(1) Has satisfactorily completed an application for licensure in accordance with rules adopted under division (A) of section 4759.05 of the Revised Code;	59781 59782 59783
(2) Has paid the fee required under division (A) of section 4759.08 of the Revised Code;	59784 59785
(3) Is of good moral character;	59786
(4) Has received a baccalaureate or higher degree from an institution of higher education that is approved by the board or a regional accreditation agency that is recognized by the council on postsecondary accreditation, and has completed a program consistent with the academic standards for dietitians established by the academy of nutrition and dietetics;	59787 59788 59789 59790 59791 59792
(5) Has successfully completed a pre-professional dietetic experience approved by the academy of nutrition and dietetics, or experience approved by the board under division (A)(3) of section	59793 59794 59795

4759.05 of the Revised Code; 59796

(6) Has passed the examination approved by the board under 59797  
division (A)(1) of section 4759.05 of the Revised Code. 59798

(B) The board shall waive the requirements of divisions 59799  
(A)(4), (5), and (6) of this section and any rules adopted under 59800  
division (A)(6) of section 4759.05 of the Revised Code if the 59801  
applicant presents satisfactory evidence to the board of current 59802  
registration as a registered dietitian with the commission on 59803  
dietetic registration. 59804

(C)(1) The board shall issue a license to practice dietetics 59805  
to an applicant who meets the requirements of division (A) of this 59806  
section. A license ~~issued before July 1, 2018, shall expire on~~ 59807  
~~June 30, 2018. A license issued on or after July 1, 2018, shall be~~ 59808  
valid for a two-year period unless revoked or suspended by the 59809  
board and shall expire on the thirtieth day of June of the next 59810  
even-numbered year date that is two years after the date of 59811  
issuance. A license may be renewed for additional two-year 59812  
periods. 59813

(2) The board shall renew an applicant's license if the 59814  
applicant ~~meets the continuing education requirements adopted~~ 59815  
~~under division (A)(5) of section 4759.05 of the Revised Code and~~ 59816  
has paid the license renewal fee specified in section 4759.08 of 59817  
the Revised Code and certifies to the board that the applicant has 59818  
met the continuing education requirements adopted under division 59819  
(A)(5) of section 4759.05 of the Revised Code. The renewal shall 59820  
be pursuant to the standard renewal procedure of sections 4745.01 59821  
to 4745.03 of the Revised Code. 59822

At least one month before a license expires, the board shall 59823  
provide a renewal notice. Failure of any person to receive a 59824  
notice of renewal from the board shall not excuse the person from 59825  
the requirements contained in this section. Each person holding a 59826

license shall give notice to the board of a change in the license holder's residence address, business address, or electronic mail address not later than thirty days after the change occurs.

(D) Any person licensed to practice dietetics by the former Ohio board of dietetics before January 21, 2018, may continue to practice dietetics in this state under that license if the person continues to meet the requirements to renew a license under this chapter and renews the license through the state medical board.

The state medical board may take any of the following actions, as provided in section 4759.07 of the Revised Code, against the holder of a license to practice dietetics issued before January 21, 2018, by the former Ohio board of dietetics:

- (1) Limit, revoke, or suspend the holder's license;
- (2) Refuse to renew or reinstate the holder's license;
- (3) Reprimand the holder or place the holder on probation.

(E) The board may require a random sample of dietitians to submit materials documenting that the continuing education requirements adopted under division (A)(5) of section 4759.05 of the Revised Code have been met.

This division does not limit the board's authority to conduct investigations pursuant to section 4759.07 of the Revised Code.

(F)(1) If, through a random sample conducted under division (E) of this section or any other means, the board finds that an individual who certified completion of the number of hours and type of continuing education required to renew, reinstate, or restore a license to practice did not complete the requisite continuing education, the board may do either of the following:

(a) Take disciplinary action against the individual under section 4759.07 of the Revised Code, impose a civil penalty, or both;

(b) Permit the individual to agree in writing to complete the continuing education and pay a civil penalty. 59857  
59858

(4) The board's finding in any disciplinary action taken under division (F)(1)(a) of this section shall be made pursuant to an adjudication under Chapter 119. of the Revised Code and by an affirmative vote of not fewer than six of its members. 59859  
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59861  
59862

(5) A civil penalty imposed under division (F)(1)(a) of this section or paid under division (F)(1)(b) of this section shall be in an amount specified by the board of not more than five thousand dollars. The board shall deposit civil penalties in accordance with section 4731.24 of the Revised Code. 59863  
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(G)(1) The board may grant a limited permit to a person who has completed the education and pre-professional requirements of divisions (A)(4) and (5) of this section and who presents evidence to the board of having applied to take the examination approved by the board under division (A)(1) of section 4759.05 of the Revised Code. An application for a limited permit shall be made on forms that the board shall furnish and shall be accompanied by the limited permit fee specified in section 4759.08 of the Revised Code. 59868  
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(2) If no grounds apply under section 4759.07 of the Revised Code for denying a license to the applicant and the applicant meets the requirements of division ~~(E)~~(G)(1) of this section, the board shall issue a limited permit to the applicant. 59877  
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A limited permit expires in accordance with rules adopted under section 4759.05 of the Revised Code. A limited permit may be renewed in accordance with those rules. 59881  
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~~(3) The board shall maintain a register of all persons holding limited permits under this chapter.~~ 59884  
59885

~~(4) A person holding a limited permit who has failed the examination shall practice only under the direct supervision of a~~ 59886  
59887



licensed dietitian. 59888

~~(5)(4)~~ The board may revoke a limited permit on proof 59889  
satisfactory to the board that the permit holder has engaged in 59890  
practice in this state outside the scope of the permit, that the 59891  
holder has engaged in unethical conduct, or that grounds for 59892  
action against the holder exist under section 4759.07 of the 59893  
Revised Code. 59894

**Sec. 4759.062.** (A) A license to practice dietetics that is 59895  
not renewed on or before its expiration date is automatically 59896  
suspended on its expiration date. Continued practice after 59897  
suspension shall be considered as practicing in violation of 59898  
section 4759.02 of the Revised Code. 59899

(B) If a license has been suspended pursuant to division (A) 59900  
of this section for two years or less, it may be reinstated. The 59901  
state medical board shall reinstate the license upon the 59902  
applicant's submission of a complete renewal application and 59903  
payment of a reinstatement fee of two hundred five dollars. 59904

(C)~~(1)~~ If a license has been suspended pursuant to division 59905  
(A) of this section for more than two years, it may be restored. 59906  
~~The Subject to section 4759.063 of the Revised Code, the~~ board may 59907  
restore the license upon an applicant's submission of a complete 59908  
restoration application and a restoration fee of two hundred 59909  
thirty dollars and compliance with sections 4776.01 to 4776.04 of 59910  
the Revised Code. The board shall not restore a license unless the 59911  
board, in its discretion, decides that the results of the criminal 59912  
records check do not make the applicant ineligible for a license 59913  
issued pursuant to section 4759.06 of the Revised Code. 59914

~~(2) The board may impose terms and conditions for the 59915  
restoration, including any one or more of the following:~~ 59916

~~(a) Requiring the applicant to pass an oral or written 59917~~

~~examination, or both, to determine the applicant's present fitness  
to resume practice;~~ 59918  
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~~(b) Requiring the applicant to obtain additional training and  
to pass an examination upon completion of such training;~~ 59920  
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~~(c) Restricting or limiting the extent, scope, or type of  
practice of the applicant.~~ 59922  
59923

Sec. 4759.063. (A) This section applies to both of the 59924  
following: 59925

(1) An applicant seeking restoration of a license issued 59926  
under this chapter that has been in a suspended or inactive state 59927  
for any cause for more than two years; 59928

(2) An applicant seeking issuance of a license pursuant to 59929  
this chapter who for more than two years has not been engaged in 59930  
the practice of dietetics as any of the following: 59931

(a) An active practitioner; 59932

(b) A participant in a pre-professional dietetic experience 59933  
as described in section 4759.06 of the Revised Code; 59934

(c) A student in a program described in section 4759.06 of 59935  
the Revised Code. 59936

(B) Before issuing a license to an applicant subject to this 59937  
section or restoring a license to good standing for an applicant 59938  
subject to this section, the state medical board may impose terms 59939  
and conditions including any one or more of the following: 59940

(1) Requiring the applicant to pass an oral or written 59941  
examination, or both, to determine the applicant's present fitness 59942  
to resume practice; 59943

(2) Requiring the applicant to obtain additional training and 59944  
to pass an examination upon completion of such training; 59945

(3) Requiring an assessment of the applicant's physical 59946

skills for purposes of determining whether the applicant's 59947  
coordination, fine motor skills, and dexterity are sufficient for 59948  
performing evaluations and procedures in a manner that meets the 59949  
minimal standards of care; 59950

(4) Requiring an assessment of the applicant's skills in 59951  
recognizing and understanding diseases and conditions; 59952

(5) Requiring the applicant to undergo a comprehensive 59953  
physical examination, which may include an assessment of physical 59954  
abilities, evaluation of sensory capabilities, or screening for 59955  
the presence of neurological disorders; 59956

(6) Restricting or limiting the extent, scope, or type of 59957  
practice of the applicant. 59958

The board shall consider the moral background and the 59959  
activities of the applicant during the period of suspension or 59960  
inactivity. The board shall not issue or restore a license under 59961  
this section unless the applicant complies with sections 4776.01 59962  
to 4776.04 of the Revised Code. 59963

**Sec. 4760.02.** (A) Except as provided in division (B) of this 59964  
section, no person shall practice as an anesthesiologist assistant 59965  
unless the person holds a current, valid ~~certificate~~ license 59966  
issued under this chapter to practice as an anesthesiologist 59967  
assistant. 59968

(B) Division (A) of this section does not apply to either of 59969  
the following: 59970

(1) A person participating in a training program leading 59971  
toward certification by the national commission for certification 59972  
of anesthesiologist assistants, as long as the person is 59973  
supervised by an anesthesiologist, an individual participating in 59974  
a hospital residency program in preparation to practice as an 59975  
anesthesiologist, or an anesthesiologist assistant who holds a 59976

current, valid ~~certificate to practice~~ license issued under this 59977  
chapter; 59978

(2) Any person who otherwise holds professional authority 59979  
granted pursuant to the Revised Code to perform any of the 59980  
activities that an anesthesiologist assistant is authorized to 59981  
perform. 59982

**Sec. 4760.03.** (A) An individual seeking a ~~certificate~~ license 59983  
to practice as an anesthesiologist assistant shall file with the 59984  
state medical board a written application on a form prescribed and 59985  
supplied by the board. The application shall include all of the 59986  
following information: 59987

(1) Evidence satisfactory to the board that the applicant is 59988  
at least twenty-one years of age and of good moral character; 59989

(2) Evidence satisfactory to the board that the applicant has 59990  
successfully completed the training necessary to prepare 59991  
individuals to practice as anesthesiologist assistants, as 59992  
specified in section 4760.031 of the Revised Code; 59993

(3) Evidence satisfactory to the board that the applicant 59994  
holds current certification from the national commission for 59995  
certification of anesthesiologist assistants and that the 59996  
requirements for receiving the certification included passage of 59997  
an examination to determine the individual's competence to 59998  
practice as an anesthesiologist assistant; 59999

(4) Any other information the board considers necessary to 60000  
process the application and evaluate the applicant's 60001  
qualifications. 60002

(B) At the time of making application for a ~~certificate to~~ 60003  
~~practice~~ license, the applicant shall pay the board a fee of one 60004  
hundred dollars, no part of which shall be returned. 60005

(C) The board shall review all applications received under 60006

this section. Not later than sixty days after receiving a complete application, the board shall determine whether an applicant meets the requirements to receive a ~~certificate to practice~~ license. ~~The affirmative vote of not fewer than six members of the board is required to determine that an applicant meets the requirements for a certificate.~~ The board shall not issue a ~~certificate~~ license to an applicant unless the applicant is certified by the national commission for certification of anesthesiologist assistants or a successor organization that is recognized by the board.

**Sec. 4760.031.** As a condition of being eligible to receive a ~~certificate~~ license to practice as an anesthesiologist assistant, an individual must successfully complete the following training requirements:

(A) A baccalaureate or higher degree program at an institution of higher education accredited by an organization recognized by the ~~board of regents~~ department of higher education. The program must have included courses in the following areas of study:

- (1) General biology;
- (2) General chemistry;
- (3) Organic chemistry;
- (4) Physics;
- (5) Calculus.

(B) A training program conducted for the purpose of preparing individuals to practice as anesthesiologist assistants. If the program was completed prior to May 31, 2000, the program must have been completed at case western reserve university or emory university in Atlanta, Georgia. If the program is completed on or after May 31, 2000, the program must be a graduate-level program accredited by the commission on accreditation of allied health

education programs or any of the commission's successor	60037
organizations. In either case, the training program must have	60038
included at least all of the following components:	60039
(1) Basic sciences of anesthesia: physiology,	60040
pathophysiology, anatomy, and biochemistry. The courses must be	60041
presented as a continuum of didactic courses designed to teach	60042
students the foundations of human biological existence on which	60043
clinical correlations to anesthesia practice are based.	60044
(2) Pharmacology for the anesthetic sciences. The course must	60045
include instruction in the anesthetic principles of pharmacology,	60046
pharmacodynamics, pharmacokinetics, uptake and distribution,	60047
intravenous anesthetics and narcotics, and volatile anesthetics.	60048
(3) Physics in anesthesia.	60049
(4) Fundamentals of anesthetic sciences, presented as a	60050
continuum of courses covering a series of topics in basic medical	60051
sciences with special emphasis on the effects of anesthetics on	60052
normal physiology and pathophysiology.	60053
(5) Patient instrumentation and monitoring, presented as a	60054
continuum of courses focusing on the design of, proper preparation	60055
of, and proper methods of resolving problems that arise with	60056
anesthesia equipment. The courses must provide a balance between	60057
the engineering concepts used in anesthesia instruments and the	60058
clinical application of anesthesia instruments.	60059
(6) Clinically based conferences in which techniques of	60060
anesthetic management, quality assurance issues, and current	60061
professional literature are reviewed from the perspective of	60062
practice improvement.	60063
(7) Clinical experience consisting of at least two thousand	60064
hours of direct patient contact, presented as a continuum of	60065
courses throughout the entirety of the program, beginning with a	60066
gradual introduction of the techniques for the anesthetic	60067

management of patients and culminating in the assimilation of the	60068
graduate of the program into the work force. Areas of instruction	60069
must include the following:	60070
(a) Preoperative patient assessment;	60071
(b) Indwelling vascular catheter placement, including	60072
intravenous and arterial catheters;	60073
(c) Airway management, including mask airway and orotracheal	60074
intubation;	60075
(d) Intraoperative charting;	60076
(e) Administration and maintenance of anesthetic agents,	60077
narcotics, hypnotics, and muscle relaxants;	60078
(f) Administration and maintenance of volatile anesthetics;	60079
(g) Administration of blood products and fluid therapy;	60080
(h) Patient monitoring;	60081
(i) Postoperative management of patients;	60082
(j) Regional anesthesia techniques;	60083
(k) Administration of vasoactive substances for treatment of	60084
unacceptable patient hemodynamic status;	60085
(l) Specific clinical training in all the subspecialties of	60086
anesthesia, including pediatrics, neurosurgery, cardiovascular	60087
surgery, trauma, obstetrics, orthopedics, and vascular surgery.	60088
(8) Basic life support that qualifies the individual to	60089
administer cardiopulmonary resuscitation to patients in need. The	60090
course must include the instruction necessary to be certified in	60091
basic life support by the American red cross or the American heart	60092
association.	60093
(9) Advanced cardiac life support that qualifies the	60094
individual to participate in the pharmacologic intervention and	60095
management resuscitation efforts for a patient in full cardiac	60096

arrest. The course must include the instruction necessary to be certified in advanced cardiac life support by the American red cross or the American heart association.

**Sec. 4760.032.** In addition to any other eligibility requirement set forth in this chapter, each applicant for a ~~eertificate~~ license to practice as an anesthesiologist assistant shall comply with sections 4776.01 to 4776.04 of the Revised Code. The state medical board shall not grant to an applicant a ~~eertificate~~ license to practice as an anesthesiologist assistant unless the board, in its discretion, decides that the results of the criminal records check do not make the applicant ineligible for a ~~eertificate~~ license issued pursuant to section 4760.04 of the Revised Code.

**Sec. 4760.04.** If the state medical board determines under section 4760.03 of the Revised Code that an applicant meets the requirements for a ~~eertificate~~ license to practice as an anesthesiologist assistant, the secretary of the board shall register the applicant as an anesthesiologist assistant and issue to the applicant a ~~eertificate~~ license to practice as an anesthesiologist assistant. The ~~eertificate~~ license shall be valid for a two-year period unless revoked or suspended, shall expire biennially on the date that is two years after the date of issuance, and may be renewed for additional two-year periods in accordance with section 4760.06 of the Revised Code.

**Sec. 4760.05.** On application by the holder of a ~~eertificate~~ license to practice as an anesthesiologist assistant, the state medical board shall issue a duplicate ~~eertificate~~ license to replace one that is missing or damaged, to reflect a name change, or for any other reasonable cause. The fee for a duplicate ~~eertificate~~ license is thirty-five dollars.



Sec. 4760.06. (A) A person seeking to renew a ~~certificate~~ license to practice as an anesthesiologist assistant shall, on or before the ~~thirty first day of January of each even numbered year~~ license's expiration date, apply to the state medical board for renewal of the ~~certificate~~ license. The ~~state medical~~ board shall provide renewal notices to license holders at least one month prior to the expiration date.

Applications shall be submitted to the board in a manner prescribed by the board. Each application shall be accompanied by a biennial renewal fee of one hundred dollars.

The applicant shall report any criminal offense that constitutes grounds for refusing to issue a ~~certificate~~ license to practice under section 4760.13 of the Revised Code to which the applicant has pleaded guilty, of which the applicant has been found guilty, or for which the applicant has been found eligible for intervention in lieu of conviction, since last signing an application for a ~~certificate~~ license to practice as an anesthesiologist assistant.

(B) To be eligible for renewal, an anesthesiologist assistant must certify to the board that the assistant has maintained certification by the national commission for the certification of anesthesiologist assistants.

(C) If an applicant submits a complete renewal application and qualifies for renewal pursuant to division (B) of this section, the board shall renew the ~~certificate~~ license to practice as an anesthesiologist assistant.

(D) A ~~certificate~~ license to practice that is not renewed on or before its expiration date is automatically suspended on its expiration date. ~~If~~

If a ~~certificate~~ license has been suspended pursuant to this

division for two years or less, the board shall reinstate the 60157  
~~certificate~~ license upon an applicant's submission of a renewal 60158  
application, the biennial renewal fee, and the applicable monetary 60159  
penalty. The penalty for reinstatement is twenty-five dollars. ~~If~~ 60160

If a ~~certificate~~ license has been suspended pursuant to this 60161  
division for more than two years, it may be restored. Subject to 60162  
section 4760.061 of the Revised Code, the board may restore the 60163  
license upon an applicant's submission of a restoration 60164  
application, the biennial renewal fee, and the applicable monetary 60165  
penalty and compliance with sections 4776.01 to 4776.04 of the 60166  
Revised Code. The board shall not restore a ~~certificate to~~ 60167  
~~practice~~ license unless the board, in its discretion, decides that 60168  
the results of the criminal records check do not make the 60169  
applicant ineligible for a certificate issued pursuant to section 60170  
4760.04 of the Revised Code. The penalty for restoration is fifty 60171  
dollars. 60172

Sec. 4760.061. (A) This section applies to both of the 60173  
following: 60174

(1) An applicant seeking restoration of a license issued 60175  
under this chapter that has been in a suspended or inactive state 60176  
for any cause for more than two years; 60177

(2) An applicant seeking issuance of a license pursuant to 60178  
this chapter who for more than two years has not been practicing 60179  
as an anesthesiologist assistant as either of the following: 60180

(a) An active practitioner; 60181

(b) A participant in a training program as described in 60182  
section 4760.031 of the Revised Code. 60183

(B) Before issuing a license to an applicant subject to this 60184  
section or restoring a license to good standing for an applicant 60185  
subject to this section, the state medical board may impose terms 60186

and conditions including any one or more of the following: 60187

(1) Requiring the applicant to pass an oral or written examination, or both, to determine the applicant's present fitness to resume practice; 60188  
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(2) Requiring the applicant to obtain additional training and to pass an examination upon completion of such training; 60191  
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(3) Requiring an assessment of the applicant's physical skills for purposes of determining whether the applicant's coordination, fine motor skills, and dexterity are sufficient for performing evaluations and procedures in a manner that meets the minimal standards of care; 60193  
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(4) Requiring an assessment of the applicant's skills in recognizing and understanding diseases and conditions; 60198  
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(5) Requiring the applicant to undergo a comprehensive physical examination, which may include an assessment of physical abilities, evaluation of sensory capabilities, or screening for the presence of neurological disorders; 60200  
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(6) Restricting or limiting the extent, scope, or type of practice of the applicant. 60204  
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The board shall consider the moral background and the activities of the applicant during the period of suspension or inactivity. The board shall not issue or restore a license under this section unless the applicant complies with sections 4776.01 to 4776.04 of the Revised Code. 60206  
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**Sec. 4760.13.** (A) The state medical board, by an affirmative vote of not fewer than six members, may revoke or may refuse to grant a certificate license to practice as an anesthesiologist assistant to a person found by the board to have committed fraud, misrepresentation, or deception in applying for or securing the certificate license. 60211  
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(B) The board, by an affirmative vote of not fewer than six members, shall, to the extent permitted by law, limit, revoke, or suspend an individual's ~~certificate~~ license to practice as an anesthesiologist assistant, refuse to issue a ~~certificate~~ license to an applicant, refuse to renew a ~~certificate~~ license, refuse to reinstate a ~~certificate~~ license, or reprimand or place on probation the holder of a ~~certificate~~ license for any of the following reasons:

(1) Permitting the holder's name or ~~certificate~~ license to be used by another person;

(2) Failure to comply with the requirements of this chapter, Chapter 4731. of the Revised Code, or any rules adopted by the board;

(3) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter, Chapter 4731. of the Revised Code, or the rules adopted by the board;

(4) A departure from, or failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances whether or not actual injury to the patient is established;

(5) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills;

(6) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice;

(7) Willfully betraying a professional confidence;

(8) Making a false, fraudulent, deceptive, or misleading statement in securing or attempting to secure a ~~certificate~~ license to practice as an anesthesiologist assistant. 60247  
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As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived. 60250  
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(9) The obtaining of, or attempting to obtain, money or a thing of value by fraudulent misrepresentations in the course of practice; 60258  
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(10) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony; 60261  
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(11) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed; 60264  
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(12) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice; 60267  
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(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude; 60270  
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(14) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 60273  
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(15) Commission of an act involving moral turpitude that 60276

constitutes a misdemeanor in this state, regardless of the 60277  
jurisdiction in which the act was committed; 60278

(16) A plea of guilty to, a judicial finding of guilt of, or 60279  
a judicial finding of eligibility for intervention in lieu of 60280  
conviction for violating any state or federal law regulating the 60281  
possession, distribution, or use of any drug, including 60282  
trafficking in drugs; 60283

(17) Any of the following actions taken by the state agency 60284  
responsible for regulating the practice of anesthesiologist 60285  
assistants in another jurisdiction, for any reason other than the 60286  
nonpayment of fees: the limitation, revocation, or suspension of 60287  
an individual's license to practice; acceptance of an individual's 60288  
license surrender; denial of a license; refusal to renew or 60289  
reinstate a license; imposition of probation; or issuance of an 60290  
order of censure or other reprimand; 60291

(18) Violation of the conditions placed by the board on a 60292  
~~certificate~~ license to practice; 60293

(19) Failure to use universal blood and body fluid 60294  
precautions established by rules adopted under section 4731.051 of 60295  
the Revised Code; 60296

(20) Failure to cooperate in an investigation conducted by 60297  
the board under section 4760.14 of the Revised Code, including 60298  
failure to comply with a subpoena or order issued by the board or 60299  
failure to answer truthfully a question presented by the board at 60300  
a deposition or in written interrogatories, except that failure to 60301  
cooperate with an investigation shall not constitute grounds for 60302  
discipline under this section if a court of competent jurisdiction 60303  
has issued an order that either quashes a subpoena or permits the 60304  
individual to withhold the testimony or evidence in issue; 60305

(21) Failure to comply with any code of ethics established by 60306  
the national commission for the certification of anesthesiologist 60307

assistants; 60308

(22) Failure to notify the state medical board of the 60309  
revocation or failure to maintain certification from the national 60310  
commission for certification of anesthesiologist assistants. 60311

(C) Disciplinary actions taken by the board under divisions 60312  
(A) and (B) of this section shall be taken pursuant to an 60313  
adjudication under Chapter 119. of the Revised Code, except that 60314  
in lieu of an adjudication, the board may enter into a consent 60315  
agreement with an anesthesiologist assistant or applicant to 60316  
resolve an allegation of a violation of this chapter or any rule 60317  
adopted under it. A consent agreement, when ratified by an 60318  
affirmative vote of not fewer than six members of the board, shall 60319  
constitute the findings and order of the board with respect to the 60320  
matter addressed in the agreement. If the board refuses to ratify 60321  
a consent agreement, the admissions and findings contained in the 60322  
consent agreement shall be of no force or effect. 60323

(D) For purposes of divisions (B)(11), (14), and (15) of this 60324  
section, the commission of the act may be established by a finding 60325  
by the board, pursuant to an adjudication under Chapter 119. of 60326  
the Revised Code, that the applicant or ~~certificate~~ license holder 60327  
committed the act in question. The board shall have no 60328  
jurisdiction under these divisions in cases where the trial court 60329  
renders a final judgment in the ~~certificate~~ license holder's favor 60330  
and that judgment is based upon an adjudication on the merits. The 60331  
board shall have jurisdiction under these divisions in cases where 60332  
the trial court issues an order of dismissal on technical or 60333  
procedural grounds. 60334

(E) The sealing of conviction records by any court shall have 60335  
no effect on a prior board order entered under the provisions of 60336  
this section or on the board's jurisdiction to take action under 60337  
the provisions of this section if, based upon a plea of guilty, a 60338  
judicial finding of guilt, or a judicial finding of eligibility 60339

for intervention in lieu of conviction, the board issued a notice 60340  
of opportunity for a hearing prior to the court's order to seal 60341  
the records. The board shall not be required to seal, destroy, 60342  
redact, or otherwise modify its records to reflect the court's 60343  
sealing of conviction records. 60344

(F) For purposes of this division, any individual who holds a 60345  
~~certificate~~ license to practice issued under this chapter, or 60346  
applies for a ~~certificate~~ license to practice, shall be deemed to 60347  
have given consent to submit to a mental or physical examination 60348  
when directed to do so in writing by the board and to have waived 60349  
all objections to the admissibility of testimony or examination 60350  
reports that constitute a privileged communication. 60351

(1) In enforcing division (B)(5) of this section, the board, 60352  
on a showing of a possible violation, may compel any individual 60353  
who holds a ~~certificate~~ license to practice issued under this 60354  
chapter or who has applied for a ~~certificate~~ license to practice 60355  
pursuant to this chapter to submit to a mental or physical 60356  
examination, or both. A physical examination may include an HIV 60357  
test. The expense of the examination is the responsibility of the 60358  
individual compelled to be examined. Failure to submit to a mental 60359  
or physical examination or consent to an HIV test ordered by the 60360  
board constitutes an admission of the allegations against the 60361  
individual unless the failure is due to circumstances beyond the 60362  
individual's control, and a default and final order may be entered 60363  
without the taking of testimony or presentation of evidence. If 60364  
the board finds an anesthesiologist assistant unable to practice 60365  
because of the reasons set forth in division (B)(5) of this 60366  
section, the board shall require the anesthesiologist assistant to 60367  
submit to care, counseling, or treatment by physicians approved or 60368  
designated by the board, as a condition for an initial, continued, 60369  
reinstated, or renewed ~~certificate~~ license to practice. An 60370  
individual affected by this division shall be afforded an 60371



opportunity to demonstrate to the board the ability to resume 60372  
practicing in compliance with acceptable and prevailing standards 60373  
of care. 60374

(2) For purposes of division (B)(6) of this section, if the 60375  
board has reason to believe that any individual who holds a 60376  
~~certificate~~ license to practice issued under this chapter or any 60377  
applicant for a ~~certificate~~ license to practice suffers such 60378  
impairment, the board may compel the individual to submit to a 60379  
mental or physical examination, or both. The expense of the 60380  
examination is the responsibility of the individual compelled to 60381  
be examined. Any mental or physical examination required under 60382  
this division shall be undertaken by a treatment provider or 60383  
physician qualified to conduct such examination and chosen by the 60384  
board. 60385

Failure to submit to a mental or physical examination ordered 60386  
by the board constitutes an admission of the allegations against 60387  
the individual unless the failure is due to circumstances beyond 60388  
the individual's control, and a default and final order may be 60389  
entered without the taking of testimony or presentation of 60390  
evidence. If the board determines that the individual's ability to 60391  
practice is impaired, the board shall suspend the individual's 60392  
~~certificate~~ license or deny the individual's application and shall 60393  
require the individual, as a condition for an initial, continued, 60394  
reinstated, or renewed ~~certificate~~ license to practice, to submit 60395  
to treatment. 60396

Before being eligible to apply for reinstatement of a 60397  
~~certificate~~ license suspended under this division, the 60398  
anesthesiologist assistant shall demonstrate to the board the 60399  
ability to resume practice in compliance with acceptable and 60400  
prevailing standards of care. The demonstration shall include the 60401  
following: 60402

(a) Certification from a treatment provider approved under 60403

section 4731.25 of the Revised Code that the individual has 60404  
successfully completed any required inpatient treatment; 60405

(b) Evidence of continuing full compliance with an aftercare 60406  
contract or consent agreement; 60407

(c) Two written reports indicating that the individual's 60408  
ability to practice has been assessed and that the individual has 60409  
been found capable of practicing according to acceptable and 60410  
prevailing standards of care. The reports shall be made by 60411  
individuals or providers approved by the board for making such 60412  
assessments and shall describe the basis for their determination. 60413

The board may reinstate a ~~certificate~~ license suspended under 60414  
this division after such demonstration and after the individual 60415  
has entered into a written consent agreement. 60416

When the impaired anesthesiologist assistant resumes 60417  
practice, the board shall require continued monitoring of the 60418  
anesthesiologist assistant. The monitoring shall include 60419  
monitoring of compliance with the written consent agreement 60420  
entered into before reinstatement or with conditions imposed by 60421  
board order after a hearing, and, on termination of the consent 60422  
agreement, submission to the board for at least two years of 60423  
annual written progress reports made under penalty of 60424  
falsification stating whether the anesthesiologist assistant has 60425  
maintained sobriety. 60426

(G) If the secretary and supervising member determine that 60427  
there is clear and convincing evidence that an anesthesiologist 60428  
assistant has violated division (B) of this section and that the 60429  
individual's continued practice presents a danger of immediate and 60430  
serious harm to the public, they may recommend that the board 60431  
suspend the individual's ~~certificate~~ license without a prior 60432  
hearing. Written allegations shall be prepared for consideration 60433  
by the board. 60434

The board, on review of the allegations and by an affirmative vote of not fewer than six of its members, excluding the secretary and supervising member, may suspend a ~~certificate~~ license without a prior hearing. A telephone conference call may be utilized for reviewing the allegations and taking the vote on the summary suspension.

The board shall issue a written order of suspension by certified mail or in person in accordance with section 119.07 of the Revised Code. The order shall not be subject to suspension by the court during pendency of any appeal filed under section 119.12 of the Revised Code. If the anesthesiologist assistant requests an adjudicatory hearing by the board, the date set for the hearing shall be within fifteen days, but not earlier than seven days, after the anesthesiologist assistant requests the hearing, unless otherwise agreed to by both the board and the ~~certificate~~ license holder.

A summary suspension imposed under this division shall remain in effect, unless reversed on appeal, until a final adjudicative order issued by the board pursuant to this section and Chapter 119. of the Revised Code becomes effective. The board shall issue its final adjudicative order within sixty days after completion of its hearing. Failure to issue the order within sixty days shall result in dissolution of the summary suspension order, but shall not invalidate any subsequent, final adjudicative order.

(H) If the board takes action under division (B)(11), (13), or (14) of this section, and the judicial finding of guilt, guilty plea, or judicial finding of eligibility for intervention in lieu of conviction is overturned on appeal, on exhaustion of the criminal appeal, a petition for reconsideration of the order may be filed with the board along with appropriate court documents. On receipt of a petition and supporting court documents, the board shall reinstate the ~~certificate~~ license to practice. The board may

then hold an adjudication under Chapter 119. of the Revised Code 60467  
to determine whether the individual committed the act in question. 60468  
Notice of opportunity for hearing shall be given in accordance 60469  
with Chapter 119. of the Revised Code. If the board finds, 60470  
pursuant to an adjudication held under this division, that the 60471  
individual committed the act, or if no hearing is requested, it 60472  
may order any of the sanctions specified in division (B) of this 60473  
section. 60474

(I) The ~~certificate~~ license to practice of an 60475  
anesthesiologist assistant and the assistant's practice in this 60476  
state are automatically suspended as of the date the 60477  
anesthesiologist assistant pleads guilty to, is found by a judge 60478  
or jury to be guilty of, or is subject to a judicial finding of 60479  
eligibility for intervention in lieu of conviction in this state 60480  
or treatment of intervention in lieu of conviction in another 60481  
jurisdiction for any of the following criminal offenses in this 60482  
state or a substantially equivalent criminal offense in another 60483  
jurisdiction: aggravated murder, murder, voluntary manslaughter, 60484  
felonious assault, kidnapping, rape, sexual battery, gross sexual 60485  
imposition, aggravated arson, aggravated robbery, or aggravated 60486  
burglary. Continued practice after the suspension shall be 60487  
considered practicing without a ~~certificate~~ license. 60488

The board shall notify the individual subject to the 60489  
suspension by certified mail or in person in accordance with 60490  
section 119.07 of the Revised Code. If an individual whose 60491  
~~certificate~~ license is suspended under this division fails to make 60492  
a timely request for an adjudication under Chapter 119. of the 60493  
Revised Code, the board shall enter a final order permanently 60494  
revoking the individual's ~~certificate~~ license to practice. 60495

(J) In any instance in which the board is required by Chapter 60496  
119. of the Revised Code to give notice of opportunity for hearing 60497  
and the individual subject to the notice does not timely request a 60498

hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt, by an affirmative vote of not fewer than six of its members, a final order that contains the board's findings. In the final order, the board may order any of the sanctions identified under division (A) or (B) of this section.

(K) Any action taken by the board under division (B) of this section resulting in a suspension shall be accompanied by a written statement of the conditions under which the anesthesiologist assistant's ~~certificate~~ license may be reinstated. The board shall adopt rules in accordance with Chapter 119. of the Revised Code governing conditions to be imposed for reinstatement. Reinstatement of a ~~certificate~~ license suspended pursuant to division (B) of this section requires an affirmative vote of not fewer than six members of the board.

(L) When the board refuses to grant or issue a ~~certificate~~ license to practice as an anesthesiologist assistant to an applicant, revokes an individual's ~~certificate~~ license, refuses to renew an individual's ~~certificate~~ license, or refuses to reinstate an individual's ~~certificate~~ license, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a ~~certificate~~ license to practice as an anesthesiologist assistant and the board shall not accept an application for reinstatement of the ~~certificate~~ license or for issuance of a new ~~certificate~~ license.

(M) Notwithstanding any other provision of the Revised Code, all of the following apply:

(1) The surrender of a ~~certificate~~ license to practice issued under this chapter is not effective unless or until accepted by the board. Reinstatement of a ~~certificate~~ license surrendered to the board requires an affirmative vote of not fewer than six

members of the board. 60531

(2) An application made under this chapter for a ~~certificate~~ license to practice may not be withdrawn without approval of the board. 60532  
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(3) Failure by an individual to renew a ~~certificate~~ license to practice in accordance with section 4760.06 of the Revised Code shall not remove or limit the board's jurisdiction to take disciplinary action under this section against the individual. 60535  
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**Sec. 4760.131.** On receipt of a notice pursuant to section 3123.43 of the Revised Code, the state medical board shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to a ~~certificate~~ license to practice as an anesthesiologist assistant issued pursuant to this chapter. 60539  
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**Sec. 4760.132.** If the state medical board has reason to believe that any person who has been granted a ~~certificate~~ license to practice as an anesthesiologist assistant under this chapter is mentally ill or mentally incompetent, it may file in the probate court of the county in which the person has a legal residence an affidavit in the form prescribed in section 5122.11 of the Revised Code and signed by the board secretary or a member of the board secretary's staff, whereupon the same proceedings shall be had as provided in Chapter 5122. of the Revised Code. The attorney general may represent the board in any proceeding commenced under this section. 60545  
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If any person who has been granted a ~~certificate~~ license to practice is adjudged by a probate court to be mentally ill or mentally incompetent, the person's ~~certificate~~ license shall be automatically suspended until the person has filed with the state medical board a certified copy of an adjudication by a probate 60556  
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court of the person's subsequent restoration to competency or has 60561  
submitted to the board proof, satisfactory to the board, that the 60562  
person has been discharged as having a restoration to competency 60563  
in the manner and form provided in section 5122.38 of the Revised 60564  
Code. The judge of the probate court shall forthwith notify the 60565  
state medical board of an adjudication of mental illness or mental 60566  
incompetence, and shall note any suspension of a ~~certificate~~ 60567  
license in the margin of the court's record of such ~~certificate~~ 60568  
license. 60569

**Sec. 4760.14.** (A) The state medical board shall investigate 60570  
evidence that appears to show that any person has violated this 60571  
chapter or the rules adopted under it. Any person may report to 60572  
the board in a signed writing any information the person has that 60573  
appears to show a violation of any provision of this chapter or 60574  
the rules adopted under it. In the absence of bad faith, a person 60575  
who reports such information or testifies before the board in an 60576  
adjudication conducted under Chapter 119. of the Revised Code 60577  
shall not be liable for civil damages as a result of reporting the 60578  
information or providing testimony. Each complaint or allegation 60579  
of a violation received by the board shall be assigned a case 60580  
number and be recorded by the board. 60581

(B) Investigations of alleged violations of this chapter or 60582  
rules adopted under it shall be supervised by the supervising 60583  
member elected by the board in accordance with section 4731.02 of 60584  
the Revised Code and by the secretary as provided in section 60585  
4760.15 of the Revised Code. The board's president may designate 60586  
another member of the board to supervise the investigation in 60587  
place of the supervising member. A member of the board who 60588  
supervises the investigation of a case shall not participate in 60589  
further adjudication of the case. 60590

(C) In investigating a possible violation of this chapter or 60591

the rules adopted under it, the board may administer oaths, order 60592  
the taking of depositions, issue subpoenas, and compel the 60593  
attendance of witnesses and production of books, accounts, papers, 60594  
records, documents, and testimony, except that a subpoena for 60595  
patient record information shall not be issued without 60596  
consultation with the attorney general's office and approval of 60597  
the secretary and supervising member of the board. Before issuance 60598  
of a subpoena for patient record information, the secretary and 60599  
supervising member shall determine whether there is probable cause 60600  
to believe that the complaint filed alleges a violation of this 60601  
chapter or the rules adopted under it and that the records sought 60602  
are relevant to the alleged violation and material to the 60603  
investigation. The subpoena may apply only to records that cover a 60604  
reasonable period of time surrounding the alleged violation. 60605

On failure to comply with any subpoena issued by the board 60606  
and after reasonable notice to the person being subpoenaed, the 60607  
board may move for an order compelling the production of persons 60608  
or records pursuant to the Rules of Civil Procedure. 60609

A subpoena issued by the board may be served by a sheriff, 60610  
the sheriff's deputy, or a board employee designated by the board. 60611  
Service of a subpoena issued by the board may be made by 60612  
delivering a copy of the subpoena to the person named therein, 60613  
reading it to the person, or leaving it at the person's usual 60614  
place of residence. When the person being served is an 60615  
anesthesiologist assistant, service of the subpoena may be made by 60616  
certified mail, restricted delivery, return receipt requested, and 60617  
the subpoena shall be deemed served on the date delivery is made 60618  
or the date the person refuses to accept delivery. 60619

A sheriff's deputy who serves a subpoena shall receive the 60620  
same fees as a sheriff. Each witness who appears before the board 60621  
in obedience to a subpoena shall receive the fees and mileage 60622  
provided for under section 119.094 of the Revised Code. 60623



(D) All hearings and investigations of the board shall be considered civil actions for the purposes of section 2305.252 of the Revised Code.

(E) Information received by the board pursuant to an investigation is confidential and not subject to discovery in any civil action.

The board shall conduct all investigations and proceedings in a manner that protects the confidentiality of patients and persons who file complaints with the board. The board shall not make public the names or any other identifying information about patients or complainants unless proper consent is given.

The board may share any information it receives pursuant to an investigation, including patient records and patient record information, with law enforcement agencies, other licensing boards, and other governmental agencies that are prosecuting, adjudicating, or investigating alleged violations of statutes or administrative rules. An agency or board that receives the information shall comply with the same requirements regarding confidentiality as those with which the state medical board must comply, notwithstanding any conflicting provision of the Revised Code or procedure of the agency or board that applies when it is dealing with other information in its possession. In a judicial proceeding, the information may be admitted into evidence only in accordance with the Rules of Evidence, but the court shall require that appropriate measures are taken to ensure that confidentiality is maintained with respect to any part of the information that contains names or other identifying information about patients or complainants whose confidentiality was protected by the state medical board when the information was in the board's possession. Measures to ensure confidentiality that may be taken by the court include sealing its records or deleting specific information from its records.

(F) The state medical board shall develop requirements for 60656  
and provide appropriate initial training and continuing education 60657  
for investigators employed by the board to carry out its duties 60658  
under this chapter. The training and continuing education may 60659  
include enrollment in courses operated or approved by the Ohio 60660  
peace officer training commission that the board considers 60661  
appropriate under conditions set forth in section 109.79 of the 60662  
Revised Code. 60663

(G) On a quarterly basis, the board shall prepare a report 60664  
that documents the disposition of all cases during the preceding 60665  
three months. The report shall contain the following information 60666  
for each case with which the board has completed its activities: 60667

(1) The case number assigned to the complaint or alleged 60668  
violation; 60669

(2) The type of ~~certificate~~ license to practice, if any, held 60670  
by the individual against whom the complaint is directed; 60671

(3) A description of the allegations contained in the 60672  
complaint; 60673

(4) The disposition of the case. 60674

The report shall state how many cases are still pending, and 60675  
shall be prepared in a manner that protects the identity of each 60676  
person involved in each case. The report is a public record for 60677  
purposes of section 149.43 of the Revised Code. 60678

**Sec. 4760.15.** (A) As used in this section, "prosecutor" has 60679  
the same meaning as in section 2935.01 of the Revised Code. 60680

(B) Whenever any person holding a valid ~~certificate~~ license 60681  
issued pursuant to this chapter pleads guilty to, is subject to a 60682  
judicial finding of guilt of, or is subject to a judicial finding 60683  
of eligibility for intervention in lieu of conviction for a 60684  
violation of Chapter 2907., 2925., or 3719. of the Revised Code or 60685

of any substantively comparable ordinance of a municipal corporation in connection with the person's practice, the prosecutor in the case, on forms prescribed and provided by the state medical board, shall promptly notify the board of the conviction. Within thirty days of receipt of that information, the board shall initiate action in accordance with Chapter 119. of the Revised Code to determine whether to suspend or revoke the ~~certificate~~ license under section 4760.13 of the Revised Code.

(C) The prosecutor in any case against any person holding a valid ~~certificate~~ license to practice issued pursuant to this chapter, on forms prescribed and provided by the state medical board, shall notify the board of any of the following:

(1) A plea of guilty to, a finding of guilt by a jury or court of, or judicial finding of eligibility for intervention in lieu of conviction for a felony, or a case in which the trial court issues an order of dismissal upon technical or procedural grounds of a felony charge;

(2) A plea of guilty to, a finding of guilt by a jury or court of, or judicial finding of eligibility for intervention in lieu of conviction for a misdemeanor committed in the course of practice, or a case in which the trial court issues an order of dismissal upon technical or procedural grounds of a charge of a misdemeanor, if the alleged act was committed in the course of practice;

(3) A plea of guilty to, a finding of guilt by a jury or court of, or judicial finding of eligibility for intervention in lieu of conviction for a misdemeanor involving moral turpitude, or a case in which the trial court issues an order of dismissal upon technical or procedural grounds of a charge of a misdemeanor involving moral turpitude.

The report shall include the name and address of the

~~certificate~~ license holder, the nature of the offense for which 60717  
the action was taken, and the certified court documents recording 60718  
the action. 60719

**Sec. 4760.16.** (A) Within sixty days after the imposition of 60720  
any formal disciplinary action taken by any health care facility, 60721  
including a hospital, health care facility operated by ~~an~~ a health 60722  
insuring corporation, ambulatory surgical facility, or similar 60723  
facility, against any individual holding a valid ~~certificate~~ 60724  
license to practice as an anesthesiologist assistant, the chief 60725  
administrator or executive officer of the facility shall report to 60726  
the statemedical board the name of the individual, the action 60727  
taken by the facility, and a summary of the underlying facts 60728  
leading to the action taken. On request, the board shall be 60729  
provided certified copies of the patient records that were the 60730  
basis for the facility's action. Prior to release to the board, 60731  
the summary shall be approved by the peer review committee that 60732  
reviewed the case or by the governing board of the facility. 60733

The filing of a report with the board or decision not to file 60734  
a report, investigation by the board, or any disciplinary action 60735  
taken by the board, does not preclude a health care facility from 60736  
taking disciplinary action against an anesthesiologist assistant. 60737

In the absence of fraud or bad faith, no individual or entity 60738  
that provides patient records to the board shall be liable in 60739  
damages to any person as a result of providing the records. 60740

(B)(1) Except as provided in division (B)(2) of this section, 60741  
an anesthesiologist assistant, professional association or society 60742  
of anesthesiologist assistants, physician, or professional 60743  
association or society of physicians that believes a violation of 60744  
any provision of this chapter, Chapter 4731. of the Revised Code, 60745  
or rule of the board has occurred shall report to the board the 60746  
information on which the belief is based. 60747

(2) An anesthesiologist assistant, professional association 60748  
or society of anesthesiologist assistants, physician, or 60749  
professional association or society of physicians that believes 60750  
that a violation of division (B)(6) of section 4760.13 of the 60751  
Revised Code has occurred shall report the information upon which 60752  
the belief is based to the monitoring organization conducting the 60753  
program established by the board under section 4731.251 of the 60754  
Revised Code. If any such report is made to the board, it shall be 60755  
referred to the monitoring organization unless the board is aware 60756  
that the individual who is the subject of the report does not meet 60757  
the program eligibility requirements of section 4731.252 of the 60758  
Revised Code. 60759

(C) Any professional association or society composed 60760  
primarily of anesthesiologist assistants that suspends or revokes 60761  
an individual's membership for violations of professional ethics, 60762  
or for reasons of professional incompetence or professional 60763  
malpractice, within sixty days after a final decision, shall 60764  
report to the board, on forms prescribed and provided by the 60765  
board, the name of the individual, the action taken by the 60766  
professional organization, and a summary of the underlying facts 60767  
leading to the action taken. 60768

The filing of a report with the board or decision not to file 60769  
a report, investigation by the board, or any disciplinary action 60770  
taken by the board, does not preclude a professional organization 60771  
from taking disciplinary action against an anesthesiologist 60772  
assistant. 60773

(D) Any insurer providing professional liability insurance to 60774  
any person holding a valid ~~certificate~~ license to practice as an 60775  
anesthesiologist assistant or any other entity that seeks to 60776  
indemnify the professional liability of an anesthesiologist 60777  
assistant shall notify the board within thirty days after the 60778  
final disposition of any written claim for damages where such 60779

disposition results in a payment exceeding twenty-five thousand dollars. The notice shall contain the following information: 60780  
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(1) The name and address of the person submitting the notification; 60782  
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(2) The name and address of the insured who is the subject of the claim; 60784  
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(3) The name of the person filing the written claim; 60786

(4) The date of final disposition; 60787

(5) If applicable, the identity of the court in which the final disposition of the claim took place. 60788  
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(E) The board may investigate possible violations of this chapter or the rules adopted under it that are brought to its attention as a result of the reporting requirements of this section, except that the board shall conduct an investigation if a possible violation involves repeated malpractice. As used in this division, "repeated malpractice" means three or more claims for malpractice within the previous five-year period, each resulting in a judgment or settlement in excess of twenty-five thousand dollars in favor of the claimant, and each involving negligent conduct by the anesthesiologist assistant. 60790  
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(F) All summaries, reports, and records received and maintained by the board pursuant to this section shall be held in confidence and shall not be subject to discovery or introduction in evidence in any federal or state civil action involving an anesthesiologist assistant, supervising physician, or health care facility arising out of matters that are the subject of the reporting required by this section. The board may use the information obtained only as the basis for an investigation, as evidence in a disciplinary hearing against an anesthesiologist assistant or supervising physician, or in any subsequent trial or appeal of a board action or order. 60800  
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The board may disclose the summaries and reports it receives 60811  
under this section only to health care facility committees within 60812  
or outside this state that are involved in credentialing or 60813  
recredentialing an anesthesiologist assistant or supervising 60814  
physician or reviewing their privilege to practice within a 60815  
particular facility. The board shall indicate whether or not the 60816  
information has been verified. Information transmitted by the 60817  
board shall be subject to the same confidentiality provisions as 60818  
when maintained by the board. 60819

(G) Except for reports filed by an individual pursuant to 60820  
division (B) of this section, the board shall send a copy of any 60821  
reports or summaries it receives pursuant to this section to the 60822  
anesthesiologist assistant. The anesthesiologist assistant shall 60823  
have the right to file a statement with the board concerning the 60824  
correctness or relevance of the information. The statement shall 60825  
at all times accompany that part of the record in contention. 60826

(H) An individual or entity that reports to the board, 60827  
reports to the monitoring organization described in section 60828  
4731.251 of the Revised Code, or refers an impaired 60829  
anesthesiologist assistant to a treatment provider approved by the 60830  
board under section 4731.25 of the Revised Code shall not be 60831  
subject to suit for civil damages as a result of the report, 60832  
referral, or provision of the information. 60833

(I) In the absence of fraud or bad faith, a professional 60834  
association or society of anesthesiologist assistants that 60835  
sponsors a committee or program to provide peer assistance to an 60836  
anesthesiologist assistant with substance abuse problems, a 60837  
representative or agent of such a committee or program, a 60838  
representative or agent of the monitoring organization described 60839  
in section 4731.251 of the Revised Code, and a member of the state 60840  
medical board shall not be held liable in damages to any person by 60841  
reason of actions taken to refer an anesthesiologist assistant to 60842

a treatment provider approved under section 4731.25 of the Revised Code for examination or treatment. 60843  
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**Sec. 4760.18.** The attorney general, the prosecuting attorney of any county in which the offense was committed or the offender resides, the state medical board, or any other person having knowledge of a person engaged either directly or by complicity in practicing as an anesthesiologist assistant without having first obtained a ~~certificate~~ license to practice ~~pursuant to~~ issued under this chapter, may, in accordance with provisions of the Revised Code governing injunctions, maintain an action in the name of the state to enjoin any person from engaging either directly or by complicity in unlawfully practicing as an anesthesiologist assistant by applying for an injunction in any court of competent jurisdiction. 60845  
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Prior to application for an injunction, the secretary of the state medical board shall notify the person allegedly engaged either directly or by complicity in the unlawful practice by registered mail that the secretary has received information indicating that this person is so engaged. The person shall answer the secretary within thirty days showing that the person is either properly licensed for the stated activity or that the person is not in violation of this chapter. If the answer is not forthcoming within thirty days after notice by the secretary, the secretary shall request that the attorney general, the prosecuting attorney of the county in which the offense was committed or the offender resides, or the state medical board proceed as authorized in this section. 60857  
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Upon the filing of a verified petition in court, the court shall conduct a hearing on the petition and shall give the same preference to this proceeding as is given all proceedings under Chapter 119. of the Revised Code, irrespective of the position of 60870  
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the proceeding on the calendar of the court. 60874

Injunction proceedings shall be in addition to, and not in 60875  
lieu of, all penalties and other remedies provided in this 60876  
chapter. 60877

**Sec. 4761.05.** (A) The state medical board shall issue a 60878  
license to any applicant who complies with the requirements of 60879  
section 4761.04 of the Revised Code, files the prescribed 60880  
application form, and pays the fee or fees required under section 60881  
4761.07 of the Revised Code. The license entitles the holder to 60882  
practice respiratory care. 60883

(B)(1) The board shall issue a limited permit to any 60884  
applicant who meets the requirements of division (A)(1) of section 60885  
4761.04 of the Revised Code, files an application on a form 60886  
furnished by the board, pays the fee required under section 60887  
4761.07 of the Revised Code, and meets either of the following 60888  
requirements: 60889

(a) Is enrolled in and is in good standing in a respiratory 60890  
care educational program approved by the board that meets the 60891  
requirements of division (A)(2) of section 4761.04 of the Revised 60892  
Code leading to a degree or certificate of completion or is a 60893  
graduate of the program; 60894

(b) Is employed as a provider of respiratory care in this 60895  
state and was employed as a provider of respiratory care in this 60896  
state prior to March 14, 1989. 60897

(2) If no grounds apply under section 4761.09 of the Revised 60898  
Code for denying a limited permit to the applicant and the 60899  
applicant meets the requirements of division (B) of this section, 60900  
the board shall issue a limited permit to the applicant. 60901

~~The board shall maintain a register of all persons holding~~ 60902  
~~limited permits under this chapter.~~ The limited permit authorizes 60903

the holder to provide respiratory care under the supervision of a 60904  
respiratory care professional. A person issued a limited permit 60905  
under division (B)(1)(a) of this section may practice respiratory 60906  
care under the limited permit for not more than three years after 60907  
the date the limited permit is issued, except that the limited 60908  
permit shall cease to be valid one year following the date of 60909  
receipt of a certificate of completion from a board-approved 60910  
respiratory care education program or immediately if the holder 60911  
discontinues participation in the educational program. 60912

The holder shall notify the board as soon as practicable when 60913  
the holder completes a board-approved respiratory care education 60914  
program or discontinues participation in the educational program. 60915

This division does not require a student enrolled in an 60916  
educational program leading to a degree or certificate of 60917  
completion in respiratory care approved by the board to obtain a 60918  
limited permit to perform any duties that are part of the required 60919  
course of study. 60920

(3) A person issued a limited permit under division (B)(1)(b) 60921  
of this section may practice under a limited permit for not more 60922  
than three years, except that this restriction does not apply to a 60923  
permit holder who, on March 14, 1989, has been employed as a 60924  
provider of respiratory care for an average of not less than 60925  
twenty-five hours per week for a period of not less than five 60926  
years by a hospital. 60927

(4) During the three-year period in which a person may 60928  
practice under a limited permit, the person shall apply for 60929  
renewal on an annual basis in accordance with section 4761.06 of 60930  
the Revised Code. 60931

(5) The board may revoke a limited permit upon proof 60932  
satisfactory to the board that the permit holder has engaged in 60933  
practice in this state outside the scope of the permit, that the 60934

holder has engaged in unethical conduct, or that there are grounds 60935  
for action against the holder under section 4761.09 of the Revised 60936  
Code. 60937

(C) The holder of a license or limited permit issued under 60938  
this section shall either provide verification of licensure or 60939  
permit status from the board's internet web site on request or 60940  
prominently display a wall certificate in the license holder's 60941  
office or place where the majority of the holder's practice is 60942  
conducted. 60943

**Sec. 4761.06.** (A) Each license to practice respiratory care 60944  
shall ~~be renewed biennially~~ expire on ~~or before the last day of~~ 60945  
~~June of every even-numbered year~~ the date that is two years after 60946  
the date of issuance and may be renewed for additional two-year 60947  
periods. Each limited permit to practice respiratory care shall be 60948  
renewed annually. Each person ~~holding~~ seeking to renew a license 60949  
or limited permit to practice respiratory care shall apply to the 60950  
state medical board ~~on the form and according to the schedule in a~~ 60951  
manner prescribed by the board ~~for renewal of the license or~~ 60952  
~~limited permit~~. Licenses and limited permits shall be renewed in 60953  
accordance with the standard renewal procedure of Chapter 4745. of 60954  
the Revised Code. The ~~state medical~~ board shall renew a license if 60955  
the holder pays the license renewal fee prescribed under section 60956  
4761.07 of the Revised Code and certifies that the holder has 60957  
completed the continuing education or reexamination requirements 60958  
of division (B) of this section. 60959

At least one month before a license expires, the board shall 60960  
provide to the license holder a renewal notice. Failure of any 60961  
~~person~~ license holder to receive a notice of renewal from the 60962  
board shall not excuse the ~~person~~ holder from the requirements 60963  
contained in this section. Each ~~person holding a~~ license holder 60964  
shall give notice to the board of a change in the ~~license~~ holder's 60965

residence address, business address, or electronic mail address 60966  
not later than thirty days after the change occurs. 60967

The board shall renew a limited permit if the holder pays the 60968  
limited permit renewal fee prescribed under section 4761.07 of the 60969  
Revised Code and does either of the following: 60970

(1) If the limited permit was issued on the basis of division 60971  
(B)(1)(a) of section 4761.05 of the Revised Code, certifies that 60972  
the holder is enrolled and in good standing in an educational 60973  
program that meets the requirements of division (A)(2) of section 60974  
4761.04 of the Revised Code or has graduated from such a program; 60975

(2) If the limited permit was issued on the basis of division 60976  
(B)(1)(b) of section 4761.05 of the Revised Code, certifies that 60977  
the applicant is employed as a provider of respiratory care under 60978  
the supervision of a respiratory care professional. 60979

(B) On ~~and after March 14, 1991, and every year thereafter,~~ 60980  
~~on~~ or before the annual renewal date, the holder of a limited 60981  
permit issued under division (B)(1)(b) of section 4761.05 of the 60982  
Revised Code shall certify to the board that the holder has 60983  
satisfactorily completed the number of hours of continuing 60984  
education required by the board, which shall not be less than 60985  
three nor more than ten hours of continuing education acceptable 60986  
to the board. 60987

On or before the ~~biennial renewal~~ date a license expires, a 60988  
license holder shall certify to the board that the license holder 60989  
has satisfactorily completed the number of hours of continuing 60990  
education required by the board, which shall be not less than six 60991  
nor more than twenty hours of continuing education acceptable to 60992  
the board, or has passed a reexamination in accordance with the 60993  
board's renewal requirements. 60994

(C)(1) A license to practice respiratory care that is not 60995  
renewed on or before its expiration date is automatically 60996

suspended on its expiration date. Continued practice after 60997  
suspension shall be considered as practicing in violation of 60998  
section 4761.10 of the Revised Code. 60999

(2) If a license has been suspended pursuant to division 61000  
(C)(1) of this section for two years or less, it may be 61001  
reinstated. The ~~state medical~~ board shall reinstate the license 61002  
upon the applicant's submission of a complete renewal application 61003  
and payment of a reinstatement fee of one hundred dollars. 61004

~~(3)(a)~~ If a license has been suspended pursuant to division 61005  
(C)(1) of this section for more than two years, it may be 61006  
restored. The Subject to section 4761.061 of the Revised Code, the 61007  
board may restore the license upon an applicant's submission of a 61008  
complete restoration application and a restoration fee of one 61009  
hundred twenty-five dollars and compliance with sections 4776.01 61010  
to 4776.04 of the Revised Code. The board shall not restore a 61011  
license unless the board, in its discretion, decides that the 61012  
results of the criminal records check do not make the applicant 61013  
ineligible for a license issued pursuant to division (A) of this 61014  
section. 61015

~~(b) The board may impose terms and conditions for the 61016  
restoration, including any one or more of the following:~~ 61017

~~(i) Requiring the applicant to pass an oral or written 61018  
examination, or both, to determine the applicant's present fitness 61019  
to resume practice;~~ 61020

~~(ii) Requiring the applicant to obtain additional training 61021  
and to pass an examination upon completion of such training;~~ 61022

~~(iii) Restricting or limiting the extent, scope, or type of 61023  
practice of the applicant.~~ 61024

(D)(1) The board may require a random sample of limited 61025  
permit holders to submit materials documenting that the holder has 61026  
completed the number of hours of continuing education as described 61027

in division (B) of this section. 61028

(2) The board may require a random sample of license holders to submit materials documenting that the holder has completed the number of hours of continuing education as described in division (B) of this section or has passed a reexamination. 61029  
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(3) Division (D)(1) or (2) of this section does not limit the board's authority to conduct investigations pursuant to section 4731.22 of the Revised Code. 61033  
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(E)(1) If, through a random sample conducted under division (D) of this section or any other means, the board finds that an individual who certified passing the reexamination or completion of the number of hours and type of continuing education required to renew, reinstate, or restore a limited permit or license did not pass the reexamination or complete the requisite continuing education, the board may do either of the following: 61036  
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(a) Take disciplinary action against the individual under section 4761.09 of the Revised Code, impose a civil penalty, or both; 61043  
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(b) Permit the individual to agree in writing to pass the reexamination or complete the continuing education and pay a civil penalty. 61046  
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(2) The board's finding in any disciplinary action taken under division (E)(1)(a) of this section shall be made pursuant to an adjudication under Chapter 119. of the Revised Code and by an affirmative vote of not fewer than six of its members. 61049  
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(3) A civil penalty imposed under division (E)(1)(a) of this section or paid under division (E)(1)(b) of this section shall be in an amount specified by the board of not more than five thousand dollars. The board shall deposit civil penalties in accordance with section 4731.24 of the Revised Code. 61053  
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Sec. 4761.061. (A) This section applies to both of the 61058  
following: 61059

(1) An applicant seeking restoration of a license issued 61060  
under this chapter that has been in a suspended or inactive state 61061  
for any cause for more than two years; 61062

(2) An applicant seeking issuance of a license pursuant to 61063  
this chapter who for more than two years has not been engaged in 61064  
the practice of respiratory care as either of the following: 61065

(a) An active practitioner; 61066

(b) A student in an educational program as described in 61067  
section 4761.04 of the Revised Code. 61068

(B) Before issuing a license to an applicant subject to this 61069  
section or restoring a license to good standing for an applicant 61070  
subject to this section, the state medical board may impose terms 61071  
and conditions including any one or more of the following: 61072

(1) Requiring the applicant to pass an oral or written 61073  
examination, or both, to determine the applicant's present fitness 61074  
to resume practice; 61075

(2) Requiring the applicant to obtain additional training and 61076  
to pass an examination upon completion of such training; 61077

(3) Requiring an assessment of the applicant's physical 61078  
skills for purposes of determining whether the applicant's 61079  
coordination, fine motor skills, and dexterity are sufficient for 61080  
performing evaluations and procedures in a manner that meets the 61081  
minimal standards of care; 61082

(4) Requiring an assessment of the applicant's skills in 61083  
recognizing and understanding diseases and conditions; 61084

(5) Requiring the applicant to undergo a comprehensive 61085  
physical examination, which may include an assessment of physical 61086

abilities, evaluation of sensory capabilities, or screening for 61087  
the presence of neurological disorders; 61088

(6) Restricting or limiting the extent, scope, or type of 61089  
practice of the applicant. 61090

The board shall consider the moral background and the 61091  
activities of the applicant during the period of suspension or 61092  
inactivity. The board shall not issue or restore a license under 61093  
this section unless the applicant complies with sections 4776.01 61094  
to 4776.04 of the Revised Code. 61095

**Sec. 4762.02.** (A) Except as provided in division (B), (C), or 61096  
(D) of this section, no person shall do either of the following: 61097  
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(1) Engage in the practice of oriental medicine unless the 61099  
person holds a valid ~~certificate~~ license to practice as an 61100  
oriental medicine practitioner issued by the state medical board 61101  
under this chapter; 61102

(2) Engage in the practice of acupuncture unless the person 61103  
holds a valid ~~certificate~~ license to practice as an acupuncturist 61104  
issued by the state medical board under this chapter. 61105

(B) Division (A) of this section does not apply to a 61106  
physician. 61107

(C) Division (A)(1) of this section does not apply to the 61108  
following: 61109

(1) A person who engages in activities included in the 61110  
practice of oriental medicine as part of a training program in 61111  
oriental medicine, but only if both of the following conditions 61112  
are met: 61113

(a) The training program is operated by an educational 61114  
institution that holds an effective certificate of authorization 61115  
issued by the ~~Ohio board of regents~~ chancellor of higher education 61116



under section 1713.02 of the Revised Code or a school that holds 61117  
an effective certificate of registration issued by the state board 61118  
of career colleges and schools under section 3332.05 of the 61119  
Revised Code. 61120

(b) The person engages in the activities under the general 61121  
supervision of an individual who holds a ~~certificate~~ license to 61122  
practice as an oriental medicine practitioner issued under this 61123  
chapter and is not practicing within the supervisory period 61124  
required by section 4762.10 of the Revised Code. 61125

(2) To the extent that acupuncture is a component of oriental 61126  
medicine, an individual who holds a ~~certificate~~ license to 61127  
practice as an acupuncturist issued under this chapter or a 61128  
chiropractor who holds a certificate to practice acupuncture 61129  
issued by the state chiropractic board under section 4734.283 of 61130  
the Revised Code. 61131

(D) Division (A)(2) of this section does not apply to the 61132  
following: 61133

(1) A person who performs acupuncture as part of a training 61134  
program in acupuncture, but only if both of the following 61135  
conditions are met: 61136

(a) The training program is operated by an educational 61137  
institution that holds an effective certificate of authorization 61138  
issued by the ~~Ohio board of regents~~ chancellor of higher education 61139  
under section 1713.02 of the Revised Code or a school that holds 61140  
an effective certificate of registration issued by the state board 61141  
of career colleges and schools under section 3332.05 of the 61142  
Revised Code. 61143

(b) The person performs the acupuncture under the general 61144  
supervision of an acupuncturist who holds a ~~certificate~~ license to 61145  
practice as an acupuncturist issued under this chapter and is not 61146  
practicing within the supervisory period required by section 61147

4762.10 of the Revised Code. 61148

(2) An individual who holds a ~~certificate~~ license to practice 61149  
as an oriental medicine practitioner issued under this chapter. 61150

(3) A chiropractor who holds a certificate to practice 61151  
acupuncture issued by the state chiropractic board under section 61152  
4734.283 of the Revised Code. 61153

**Sec. 4762.03.** (A) An individual seeking a ~~certificate~~ license 61154  
to practice as an oriental medicine practitioner or ~~certificate~~ 61155  
license to practice as an acupuncturist shall file with the state 61156  
medical board a written application on a form prescribed and 61157  
supplied by the board. 61158

(B) To be eligible for the ~~certificate to practice~~ license, 61159  
an applicant shall meet all of the following conditions, as 61160  
applicable: 61161

(1) The applicant shall submit evidence satisfactory to the 61162  
board that the applicant is at least eighteen years of age and of 61163  
good moral character. 61164

(2) In the case of an applicant seeking a ~~certificate~~ license 61165  
to practice as an oriental medicine practitioner, the applicant 61166  
shall submit evidence satisfactory to the board of both of the 61167  
following: 61168

(a) That the applicant holds a current and active designation 61169  
from the national certification commission for acupuncture and 61170  
oriental medicine as either a diplomate in oriental medicine or 61171  
diplomate of acupuncture and Chinese herbology; 61172

(b) That the applicant has successfully completed, in the 61173  
two-year period immediately preceding application for the 61174  
~~certificate~~ license to practice, one course approved by the 61175  
commission on federal food and drug administration dispensary and 61176  
compounding guidelines and procedures. 61177

(3) In the case of an applicant seeking a ~~certificate~~ license 61178  
to practice as an acupuncturist, the applicant shall submit 61179  
evidence satisfactory to the board that the applicant holds a 61180  
current and active designation from the national certification 61181  
commission for acupuncture and oriental medicine as a diplomate in 61182  
acupuncture. 61183

(4) The applicant shall demonstrate to the board proficiency 61184  
in spoken English by satisfying one of the following requirements: 61185

(a) Passing the examination described in section 4731.142 of 61186  
the Revised Code; 61187

(b) Submitting evidence satisfactory to the board that the 61188  
applicant was required to demonstrate proficiency in spoken 61189  
English as a condition of obtaining designation from the national 61190  
certification commission for acupuncture and oriental medicine as 61191  
a diplomate in oriental medicine, diplomate of acupuncture and 61192  
Chinese herbology, or diplomate in acupuncture; 61193

(c) Submitting evidence satisfactory to the board that the 61194  
applicant, in seeking a designation from the national 61195  
certification commission for acupuncture and oriental medicine as 61196  
a diplomate of oriental medicine, diplomate of acupuncture and 61197  
Chinese herbology, or diplomate of acupuncture, has successfully 61198  
completed in English the examination required for such a 61199  
designation by the national certification commission for 61200  
acupuncture and oriental medicine; 61201

(d) In the case of an applicant seeking a ~~certificate~~ license 61202  
to practice as an oriental medicine practitioner, submitting 61203  
evidence satisfactory to the board that the applicant has 61204  
previously held a ~~certificate~~ license to practice as an 61205  
acupuncturist issued under section 4762.04 of the Revised Code. 61206

(5) The applicant shall submit to the board any other 61207  
information the board requires. 61208

(6) The applicant shall pay to the board a fee of one hundred dollars, no part of which may be returned to the applicant.

(C) The board shall review all applications received under this section. The board shall determine whether an applicant meets the requirements to receive a ~~certificate to practice~~ license not later than sixty days after receiving a complete application. ~~The affirmative vote of not fewer than six members of the board is required to determine that an applicant meets the requirements for a certificate.~~

**Sec. 4762.031.** In addition to any other eligibility requirement set forth in this chapter, each applicant for a ~~certificate~~ license to practice as an oriental medicine practitioner or ~~certificate~~ license to practice as an acupuncturist shall comply with sections 4776.01 to 4776.04 of the Revised Code. The state medical board shall not grant to an applicant a ~~certificate~~ license to practice unless the board, in its discretion, decides that the results of the criminal records check do not make the applicant ineligible for a ~~certificate~~ license issued pursuant to section 4762.04 of the Revised Code.

**Sec. 4762.04.** If the state medical board determines under section 4762.03 of the Revised Code that an applicant meets the requirements for a ~~certificate~~ license to practice as an oriental medicine practitioner or ~~certificate~~ license to practice as an acupuncturist, the secretary of the board shall register the applicant as an oriental medicine practitioner or acupuncturist, as appropriate, and issue to the applicant the appropriate ~~certificate~~ license to practice. The certificate license shall be valid for a two-year period unless revoked or suspended, shall expire ~~biennially~~ on the date that is two years after the date of issuance, and may be renewed for additional two-year periods in accordance with section 4762.06 of the Revised Code.

Sec. 4762.05. Upon application by the holder of a ~~certificate~~ license to practice as an oriental medicine practitioner or ~~certificate~~ license to practice as an acupuncturist, the state medical board shall issue a duplicate ~~certificate~~ license to replace one that is missing or damaged, to reflect a name change, or for any other reasonable cause. The fee for a duplicate ~~certificate~~ license is thirty-five dollars.

Sec. 4762.06. (A) A person seeking to renew a ~~certificate~~ license to practice as an oriental medicine practitioner or ~~certificate~~ license to practice as an acupuncturist shall, on or before the ~~thirty first day of January of each even numbered year~~ license's expiration date, apply to the state medical board for renewal of the ~~certificate~~. The ~~state medical~~ board shall provide renewal notices to license holders at least one month prior to the expiration date.

Applications shall be submitted to the board in a manner prescribed by the board. Each application shall be accompanied by a biennial renewal fee of one hundred dollars.

The applicant shall report any criminal offense that constitutes grounds for refusing to issue a ~~certificate~~ license under section 4762.13 of the Revised Code to which the applicant has pleaded guilty, of which the applicant has been found guilty, or for which the applicant has been found eligible for intervention in lieu of conviction, since last signing an application for a ~~certificate~~ license to practice as an oriental medicine practitioner or ~~certificate~~ license to practice as an acupuncturist.

(B)(1) To be eligible for renewal of a ~~certificate~~ license to practice as an oriental medicine practitioner, an applicant shall certify to the board both of the following, as applicable:

(a) That the applicant has maintained a current and active designation from the national certification commission for acupuncture and oriental medicine as either a diplomate in oriental medicine or diplomate of acupuncture and Chinese herbology;

(b) That the applicant has successfully completed one six-hour course in herb and drug interaction approved by the national certification commission for acupuncture and oriental medicine in the four years immediately preceding the expiration date of the applicant's current and active designation from the commission as a diplomate in oriental medicine or diplomate of acupuncture and Chinese herbology.

(2) To be eligible for renewal of a ~~certificate~~ license to practice as an acupuncturist, an applicant shall certify to the board that the acupuncturist has maintained a current and active designation from the national certification commission for acupuncture and oriental medicine as a diplomate in acupuncture.

(C) If an applicant submits a complete renewal application and qualifies for renewal pursuant to division (B) of this section, the board shall issue to the applicant a renewed ~~certificate~~ license to practice.

(D) A ~~certificate~~ license to practice that is not renewed on or before its expiration date is automatically suspended on its expiration date. ~~If~~

If a ~~certificate~~ license has been suspended pursuant to this division for two years or less, the board shall reinstate the ~~certificate~~ license upon an applicant's submission of a renewal application, the biennial renewal fee, and the applicable monetary penalty. The penalty for reinstatement is twenty-five dollars. ~~If~~

If a ~~certificate~~ license has been suspended pursuant to this division for more than two years, it may be restored. Subject to

section 4762.061 of the Revised Code, the board may restore the 61301  
license upon an applicant's submission of a restoration 61302  
application, the biennial renewal fee, and the applicable monetary 61303  
penalty and compliance with sections 4776.01 to 4776.04 of the 61304  
Revised Code. The board shall not restore a ~~certificate to~~ 61305  
~~practice~~ license unless the board, in its discretion, decides that 61306  
the results of the criminal records check do not make the 61307  
applicant ineligible for a certificate issued pursuant to section 61308  
4762.04 of the Revised Code. The penalty for restoration is fifty 61309  
dollars. 61310

Sec. 4762.061. (A) This section applies to both of the 61311  
following: 61312

(1) An applicant seeking restoration of a license issued 61313  
under this chapter that has been in a suspended or inactive state 61314  
for any cause for more than two years; 61315

(2) An applicant seeking issuance of a license pursuant to 61316  
this chapter who for more than two years has not been engaged in 61317  
the practice of oriental medicine or acupuncture as either of the 61318  
following: 61319

(a) An active practitioner; 61320

(b) A participant in a training program as described in 61321  
section 4762.02 of the Revised Code. 61322

(B) Before issuing a license to an applicant subject to this 61323  
section or restoring a license to good standing for an applicant 61324  
subject to this section, the state medical board may impose terms 61325  
and conditions including any one or more of the following: 61326

(1) Requiring the applicant to pass an oral or written 61327  
examination, or both, to determine the applicant's present fitness 61328  
to resume practice; 61329

(2) Requiring the applicant to obtain additional training and 61330

to pass an examination upon completion of such training; 61331

(3) Requiring an assessment of the applicant's physical 61332  
skills for purposes of determining whether the applicant's 61333  
coordination, fine motor skills, and dexterity are sufficient for 61334  
performing evaluations and procedures in a manner that meets the 61335  
minimal standards of care; 61336

(4) Requiring an assessment of the applicant's skills in 61337  
recognizing and understanding diseases and conditions; 61338

(5) Requiring the applicant to undergo a comprehensive 61339  
physical examination, which may include an assessment of physical 61340  
abilities, evaluation of sensory capabilities, or screening for 61341  
the presence of neurological disorders; 61342

(6) Restricting or limiting the extent, scope, or type of 61343  
practice of the applicant. 61344

The board shall consider the moral background and the 61345  
activities of the applicant during the period of suspension or 61346  
inactivity. The board shall not issue or restore a license under 61347  
this section unless the applicant complies with sections 4776.01 61348  
to 4776.04 of the Revised Code. 61349

**Sec. 4762.08.** (A) A person who holds a ~~certificate~~ license to 61350  
practice as an oriental medicine practitioner issued under this 61351  
chapter may use the following titles, initials, or abbreviations, 61352  
or the equivalent of such titles, initials, or abbreviations, to 61353  
identify the person as an oriental medicine practitioner: 61354  
"Oriental Medicine Practitioner," "Licensed Oriental Medicine 61355  
Practitioner," "L.O.M.," "Diplomate in Oriental Medicine 61356  
(NCCAOM)," "Dipl. O.M. (NCCAOM)," "National Board Certified in 61357  
Oriental Medicine (NCCAOM)," "Acupuncturist," "Licensed 61358  
Acupuncturist," "L.Ac. and L.C.H.," "Diplomate of Acupuncture and 61359  
Chinese Herbology (NCCAOM)," "Dipl. Ac. and Dipl. C.H. (NCCAOM)," 61360



or "National Board Certified in Acupuncture and Chinese Herbology (NCCAOM)." The person shall not use other titles, initials, or abbreviations in conjunction with the person's practice of oriental medicine, including the title "doctor."

(B) A person who holds a ~~certificate~~ license to practice as an acupuncturist issued under this chapter may use the following titles, initials, or abbreviations, or the equivalent of such titles, initials, or abbreviations, to identify the person as an acupuncturist: "Acupuncturist," "Licensed Acupuncturist," "L.Ac.," "Diplomate in Acupuncture (NCCAOM)," "Dipl. Ac. (NCCAOM)," or "National Board Certified in Acupuncture (NCCAOM)." The person shall not use other titles, initials, or abbreviations in conjunction with the person's practice of acupuncture, including the title "doctor."

**Sec. 4762.09.** An individual who holds a ~~certificate~~ license to practice as an oriental medicine practitioner or ~~certificate~~ license to practice as an acupuncturist issued under this chapter shall conspicuously display at the individual's primary place of business both of the following:

(A) The individual's ~~certificate~~ license, as evidence that the individual is authorized to practice in this state;

(B) A notice specifying that the practice of oriental medicine or acupuncture, as applicable, under the ~~certificate~~ license is regulated by the state medical board and the address and telephone number of the board's office.

**Sec. 4762.10.** The following, as applicable, apply to an individual who holds a ~~certificate~~ license to practice as an oriental medicine practitioner or ~~certificate~~ license to practice as an acupuncturist:

(A) On receipt of an initial ~~certificate~~ license to practice,

the practice of the oriental medicine practitioner or 61391  
acupuncturist is subject to a supervisory period. The supervisory 61392  
period shall begin on the date the initial ~~certificate~~ license is 61393  
granted and end one year thereafter, except that if the oriental 61394  
medicine practitioner or acupuncturist is subject during that year 61395  
to disciplinary action taken by the state medical board pursuant 61396  
to section 4762.13 of the Revised Code, the supervision shall 61397  
continue until the practitioner or acupuncturist has not been 61398  
subject to any disciplinary action for one year. 61399

(B) During the supervisory period, both of the following 61400  
apply to an oriental medicine practitioner's or acupuncturist's 61401  
practice in addition to the applicable requirements of divisions 61402  
(D) and (E) of this section: 61403

(1) An oriental medicine practitioner shall perform oriental 61404  
medicine or acupuncture for a patient only if the patient has 61405  
received a written referral or prescription for oriental medicine 61406  
or acupuncture from a physician or for acupuncture from a 61407  
chiropractor. An acupuncturist shall perform acupuncture for a 61408  
patient only if the patient has received a written referral or 61409  
prescription for acupuncture from a physician or chiropractor. As 61410  
specified in the referral or prescription, the oriental medicine 61411  
practitioner or acupuncturist shall provide reports to the 61412  
physician or chiropractor on the patient's condition or progress 61413  
in treatment and comply with the conditions or restrictions on the 61414  
practitioner's or acupuncturist's course of treatment. 61415

(2) The oriental medicine practitioner or acupuncturist shall 61416  
perform oriental medicine or acupuncture under the general 61417  
supervision of the patient's referring or prescribing physician or 61418  
chiropractor, except that an oriental medicine practitioner using 61419  
herbal therapy in the treatment of a patient shall not provide 61420  
herbal therapy under the general supervision of a chiropractor. 61421  
General supervision does not require that the oriental medicine 61422

practitioner or acupuncturist and supervising physician or 61423  
chiropractor practice in the same office. 61424

(C) After the supervisory period has ended, both of the 61425  
following apply to an oriental medicine practitioner's or 61426  
acupuncturist's practice in addition to the applicable 61427  
requirements of divisions (D) and (E) of this section: 61428

(1) Before treating a patient for a particular condition, an 61429  
oriental medicine practitioner or acupuncturist shall confirm 61430  
whether the patient has undergone within the past six months a 61431  
diagnostic examination that was related to the condition for which 61432  
the patient is seeking oriental medicine or acupuncture and was 61433  
performed by a physician or chiropractor acting within the 61434  
physician's or chiropractor's scope of practice. Confirmation that 61435  
the diagnostic examination was performed may be made by obtaining 61436  
from the patient a signed form stating that the patient has 61437  
undergone the examination. 61438

(2) If the patient does not provide the signed form specified 61439  
in division (C)(1) of this section or an oriental medicine 61440  
practitioner or acupuncturist otherwise determines that the 61441  
patient has not undergone the diagnostic examination specified in 61442  
that division, the practitioner or acupuncturist shall provide to 61443  
the patient a written recommendation to undergo a diagnostic 61444  
examination by a physician or chiropractor. 61445

(D) In an individual's practice of oriental medicine or 61446  
acupuncture pursuant to a ~~certificate~~ license to practice issued 61447  
under this chapter, all of the following apply: 61448

(1) Prior to treating a patient, the individual shall advise 61449  
the patient that oriental medicine or acupuncture, as applicable, 61450  
is not a substitute for conventional medical diagnosis and 61451  
treatment. 61452

(2) On initially meeting a patient in person, the individual 61453

shall provide in writing the individual's name, business address, 61454  
and business telephone number, and information on oriental 61455  
medicine or acupuncture, as applicable, including the techniques 61456  
that are used. 61457

(3) While treating a patient, the individual shall not make a 61458  
diagnosis. If a patient's condition is not improving or a patient 61459  
requires emergency medical treatment, the individual shall consult 61460  
promptly with a physician. 61461

(4) The individual shall maintain records for each patient 61462  
treated. The records shall be confidential and shall be retained 61463  
for not less than three years following termination of treatment. 61464  
The individual shall include in a patient's records the written 61465  
referral or prescription pursuant to which ~~the~~ the patient is 61466  
treated during a supervisory period and any written referral or 61467  
prescription for oriental medicine or acupuncture received for a 61468  
patient being treated after the supervisory period. 61469

(E) In an individual's practice of oriental medicine by using 61470  
herbal therapy in the treatment of a patient, all of the following 61471  
apply: 61472

(1) The oriental medicine practitioner shall provide to the 61473  
patient counseling and treatment instructions. The treatment 61474  
instructions shall do all of the following: 61475

(a) Explain the need for herbal therapy; 61476

(b) Instruct the patient how to take the herbal therapy; 61477

(c) Explain possible contraindications to the herbal therapy 61478  
and provide sources of care in case of an adverse reaction; 61479

(d) Instruct the patient to inform the patient's other health 61480  
care providers, including the patient's pharmacist, of the herbal 61481  
therapy that has been provided to the patient. 61482

(2) The oriental medicine practitioner shall document all of 61483

the following in the patient's record: 61484

(a) The type, amount, and strength of herbal therapy 61485  
recommended for the patient's use; 61486

(b) The counseling and treatment instructions provided to the 61487  
patient under division (E)(1) of this section; 61488

(c) Any adverse reaction reported by the patient in 61489  
conjunction with the use of herbal therapy. 61490

(3) The oriental medicine practitioner shall report to the 61491  
state medical board any adverse reactions reported by the patient 61492  
under division (E)(2)(c) of this section. 61493

**Sec. 4762.13.** (A) The state medical board, by an affirmative 61494  
vote of not fewer than six members, may revoke or may refuse to 61495  
grant a ~~certificate~~ license to practice as an oriental medicine 61496  
practitioner or ~~certificate~~ license to practice as an 61497  
acupuncturist to a person found by the board to have committed 61498  
fraud, misrepresentation, or deception in applying for or securing 61499  
the ~~certificate~~ license. 61500

(B) The board, by an affirmative vote of not fewer than six 61501  
members, shall, to the extent permitted by law, limit, revoke, or 61502  
suspend an individual's ~~certificate~~ license to practice, refuse to 61503  
issue a ~~certificate~~ license to an applicant, refuse to renew a 61504  
~~certificate~~ license, refuse to reinstate a ~~certificate~~ license, or 61505  
reprimand or place on probation the holder of a ~~certificate~~ 61506  
license for any of the following reasons: 61507

(1) Permitting the holder's name or ~~certificate~~ license to be 61508  
used by another person; 61509

(2) Failure to comply with the requirements of this chapter, 61510  
Chapter 4731. of the Revised Code, or any rules adopted by the 61511  
board; 61512

(3) Violating or attempting to violate, directly or 61513

indirectly, or assisting in or abetting the violation of, or 61514  
conspiring to violate, any provision of this chapter, Chapter 61515  
4731. of the Revised Code, or the rules adopted by the board; 61516

(4) A departure from, or failure to conform to, minimal 61517  
standards of care of similar practitioners under the same or 61518  
similar circumstances whether or not actual injury to the patient 61519  
is established; 61520

(5) Inability to practice according to acceptable and 61521  
prevailing standards of care by reason of mental illness or 61522  
physical illness, including physical deterioration that adversely 61523  
affects cognitive, motor, or perceptive skills; 61524

(6) Impairment of ability to practice according to acceptable 61525  
and prevailing standards of care because of habitual or excessive 61526  
use or abuse of drugs, alcohol, or other substances that impair 61527  
ability to practice; 61528

(7) Willfully betraying a professional confidence; 61529

(8) Making a false, fraudulent, deceptive, or misleading 61530  
statement in soliciting or advertising for patients or in securing 61531  
or attempting to secure a ~~certificate~~ license to practice as an 61532  
oriental medicine practitioner or ~~certificate~~ license to practice 61533  
as an acupuncturist. 61534

As used in this division, "false, fraudulent, deceptive, or 61535  
misleading statement" means a statement that includes a 61536  
misrepresentation of fact, is likely to mislead or deceive because 61537  
of a failure to disclose material facts, is intended or is likely 61538  
to create false or unjustified expectations of favorable results, 61539  
or includes representations or implications that in reasonable 61540  
probability will cause an ordinarily prudent person to 61541  
misunderstand or be deceived. 61542

(9) Representing, with the purpose of obtaining compensation 61543  
or other advantage personally or for any other person, that an 61544

incurable disease or injury, or other incurable condition, can be 61545  
permanently cured; 61546

(10) The obtaining of, or attempting to obtain, money or a 61547  
thing of value by fraudulent misrepresentations in the course of 61548  
practice; 61549

(11) A plea of guilty to, a judicial finding of guilt of, or 61550  
a judicial finding of eligibility for intervention in lieu of 61551  
conviction for, a felony; 61552

(12) Commission of an act that constitutes a felony in this 61553  
state, regardless of the jurisdiction in which the act was 61554  
committed; 61555

(13) A plea of guilty to, a judicial finding of guilt of, or 61556  
a judicial finding of eligibility for intervention in lieu of 61557  
conviction for, a misdemeanor committed in the course of practice; 61558

(14) A plea of guilty to, a judicial finding of guilt of, or 61559  
a judicial finding of eligibility for intervention in lieu of 61560  
conviction for, a misdemeanor involving moral turpitude; 61561

(15) Commission of an act in the course of practice that 61562  
constitutes a misdemeanor in this state, regardless of the 61563  
jurisdiction in which the act was committed; 61564

(16) Commission of an act involving moral turpitude that 61565  
constitutes a misdemeanor in this state, regardless of the 61566  
jurisdiction in which the act was committed; 61567

(17) A plea of guilty to, a judicial finding of guilt of, or 61568  
a judicial finding of eligibility for intervention in lieu of 61569  
conviction for violating any state or federal law regulating the 61570  
possession, distribution, or use of any drug, including 61571  
trafficking in drugs; 61572

(18) Any of the following actions taken by the state agency 61573  
responsible for regulating the practice of oriental medicine or 61574

acupuncture in another jurisdiction, for any reason other than the 61575  
nonpayment of fees: the limitation, revocation, or suspension of 61576  
an individual's license to practice; acceptance of an individual's 61577  
license surrender; denial of a license; refusal to renew or 61578  
reinstate a license; imposition of probation; or issuance of an 61579  
order of censure or other reprimand; 61580

(19) Violation of the conditions placed by the board on a 61581  
~~certificate~~ license to practice as an oriental medicine 61582  
practitioner or ~~certificate~~ license to practice as an 61583  
acupuncturist; 61584

(20) Failure to use universal blood and body fluid 61585  
precautions established by rules adopted under section 4731.051 of 61586  
the Revised Code; 61587

(21) Failure to cooperate in an investigation conducted by 61588  
the board under section 4762.14 of the Revised Code, including 61589  
failure to comply with a subpoena or order issued by the board or 61590  
failure to answer truthfully a question presented by the board at 61591  
a deposition or in written interrogatories, except that failure to 61592  
cooperate with an investigation shall not constitute grounds for 61593  
discipline under this section if a court of competent jurisdiction 61594  
has issued an order that either quashes a subpoena or permits the 61595  
individual to withhold the testimony or evidence in issue; 61596

(22) Failure to comply with the standards of the national 61597  
certification commission for acupuncture and oriental medicine 61598  
regarding professional ethics, commitment to patients, commitment 61599  
to the profession, and commitment to the public; 61600

(23) Failure to have adequate professional liability 61601  
insurance coverage in accordance with section 4762.22 of the 61602  
Revised Code; 61603

(24) Failure to maintain a current and active designation as 61604  
a diplomate in oriental medicine, diplomate of acupuncture and 61605



Chinese herbology, or diplomate in acupuncture, as applicable, 61606  
from the national certification commission for acupuncture and 61607  
oriental medicine, including revocation by the commission of the 61608  
individual's designation, failure by the individual to meet the 61609  
commission's requirements for redesignation, or failure to notify 61610  
the board that the appropriate designation has not been 61611  
maintained. 61612

(C) Disciplinary actions taken by the board under divisions 61613  
(A) and (B) of this section shall be taken pursuant to an 61614  
adjudication under Chapter 119. of the Revised Code, except that 61615  
in lieu of an adjudication, the board may enter into a consent 61616  
agreement with an oriental medicine practitioner or acupuncturist 61617  
or applicant to resolve an allegation of a violation of this 61618  
chapter or any rule adopted under it. A consent agreement, when 61619  
ratified by an affirmative vote of not fewer than six members of 61620  
the board, shall constitute the findings and order of the board 61621  
with respect to the matter addressed in the agreement. If the 61622  
board refuses to ratify a consent agreement, the admissions and 61623  
findings contained in the consent agreement shall be of no force 61624  
or effect. 61625

(D) For purposes of divisions (B)(12), (15), and (16) of this 61626  
section, the commission of the act may be established by a finding 61627  
by the board, pursuant to an adjudication under Chapter 119. of 61628  
the Revised Code, that the applicant or ~~certificate~~ license holder 61629  
committed the act in question. The board shall have no 61630  
jurisdiction under these divisions in cases where the trial court 61631  
renders a final judgment in the ~~certificate~~ license holder's favor 61632  
and that judgment is based upon an adjudication on the merits. The 61633  
board shall have jurisdiction under these divisions in cases where 61634  
the trial court issues an order of dismissal upon technical or 61635  
procedural grounds. 61636

(E) The sealing of conviction records by any court shall have 61637

no effect upon a prior board order entered under the provisions of 61638  
this section or upon the board's jurisdiction to take action under 61639  
the provisions of this section if, based upon a plea of guilty, a 61640  
judicial finding of guilt, or a judicial finding of eligibility 61641  
for intervention in lieu of conviction, the board issued a notice 61642  
of opportunity for a hearing or entered into a consent agreement 61643  
prior to the court's order to seal the records. The board shall 61644  
not be required to seal, destroy, redact, or otherwise modify its 61645  
records to reflect the court's sealing of conviction records. 61646

(F) For purposes of this division, any individual who holds a 61647  
~~certificate~~ license to practice issued under this chapter, or 61648  
applies for a ~~certificate~~ license to practice, shall be deemed to 61649  
have given consent to submit to a mental or physical examination 61650  
when directed to do so in writing by the board and to have waived 61651  
all objections to the admissibility of testimony or examination 61652  
reports that constitute a privileged communication. 61653

(1) In enforcing division (B)(5) of this section, the board, 61654  
upon a showing of a possible violation, may compel any individual 61655  
who holds a ~~certificate~~ license to practice issued under this 61656  
chapter or who has applied for a ~~certificate~~ license pursuant to 61657  
this chapter to submit to a mental examination, physical 61658  
examination, including an HIV test, or both a mental and physical 61659  
examination. The expense of the examination is the responsibility 61660  
of the individual compelled to be examined. Failure to submit to a 61661  
mental or physical examination or consent to an HIV test ordered 61662  
by the board constitutes an admission of the allegations against 61663  
the individual unless the failure is due to circumstances beyond 61664  
the individual's control, and a default and final order may be 61665  
entered without the taking of testimony or presentation of 61666  
evidence. If the board finds an oriental medicine practitioner or 61667  
acupuncturist unable to practice because of the reasons set forth 61668  
in division (B)(5) of this section, the board shall require the 61669

individual to submit to care, counseling, or treatment by 61670  
physicians approved or designated by the board, as a condition for 61671  
an initial, continued, reinstated, or renewed ~~certificate~~ license 61672  
to practice. An individual affected by this division shall be 61673  
afforded an opportunity to demonstrate to the board the ability to 61674  
resume practicing in compliance with acceptable and prevailing 61675  
standards of care. 61676

(2) For purposes of division (B)(6) of this section, if the 61677  
board has reason to believe that any individual who holds a 61678  
~~certificate~~ license to practice issued under this chapter or any 61679  
applicant for a ~~certificate~~ license suffers such impairment, the 61680  
board may compel the individual to submit to a mental or physical 61681  
examination, or both. The expense of the examination is the 61682  
responsibility of the individual compelled to be examined. Any 61683  
mental or physical examination required under this division shall 61684  
be undertaken by a treatment provider or physician qualified to 61685  
conduct such examination and chosen by the board. 61686

Failure to submit to a mental or physical examination ordered 61687  
by the board constitutes an admission of the allegations against 61688  
the individual unless the failure is due to circumstances beyond 61689  
the individual's control, and a default and final order may be 61690  
entered without the taking of testimony or presentation of 61691  
evidence. If the board determines that the individual's ability to 61692  
practice is impaired, the board shall suspend the individual's 61693  
~~certificate~~ license or deny the individual's application and shall 61694  
require the individual, as a condition for an initial, continued, 61695  
reinstated, or renewed ~~certificate~~ license, to submit to 61696  
treatment. 61697

Before being eligible to apply for reinstatement of a 61698  
~~certificate~~ license suspended under this division, the oriental 61699  
medicine practitioner or acupuncturist shall demonstrate to the 61700  
board the ability to resume practice in compliance with acceptable 61701

and prevailing standards of care. The demonstration shall include 61702  
the following: 61703

(a) Certification from a treatment provider approved under 61704  
section 4731.25 of the Revised Code that the individual has 61705  
successfully completed any required inpatient treatment; 61706

(b) Evidence of continuing full compliance with an aftercare 61707  
contract or consent agreement; 61708

(c) Two written reports indicating that the individual's 61709  
ability to practice has been assessed and that the individual has 61710  
been found capable of practicing according to acceptable and 61711  
prevailing standards of care. The reports shall be made by 61712  
individuals or providers approved by the board for making such 61713  
assessments and shall describe the basis for their determination. 61714

The board may reinstate a ~~certificate~~ license suspended under 61715  
this division after such demonstration and after the individual 61716  
has entered into a written consent agreement. 61717

When the impaired individual resumes practice, the board 61718  
shall require continued monitoring of the individual. The 61719  
monitoring shall include monitoring of compliance with the written 61720  
consent agreement entered into before reinstatement or with 61721  
conditions imposed by board order after a hearing, and, upon 61722  
termination of the consent agreement, submission to the board for 61723  
at least two years of annual written progress reports made under 61724  
penalty of falsification stating whether the individual has 61725  
maintained sobriety. 61726

(G) If the secretary and supervising member determine both of 61727  
the following, they may recommend that the board suspend an 61728  
individual's ~~certificate~~ license to practice without a prior 61729  
hearing: 61730

(1) That there is clear and convincing evidence that an 61731  
oriental medicine practitioner or acupuncturist has violated 61732

division (B) of this section; 61733

(2) That the individual's continued practice presents a 61734  
danger of immediate and serious harm to the public. 61735

Written allegations shall be prepared for consideration by 61736  
the board. The board, upon review of the allegations and by an 61737  
affirmative vote of not fewer than six of its members, excluding 61738  
the secretary and supervising member, may suspend a ~~certificate~~ 61739  
license without a prior hearing. A telephone conference call may 61740  
be utilized for reviewing the allegations and taking the vote on 61741  
the summary suspension. 61742

The board shall issue a written order of suspension by 61743  
certified mail or in person in accordance with section 119.07 of 61744  
the Revised Code. The order shall not be subject to suspension by 61745  
the court during pendency of any appeal filed under section 119.12 61746  
of the Revised Code. If the oriental medicine practitioner or 61747  
acupuncturist requests an adjudicatory hearing by the board, the 61748  
date set for the hearing shall be within fifteen days, but not 61749  
earlier than seven days, after the hearing is requested, unless 61750  
otherwise agreed to by both the board and the ~~certificate~~ license 61751  
holder. 61752

A summary suspension imposed under this division shall remain 61753  
in effect, unless reversed on appeal, until a final adjudicative 61754  
order issued by the board pursuant to this section and Chapter 61755  
119. of the Revised Code becomes effective. The board shall issue 61756  
its final adjudicative order within sixty days after completion of 61757  
its hearing. Failure to issue the order within sixty days shall 61758  
result in dissolution of the summary suspension order, but shall 61759  
not invalidate any subsequent, final adjudicative order. 61760

(H) If the board takes action under division (B)(11), (13), 61761  
or (14) of this section, and the judicial finding of guilt, guilty 61762  
plea, or judicial finding of eligibility for intervention in lieu 61763

of conviction is overturned on appeal, upon exhaustion of the 61764  
criminal appeal, a petition for reconsideration of the order may 61765  
be filed with the board along with appropriate court documents. 61766  
Upon receipt of a petition and supporting court documents, the 61767  
board shall reinstate the ~~certificate to practice~~ license. The 61768  
board may then hold an adjudication under Chapter 119. of the 61769  
Revised Code to determine whether the individual committed the act 61770  
in question. Notice of opportunity for hearing shall be given in 61771  
accordance with Chapter 119. of the Revised Code. If the board 61772  
finds, pursuant to an adjudication held under this division, that 61773  
the individual committed the act, or if no hearing is requested, 61774  
it may order any of the sanctions specified in division (B) of 61775  
this section. 61776

(I) The ~~certificate~~ license to practice of an oriental 61777  
medicine practitioner or acupuncturist and the practitioner's or 61778  
acupuncturist's practice in this state are automatically suspended 61779  
as of the date the practitioner or acupuncturist pleads guilty to, 61780  
is found by a judge or jury to be guilty of, or is subject to a 61781  
judicial finding of eligibility for intervention in lieu of 61782  
conviction in this state or treatment or intervention in lieu of 61783  
conviction in another jurisdiction for any of the following 61784  
criminal offenses in this state or a substantially equivalent 61785  
criminal offense in another jurisdiction: aggravated murder, 61786  
murder, voluntary manslaughter, felonious assault, kidnapping, 61787  
rape, sexual battery, gross sexual imposition, aggravated arson, 61788  
aggravated robbery, or aggravated burglary. Continued practice 61789  
after the suspension shall be considered practicing without a 61790  
~~certificate~~ license. 61791

The board shall notify the individual subject to the 61792  
suspension by certified mail or in person in accordance with 61793  
section 119.07 of the Revised Code. If an individual whose 61794  
~~certificate~~ license is suspended under this division fails to make 61795

a timely request for an adjudication under Chapter 119. of the 61796  
Revised Code, the board shall enter a final order permanently 61797  
revoking the individual's ~~certificate to practice~~ license. 61798

(J) In any instance in which the board is required by Chapter 61799  
119. of the Revised Code to give notice of opportunity for hearing 61800  
and the individual subject to the notice does not timely request a 61801  
hearing in accordance with section 119.07 of the Revised Code, the 61802  
board is not required to hold a hearing, but may adopt, by an 61803  
affirmative vote of not fewer than six of its members, a final 61804  
order that contains the board's findings. In the final order, the 61805  
board may order any of the sanctions identified under division (A) 61806  
or (B) of this section. 61807

(K) Any action taken by the board under division (B) of this 61808  
section resulting in a suspension shall be accompanied by a 61809  
written statement of the conditions under which the ~~certificate to~~ 61810  
~~practice~~ license may be reinstated. The board shall adopt rules in 61811  
accordance with Chapter 119. of the Revised Code governing 61812  
conditions to be imposed for reinstatement. Reinstatement of a 61813  
~~certificate~~ license suspended pursuant to division (B) of this 61814  
section requires an affirmative vote of not fewer than six members 61815  
of the board. 61816

(L) When the board refuses to grant or issue a ~~certificate to~~ 61817  
~~practice~~ license to an applicant, revokes an individual's 61818  
~~certificate~~ license, refuses to renew an individual's ~~certificate~~ 61819  
license, or refuses to reinstate an individual's ~~certificate~~ 61820  
license, the board may specify that its action is permanent. An 61821  
individual subject to a permanent action taken by the board is 61822  
forever thereafter ineligible to hold a ~~certificate~~ license to 61823  
practice as an oriental medicine practitioner or ~~certificate~~ 61824  
license to practice as an acupuncturist and the board shall not 61825  
accept an application for reinstatement of the ~~certificate~~ license 61826  
or for issuance of a new ~~certificate~~ license. 61827

(M) Notwithstanding any other provision of the Revised Code, 61828  
all of the following apply: 61829

(1) The surrender of a ~~certificate~~ license to practice as an 61830  
oriental medicine practitioner or ~~certificate~~ license to practice 61831  
as an acupuncturist issued under this chapter is not effective 61832  
unless or until accepted by the board. Reinstatement of a 61833  
~~certificate~~ license surrendered to the board requires an 61834  
affirmative vote of not fewer than six members of the board. 61835

(2) An application made under this chapter for a ~~certificate~~ 61836  
license may not be withdrawn without approval of the board. 61837

(3) Failure by an individual to renew a ~~certificate~~ license 61838  
in accordance with section 4762.06 of the Revised Code shall not 61839  
remove or limit the board's jurisdiction to take disciplinary 61840  
action under this section against the individual. 61841

**Sec. 4762.131.** On receipt of a notice pursuant to section 61842  
3123.43 of the Revised Code, the state medical board shall comply 61843  
with sections 3123.41 to 3123.50 of the Revised Code and any 61844  
applicable rules adopted under section 3123.63 of the Revised Code 61845  
with respect to a ~~certificate~~ license to practice as an oriental 61846  
medicine practitioner or ~~certificate~~ license to practice as an 61847  
acupuncturist issued pursuant to this chapter. 61848

**Sec. 4762.132.** If the state medical board has reason to 61849  
believe that any person who has been granted under this chapter a 61850  
~~certificate~~ license to practice as an oriental medicine 61851  
practitioner or ~~certificate~~ license to practice as an 61852  
acupuncturist is mentally ill or mentally incompetent, it may file 61853  
in the probate court of the county in which the person has a legal 61854  
residence an affidavit in the form prescribed in section 5122.11 61855  
of the Revised Code and signed by the board secretary or a member 61856  
of the board secretary's staff, whereupon the same proceedings 61857



shall be had as provided in Chapter 5122. of the Revised Code. The 61858  
attorney general may represent the board in any proceeding 61859  
commenced under this section. 61860

If any person who has been granted a ~~certificate~~ license is 61861  
adjudged by a probate court to be mentally ill or mentally 61862  
incompetent, the person's ~~certificate~~ license shall be 61863  
automatically suspended until the person has filed with the state 61864  
medical board a certified copy of an adjudication by a probate 61865  
court of the person's subsequent restoration to competency or has 61866  
submitted to the board proof, satisfactory to the board, that the 61867  
person has been discharged as having a restoration to competency 61868  
in the manner and form provided in section 5122.38 of the Revised 61869  
Code. The judge of the probate court shall forthwith notify the 61870  
state medical board of an adjudication of mental illness or mental 61871  
incompetence, and shall note any suspension of a ~~certificate~~ 61872  
license in the margin of the court's record of such ~~certificate~~ 61873  
license. 61874

**Sec. 4762.14.** (A) The state medical board shall investigate 61875  
evidence that appears to show that any person has violated this 61876  
chapter or the rules adopted under it. Any person may report to 61877  
the board in a signed writing any information the person has that 61878  
appears to show a violation of any provision of this chapter or 61879  
the rules adopted under it. In the absence of bad faith, a person 61880  
who reports such information or testifies before the board in an 61881  
adjudication conducted under Chapter 119. of the Revised Code 61882  
shall not be liable for civil damages as a result of reporting the 61883  
information or providing testimony. Each complaint or allegation 61884  
of a violation received by the board shall be assigned a case 61885  
number and be recorded by the board. 61886

(B) Investigations of alleged violations of this chapter or 61887  
rules adopted under it shall be supervised by the supervising 61888

member elected by the board in accordance with section 4731.02 of 61889  
the Revised Code and by the secretary as provided in section 61890  
4762.17 of the Revised Code. The board's president may designate 61891  
another member of the board to supervise the investigation in 61892  
place of the supervising member. A member of the board who 61893  
supervises the investigation of a case shall not participate in 61894  
further adjudication of the case. 61895

(C) In investigating a possible violation of this chapter or 61896  
the rules adopted under it, the board may administer oaths, order 61897  
the taking of depositions, issue subpoenas, and compel the 61898  
attendance of witnesses and production of books, accounts, papers, 61899  
records, documents, and testimony, except that a subpoena for 61900  
patient record information shall not be issued without 61901  
consultation with the attorney general's office and approval of 61902  
the secretary and supervising member of the board. Before issuance 61903  
of a subpoena for patient record information, the secretary and 61904  
supervising member shall determine whether there is probable cause 61905  
to believe that the complaint filed alleges a violation of this 61906  
chapter or the rules adopted under it and that the records sought 61907  
are relevant to the alleged violation and material to the 61908  
investigation. The subpoena may apply only to records that cover a 61909  
reasonable period of time surrounding the alleged violation. 61910

On failure to comply with any subpoena issued by the board 61911  
and after reasonable notice to the person being subpoenaed, the 61912  
board may move for an order compelling the production of persons 61913  
or records pursuant to the Rules of Civil Procedure. 61914

A subpoena issued by the board may be served by a sheriff, 61915  
the sheriff's deputy, or a board employee designated by the board. 61916  
Service of a subpoena issued by the board may be made by 61917  
delivering a copy of the subpoena to the person named therein, 61918  
reading it to the person, or leaving it at the person's usual 61919  
place of residence. When the person being served is an oriental 61920

medicine practitioner or acupuncturist, service of the subpoena 61921  
may be made by certified mail, restricted delivery, return receipt 61922  
requested, and the subpoena shall be deemed served on the date 61923  
delivery is made or the date the person refuses to accept 61924  
delivery. 61925

A sheriff's deputy who serves a subpoena shall receive the 61926  
same fees as a sheriff. Each witness who appears before the board 61927  
in obedience to a subpoena shall receive the fees and mileage 61928  
provided for under section 119.094 of the Revised Code. 61929

(D) All hearings and investigations of the board shall be 61930  
considered civil actions for the purposes of section 2305.252 of 61931  
the Revised Code. 61932

(E) Information received by the board pursuant to an 61933  
investigation is confidential and not subject to discovery in any 61934  
civil action. 61935

The board shall conduct all investigations and proceedings in 61936  
a manner that protects the confidentiality of patients and persons 61937  
who file complaints with the board. The board shall not make 61938  
public the names or any other identifying information about 61939  
patients or complainants unless proper consent is given. 61940

The board may share any information it receives pursuant to 61941  
an investigation, including patient records and patient record 61942  
information, with law enforcement agencies, other licensing 61943  
boards, and other governmental agencies that are prosecuting, 61944  
adjudicating, or investigating alleged violations of statutes or 61945  
administrative rules. An agency or board that receives the 61946  
information shall comply with the same requirements regarding 61947  
confidentiality as those with which the state medical board must 61948  
comply, notwithstanding any conflicting provision of the Revised 61949  
Code or procedure of the agency or board that applies when it is 61950  
dealing with other information in its possession. In a judicial 61951

proceeding, the information may be admitted into evidence only in 61952  
accordance with the Rules of Evidence, but the court shall require 61953  
that appropriate measures are taken to ensure that confidentiality 61954  
is maintained with respect to any part of the information that 61955  
contains names or other identifying information about patients or 61956  
complainants whose confidentiality was protected by the state 61957  
medical board when the information was in the board's possession. 61958  
Measures to ensure confidentiality that may be taken by the court 61959  
include sealing its records or deleting specific information from 61960  
its records. 61961

(F) The state medical board shall develop requirements for 61962  
and provide appropriate initial training and continuing education 61963  
for investigators employed by the board to carry out its duties 61964  
under this chapter. The training and continuing education may 61965  
include enrollment in courses operated or approved by the Ohio 61966  
peace officer training commission that the board considers 61967  
appropriate under conditions set forth in section 109.79 of the 61968  
Revised Code. 61969

(G) On a quarterly basis, the board shall prepare a report 61970  
that documents the disposition of all cases during the preceding 61971  
three months. The report shall contain the following information 61972  
for each case with which the board has completed its activities: 61973

(1) The case number assigned to the complaint or alleged 61974  
violation; 61975

(2) The type of ~~certificate to practice~~ license, if any, held 61976  
by the individual against whom the complaint is directed; 61977

(3) A description of the allegations contained in the 61978  
complaint; 61979

(4) The disposition of the case. 61980

The report shall state how many cases are still pending, and 61981  
shall be prepared in a manner that protects the identity of each 61982

person involved in each case. The report is a public record for 61983  
purposes of section 149.43 of the Revised Code. 61984

**Sec. 4762.15.** (A) As used in this section, "prosecutor" has 61985  
the same meaning as in section 2935.01 of the Revised Code. 61986

(B) Whenever any person holding a valid ~~certificate~~ license 61987  
to practice as an oriental medicine practitioner or valid 61988  
~~certificate~~ license to practice as an acupuncturist issued 61989  
pursuant to this chapter pleads guilty to, is subject to a 61990  
judicial finding of guilt of, or is subject to a judicial finding 61991  
of eligibility for intervention in lieu of conviction for a 61992  
violation of Chapter 2907., 2925., or 3719. of the Revised Code or 61993  
of any substantively comparable ordinance of a municipal 61994  
corporation in connection with the person's practice, the 61995  
prosecutor in the case, on forms prescribed and provided by the 61996  
state medical board, shall promptly notify the board of the 61997  
conviction. Within thirty days of receipt of that information, the 61998  
board shall initiate action in accordance with Chapter 119. of the 61999  
Revised Code to determine whether to suspend or revoke the 62000  
~~certificate~~ license under section 4762.13 of the Revised Code. 62001

(C) The prosecutor in any case against any person holding a 62002  
valid ~~certificate to practice~~ license issued pursuant to this 62003  
chapter, on forms prescribed and provided by the state medical 62004  
board, shall notify the board of any of the following: 62005

(1) A plea of guilty to, a finding of guilt by a jury or 62006  
court of, or judicial finding of eligibility for intervention in 62007  
lieu of conviction for a felony, or a case in which the trial 62008  
court issues an order of dismissal upon technical or procedural 62009  
grounds of a felony charge; 62010

(2) A plea of guilty to, a finding of guilt by a jury or 62011  
court of, or judicial finding of eligibility for intervention in 62012  
lieu of conviction for a misdemeanor committed in the course of 62013

practice, or a case in which the trial court issues an order of 62014  
dismissal upon technical or procedural grounds of a charge of a 62015  
misdemeanor, if the alleged act was committed in the course of 62016  
practice; 62017

(3) A plea of guilty to, a finding of guilt by a jury or 62018  
court of, or judicial finding of eligibility for intervention in 62019  
lieu of conviction for a misdemeanor involving moral turpitude, or 62020  
a case in which the trial court issues an order of dismissal upon 62021  
technical or procedural grounds of a charge of a misdemeanor 62022  
involving moral turpitude. 62023

The report shall include the name and address of the 62024  
~~certificate~~ license holder, the nature of the offense for which 62025  
the action was taken, and the certified court documents recording 62026  
the action. 62027

**Sec. 4762.16.** (A) Within sixty days after the imposition of 62028  
any formal disciplinary action taken by any health care facility, 62029  
including a hospital, health care facility operated by a health 62030  
insuring corporation, ambulatory surgical center, or similar 62031  
facility, against any individual holding a valid ~~certificate~~ 62032  
license to practice as an oriental medicine practitioner or valid 62033  
~~certificate~~ license to practice as an acupuncturist, the chief 62034  
administrator or executive officer of the facility shall report to 62035  
the state medical board the name of the individual, the action 62036  
taken by the facility, and a summary of the underlying facts 62037  
leading to the action taken. Upon request, the board shall be 62038  
provided certified copies of the patient records that were the 62039  
basis for the facility's action. Prior to release to the board, 62040  
the summary shall be approved by the peer review committee that 62041  
reviewed the case or by the governing board of the facility. 62042

The filing of a report with the board or decision not to file 62043  
a report, investigation by the board, or any disciplinary action 62044

taken by the board, does not preclude a health care facility from 62045  
taking disciplinary action against an oriental medicine 62046  
practitioner or acupuncturist. 62047

In the absence of fraud or bad faith, no individual or entity 62048  
that provides patient records to the board shall be liable in 62049  
damages to any person as a result of providing the records. 62050

(B)(1) Except as provided in division (B)(2) of this section, 62051  
an oriental medicine practitioner or acupuncturist, professional 62052  
association or society of oriental medicine practitioners or 62053  
acupuncturists, physician, or professional association or society 62054  
of physicians that believes a violation of any provision of this 62055  
chapter, Chapter 4731. of the Revised Code, or rule of the board 62056  
has occurred shall report to the board the information upon which 62057  
the belief is based. 62058

(2) An oriental medicine practitioner or acupuncturist, 62059  
professional association or society of oriental medicine 62060  
practitioners or acupuncturists, physician, or professional 62061  
association or society of physicians that believes a violation of 62062  
division (B)(6) of section 4762.13 of the Revised Code has 62063  
occurred shall report the information upon which the belief is 62064  
based to the monitoring organization conducting the program 62065  
established by the board under section 4731.251 of the Revised 62066  
Code. If any such report is made to the board, it shall be 62067  
referred to the monitoring organization unless the board is aware 62068  
that the individual who is the subject of the report does not meet 62069  
the program eligibility requirements of section 4731.252 of the 62070  
Revised Code. 62071

(C) Any professional association or society composed 62072  
primarily of oriental medicine practitioners or acupuncturists 62073  
that suspends or revokes an individual's membership for violations 62074  
of professional ethics, or for reasons of professional 62075  
incompetence or professional malpractice, within sixty days after 62076

a final decision, shall report to the board, on forms prescribed 62077  
and provided by the board, the name of the individual, the action 62078  
taken by the professional organization, and a summary of the 62079  
underlying facts leading to the action taken. 62080

The filing of a report with the board or decision not to file 62081  
a report, investigation by the board, or any disciplinary action 62082  
taken by the board, does not preclude a professional organization 62083  
from taking disciplinary action against an individual. 62084

(D) Any insurer providing professional liability insurance to 62085  
any person holding a valid ~~certificate~~ license to practice as an 62086  
oriental medicine practitioner or valid ~~certificate~~ license to 62087  
practice as an acupuncturist or any other entity that seeks to 62088  
indemnify the professional liability of an oriental medicine 62089  
practitioner or acupuncturist shall notify the board within thirty 62090  
days after the final disposition of any written claim for damages 62091  
where such disposition results in a payment exceeding twenty-five 62092  
thousand dollars. The notice shall contain the following 62093  
information: 62094

(1) The name and address of the person submitting the 62095  
notification; 62096

(2) The name and address of the insured who is the subject of 62097  
the claim; 62098

(3) The name of the person filing the written claim; 62099

(4) The date of final disposition; 62100

(5) If applicable, the identity of the court in which the 62101  
final disposition of the claim took place. 62102

(E) The board may investigate possible violations of this 62103  
chapter or the rules adopted under it that are brought to its 62104  
attention as a result of the reporting requirements of this 62105  
section, except that the board shall conduct an investigation if a 62106



possible violation involves repeated malpractice. As used in this 62107  
division, "repeated malpractice" means three or more claims for 62108  
malpractice within the previous five-year period, each resulting 62109  
in a judgment or settlement in excess of twenty-five thousand 62110  
dollars in favor of the claimant, and each involving negligent 62111  
conduct by the oriental medicine practitioner or acupuncturist. 62112

(F) All summaries, reports, and records received and 62113  
maintained by the board pursuant to this section shall be held in 62114  
confidence and shall not be subject to discovery or introduction 62115  
in evidence in any federal or state civil action involving an 62116  
oriental medicine practitioner, acupuncturist, supervising 62117  
physician, or health care facility arising out of matters that are 62118  
the subject of the reporting required by this section. The board 62119  
may use the information obtained only as the basis for an 62120  
investigation, as evidence in a disciplinary hearing against an 62121  
oriental medicine practitioner, acupuncturist, or supervising 62122  
physician, or in any subsequent trial or appeal of a board action 62123  
or order. 62124

The board may disclose the summaries and reports it receives 62125  
under this section only to health care facility committees within 62126  
or outside this state that are involved in credentialing or 62127  
recredentialing an oriental medicine practitioner, acupuncturist, 62128  
or supervising physician or reviewing their privilege to practice 62129  
within a particular facility. The board shall indicate whether or 62130  
not the information has been verified. Information transmitted by 62131  
the board shall be subject to the same confidentiality provisions 62132  
as when maintained by the board. 62133

(G) Except for reports filed by an individual pursuant to 62134  
division (B) of this section, the board shall send a copy of any 62135  
reports or summaries it receives pursuant to this section to the 62136  
acupuncturist. The oriental medicine practitioner or acupuncturist 62137  
shall have the right to file a statement with the board concerning 62138

the correctness or relevance of the information. The statement 62139  
shall at all times accompany that part of the record in 62140  
contention. 62141

(H) An individual or entity that reports to the board, 62142  
reports to the monitoring organization described in section 62143  
4731.251 of the Revised Code, or refers an impaired oriental 62144  
medicine practitioner or impaired acupuncturist to a treatment 62145  
provider approved by the board under section 4731.25 of the 62146  
Revised Code shall not be subject to suit for civil damages as a 62147  
result of the report, referral, or provision of the information. 62148

(I) In the absence of fraud or bad faith, a professional 62149  
association or society of oriental medicine practitioners or 62150  
acupuncturists that sponsors a committee or program to provide 62151  
peer assistance to an oriental medicine practitioner or 62152  
acupuncturist with substance abuse problems, a representative or 62153  
agent of such a committee or program, a representative or agent of 62154  
the monitoring organization described in section 4731.251 of the 62155  
Revised Code, and a member of the state medical board shall not be 62156  
held liable in damages to any person by reason of actions taken to 62157  
refer an oriental medicine practitioner or acupuncturist to a 62158  
treatment provider approved under section 4731.25 of the Revised 62159  
Code for examination or treatment. 62160

**Sec. 4762.18.** (A) Subject to division (E) of this section, 62161  
the attorney general, the prosecuting attorney of any county in 62162  
which the offense was committed or the offender resides, the state 62163  
medical board, or any other person having knowledge of a person 62164  
engaged either directly or by complicity in the practice of 62165  
oriental medicine or acupuncture without having first obtained a 62166  
~~certificate~~ license to do so pursuant to this chapter, may, in 62167  
accord with provisions of the Revised Code governing injunctions, 62168  
maintain an action in the name of the state to enjoin any person 62169

from engaging either directly or by complicity in the unlawful 62170  
practice of oriental medicine or acupuncture by applying for an 62171  
injunction in any court of competent jurisdiction. 62172

(B) Prior to application for an injunction under division (A) 62173  
of this section, the secretary of the state medical board shall 62174  
notify the person allegedly engaged either directly or by 62175  
complicity in the unlawful practice of oriental medicine or 62176  
acupuncture by registered mail that the secretary has received 62177  
information indicating that this person is so engaged. The person 62178  
shall answer the secretary within thirty days showing that the 62179  
person is either properly licensed for the stated activity or that 62180  
the person is not in violation of this chapter. If the answer is 62181  
not forthcoming within thirty days after notice by the secretary, 62182  
the secretary shall request that the attorney general, the 62183  
prosecuting attorney of the county in which the offense was 62184  
committed or the offender resides, or the state medical board 62185  
proceed as authorized in this section. 62186

(C) Upon the filing of a verified petition in court, the 62187  
court shall conduct a hearing on the petition and shall give the 62188  
same preference to this proceeding as is given all proceedings 62189  
under Chapter 119. of the Revised Code, irrespective of the 62190  
position of the proceeding on the calendar of the court. 62191

(D) Injunction proceedings as authorized by this section 62192  
shall be in addition to, and not in lieu of, all penalties and 62193  
other remedies provided in this chapter. 62194

(E) An injunction proceeding permitted by division (A) of 62195  
this section may not be maintained against a person described in 62196  
division (B) of section 4762.02 of the Revised Code or a 62197  
chiropractor who holds a valid certificate to practice acupuncture 62198  
issued under section 4734.283 of the Revised Code. 62199

**Sec. 4762.22.** An individual who holds a ~~certificate~~ license 62200

to practice as an oriental medicine practitioner or ~~certificate~~ 62201  
license to practice as an acupuncturist issued under this chapter 62202  
shall have professional liability insurance coverage in an amount 62203  
that is not less than five hundred thousand dollars. 62204

**Sec. 4763.16.** (A) The real estate appraiser recovery fund is 62205  
hereby created in the state treasury, to be administered by the 62206  
superintendent of real estate. The treasurer of state shall credit 62207  
to the fund amounts collected by the superintendent as prescribed 62208  
in this section and interest earned on the assets of the fund. The 62209  
superintendent shall ascertain the balance of the fund as of the 62210  
first day of October of each year. If that balance is less than 62211  
~~five~~ two hundred thousand dollars at any time, the director of 62212  
budget and management, upon the request of the superintendent and 62213  
approval of the controlling board, may transfer from the real 62214  
estate appraiser operating fund to the real estate appraiser 62215  
recovery fund a sum as will bring the real estate appraiser 62216  
recovery fund to that amount. 62217

(B) When any person obtains a final judgment in any court of 62218  
competent jurisdiction against a certificate holder, registrant, 62219  
or licensee, based upon conduct that is in violation of this 62220  
chapter or the rules adopted under it, which conduct occurred on 62221  
or after the date of their certification, registration, or 62222  
licensure, and that is associated with an act or transaction of a 62223  
certificate holder, registrant, or licensee specified in this 62224  
chapter, that person may file a verified complaint, as described 62225  
in this division, in the Franklin county court of common pleas for 62226  
an order directing payment out of the real estate appraiser 62227  
recovery fund of the portion of the judgment that remains unpaid 62228  
and that represents the actual and direct loss of the person for 62229  
the act or transaction upon which the underlying judgment was 62230  
based, and court costs, if awarded in the underlying judgment, 62231  
provided that no person shall receive more than ten thousand 62232

dollars from the fund for any one judgment. A bonding or insurance 62233  
company or any partnership, corporation, or association that uses 62234  
any tool to develop a valuation of real property for purposes of a 62235  
loan or that employs, retains, or engages as an independent 62236  
contractor a person licensed, registered, or certified as a real 62237  
estate appraiser in its usual or occasional operations may not 62238  
seek an order directing, and is not eligible for, payment out of 62239  
the fund. Punitive or exemplary damages are not recoverable from 62240  
the fund. 62241

The complaint shall specify the nature of the act or 62242  
transaction upon which the underlying judgment was based, the 62243  
activities of the applicant in pursuit of remedies available under 62244  
law for the collection of judgments, and the amount of the fee 62245  
paid by the applicant to the certificate holder, registrant, or 62246  
licensee. The applicant shall attach to the complaint a copy of 62247  
each pleading and order in the underlying court action. 62248

The Franklin county court of common pleas shall order the 62249  
superintendent to make payments out of the fund when the person 62250  
seeking the order has shown all of the following: 62251

(1) The person has obtained a judgment, as provided in this 62252  
division; 62253

(2) All appeals from the judgment have been exhausted and the 62254  
person has given notice to the superintendent, as required by 62255  
division (C) of this section; 62256

(3) The person is not a spouse of the certificate holder, 62257  
registrant, or licensee, or the personal representative of the 62258  
spouse; 62259

(4) The person has diligently pursued the person's remedies 62260  
against all the certificate holders, registrants, licensees, and 62261  
all other persons liable to the person in the transaction for 62262  
which the person seeks recovery from the fund; 62263

(5) The person is making a complaint not more than one year 62264  
after termination of all proceedings, including appeals, in 62265  
connection with the judgment. 62266

(C) A person who applies to the Franklin county court of 62267  
common pleas for an order directing payment out of the fund shall 62268  
file notice of the complaint with the superintendent. The 62269  
superintendent shall send notice to the affected certificate 62270  
holder, registrant, or licensee, where possible. The 62271  
superintendent may defend the action on behalf of the fund and 62272  
shall have recourse to all appropriate means of defense and 62273  
review, including examination of witnesses. The superintendent may 62274  
move the court at any time to dismiss the complaint when it 62275  
appears there are no triable issues and the complaint is without 62276  
merit. The motion may be supported by affidavit of any person 62277  
having knowledge of the facts and may be made on the basis that 62278  
the complaint, including the judgment referred to in the 62279  
complaint, does not form the basis for a meritorious recovery 62280  
claim. The superintendent may, subject to court approval, 62281  
compromise a claim based upon the complaint of an aggrieved party. 62282  
The superintendent is not bound by any prior compromise or 62283  
stipulation of the certificate holder, registrant, or licensee. 62284  
Upon petition of the superintendent, the court may require all 62285  
claimants and prospective claimants against one certificate 62286  
holder, registrant, or licensee to be joined in one action, to the 62287  
end that the respective rights of all such claimants to the fund 62288  
may be equitably adjudicated and settled. 62289

(D) If the superintendent pays from the fund any amount in 62290  
settlement of a claim or toward satisfaction of a judgment against 62291  
a certificate holder, registrant, or licensee, the certificate, 62292  
registration, or license of the certificate holder, registrant, or 62293  
licensee automatically is suspended upon the date of payment from 62294  
the fund. No certificate, registration, or license that has been 62295

suspended pursuant to this division shall be reinstated until the certificate holder, registrant, or licensee has repaid in full, plus interest per annum at the rate specified in division (A) of section 1343.03 of the Revised Code, the amount paid from the fund on the certificate holder's, registrant's, or licensee's account. A discharge in bankruptcy does not relieve a person from the suspension and requirements for reinstatement provided in this section.

(E) If, at any time, the money deposited in the fund is insufficient to satisfy any duly authorized claim or portion of a claim, the superintendent shall, when sufficient money has been deposited in the fund, satisfy the unpaid claims or portions, in the order that the claims or portions were originally filed, plus accumulated interest per annum at the rate specified in division (A) of section 1343.03 of the Revised Code.

(F) When, upon the order of the court, the superintendent has paid from the fund any sum to the judgment creditor, the superintendent is subrogated to all of the rights of the judgment creditor to the extent of the amount so paid, and the judgment creditor shall assign all of the judgment creditor's right, title, and interest in the judgment to the superintendent to the extent of the amount so paid. The superintendent shall deposit in the fund any amount and interest so recovered by the superintendent on the judgment.

(G) Nothing contained in this section shall limit the authority of the real estate appraiser board to take disciplinary action against a certificate holder, registrant, or licensee under other provisions of this chapter. The repayment in full of all obligations to the fund by a certificate holder, registrant, or licensee does not nullify or modify the effect of any other disciplinary proceeding brought pursuant to this chapter, unless repayment is imposed as a condition in that proceeding.

(H) The superintendent shall collect from the fund a service fee in an amount equivalent to the interest rate specified in division (A) of section 1343.03 of the Revised Code multiplied by the annual interest earned on the assets of the fund, to defray the expenses incurred in the administration of the fund.

**Sec. 4766.17.** An air medical service organization licensed under this chapter that uses a rotorcraft or fixed wing air ambulance shall do both of the following:

(A) Use at a minimum a physician who holds a current, valid license issued under Chapter 4731. of the Revised Code or registered nurse who holds a current, valid license issued under Chapter 4723. of the Revised Code, and a paramedic or one other person, designated by the medical director of the air medical service organization, who holds a current, valid certificate or license to practice a health care profession in this state;

(B) Employ as a medical director an individual who holds a current, valid ~~certificate~~ license issued under Chapter 4731. of the Revised Code authorizing the practice of medicine and surgery or osteopathic medicine and surgery.

**Sec. 4768.09.** (A) ~~Except within the first thirty days after an appraiser is first added to the appraiser panel of an appraisal management company, an~~ An appraisal management company shall not remove the appraiser from its appraiser panel or otherwise refuse to assign requests for real estate appraisal services to the appraiser without first doing both of the following:

(1) Notifying the appraiser in writing of the reasons the appraiser is being removed from the appraiser panel or is refused assignment requests for appraisal services;

(2) Providing the appraiser with an opportunity to respond to that notification, in writing, within ten business days after the



appraisal management company sends the removal notification. 62358

(B) The notice described in division (A)(1) of this section 62359  
shall be sent by a delivery system that delivers letters, 62360  
packages, and other materials in its ordinary course of business 62361  
with traceable delivery and signature receipt. An appraisal 62362  
management company that sends such notice shall keep a copy of the 62363  
notice for at least five years from the date the notice is sent to 62364  
the appraiser. 62365

(C) Nothing in this section prohibits an appraisal management 62366  
company from suspending an appraiser from receiving assignment 62367  
requests during the period described in division (A)(2) of this 62368  
section. 62369

**Sec. 4773.01.** As used in this chapter: 62370

(A) "General x-ray machine operator" means an individual who 62371  
~~performs~~ operates ionizing radiation-generating equipment in order 62372  
to perform standard, ~~diagnostic, radiologic~~ radiology procedures; 62373  
whose performance of ~~radiologic~~ such procedures is limited to 62374  
specific body sites; and who does not, to any significant degree, 62375  
determine procedure positioning or the site ~~or~~ dosage of radiation 62376  
to which a patient is exposed. 62377

(B) "Chiropractor" means an individual licensed under Chapter 62378  
4734. of the Revised Code to practice chiropractic. 62379

(C) "Ionizing radiation" means any electromagnetic or 62380  
particulate radiation that interacts with atoms to produce 62381  
ionization in matter, including x-rays, gamma rays, alpha and beta 62382  
particles, high speed electrons, neutrons, and other nuclear 62383  
particles. 62384

(D) "Physician" means an individual ~~who holds a certificate~~ 62385  
~~issued~~ authorized under Chapter 4731. of the Revised Code 62386  
~~authorizing the individual~~ to practice medicine and surgery or 62387

osteopathic medicine and surgery. 62388

(E) "Podiatrist" means an individual ~~who holds a certificate~~ 62389  
~~issued~~ authorized under Chapter 4731. of the Revised Code 62390  
~~authorizing the individual to practice~~ pediatry podiatric medicine 62391  
and surgery. 62392

(F) "Nuclear medicine technologist" means an individual who 62393  
prepares and administers radio-pharmaceuticals to human beings and 62394  
conducts in vivo or in vitro detection and measurement of 62395  
radioactivity for medical purposes. 62396

(G) "Radiation therapy technologist" means an individual who 62397  
utilizes ionizing radiation-generating equipment, including 62398  
therapy simulator radiation-generating equipment, for therapeutic 62399  
purposes on human ~~subjects~~ beings. 62400

"Radiation therapy technologist" is the same as a radiation 62401  
therapist. 62402

(H) "Radiographer" means an individual who ~~performs~~ operates 62403  
ionizing radiation-generating equipment, administers contrast, and 62404  
determines procedure positioning and the dosage of ionizing 62405  
radiation in order to perform a comprehensive scope of ~~diagnostic~~ 62406  
radiologic radiology procedures employing equipment that emits 62407  
~~ionizing radiation, exposes radiographs, and performs other~~ 62408  
~~procedures that contribute significantly to determining the site~~ 62409  
~~or dosage of ionizing radiation to which a patient is exposed~~ on 62410  
human beings. 62411

(I) "Mechanotherapist" means an individual who holds a 62412  
certificate issued under section 4731.15 of the Revised Code 62413  
authorizing the individual to practice mechanotherapy. 62414

**Sec. 4773.02.** (A) Except as provided in division (B) of this 62415  
section, no person shall practice or hold ~~himself~~ self out as a 62416  
general x-ray machine operator, radiographer, radiation therapy 62417

technologist, or nuclear medicine technologist without a valid license issued under this chapter for ~~his~~ the person's area of practice.

(B) Division (A) of this section does not apply to any of the following:

(1) A physician, podiatrist, mechanotherapist, or chiropractor;

(2) An individual licensed under Chapter 4715. of the Revised Code to practice dentistry, to practice as a dental hygienist, or to practice as a dental x-ray machine operator;

(3) As specified in 42 C.F.R. 75, radiologic personnel employed by the federal government or serving in a branch of the armed forces of the United States;

(4) Students engaging in any of the activities performed by basic x-ray machine operators, radiographers, radiation therapy technologists, and nuclear medicine technologists as an integral part of a program of study leading to receipt of a license issued under this chapter, ~~or~~ Chapter 4715., ~~4731.~~, or Chapter 4734. of the Revised Code; ~~or a certificate issued under Chapter 4731. of the Revised Code.~~

Sec. 4773.061. Subject to section 4773.06 of the Revised Code, a radiation therapy technologist or nuclear medicine technologist may perform computed tomography procedures if the technologist is certified in computed tomography by a national certifying organization approved by the director of health under section 4773.08 of the Revised Code.

When performing computed tomography procedures, the radiation therapy technologist or nuclear medicine technologist shall act in accordance with rules adopted under section 4773.08 of the Revised Code.

**Sec. 4773.07.** (A) Each person seeking accreditation for an 62448  
educational program or approval for a continuing education program 62449  
in general x-ray machine operation, ~~radiography~~ radiology, 62450  
radiation therapy technology, or nuclear medicine technology shall 62451  
apply to the department of health on a form the department shall 62452  
prescribe and provide. The application shall be accompanied by the 62453  
accreditation or approval fee established in rules adopted under 62454  
section 4773.08 of the Revised Code. 62455

(B) The department shall accredit educational programs and 62456  
approve continuing education programs that meet the standards 62457  
established in rules adopted under section 4773.08 of the Revised 62458  
Code. The accreditation or approval shall be valid until 62459  
surrendered by the program or suspended or revoked by the 62460  
department. A program's accreditation or approval may be suspended 62461  
or revoked if the program does not comply with applicable 62462  
requirements of this chapter or rules adopted under it. 62463

**Sec. 4773.08.** The director of health shall adopt rules to 62464  
implement and administer this chapter. In adopting the rules, the 62465  
director shall consider any recommendations made by the radiation 62466  
advisory council created under section ~~3701.93~~ 3748.20 of the 62467  
Revised Code. The rules shall be adopted in accordance with 62468  
Chapter 119. of the Revised Code and shall not be less stringent 62469  
than any applicable standards specified in 42 C.F.R. 75. The rules 62470  
shall establish all of the following: 62471

(A) Standards for licensing general x-ray machine operators, 62472  
radiographers, radiation therapy technologists, and nuclear 62473  
medicine technologists; 62474

(B) Application, renewal, and reinstatement fees for licenses 62475  
issued under this chapter that do not exceed the cost incurred in 62476  
issuing, renewing, and reinstating the licenses; 62477

(C) Standards for accreditation of educational programs and approval of continuing education programs in general x-ray machine operation, ~~radiography~~ radiology, radiation therapy technology, and nuclear medicine technology;

(D) Fees for accrediting educational programs and approving continuing education programs in general x-ray machine operation, ~~radiography~~ radiology, radiation therapy technology, and nuclear medicine technology that do not exceed the cost incurred in accrediting the educational programs;

(E) Fees for issuing conditional licenses under section 4773.05 of the Revised Code that do not exceed the cost incurred in issuing the licenses;

(F) Continuing education requirements that must be met to have a license renewed or reinstated under section 4773.03 of the Revised Code;

(G) Continuing education requirements that the holder of a conditional license must meet to receive a license issued under section 4773.03 of the Revised Code;

(H) Standards for approving national certifying organizations that certify nuclear medicine technologists or radiation therapy technologists to perform computed tomography;

(I) Standards for performing computed tomography procedures;

(J) Any other rules necessary for the implementation or administration of this chapter.

**Sec. 4774.02.** (A)(1) Except as provided in division (B) of this section, no person shall practice as a radiologist assistant unless the person holds a current, valid ~~certificate~~ license to practice as a radiologist assistant issued under this chapter.

(2) No person shall use the title "radiologist assistant" or otherwise hold the person out as a radiologist assistant, unless

the person holds a current, valid ~~certificate~~ license to practice 62508  
as a radiologist assistant issued under this chapter. 62509

(B) Division (A)(1) of this section does not apply to either 62510  
of the following: 62511

(1) A student participating in an advanced academic program 62512  
that must be completed to receive a ~~certificate~~ license to 62513  
practice as a radiologist assistant, as those programs are 62514  
described in division (B)(3) of section 4774.03 of the Revised 62515  
Code; 62516

(2) A person who is otherwise authorized to perform any of 62517  
the activities that a radiologist assistant is authorized to 62518  
perform, either pursuant to another provision of the Revised Code 62519  
or pursuant to the rules adopted by the state medical board under 62520  
section 4731.053 of the Revised Code governing physician 62521  
delegation of medical tasks. 62522

**Sec. 4774.03.** (A) An individual seeking a ~~certificate~~ license 62523  
to practice as a radiologist assistant shall file with the state 62524  
medical board a written application on a form prescribed and 62525  
supplied by the board. The application shall include all the 62526  
information the board considers necessary to process the 62527  
application, including evidence satisfactory to the board that the 62528  
applicant meets the requirements specified in division (B) of this 62529  
section. 62530

At the time an application is submitted, the applicant shall 62531  
pay the board the application fee specified by the board in rules 62532  
adopted under section 4774.11 of the Revised Code. No part of the 62533  
fee shall be returned. 62534

(B) To be eligible to receive a ~~certificate~~ license to 62535  
practice as a radiologist assistant, an applicant shall meet all 62536  
of the following requirements: 62537

(1) Be at least eighteen years of age and of good moral character; 62538  
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(2) Hold a current, valid license as a radiographer under Chapter 4773. of the Revised Code; 62540  
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(3) Have attained a baccalaureate degree or postbaccalaureate certificate from an advanced academic program encompassing a nationally recognized radiologist assistant curriculum that includes a radiologist-directed clinical preceptorship; 62542  
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(4) Hold current certification as a registered radiologist assistant from the American registry of radiologic technologists and have attained the certification by meeting the standard certification requirements established by the registry, including the registry's requirements for documenting clinical education in the form of a clinical portfolio and passing an examination to determine competence to practice; 62546  
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(5) Hold current certification in advanced cardiac life support. 62553  
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(C) The board shall review all applications received under this section. Not later than sixty days after receiving an application the board considers to be complete, the board shall determine whether the applicant meets the requirements to receive a certificate license to practice as a radiologist assistant. ~~The affirmative vote of not fewer than six members of the board is required to determine that the applicant meets the requirements for a certificate to practice as a radiologist assistant.~~ 62555  
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**Sec. 4774.031.** In addition to any other eligibility requirement set forth in this chapter, each applicant for a certificate license to practice as a radiologist assistant shall comply with sections 4776.01 to 4776.04 of the Revised Code. The state medical board shall not grant to an applicant a certificate 62563  
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62567

license to practice as a radiologist assistant unless the board, 62568  
in its discretion, decides that the results of the criminal 62569  
records check do not make the applicant ineligible for a 62570  
~~certificate~~ license issued pursuant to section 4774.04 of the 62571  
Revised Code. 62572

**Sec. 4774.04.** If the state medical board determines under 62573  
section 4774.03 of the Revised Code that an applicant meets the 62574  
requirements for a ~~certificate~~ license to practice as a 62575  
radiologist assistant, the secretary of the board shall register 62576  
the applicant as a radiologist assistant and issue to the 62577  
applicant a ~~certificate~~ license to practice as a radiologist 62578  
assistant. The ~~certificate~~ license shall be valid for a two-year 62579  
period unless revoked or suspended, shall expire biennially on the 62580  
date that is two years after the date of issuance, and may be 62581  
renewed for additional two-year periods in accordance with section 62582  
4774.06 of the Revised Code. 62583

**Sec. 4774.05.** On application by the holder of a ~~certificate~~ 62584  
license to practice as a radiologist assistant, the state medical 62585  
board shall issue a duplicate ~~certificate~~ license to replace one 62586  
that is missing or damaged, to reflect a name change, or for any 62587  
other reasonable cause. The fee for a duplicate ~~certificate~~ 62588  
license is thirty-five dollars. 62589

**Sec. 4774.06.** (A) An individual seeking to renew a 62590  
~~certificate~~ license to practice as a radiologist assistant shall, 62591  
on or before the ~~thirty-first day of January of each even-numbered~~ 62592  
~~year~~ license's expiration date, apply to the state medical board 62593  
for renewal ~~of the certificate.~~ The ~~state medical~~ board shall 62594  
provide renewal notices to license holders at least one month 62595  
prior to the expiration date. 62596

Renewal applications shall be submitted to the board in a 62597



manner prescribed by the board. Each application shall be 62598  
accompanied by a biennial renewal fee specified by the board in 62599  
rules adopted under section 4774.11 of the Revised Code. 62600

The applicant shall report any criminal offense that 62601  
constitutes grounds for refusing to issue a ~~certificate~~ license 62602  
under section 4774.13 of the Revised Code to which the applicant 62603  
has pleaded guilty, of which the applicant has been found guilty, 62604  
or for which the applicant has been found eligible for 62605  
intervention in lieu of conviction, since last signing an 62606  
application for a ~~certificate~~ license to practice as a radiologist 62607  
assistant. 62608

(B) To be eligible for renewal, a radiologist assistant shall 62609  
certify to the board that the assistant has maintained both of the 62610  
following: 62611

(1) A license as a radiographer under Chapter 4773. of the 62612  
Revised Code; 62613

(2) Certification as a registered radiologist assistant from 62614  
the American registry of radiologic technologists by meeting the 62615  
registry's requirements for annual registration, including 62616  
completion of the continuing education requirements established by 62617  
the registry. 62618

(C) If an applicant submits a renewal application that the 62619  
board considers to be complete and qualifies for renewal pursuant 62620  
to division (B) of this section, the board shall issue to the 62621  
applicant a renewed ~~certificate~~ license to practice as a 62622  
radiologist assistant. 62623

(D) A ~~certificate to practice~~ license that is not renewed on 62624  
or before its expiration date is automatically suspended on its 62625  
expiration date, subject to the provisions of section 119.06 of 62626  
the Revised Code specifying that an applicant who appropriately 62627  
files a renewal application is not required to discontinue 62628

practicing merely because the board has failed to act on the 62629  
application. ~~If~~ 62630

If a ~~certificate~~ license has been suspended pursuant to this 62631  
division for two years or less, the board shall reinstate the 62632  
~~certificate~~ license upon an applicant's submission of a renewal 62633  
application, the biennial renewal fee, and the applicable monetary 62634  
penalty. The penalty for reinstatement is twenty-five dollars. ~~If~~ 62635

If a ~~certificate~~ license has been suspended pursuant to this 62636  
division for more than two years, it may be restored. Subject to 62637  
section 4774.061 of the Revised Code, the board may restore the 62638  
license upon an applicant's submission of a restoration 62639  
application, the biennial renewal fee, and the applicable monetary 62640  
penalty and compliance with sections 4776.01 to 4776.04 of the 62641  
Revised Code. The board shall not restore a ~~certificate~~ license 62642  
unless the board, in its discretion, decides that the results of 62643  
the criminal records check do not make the applicant ineligible 62644  
for a certificate issued pursuant to section 4774.04 of the 62645  
Revised Code. The penalty for restoration is fifty dollars. 62646

Sec. 4774.061. (A) This section applies to both of the 62647  
following: 62648

(1) An applicant seeking restoration of a license issued 62649  
under this chapter that has been in a suspended or inactive state 62650  
for any cause for more than two years; 62651

(2) An applicant seeking issuance of a license pursuant to 62652  
this chapter who for more than two years has not been practicing 62653  
as a radiologist assistant as either of the following: 62654

(a) An active practitioner; 62655

(b) A student in an academic program as described in section 62656  
4774.03 of the Revised Code. 62657

(B) Before issuing a license to an applicant subject to this 62658

section or restoring a license to good standing for an applicant 62659  
subject to this section, the state medical board may impose terms 62660  
and conditions including any one or more of the following: 62661

(1) Requiring the applicant to pass an oral or written 62662  
examination, or both, to determine the applicant's present fitness 62663  
to resume practice; 62664

(2) Requiring the applicant to obtain additional training and 62665  
to pass an examination upon completion of such training; 62666

(3) Requiring an assessment of the applicant's physical 62667  
skills for purposes of determining whether the applicant's 62668  
coordination, fine motor skills, and dexterity are sufficient for 62669  
performing evaluations and procedures in a manner that meets the 62670  
minimal standards of care; 62671

(4) Requiring an assessment of the applicant's skills in 62672  
recognizing and understanding diseases and conditions; 62673

(5) Requiring the applicant to undergo a comprehensive 62674  
physical examination, which may include an assessment of physical 62675  
abilities, evaluation of sensory capabilities, or screening for 62676  
the presence of neurological disorders; 62677

(6) Restricting or limiting the extent, scope, or type of 62678  
practice of the applicant. 62679

The board shall consider the moral background and the 62680  
activities of the applicant during the period of suspension or 62681  
inactivity. The board shall not issue or restore a license under 62682  
this section unless the applicant complies with sections 4776.01 62683  
to 4776.04 of the Revised Code. 62684

**Sec. 4774.09.** At all times when an individual who is a 62685  
radiologist assistant is providing direct patient care, the 62686  
individual shall display in an appropriate manner the title 62687  
"radiologist assistant" as a means of identifying the individual's 62688

authority to practice under this chapter. 62689

In the case of an individual who is a student participating 62690  
in an advanced academic program that must be completed to receive 62691  
a ~~certificate~~ license to practice as a radiologist assistant, as 62692  
those programs are described in division (B)(3) of section 4774.03 62693  
of the Revised Code, when the individual is providing direct 62694  
patient care or is otherwise involved with direct patient care 62695  
under the program, the individual shall display in an appropriate 62696  
manner the title "student radiologist assistant" or another 62697  
appropriate designation as a means of identifying the individual 62698  
as a student participating in the program. 62699

**Sec. 4774.11.** (A) The state medical board shall adopt rules 62700  
in accordance with Chapter 119. of the Revised Code to implement 62701  
and administer this chapter. In adopting the rules, the board 62702  
shall take into consideration the guidelines adopted by the 62703  
American college of radiology, the American society of radiologic 62704  
technologists, and the American registry of radiologic 62705  
technologists. 62706

(B) The rules adopted under this section shall include all of 62707  
the following: 62708

(1) Standards and procedures for issuing and renewing 62709  
~~certificates~~ licenses to practice as a radiologist assistant; 62710

(2) Application fees for an initial or renewed ~~certificate to~~ 62711  
~~practice~~ license; 62712

(3) Any additional radiologic procedures that radiologist 62713  
assistants may perform pursuant to division (A)(5) of section 62714  
4774.08 of the Revised Code and the level of supervision that the 62715  
supervising radiologist is required to provide pursuant to section 62716  
4774.10 of the Revised Code; 62717

(4) Definitions of "general anesthesia," "deep sedation," 62718

"moderate sedation," and "minimal sedation"; 62719

(5) Any other standards and procedures the board considers 62720  
necessary to govern the practice of radiologist assistants, the 62721  
supervisory relationship between radiologist assistants and 62722  
supervising radiologists, and the administration and enforcement 62723  
of this chapter. 62724

**Sec. 4774.13.** (A) The state medical board, by an affirmative 62725  
vote of not fewer than six members, may revoke or may refuse to 62726  
grant a ~~certificate~~ license to practice as a radiologist assistant 62727  
to an individual found by the board to have committed fraud, 62728  
misrepresentation, or deception in applying for or securing the 62729  
~~certificate~~ license. 62730

(B) The board, by an affirmative vote of not fewer than six 62731  
members, shall, to the extent permitted by law, limit, revoke, or 62732  
suspend an individual's ~~certificate~~ license to practice as a 62733  
radiologist assistant, refuse to issue a ~~certificate~~ license to an 62734  
applicant, refuse to renew a ~~certificate~~ license, refuse to 62735  
reinstate a ~~certificate~~ license, or reprimand or place on 62736  
probation the holder of a ~~certificate~~ license for any of the 62737  
following reasons: 62738

(1) Permitting the holder's name or ~~certificate~~ license to be 62739  
used by another person; 62740

(2) Failure to comply with the requirements of this chapter, 62741  
Chapter 4731. of the Revised Code, or any rules adopted by the 62742  
board; 62743

(3) Violating or attempting to violate, directly or 62744  
indirectly, or assisting in or abetting the violation of, or 62745  
conspiring to violate, any provision of this chapter, Chapter 62746  
4731. of the Revised Code, or the rules adopted by the board; 62747

(4) A departure from, or failure to conform to, minimal 62748

standards of care of similar practitioners under the same or 62749  
similar circumstances whether or not actual injury to the patient 62750  
is established; 62751

(5) Inability to practice according to acceptable and 62752  
prevailing standards of care by reason of mental illness or 62753  
physical illness, including physical deterioration that adversely 62754  
affects cognitive, motor, or perceptive skills; 62755

(6) Impairment of ability to practice according to acceptable 62756  
and prevailing standards of care because of habitual or excessive 62757  
use or abuse of drugs, alcohol, or other substances that impair 62758  
ability to practice; 62759

(7) Willfully betraying a professional confidence; 62760

(8) Making a false, fraudulent, deceptive, or misleading 62761  
statement in securing or attempting to secure a ~~certificate~~ 62762  
license to practice as a radiologist assistant. 62763

As used in this division, "false, fraudulent, deceptive, or 62764  
misleading statement" means a statement that includes a 62765  
misrepresentation of fact, is likely to mislead or deceive because 62766  
of a failure to disclose material facts, is intended or is likely 62767  
to create false or unjustified expectations of favorable results, 62768  
or includes representations or implications that in reasonable 62769  
probability will cause an ordinarily prudent person to 62770  
misunderstand or be deceived. 62771

(9) The obtaining of, or attempting to obtain, money or a 62772  
thing of value by fraudulent misrepresentations in the course of 62773  
practice; 62774

(10) A plea of guilty to, a judicial finding of guilt of, or 62775  
a judicial finding of eligibility for intervention in lieu of 62776  
conviction for, a felony; 62777

(11) Commission of an act that constitutes a felony in this 62778

state, regardless of the jurisdiction in which the act was committed;	62779 62780
(12) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;	62781 62782 62783
(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;	62784 62785 62786
(14) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	62787 62788 62789
(15) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	62790 62791 62792
(16) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for violating any state or federal law regulating the possession, distribution, or use of any drug, including trafficking in drugs;	62793 62794 62795 62796 62797
(17) Any of the following actions taken by the state agency responsible for regulating the practice of radiologist assistants in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand;	62798 62799 62800 62801 62802 62803 62804 62805
(18) Violation of the conditions placed by the board on a <del>certificate</del> <u>license</u> to practice as a radiologist assistant;	62806 62807
(19) Failure to use universal blood and body fluid	62808

precautions established by rules adopted under section 4731.051 of the Revised Code; 62809  
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(20) Failure to cooperate in an investigation conducted by the board under section 4774.14 of the Revised Code, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board at a deposition or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue; 62811  
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(21) Failure to maintain a license as a radiographer under Chapter 4773. of the Revised Code; 62820  
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(22) Failure to maintain certification as a registered radiologist assistant from the American registry of radiologic technologists, including revocation by the registry of the assistant's certification or failure by the assistant to meet the registry's requirements for annual registration, or failure to notify the board that the certification as a registered radiologist assistant has not been maintained; 62822  
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(23) Failure to comply with any of the rules of ethics included in the standards of ethics established by the American registry of radiologic technologists, as those rules apply to an individual who holds the registry's certification as a registered radiologist assistant. 62829  
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(C) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement with a radiologist assistant or applicant to resolve an allegation of a violation of this chapter or any rule adopted 62834  
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under it. A consent agreement, when ratified by an affirmative 62840  
vote of not fewer than six members of the board, shall constitute 62841  
the findings and order of the board with respect to the matter 62842  
addressed in the agreement. If the board refuses to ratify a 62843  
consent agreement, the admissions and findings contained in the 62844  
consent agreement shall be of no force or effect. 62845

(D) For purposes of divisions (B)(11), (14), and (15) of this 62846  
section, the commission of the act may be established by a finding 62847  
by the board, pursuant to an adjudication under Chapter 119. of 62848  
the Revised Code, that the applicant or ~~certificate~~ license holder 62849  
committed the act in question. The board shall have no 62850  
jurisdiction under these divisions in cases where the trial court 62851  
renders a final judgment in the ~~certificate~~ license holder's favor 62852  
and that judgment is based upon an adjudication on the merits. The 62853  
board shall have jurisdiction under these divisions in cases where 62854  
the trial court issues an order of dismissal on technical or 62855  
procedural grounds. 62856

(E) The sealing of conviction records by any court shall have 62857  
no effect on a prior board order entered under the provisions of 62858  
this section or on the board's jurisdiction to take action under 62859  
the provisions of this section if, based upon a plea of guilty, a 62860  
judicial finding of guilt, or a judicial finding of eligibility 62861  
for intervention in lieu of conviction, the board issued a notice 62862  
of opportunity for a hearing prior to the court's order to seal 62863  
the records. The board shall not be required to seal, destroy, 62864  
redact, or otherwise modify its records to reflect the court's 62865  
sealing of conviction records. 62866

(F) For purposes of this division, any individual who holds a 62867  
~~certificate~~ license to practice as a radiologist assistant issued 62868  
under this chapter, or applies for a ~~certificate to practice~~ 62869  
license, shall be deemed to have given consent to submit to a 62870  
mental or physical examination when directed to do so in writing 62871

by the board and to have waived all objections to the 62872  
admissibility of testimony or examination reports that constitute 62873  
a privileged communication. 62874

(1) In enforcing division (B)(5) of this section, the board, 62875  
on a showing of a possible violation, may compel any individual 62876  
who holds a ~~certificate~~ license to practice as a radiologist 62877  
assistant issued under this chapter or who has applied for a 62878  
~~certificate to practice~~ license to submit to a mental or physical 62879  
examination, or both. A physical examination may include an HIV 62880  
test. The expense of the examination is the responsibility of the 62881  
individual compelled to be examined. Failure to submit to a mental 62882  
or physical examination or consent to an HIV test ordered by the 62883  
board constitutes an admission of the allegations against the 62884  
individual unless the failure is due to circumstances beyond the 62885  
individual's control, and a default and final order may be entered 62886  
without the taking of testimony or presentation of evidence. If 62887  
the board finds a radiologist assistant unable to practice because 62888  
of the reasons set forth in division (B)(5) of this section, the 62889  
board shall require the radiologist assistant to submit to care, 62890  
counseling, or treatment by physicians approved or designated by 62891  
the board, as a condition for an initial, continued, reinstated, 62892  
or renewed ~~certificate to practice~~ license. An individual affected 62893  
by this division shall be afforded an opportunity to demonstrate 62894  
to the board the ability to resume practicing in compliance with 62895  
acceptable and prevailing standards of care. 62896

(2) For purposes of division (B)(6) of this section, if the 62897  
board has reason to believe that any individual who holds a 62898  
~~certificate~~ license to practice as a radiologist assistant issued 62899  
under this chapter or any applicant for a ~~certificate to practice~~ 62900  
license suffers such impairment, the board may compel the 62901  
individual to submit to a mental or physical examination, or both. 62902  
The expense of the examination is the responsibility of the 62903

individual compelled to be examined. Any mental or physical 62904  
examination required under this division shall be undertaken by a 62905  
treatment provider or physician qualified to conduct such 62906  
examination and chosen by the board. 62907

Failure to submit to a mental or physical examination ordered 62908  
by the board constitutes an admission of the allegations against 62909  
the individual unless the failure is due to circumstances beyond 62910  
the individual's control, and a default and final order may be 62911  
entered without the taking of testimony or presentation of 62912  
evidence. If the board determines that the individual's ability to 62913  
practice is impaired, the board shall suspend the individual's 62914  
~~certificate~~ license or deny the individual's application and shall 62915  
require the individual, as a condition for an initial, continued, 62916  
reinstated, or renewed ~~certificate~~ license to practice, to submit 62917  
to treatment. 62918

Before being eligible to apply for reinstatement of a 62919  
~~certificate~~ license suspended under this division, the radiologist 62920  
assistant shall demonstrate to the board the ability to resume 62921  
practice in compliance with acceptable and prevailing standards of 62922  
care. The demonstration shall include the following: 62923

(a) Certification from a treatment provider approved under 62924  
section 4731.25 of the Revised Code that the individual has 62925  
successfully completed any required inpatient treatment; 62926

(b) Evidence of continuing full compliance with an aftercare 62927  
contract or consent agreement; 62928

(c) Two written reports indicating that the individual's 62929  
ability to practice has been assessed and that the individual has 62930  
been found capable of practicing according to acceptable and 62931  
prevailing standards of care. The reports shall be made by 62932  
individuals or providers approved by the board for making such 62933  
assessments and shall describe the basis for their determination. 62934

The board may reinstate a ~~certificate~~ license suspended under 62935  
this division after such demonstration and after the individual 62936  
has entered into a written consent agreement. 62937

When the impaired radiologist assistant resumes practice, the 62938  
board shall require continued monitoring of the radiologist 62939  
assistant. The monitoring shall include monitoring of compliance 62940  
with the written consent agreement entered into before 62941  
reinstatement or with conditions imposed by board order after a 62942  
hearing, and, on termination of the consent agreement, submission 62943  
to the board for at least two years of annual written progress 62944  
reports made under penalty of falsification stating whether the 62945  
radiologist assistant has maintained sobriety. 62946

(G) If the secretary and supervising member determine that 62947  
there is clear and convincing evidence that a radiologist 62948  
assistant has violated division (B) of this section and that the 62949  
individual's continued practice presents a danger of immediate and 62950  
serious harm to the public, they may recommend that the board 62951  
suspend the individual's ~~certificate~~ license to practice without a 62952  
prior hearing. Written allegations shall be prepared for 62953  
consideration by the board. 62954

The board, on review of the allegations and by an affirmative 62955  
vote of not fewer than six of its members, excluding the secretary 62956  
and supervising member, may suspend a ~~certificate~~ license without 62957  
a prior hearing. A telephone conference call may be utilized for 62958  
reviewing the allegations and taking the vote on the summary 62959  
suspension. 62960

The board shall issue a written order of suspension by 62961  
certified mail or in person in accordance with section 119.07 of 62962  
the Revised Code. The order shall not be subject to suspension by 62963  
the court during pendency of any appeal filed under section 119.12 62964  
of the Revised Code. If the radiologist assistant requests an 62965  
adjudicatory hearing by the board, the date set for the hearing 62966

shall be within fifteen days, but not earlier than seven days, 62967  
after the radiologist assistant requests the hearing, unless 62968  
otherwise agreed to by both the board and the ~~certificate~~ license 62969  
holder. 62970

A summary suspension imposed under this division shall remain 62971  
in effect, unless reversed on appeal, until a final adjudicative 62972  
order issued by the board pursuant to this section and Chapter 62973  
119. of the Revised Code becomes effective. The board shall issue 62974  
its final adjudicative order within sixty days after completion of 62975  
its hearing. Failure to issue the order within sixty days shall 62976  
result in dissolution of the summary suspension order, but shall 62977  
not invalidate any subsequent, final adjudicative order. 62978

(H) If the board takes action under division (B)(10), (12), 62979  
or (13) of this section, and the judicial finding of guilt, guilty 62980  
plea, or judicial finding of eligibility for intervention in lieu 62981  
of conviction is overturned on appeal, on exhaustion of the 62982  
criminal appeal, a petition for reconsideration of the order may 62983  
be filed with the board along with appropriate court documents. On 62984  
receipt of a petition and supporting court documents, the board 62985  
shall reinstate the ~~certificate~~ license to practice as a 62986  
radiologist assistant. The board may then hold an adjudication 62987  
under Chapter 119. of the Revised Code to determine whether the 62988  
individual committed the act in question. Notice of opportunity 62989  
for hearing shall be given in accordance with Chapter 119. of the 62990  
Revised Code. If the board finds, pursuant to an adjudication held 62991  
under this division, that the individual committed the act, or if 62992  
no hearing is requested, it may order any of the sanctions 62993  
specified in division (B) of this section. 62994

(I) The ~~certificate~~ license to practice of a radiologist 62995  
assistant and the assistant's practice in this state are 62996  
automatically suspended as of the date the radiologist assistant 62997  
pleads guilty to, is found by a judge or jury to be guilty of, or 62998

is subject to a judicial finding of eligibility for intervention 62999  
in lieu of conviction in this state or treatment of intervention 63000  
in lieu of conviction in another jurisdiction for any of the 63001  
following criminal offenses in this state or a substantially 63002  
equivalent criminal offense in another jurisdiction: aggravated 63003  
murder, murder, voluntary manslaughter, felonious assault, 63004  
kidnapping, rape, sexual battery, gross sexual imposition, 63005  
aggravated arson, aggravated robbery, or aggravated burglary. 63006  
Continued practice after the suspension shall be considered 63007  
practicing without a ~~certificate~~ license. 63008

The board shall notify the individual subject to the 63009  
suspension by certified mail or in person in accordance with 63010  
section 119.07 of the Revised Code. If an individual whose 63011  
~~certificate~~ license is suspended under this division fails to make 63012  
a timely request for an adjudication under Chapter 119. of the 63013  
Revised Code, the board shall enter a final order permanently 63014  
revoking the individual's ~~certificate to practice~~ license. 63015

(J) In any instance in which the board is required by Chapter 63016  
119. of the Revised Code to give notice of opportunity for hearing 63017  
and the individual subject to the notice does not timely request a 63018  
hearing in accordance with section 119.07 of the Revised Code, the 63019  
board is not required to hold a hearing, but may adopt, by an 63020  
affirmative vote of not fewer than six of its members, a final 63021  
order that contains the board's findings. In the final order, the 63022  
board may order any of the sanctions identified under division (A) 63023  
or (B) of this section. 63024

(K) Any action taken by the board under division (B) of this 63025  
section resulting in a suspension shall be accompanied by a 63026  
written statement of the conditions under which the radiologist 63027  
assistant's ~~certificate~~ license may be reinstated. The board shall 63028  
adopt rules in accordance with Chapter 119. of the Revised Code 63029  
governing conditions to be imposed for reinstatement. 63030

Reinstatement of a ~~certificate~~ license suspended pursuant to 63031  
division (B) of this section requires an affirmative vote of not 63032  
fewer than six members of the board. 63033

(L) When the board refuses to grant or issue a ~~certificate~~ 63034  
license to practice as a radiologist assistant to an applicant, 63035  
revokes an individual's ~~certificate~~ license, refuses to renew an 63036  
individual's ~~certificate~~ license, or refuses to reinstate an 63037  
individual's ~~certificate~~ license, the board may specify that its 63038  
action is permanent. An individual subject to a permanent action 63039  
taken by the board is forever thereafter ineligible to hold a 63040  
~~certificate~~ license to practice as a radiologist assistant and the 63041  
board shall not accept an application for reinstatement of the 63042  
~~certificate~~ license or for issuance of a new ~~certificate~~ license. 63043

(M) Notwithstanding any other provision of the Revised Code, 63044  
all of the following apply: 63045

(1) The surrender of a ~~certificate~~ license to practice as a 63046  
radiologist assistant issued under this chapter is not effective 63047  
unless or until accepted by the board. Reinstatement of a 63048  
~~certificate~~ license surrendered to the board requires an 63049  
affirmative vote of not fewer than six members of the board. 63050

(2) An application made under this chapter for a ~~certificate~~ 63051  
license to practice may not be withdrawn without approval of the 63052  
board. 63053

(3) Failure by an individual to renew a ~~certificate~~ license 63054  
to practice in accordance with section 4774.06 of the Revised Code 63055  
shall not remove or limit the board's jurisdiction to take 63056  
disciplinary action under this section against the individual. 63057

**Sec. 4774.131.** On receipt of a notice pursuant to section 63058  
3123.43 of the Revised Code, the state medical board shall comply 63059  
with sections 3123.41 to 3123.50 of the Revised Code and any 63060

applicable rules adopted under section 3123.63 of the Revised Code 63061  
with respect to a ~~certificate~~ license to practice as a radiologist 63062  
assistant issued under this chapter. 63063

**Sec. 4774.132.** If the state medical board has reason to 63064  
believe that any person who has been granted a ~~certificate~~ license 63065  
to practice as a radiologist assistant under this chapter is 63066  
mentally ill or mentally incompetent, it may file in the probate 63067  
court of the county in which the person has a legal residence an 63068  
affidavit in the form prescribed in section 5122.11 of the Revised 63069  
Code and signed by the board secretary or a member of the board 63070  
secretary's staff, whereupon the same proceedings shall be had as 63071  
provided in Chapter 5122. of the Revised Code. The attorney 63072  
general may represent the board in any proceeding commenced under 63073  
this section. 63074

If any person who has been granted a ~~certificate to practice~~ 63075  
license is adjudged by a probate court to be mentally ill or 63076  
mentally incompetent, the person's ~~certificate~~ license shall be 63077  
automatically suspended until the person has filed with the state 63078  
medical board a certified copy of an adjudication by a probate 63079  
court of the person's subsequent restoration to competency or has 63080  
submitted to the board proof, satisfactory to the board, that the 63081  
person has been discharged as having a restoration to competency 63082  
in the manner and form provided in section 5122.38 of the Revised 63083  
Code. The judge of the probate court shall forthwith notify the 63084  
state medical board of an adjudication of mental illness or mental 63085  
incompetence, and shall note any suspension of a ~~certificate~~ 63086  
license in the margin of the court's record of such ~~certificate~~ 63087  
license. 63088

**Sec. 4774.14.** (A) The state medical board shall investigate 63089  
evidence that appears to show that any person has violated this 63090  
chapter or the rules adopted under it. Any person may report to 63091



the board in a signed writing any information the person has that 63092  
appears to show a violation of any provision of this chapter or 63093  
the rules adopted under it. In the absence of bad faith, a person 63094  
who reports such information or testifies before the board in an 63095  
adjudication conducted under Chapter 119. of the Revised Code 63096  
shall not be liable for civil damages as a result of reporting the 63097  
information or providing testimony. Each complaint or allegation 63098  
of a violation received by the board shall be assigned a case 63099  
number and be recorded by the board. 63100

(B) Investigations of alleged violations of this chapter or 63101  
rules adopted under it shall be supervised by the supervising 63102  
member elected by the board in accordance with section 4731.02 of 63103  
the Revised Code and by the secretary as provided in section 63104  
4774.17 of the Revised Code. The board's president may designate 63105  
another member of the board to supervise the investigation in 63106  
place of the supervising member. A member of the board who 63107  
supervises the investigation of a case shall not participate in 63108  
further adjudication of the case. 63109

(C) In investigating a possible violation of this chapter or 63110  
the rules adopted under it, the board may administer oaths, order 63111  
the taking of depositions, issue subpoenas, and compel the 63112  
attendance of witnesses and production of books, accounts, papers, 63113  
records, documents, and testimony, except that a subpoena for 63114  
patient record information shall not be issued without 63115  
consultation with the attorney general's office and approval of 63116  
the secretary and supervising member of the board. Before issuance 63117  
of a subpoena for patient record information, the secretary and 63118  
supervising member shall determine whether there is probable cause 63119  
to believe that the complaint filed alleges a violation of this 63120  
chapter or the rules adopted under it and that the records sought 63121  
are relevant to the alleged violation and material to the 63122  
investigation. The subpoena may apply only to records that cover a 63123

reasonable period of time surrounding the alleged violation. 63124

On failure to comply with any subpoena issued by the board 63125  
and after reasonable notice to the person being subpoenaed, the 63126  
board may move for an order compelling the production of persons 63127  
or records pursuant to the Rules of Civil Procedure. 63128

A subpoena issued by the board may be served by a sheriff, 63129  
the sheriff's deputy, or a board employee designated by the board. 63130  
Service of a subpoena issued by the board may be made by 63131  
delivering a copy of the subpoena to the person named therein, 63132  
reading it to the person, or leaving it at the person's usual 63133  
place of residence. When the person being served is a radiologist 63134  
assistant, service of the subpoena may be made by certified mail, 63135  
restricted delivery, return receipt requested, and the subpoena 63136  
shall be deemed served on the date delivery is made or the date 63137  
the person refuses to accept delivery. 63138

A sheriff's deputy who serves a subpoena shall receive the 63139  
same fees as a sheriff. Each witness who appears before the board 63140  
in obedience to a subpoena shall receive the fees and mileage 63141  
provided for witnesses in civil cases in the courts of common 63142  
pleas. 63143

(D) All hearings and investigations of the board shall be 63144  
considered civil actions for the purposes of section 2305.252 of 63145  
the Revised Code. 63146

(E) Information received by the board pursuant to an 63147  
investigation is confidential and not subject to discovery in any 63148  
civil action. 63149

The board shall conduct all investigations and proceedings in 63150  
a manner that protects the confidentiality of patients and persons 63151  
who file complaints with the board. The board shall not make 63152  
public the names or any other identifying information about 63153  
patients or complainants unless proper consent is given. 63154

The board may share any information it receives pursuant to 63155  
an investigation, including patient records and patient record 63156  
information, with law enforcement agencies, other licensing 63157  
boards, and other governmental agencies that are prosecuting, 63158  
adjudicating, or investigating alleged violations of statutes or 63159  
administrative rules. An agency or board that receives the 63160  
information shall comply with the same requirements regarding 63161  
confidentiality as those with which the state medical board must 63162  
comply, notwithstanding any conflicting provision of the Revised 63163  
Code or procedure of the agency or board that applies when it is 63164  
dealing with other information in its possession. In a judicial 63165  
proceeding, the information may be admitted into evidence only in 63166  
accordance with the Rules of Evidence, but the court shall require 63167  
that appropriate measures are taken to ensure that confidentiality 63168  
is maintained with respect to any part of the information that 63169  
contains names or other identifying information about patients or 63170  
complainants whose confidentiality was protected by the state 63171  
medical board when the information was in the board's possession. 63172  
Measures to ensure confidentiality that may be taken by the court 63173  
include sealing its records or deleting specific information from 63174  
its records. 63175

(F) The state medical board shall develop requirements for 63176  
and provide appropriate initial training and continuing education 63177  
for investigators employed by the board to carry out its duties 63178  
under this chapter. The training and continuing education may 63179  
include enrollment in courses operated or approved by the Ohio 63180  
peace officer training commission that the board considers 63181  
appropriate under conditions set forth in section 109.79 of the 63182  
Revised Code. 63183

(G) On a quarterly basis, the board shall prepare a report 63184  
that documents the disposition of all cases during the preceding 63185  
three months. The report shall contain the following information 63186

for each case with which the board has completed its activities:	63187
(1) The case number assigned to the complaint or alleged violation;	63188 63189
(2) The type of <del>certificate</del> <u>license</u> , if any, held by the individual against whom the complaint is directed;	63190 63191
(3) A description of the allegations contained in the complaint;	63192 63193
(4) The disposition of the case.	63194
The report shall state how many cases are still pending, and shall be prepared in a manner that protects the identity of each person involved in each case. The report is a public record for purposes of section 149.43 of the Revised Code.	63195 63196 63197 63198
<b>Sec. 4774.15.</b> (A) As used in this section, "prosecutor" has the same meaning as in section 2935.01 of the Revised Code.	63199 63200
(B) Whenever any person holding a valid <del>certificate</del> <u>license</u> to practice as a radiologist assistant issued under this chapter pleads guilty to, is subject to a judicial finding of guilt of, or is subject to a judicial finding of eligibility for intervention in lieu of conviction for a violation of Chapter 2907., 2925., or 3719. of the Revised Code or of any substantively comparable ordinance of a municipal corporation in connection with the person's practice, the prosecutor in the case, on forms prescribed and provided by the state medical board, shall promptly notify the board of the conviction. Within thirty days of receipt of that information, the board shall initiate action in accordance with Chapter 119. of the Revised Code to determine whether to suspend or revoke the <del>certificate</del> <u>license</u> under section 4774.13 of the Revised Code.	63201 63202 63203 63204 63205 63206 63207 63208 63209 63210 63211 63212 63213 63214
(C) The prosecutor in any case against any person holding a valid <del>certificate to practice</del> <u>license</u> issued under this chapter,	63215 63216

on forms prescribed and provided by the state medical board, shall 63217  
notify the board of any of the following: 63218

(1) A plea of guilty to, a finding of guilt by a jury or 63219  
court of, or judicial finding of eligibility for intervention in 63220  
lieu of conviction for a felony, or a case in which the trial 63221  
court issues an order of dismissal upon technical or procedural 63222  
grounds of a felony charge; 63223

(2) A plea of guilty to, a finding of guilt by a jury or 63224  
court of, or judicial finding of eligibility for intervention in 63225  
lieu of conviction for a misdemeanor committed in the course of 63226  
practice, or a case in which the trial court issues an order of 63227  
dismissal upon technical or procedural grounds of a charge of a 63228  
misdemeanor, if the alleged act was committed in the course of 63229  
practice; 63230

(3) A plea of guilty to, a finding of guilt by a jury or 63231  
court of, or judicial finding of eligibility for intervention in 63232  
lieu of conviction for a misdemeanor involving moral turpitude, or 63233  
a case in which the trial court issues an order of dismissal upon 63234  
technical or procedural grounds of a charge of a misdemeanor 63235  
involving moral turpitude. 63236

The report shall include the name and address of the 63237  
~~certificate~~ license holder, the nature of the offense for which 63238  
the action was taken, and the certified court documents recording 63239  
the action. 63240

**Sec. 4774.16.** (A) Within sixty days after the imposition of 63241  
any formal disciplinary action taken by any health care facility, 63242  
including a hospital, health care facility operated by a health 63243  
insuring corporation, ambulatory surgical facility, or similar 63244  
facility, against any individual holding a valid ~~certificate~~ 63245  
license to practice as a radiologist assistant, the chief 63246  
administrator or executive officer of the facility shall report to 63247

the state medical board the name of the individual, the action 63248  
taken by the facility, and a summary of the underlying facts 63249  
leading to the action taken. On request, the board shall be 63250  
provided certified copies of the patient records that were the 63251  
basis for the facility's action. Prior to release to the board, 63252  
the summary shall be approved by the peer review committee that 63253  
reviewed the case or by the governing board of the facility. 63254

The filing of a report with the board or decision not to file 63255  
a report, investigation by the board, or any disciplinary action 63256  
taken by the board, does not preclude a health care facility from 63257  
taking disciplinary action against a radiologist assistant. 63258

In the absence of fraud or bad faith, no individual or entity 63259  
that provides patient records to the board shall be liable in 63260  
damages to any person as a result of providing the records. 63261

(B)(1) Except as provided in division (B)(2) of this section, 63262  
a radiologist assistant, professional association or society of 63263  
radiologist assistants, physician, or professional association or 63264  
society of physicians that believes a violation of any provision 63265  
of this chapter, Chapter 4731. of the Revised Code, or rule of the 63266  
board has occurred shall report to the board the information on 63267  
which the belief is based. 63268

(2) A radiologist assistant, professional association or 63269  
society of radiologist assistants, physician, or professional 63270  
association or society of physicians that believes a violation of 63271  
division (B)(6) of section 4774.13 of the Revised Code has 63272  
occurred shall report the information upon which the belief is 63273  
based to the monitoring organization conducting the program 63274  
established by the board under section 4731.251 of the Revised 63275  
Code. If any such report is made to the board, it shall be 63276  
referred to the monitoring organization unless the board is aware 63277  
that the individual who is the subject of the report does not meet 63278

the program eligibility requirements of section 4731.252 of the Revised Code. 63279  
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(C) Any professional association or society composed primarily of radiologist assistants that suspends or revokes an individual's membership for violations of professional ethics, or for reasons of professional incompetence or professional malpractice, within sixty days after a final decision, shall report to the board, on forms prescribed and provided by the board, the name of the individual, the action taken by the professional organization, and a summary of the underlying facts leading to the action taken. 63281  
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The filing of a report with the board or decision not to file a report, investigation by the board, or any disciplinary action taken by the board, does not preclude a professional organization from taking disciplinary action against a radiologist assistant. 63290  
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(D) Any insurer providing professional liability insurance to any person holding a valid ~~certificate~~ license to practice as a radiologist assistant or any other entity that seeks to indemnify the professional liability of a radiologist assistant shall notify the board within thirty days after the final disposition of any written claim for damages where such disposition results in a payment exceeding twenty-five thousand dollars. The notice shall contain the following information: 63294  
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(1) The name and address of the person submitting the notification; 63302  
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(2) The name and address of the insured who is the subject of the claim; 63304  
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(3) The name of the person filing the written claim; 63306

(4) The date of final disposition; 63307

(5) If applicable, the identity of the court in which the 63308

final disposition of the claim took place. 63309

(E) The board may investigate possible violations of this 63310  
chapter or the rules adopted under it that are brought to its 63311  
attention as a result of the reporting requirements of this 63312  
section, except that the board shall conduct an investigation if a 63313  
possible violation involves repeated malpractice. As used in this 63314  
division, "repeated malpractice" means three or more claims for 63315  
malpractice within the previous five-year period, each resulting 63316  
in a judgment or settlement in excess of twenty-five thousand 63317  
dollars in favor of the claimant, and each involving negligent 63318  
conduct by the radiologist assistant. 63319

(F) All summaries, reports, and records received and 63320  
maintained by the board pursuant to this section shall be held in 63321  
confidence and shall not be subject to discovery or introduction 63322  
in evidence in any federal or state civil action involving a 63323  
radiologist assistant, supervising physician, or health care 63324  
facility arising out of matters that are the subject of the 63325  
reporting required by this section. The board may use the 63326  
information obtained only as the basis for an investigation, as 63327  
evidence in a disciplinary hearing against a radiologist assistant 63328  
or supervising radiologist, or in any subsequent trial or appeal 63329  
of a board action or order. 63330

The board may disclose the summaries and reports it receives 63331  
under this section only to health care facility committees within 63332  
or outside this state that are involved in credentialing or 63333  
recredentialing a radiologist assistant or supervising radiologist 63334  
or reviewing their privilege to practice within a particular 63335  
facility. The board shall indicate whether or not the information 63336  
has been verified. Information transmitted by the board shall be 63337  
subject to the same confidentiality provisions as when maintained 63338  
by the board. 63339

(G) Except for reports filed by an individual pursuant to 63340



division (B) of this section, the board shall send a copy of any reports or summaries it receives pursuant to this section to the radiologist assistant. The radiologist assistant shall have the right to file a statement with the board concerning the correctness or relevance of the information. The statement shall at all times accompany that part of the record in contention.

(H) An individual or entity that reports to the board, reports to the monitoring organization described in section 4731.251 of the Revised Code, or refers an impaired radiologist assistant to a treatment provider approved by the board under section 4731.25 of the Revised Code shall not be subject to suit for civil damages as a result of the report, referral, or provision of the information.

(I) In the absence of fraud or bad faith, a professional association or society of radiologist assistants that sponsors a committee or program to provide peer assistance to a radiologist assistant with substance abuse problems, a representative or agent of such a committee or program, a representative or agent of the monitoring organization described in section 4731.251 of the Revised Code, and a member of the state medical board shall not be held liable in damages to any person by reason of actions taken to refer a radiologist assistant to a treatment provider approved under section 4731.25 of the Revised Code for examination or treatment.

**Sec. 4774.18.** The attorney general, the prosecuting attorney of any county in which the offense was committed or the offender resides, the state medical board, or any other person having knowledge of a person engaged either directly or by complicity in practicing as a radiologist assistant without having first obtained under this chapter a ~~certificate~~ license to practice as a radiologist assistant, may, in accordance with provisions of the

Revised Code governing injunctions, maintain an action in the name 63372  
of the state to enjoin any person from engaging either directly or 63373  
by complicity in unlawfully practicing as a radiologist assistant 63374  
by applying for an injunction in any court of competent 63375  
jurisdiction. 63376

Prior to application for an injunction, the secretary of the 63377  
state medical board shall notify the person allegedly engaged 63378  
either directly or by complicity in the unlawful practice by 63379  
registered mail that the secretary has received information 63380  
indicating that this person is so engaged. The person shall answer 63381  
the secretary within thirty days showing that the person is either 63382  
properly licensed for the stated activity or that the person is 63383  
not in violation of this chapter. If the answer is not forthcoming 63384  
within thirty days after notice by the secretary, the secretary 63385  
shall request that the attorney general, the prosecuting attorney 63386  
of the county in which the offense was committed or the offender 63387  
resides, or the state medical board proceed as authorized in this 63388  
section. 63389

Upon the filing of a verified petition in court, the court 63390  
shall conduct a hearing on the petition and shall give the same 63391  
preference to this proceeding as is given all proceedings under 63392  
Chapter 119. of the Revised Code, irrespective of the position of 63393  
the proceeding on the calendar of the court. 63394

Injunction proceedings shall be in addition to, and not in 63395  
lieu of, all penalties and other remedies provided in this 63396  
chapter. 63397

**Sec. 4776.01.** As used in this chapter: 63398

(A) "License" means an authorization evidenced by a license, 63399  
certificate, registration, permit, card, or other authority that 63400  
is issued or conferred by a licensing agency to a licensee or to 63401  
an applicant for an initial license by which the licensee or 63402

initial license applicant has or claims the privilege to engage in 63403  
a profession, occupation, or occupational activity, or, except in 63404  
the case of the state dental board, to have control of and operate 63405  
certain specific equipment, machinery, or premises, over which the 63406  
licensing agency has jurisdiction. 63407

(B) Except as provided in section 4776.20 of the Revised 63408  
Code, "licensee" means the person to whom the license is issued by 63409  
a licensing agency. "Licensee" includes a person who, for purposes 63410  
of section 3796.13 of the Revised Code, has complied with sections 63411  
4776.01 to 4776.04 of the Revised Code and has been determined by 63412  
the department of commerce or state board of pharmacy, as the 63413  
applicable licensing agency, to meet the requirements for 63414  
employment. 63415

(C) Except as provided in section 4776.20 of the Revised 63416  
Code, "licensing agency" means any of the following: 63417

(1) The board authorized by Chapters 4701., 4717., 4725., 63418  
4729., 4730., 4731., 4732., 4734., 4740., 4741., 4747., 4751., 63419  
4753., 4755., 4757., 4759., 4760., 4761., 4762., 4774., 4778., 63420  
4779., and 4783. of the Revised Code to issue a license to engage 63421  
in a specific profession, occupation, or occupational activity, or 63422  
to have charge of and operate certain specific equipment, 63423  
machinery, or premises. 63424

(2) The state dental board, relative to its authority to 63425  
issue a license pursuant to section 4715.12, 4715.16, 4715.21, or 63426  
4715.27 of the Revised Code; 63427

(3) The department of commerce or state board of pharmacy, 63428  
relative to its authority under Chapter 3796. of the Revised Code 63429  
and any rules adopted under that chapter with respect to a person 63430  
who is subject to section 3796.13 of the Revised Code. 63431

(D) "Applicant for an initial license" includes persons 63432  
seeking a license for the first time and persons seeking a license 63433

by reciprocity, endorsement, or similar manner of a license issued 63434  
in another state. "Applicant for an initial license" also includes 63435  
a person who, for purposes of section 3796.13 of the Revised Code, 63436  
is required to comply with sections 4776.01 to 4776.04 of the 63437  
Revised Code. 63438

(E) "Applicant for a restored license" includes persons 63439  
seeking restoration of a license under section 4730.14, 4730.28, 63440  
4731.222, 4731.281, 4759.062, 4759.063, 4760.06, ~~or~~ 4760.061, 63441  
4761.06, 4761.061, 4762.06, 4762.061, 4774.06, 4774.061, 4778.07, 63442  
or 4778.071 of the Revised Code. "Applicant for a restored 63443  
license" does not include a person seeking restoration of a 63444  
license under section 4751.33 of the Revised Code. 63445

(F) "Criminal records check" has the same meaning as in 63446  
section 109.572 of the Revised Code. 63447

**Sec. 4776.20.** (A) As used in this section: 63448

(1) "Licensing agency" means, in addition to each board 63449  
identified in division (C) of section 4776.01 of the Revised Code, 63450  
the board or other government entity authorized to issue a license 63451  
under Chapters 4703., 4707., 4709., 4712., 4713., 4719., 4723., 63452  
4727., 4728., 4733., 4735., 4736., 4737., 4738., 4740., 4742., 63453  
4747., 4749., ~~4751.,~~ 4752., 4753., 4758., 4759., 4763., 4764., 63454  
4765., 4766., 4771., 4773., and 4781. of the Revised Code. 63455  
"Licensing agency" includes an administrative officer that has 63456  
authority to issue a license. 63457

(2) "Licensee" means, in addition to a licensee as described 63458  
in division (B) of section 4776.01 of the Revised Code, the person 63459  
to whom a license is issued by the board or other government 63460  
entity authorized to issue a license under Chapters 4703., 4707., 63461  
4709., 4712., 4713., 4719., 4723., 4727., 4728., 4733., 4735., 63462  
4736., 4737., 4738., 4740., 4742., 4747., 4749., 4751., 4752., 63463  
4753., 4758., 4759., 4763., 4764., 4765., 4766., 4771., 4773., and 63464

4781. of the Revised Code. 63465

(3) "Prosecutor" has the same meaning as in section 2935.01 63466  
of the Revised Code. 63467

(B) On a licensee's conviction of, plea of guilty to, 63468  
judicial finding of guilt of, or judicial finding of guilt 63469  
resulting from a plea of no contest to the offense of trafficking 63470  
in persons in violation of section 2905.32 of the Revised Code, 63471  
the prosecutor in the case shall promptly notify the licensing 63472  
agency of the conviction, plea, or finding and provide the 63473  
licensee's name and residential address. On receipt of this 63474  
notification, the licensing agency shall immediately suspend the 63475  
licensee's license. 63476

(C) If there is a conviction of, plea of guilty to, judicial 63477  
finding of guilt of, or judicial finding of guilt resulting from a 63478  
plea of no contest to the offense of trafficking in persons in 63479  
violation of section 2905.32 of the Revised Code and all or part 63480  
of the violation occurred on the premises of a facility that is 63481  
licensed by a licensing agency, the prosecutor in the case shall 63482  
promptly notify the licensing agency of the conviction, plea, or 63483  
finding and provide the facility's name and address and the 63484  
offender's name and residential address. On receipt of this 63485  
notification, the licensing agency shall immediately suspend the 63486  
facility's license. 63487

(D) Notwithstanding any provision of the Revised Code to the 63488  
contrary, the suspension of a license under division (B) or (C) of 63489  
this section shall be implemented by a licensing agency without a 63490  
prior hearing. After the suspension, the licensing agency shall 63491  
give written notice to the subject of the suspension of the right 63492  
to request a hearing under Chapter 119. of the Revised Code. After 63493  
a hearing is held, the licensing agency shall either revoke or 63494  
permanently revoke the license of the subject of the suspension, 63495  
unless it determines that the license holder has not been 63496

convicted of, pleaded guilty to, been found guilty of, or been 63497  
found guilty based on a plea of no contest to the offense of 63498  
trafficking in persons in violation of section 2905.32 of the 63499  
Revised Code. 63500

**Sec. 4778.03.** (A) An individual seeking a license to practice 63501  
as a genetic counselor shall file with the state medical board an 63502  
application in a manner prescribed by the board. The application 63503  
shall include all the information the board considers necessary to 63504  
process the application, including evidence satisfactory to the 63505  
board that the applicant meets the requirements specified in 63506  
division (B) of this section. 63507

At the time an application is submitted, the applicant shall 63508  
pay the board an application fee of two hundred dollars. No part 63509  
of the fee shall be returned to the applicant or transferred for 63510  
purposes of another application. 63511

(B)(1) To be eligible to receive a license to practice as a 63512  
genetic counselor, an applicant shall demonstrate to the board 63513  
that the applicant meets all of the following requirements: 63514

(a) Is at least eighteen years of age and of good moral 63515  
character; 63516

(b) Except as provided in division (B)(2) of this section, 63517  
has attained a master's degree or higher degree from a genetic 63518  
counseling graduate program accredited by the American board of 63519  
genetic counseling, inc.; 63520

(c) Is a certified genetic counselor; 63521

(d) Has satisfied any other requirements established by the 63522  
board in rules adopted under section 4778.12 of the Revised Code. 63523

(2) In the case of an applicant who files an application not 63524  
later than December 31, 2013, and meets all eligibility 63525  
requirements other than the requirement specified in division 63526

(B)(1)(b) of this section, the applicant is eligible for a license 63527  
to practice as a genetic counselor if the applicant has attained a 63528  
master's or higher degree in education or in a field that the 63529  
state medical board considers to be closely related to genetic 63530  
counseling. 63531

(C) The board shall review all applications received under 63532  
this section. Not later than sixty days after receiving an 63533  
application it considers complete, the board shall determine 63534  
whether the applicant meets the requirements for a license to 63535  
practice as a genetic counselor. ~~The affirmative vote of not fewer 63536~~  
~~than six members of the board is required to determine that the 63537~~  
~~applicant meets the requirements for the license. 63538~~

**Sec. 4778.05.** If the state medical board determines under 63539  
section 4778.03 of the Revised Code that an applicant meets the 63540  
requirements for a license to practice as a genetic counselor, the 63541  
secretary of the board shall issue the license to the applicant. 63542  
The license shall be valid for a two-year period unless revoked or 63543  
suspended, shall expire biennially on the date that is two years 63544  
after the date of issuance, and may be renewed for additional 63545  
two-year periods in accordance with section 4778.06 of the Revised 63546  
Code. 63547

**Sec. 4778.06.** (A) An individual seeking to renew a license to 63548  
practice as a genetic counselor shall, on or before the 63549  
~~thirty first day of January of each even numbered year~~ license's 63550  
expiration date, apply to the state medical board for renewal of 63551  
~~the license.~~ The ~~state medical~~ board shall provide renewal notices 63552  
to license holders at least one month prior to the expiration 63553  
date. 63554

Renewal applications shall be submitted to the board in a 63555  
manner prescribed by the board. Each application shall be 63556

accompanied by a biennial renewal fee of one hundred fifty 63557  
dollars. 63558

The applicant shall report any criminal offense to which the 63559  
applicant has pleaded guilty, of which the applicant has been 63560  
found guilty, or for which the applicant has been found eligible 63561  
for intervention in lieu of conviction, since last signing an 63562  
application for a license to practice as a genetic counselor. 63563

(B) To be eligible for renewal, a genetic counselor shall 63564  
certify to the board that the counselor has done both of the 63565  
following: 63566

(1) Maintained the counselor's status as a certified genetic 63567  
counselor; 63568

(2) Completed at least thirty hours of continuing education 63569  
in genetic counseling that has been approved by the national 63570  
society of genetic counselors or American board of genetic 63571  
counseling. 63572

(C) If an applicant submits a renewal application that the 63573  
board considers to be complete and qualifies for renewal pursuant 63574  
to division (B) of this section, the board shall issue to the 63575  
applicant a renewed license to practice as a genetic counselor. 63576

(D) The board may require a random sample of genetic 63577  
counselors to submit materials documenting that their status as 63578  
certified genetic counselors has been maintained and that the 63579  
number of hours of continuing education required under division 63580  
(B)(2) of this section has been completed. This division does not 63581  
limit the board's authority to conduct investigations pursuant to 63582  
section 4778.14 of the Revised Code. 63583

(E)(1) If, through a random sample conducted under division 63584  
(D) of this section or any other means, the board finds that an 63585  
individual who certified completion of the number of hours and 63586  
type of continuing education required to renew, reinstate, or 63587



restore a license to practice did not complete the requisite 63588  
continuing education, the board may do either of the following: 63589

(a) Take disciplinary action against the individual under 63590  
section 4778.14 of the Revised Code, impose a civil penalty, or 63591  
both; 63592

(b) Permit the individual to agree in writing to complete the 63593  
continuing education and pay a civil penalty. 63594

(2) The board's finding in any disciplinary action taken 63595  
under division (E)(1)(a) of this section shall be made pursuant to 63596  
an adjudication under Chapter 119. of the Revised Code and by an 63597  
affirmative vote of not fewer than six of its members. 63598

(3) A civil penalty imposed under division (E)(1)(a) of this 63599  
section or paid under division (E)(1)(b) of this section shall be 63600  
in an amount specified by the board of not more than five thousand 63601  
dollars. The board shall deposit civil penalties in accordance 63602  
with section 4731.24 of the Revised Code. 63603

~~If a genetic counselor certifies that the genetic counselor~~ 63604  
~~has completed the number of hours and type of continuing education~~ 63605  
~~required for renewal of a license, and the board finds through the~~ 63606  
~~random sample or any other means that the genetic counselor did~~ 63607  
~~not complete the requisite continuing education, the board may~~ 63608  
~~impose a civil penalty of not more than five thousand dollars. If~~ 63609  
~~a civil penalty is imposed in addition to any other action the~~ 63610  
~~board takes under section 4778.14 of the Revised Code, the board's~~ 63611  
~~finding shall be made pursuant to an adjudication under Chapter~~ 63612  
~~119. of the Revised Code and by an affirmative vote of not fewer~~ 63613  
~~than six members. A civil penalty imposed under this division may~~ 63614  
~~be in addition to or in lieu of any other action the board may~~ 63615  
~~take under section 4778.14 of the Revised Code. The board shall~~ 63616  
~~deposit civil penalties in accordance with section 4731.24 of the~~ 63617  
~~Revised Code.~~ 63618

Sec. 4778.07. (A) A license to practice as a genetic 63619  
counselor issued under section 4778.05 of the Revised Code that is 63620  
not renewed on or before its expiration date is automatically 63621  
suspended on its expiration date. Continued practice after 63622  
suspension shall be considered as practicing in violation of 63623  
section 4778.02 of the Revised Code. 63624

(B) If a license has been suspended pursuant to this section 63625  
for two years or less, ~~the board shall reinstate the license it~~ 63626  
may be reinstated upon an applicant's submission of a complete 63627  
renewal application, the biennial renewal fee, and a monetary 63628  
penalty of twenty-five dollars. 63629

(C)~~(1)~~ If a license has been suspended pursuant to this 63630  
section for more than two years, it may be restored. Subject to 63631  
section 4778.071 of the Revised Code, the board may restore the 63632  
license upon an applicant's submission of a complete restoration 63633  
application, the biennial renewal fee, and a monetary penalty of 63634  
fifty dollars and compliance with sections 4776.01 to 4776.04 of 63635  
the Revised Code. The board shall not restore a license unless the 63636  
board, in its discretion, decides that the results of the criminal 63637  
records check do not make the applicant ineligible for a license 63638  
issued pursuant to section 4778.05 of the Revised Code. 63639

~~(2) The board may impose terms and conditions for the~~ 63640  
~~restoration, including the following:~~ 63641

~~(a) Requiring the applicant to pass an oral or written~~ 63642  
~~examination, or both, to determine the applicant's present fitness~~ 63643  
~~to resume practice;~~ 63644

~~(b) Requiring the applicant to obtain additional training and~~ 63645  
~~to pass an examination upon completion of such training;~~ 63646

~~(c) Restricting or limiting the extent, scope, or type of~~ 63647  
~~practice of the applicant.~~ 63648

Sec. 4778.071. (A) This section applies to both of the 63649  
following: 63650

(1) An applicant seeking restoration of a license issued 63651  
under this chapter that has been in a suspended or inactive state 63652  
for any cause for more than two years; 63653

(2) An applicant seeking issuance of a license pursuant to 63654  
this chapter who for more than two years has not been practicing 63655  
as a genetic counselor as either of the following: 63656

(a) An active practitioner; 63657

(b) A student in a graduate program as described in section 63658  
4778.03 of the Revised Code. 63659

(B) Before issuing a license to an applicant subject to this 63660  
section or restoring a license to good standing for an applicant 63661  
subject to this section, the state medical board may impose terms 63662  
and conditions including any one or more of the following: 63663

(1) Requiring the applicant to pass an oral or written 63664  
examination, or both, to determine the applicant's present fitness 63665  
to resume practice; 63666

(2) Requiring the applicant to obtain additional training and 63667  
to pass an examination upon completion of such training; 63668

(3) Requiring an assessment of the applicant's physical 63669  
skills for purposes of determining whether the applicant's 63670  
coordination, fine motor skills, and dexterity are sufficient for 63671  
performing evaluations and procedures in a manner that meets the 63672  
minimal standards of care; 63673

(4) Requiring an assessment of the applicant's skills in 63674  
recognizing and understanding diseases and conditions; 63675

(5) Requiring the applicant to undergo a comprehensive 63676  
physical examination, which may include an assessment of physical 63677

abilities, evaluation of sensory capabilities, or screening for 63678  
the presence of neurological disorders; 63679

(6) Restricting or limiting the extent, scope, or type of 63680  
practice of the applicant. 63681

The board shall consider the moral background and the 63682  
activities of the applicant during the period of suspension or 63683  
inactivity. The board shall not issue or restore a license under 63684  
this section unless the applicant complies with sections 4776.01 63685  
to 4776.04 of the Revised Code. 63686

**Sec. 4779.02.** (A) Except as provided in division (B) or (C) 63687  
of this section, no person shall practice or represent that the 63688  
person is authorized to practice orthotics, prosthetics, or 63689  
pedorthics unless the person holds a current, valid license issued 63690  
or renewed under this chapter. 63691

(B) Division (A) of this section does not apply to any of the 63692  
following: 63693

(1) An individual who holds a current, valid license, 63694  
certificate, or registration issued under Chapter 4723., 4729., 63695  
4730., 4731., 4734., or 4755. of the Revised Code and is 63696  
practicing within the individual's scope of practice under 63697  
statutes and rules regulating the individual's profession; 63698

(2) An individual who practices orthotics, prosthetics, or 63699  
pedorthics as an employee of the federal government and is engaged 63700  
in the performance of duties prescribed by statutes and 63701  
regulations of the United States; 63702

(3) An individual who provides orthotic, prosthetic, or 63703  
pedorthic services under the supervision of a licensed orthotist, 63704  
prosthetist, or pedorthist in accordance with section 4779.04 of 63705  
the Revised Code; 63706

(4) An individual who provides orthotic, prosthetic, or 63707

pedorthic services as part of an educational, certification, or 63708  
residency program approved by the Ohio occupational therapy, 63709  
physical therapy, and athletic trainers board under sections 63710  
4779.25 to 4779.27 of the Revised Code; 63711

(5) An individual who provides orthotic, prosthetic, or 63712  
pedorthic services under the direct supervision of an individual 63713  
authorized under Chapter 4731. of the Revised Code to practice 63714  
medicine and surgery or osteopathic medicine and surgery. 63715

(C) Division (A) of this section does not prohibit an 63716  
individual who is not licensed under this chapter to practice 63717  
prosthetics or orthotics and prosthetics from engaging in the 3-D 63718  
printing of open-source prosthetic kits if the individual has been 63719  
granted the authority to engage in that activity by the Ohio 63720  
occupational therapy, physical therapy, and athletic trainers 63721  
board under section 4779.40 of the Revised Code. Such an 63722  
individual shall not represent that the individual is authorized 63723  
to practice prosthetics or orthotics and prosthetics under this 63724  
chapter. 63725

**Sec. 4779.08.** (A) The Ohio occupational therapy, physical 63726  
therapy, and athletic trainers board shall adopt rules in 63727  
accordance with Chapter 119. of the Revised Code to carry out the 63728  
purposes of this chapter, including rules prescribing all of the 63729  
following: 63730

(1) The form and manner of filing of applications to be 63731  
admitted to examinations and for licensure and license renewal; 63732

(2) Standards and procedures for formulating, evaluating, 63733  
approving, and administering licensing examinations or recognizing 63734  
other entities that conduct examinations; 63735

(3) The form, scoring, and scheduling of licensing 63736  
examinations; 63737

(4) Fees for examinations and applications for licensure and license renewal;	63738 63739
(5) Fees for approval of continuing education courses;	63740
(6) Procedures for issuance, renewal, suspension, and revocation of licenses and the conduct of disciplinary hearings;	63741 63742
(7) The schedule to be used for biennial renewal of licenses;	63743
(8) Standards of ethical and professional conduct in the practice of orthotics, prosthetics, and pedorthics;	63744 63745
(9) Standards for approving national certification organizations in orthotics, prosthetics, and pedorthics;	63746 63747
(10) Fines for violations of this chapter;	63748
(11) Standards for the recognition and approval of educational programs required for licensure, including standards for approving foreign educational credentials;	63749 63750 63751
(12) Standards for continuing education programs required for license renewal;	63752 63753
(13) The amount, scope, and nature of continuing education activities required for license renewal, including waivers of the continuing education requirements;	63754 63755 63756
(14) Provisions for making available the information described in section 4779.22 of the Revised Code;	63757 63758
(15) Requirements for criminal records checks of applicants under section 4776.03 of the Revised Code;	63759 63760
<u>(16) Requirements for an individual who is not licensed under this chapter to practice prosthetics or orthotics and prosthetics to engage in the 3-D printing of open-source prosthetic kits.</u>	63761 63762 63763
(B) The board may adopt any other rules necessary for the administration of this chapter.	63764 63765
(C) All fees received by the board under this section shall	63766

be deposited in the state treasury to the credit of the 63767  
occupational licensing and regulatory fund established in section 63768  
4743.05 of the Revised Code. 63769

Sec. 4779.40. An individual who is not licensed to practice 63770  
prosthetics or orthotics and prosthetics under section 4779.09 of 63771  
the Revised Code may apply to the Ohio occupational therapy, 63772  
physical therapy, and athletic trainers board for the authority to 63773  
engage in the 3-D printing of open-source prosthetic kits. The 63774  
board shall prescribe an application form for this purpose. 63775

The board shall grant the authority described in this section 63776  
if the individual meets the requirements specified in rules 63777  
adopted under section 4779.08 of the Revised Code. 63778

**Sec. 4906.10.** (A) The power siting board shall render a 63779  
decision upon the record either granting or denying the 63780  
application as filed, or granting it upon such terms, conditions, 63781  
or modifications of the construction, operation, or maintenance of 63782  
the major utility facility as the board considers appropriate. The 63783  
certificate shall be conditioned upon the facility being in 63784  
compliance with standards and rules adopted under ~~sections~~ 63785  
~~1501.33, 1501.34, and section~~ 4561.32 and Chapters 3704., 3734., 63786  
and 6111. of the Revised Code. An applicant may withdraw an 63787  
application if the board grants a certificate on terms, 63788  
conditions, or modifications other than those proposed by the 63789  
applicant in the application. 63790

The board shall not grant a certificate for the construction, 63791  
operation, and maintenance of a major utility facility, either as 63792  
proposed or as modified by the board, unless it finds and 63793  
determines all of the following: 63794

(1) The basis of the need for the facility if the facility is 63795  
an electric transmission line or gas pipeline; 63796

(2) The nature of the probable environmental impact; 63797

(3) That the facility represents the minimum adverse 63798  
environmental impact, considering the state of available 63799  
technology and the nature and economics of the various 63800  
alternatives, and other pertinent considerations; 63801

(4) In the case of an electric transmission line or 63802  
generating facility, that the facility is consistent with regional 63803  
plans for expansion of the electric power grid of the electric 63804  
systems serving this state and interconnected utility systems and 63805  
that the facility will serve the interests of electric system 63806  
economy and reliability; 63807

(5) That the facility will comply with Chapters 3704., 3734., 63808  
and 6111. of the Revised Code and all rules and standards adopted 63809  
under those chapters and under ~~sections 1501.33, 1501.34, and~~ 63810  
section 4561.32 of the Revised Code. In determining whether the 63811  
facility will comply with all rules and standards adopted under 63812  
section 4561.32 of the Revised Code, the board shall consult with 63813  
the office of aviation of the division of multi-modal planning and 63814  
programs of the department of transportation under section 63815  
4561.341 of the Revised Code. 63816

(6) That the facility will serve the public interest, 63817  
convenience, and necessity; 63818

(7) In addition to the provisions contained in divisions 63819  
(A)(1) to (6) of this section and rules adopted under those 63820  
divisions, what its impact will be on the viability as 63821  
agricultural land of any land in an existing agricultural district 63822  
established under Chapter 929. of the Revised Code that is located 63823  
within the site and alternative site of the proposed major utility 63824  
facility. Rules adopted to evaluate impact under division (A)(7) 63825  
of this section shall not require the compilation, creation, 63826  
submission, or production of any information, document, or other 63827



data pertaining to land not located within the site and 63828  
alternative site. 63829

(8) That the facility incorporates maximum feasible water 63830  
conservation practices as determined by the board, considering 63831  
available technology and the nature and economics of the various 63832  
alternatives. 63833

(B) If the board determines that the location of all or a 63834  
part of the proposed facility should be modified, it may condition 63835  
its certificate upon that modification, provided that the 63836  
municipal corporations and counties, and persons residing therein, 63837  
affected by the modification shall have been given reasonable 63838  
notice thereof. 63839

(C) A copy of the decision and any opinion issued therewith 63840  
shall be served upon each party. 63841

**Sec. 4928.02.** It is the policy of this state to do the 63842  
following throughout this state: 63843

(A) Ensure the availability to consumers of adequate, 63844  
reliable, safe, efficient, nondiscriminatory, and reasonably 63845  
priced retail electric service; 63846

(B) Ensure the availability of unbundled and comparable 63847  
retail electric service that provides consumers with the supplier, 63848  
price, terms, conditions, and quality options they elect to meet 63849  
their respective needs; 63850

(C) Ensure diversity of electricity supplies and suppliers, 63851  
by giving consumers effective choices over the selection of those 63852  
supplies and suppliers and by encouraging the development of 63853  
distributed and small generation facilities; 63854

(D) Encourage innovation and market access for cost-effective 63855  
supply- and demand-side retail electric service including, but not 63856  
limited to, demand-side management, time-differentiated pricing, 63857

waste energy recovery systems, smart grid programs, and 63858  
implementation of advanced metering infrastructure; 63859

(E) Encourage cost-effective and efficient access to 63860  
information regarding the operation of the transmission and 63861  
distribution systems of electric utilities in order to promote 63862  
both effective customer choice of retail electric service and the 63863  
development of performance standards and targets for service 63864  
quality for all consumers, including annual achievement reports 63865  
written in plain language; 63866

(F) Ensure that an electric utility's transmission and 63867  
distribution systems are available to a customer-generator or 63868  
owner of distributed generation, so that the customer-generator or 63869  
owner can market and deliver the electricity it produces; 63870

(G) Recognize the continuing emergence of competitive 63871  
electricity markets through the development and implementation of 63872  
flexible regulatory treatment; 63873

(H) Ensure effective competition in the provision of retail 63874  
electric service by avoiding anticompetitive subsidies flowing 63875  
from a noncompetitive retail electric service to a competitive 63876  
retail electric service or to a product or service other than 63877  
retail electric service, and vice versa, including by prohibiting 63878  
the recovery of any generation-related costs through distribution 63879  
or transmission rates; 63880

(I) Ensure retail electric service consumers protection 63881  
against unreasonable sales practices, market deficiencies, and 63882  
market power; 63883

(J) Provide coherent, transparent means of giving appropriate 63884  
incentives to technologies that can adapt successfully to 63885  
potential environmental mandates; 63886

(K) Encourage implementation of distributed generation across 63887  
customer classes through regular review and updating of 63888

administrative rules governing critical issues such as, but not limited to, interconnection standards, standby charges, and net metering; 63889  
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(L) Protect at-risk populations, including, but not limited to, when considering the implementation of any new advanced energy or renewable energy resource; 63892  
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(M) Encourage the education of small business owners in this state regarding the use of, and encourage the use of, energy efficiency programs and alternative energy resources in their businesses; 63895  
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(N) Facilitate the state's effectiveness in the global economy. 63899  
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(O) Encourage cost-effective, timely, and efficient access to and sharing of customer usage data with customers and competitive suppliers to promote customer choice and grid modernization. 63901  
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(P) Ensure that a customer's data is provided in a standard format and provided to third parties in as close to real time as is economically justifiable in order to spur economic investment and improve the energy options of individual customers. 63904  
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In carrying out this policy, the commission shall consider rules as they apply to the costs of electric distribution infrastructure, including, but not limited to, line extensions, for the purpose of development in this state. 63908  
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**Sec. 4928.143.** (A) For the purpose of complying with section 4928.141 of the Revised Code, an electric distribution utility may file an application for public utilities commission approval of an electric security plan as prescribed under division (B) of this section. The utility may file that application prior to the effective date of any rules the commission may adopt for the purpose of this section, and, as the commission determines 63912  
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necessary, the utility immediately shall conform its filing to 63919  
those rules upon their taking effect. 63920

(B) Notwithstanding any other provision of Title XLIX of the 63921  
Revised Code to the contrary except division (D) of this section, 63922  
divisions (I), (J), and (K) of section 4928.20, division (E) of 63923  
section 4928.64, and section 4928.69 of the Revised Code: 63924

(1) An electric security plan shall include provisions 63925  
relating to the supply and pricing of electric generation service. 63926  
In addition, if the proposed electric security plan has a term 63927  
longer than three years, it may include provisions in the plan to 63928  
permit the commission to test the plan pursuant to division (E) of 63929  
this section and any transitional conditions that should be 63930  
adopted by the commission if the commission terminates the plan as 63931  
authorized under that division. 63932

(2) The plan may provide for or include, without limitation, 63933  
any of the following: 63934

(a) Automatic recovery of any of the following costs of the 63935  
electric distribution utility, provided the cost is prudently 63936  
incurred: the cost of fuel used to generate the electricity 63937  
supplied under the offer; the cost of purchased power supplied 63938  
under the offer, including the cost of energy and capacity, and 63939  
including purchased power acquired from an affiliate; the cost of 63940  
emission allowances; and the cost of federally mandated carbon or 63941  
energy taxes; 63942

(b) A reasonable allowance for construction work in progress 63943  
for any of the electric distribution utility's cost of 63944  
constructing an electric generating facility or for an 63945  
environmental expenditure for any electric generating facility of 63946  
the electric distribution utility, provided the cost is incurred 63947  
or the expenditure occurs on or after January 1, 2009. Any such 63948  
allowance shall be subject to the construction work in progress 63949

allowance limitations of division (A) of section 4909.15 of the Revised Code, except that the commission may authorize such an allowance upon the incurrence of the cost or occurrence of the expenditure. No such allowance for generating facility construction shall be authorized, however, unless the commission first determines in the proceeding that there is need for the facility based on resource planning projections submitted by the electric distribution utility. Further, no such allowance shall be authorized unless the facility's construction was sourced through a competitive bid process, regarding which process the commission may adopt rules. An allowance approved under division (B)(2)(b) of this section shall be established as a nonbypassable surcharge for the life of the facility.

(c) The establishment of a nonbypassable surcharge for the life of an electric generating facility that is owned or operated by the electric distribution utility, was sourced through a competitive bid process subject to any such rules as the commission adopts under division (B)(2)(b) of this section, and is newly used and useful on or after January 1, 2009, which surcharge shall cover all costs of the utility specified in the application, excluding costs recovered through a surcharge under division (B)(2)(b) of this section. However, no surcharge shall be authorized unless the commission first determines in the proceeding that there is need for the facility based on resource planning projections submitted by the electric distribution utility. Additionally, if a surcharge is authorized for a facility pursuant to plan approval under division (C) of this section and as a condition of the continuation of the surcharge, the electric distribution utility shall dedicate to Ohio consumers the capacity and energy and the rate associated with the cost of that facility. Before the commission authorizes any surcharge pursuant to this division, it may consider, as applicable, the effects of any decommissioning, deratings, and retirements.

(d) Terms, conditions, or charges relating to limitations on customer shopping for retail electric generation service, bypassability, standby, back-up, or supplemental power service, default service, carrying costs, amortization periods, and accounting or deferrals, including future recovery of such deferrals, as would have the effect of stabilizing or providing certainty regarding retail electric service;

(e) Automatic increases or decreases in any component of the standard service offer price;

(f) Consistent with sections 4928.23 to 4928.2318 of the Revised Code, both of the following:

(i) Provisions for the electric distribution utility to securitize any phase-in, inclusive of carrying charges, of the utility's standard service offer price, which phase-in is authorized in accordance with section 4928.144 of the Revised Code;

(ii) Provisions for the recovery of the utility's cost of securitization.

(g) Provisions relating to transmission, ancillary, congestion, or any related service required for the standard service offer, including provisions for the recovery of any cost of such service that the electric distribution utility incurs on or after that date pursuant to the standard service offer;

(h) Provisions regarding the utility's distribution service, including, without limitation and notwithstanding any provision of Title XLIX of the Revised Code to the contrary, provisions regarding single issue ratemaking, a revenue decoupling mechanism or any other incentive ratemaking, and provisions regarding distribution infrastructure and modernization incentives for the electric distribution utility. The latter may include a long-term energy delivery infrastructure modernization plan for that utility

or any plan providing for the utility's recovery of costs, 64014  
including lost revenue, shared savings, and avoided costs, and a 64015  
just and reasonable rate of return on such infrastructure 64016  
modernization. As part of its determination as to whether to allow 64017  
in an electric distribution utility's electric security plan 64018  
inclusion of any provision described in division (B)(2)(h) of this 64019  
section, the commission shall examine the reliability of the 64020  
electric distribution utility's distribution system and ensure 64021  
that customers' and the electric distribution utility's 64022  
expectations are aligned and that the electric distribution 64023  
utility is placing sufficient emphasis on and dedicating 64024  
sufficient resources to the reliability of its distribution 64025  
system. 64026

(i) Provisions under which the electric distribution utility 64027  
may implement economic development, job retention, and energy 64028  
efficiency programs, which provisions may allocate program costs 64029  
across all classes of customers of the utility and those of 64030  
electric distribution utilities in the same holding company 64031  
system. 64032

(C)(1) The burden of proof in the proceeding shall be on the 64033  
electric distribution utility. The commission shall issue an order 64034  
under this division for an initial application under this section 64035  
not later than one hundred fifty days after the application's 64036  
filing date and, for any subsequent application by the utility 64037  
under this section, not later than two hundred seventy-five days 64038  
after the application's filing date. Subject to division (D) of 64039  
this section, the commission by order shall approve or modify and 64040  
approve an application filed under division (A) of this section if 64041  
it finds that the electric security plan so approved, including 64042  
its pricing and all other terms and conditions, including any 64043  
deferrals and any future recovery of deferrals, is more favorable 64044  
in the aggregate as compared to the expected results that would 64045

otherwise apply under section 4928.142 of the Revised Code. 64046  
Additionally, if the commission so approves an application that 64047  
contains a surcharge under division (B)(2)(b) or (c) of this 64048  
section, the commission shall ensure that the benefits derived for 64049  
any purpose for which the surcharge is established are reserved 64050  
and made available to those that bear the surcharge. Otherwise, 64051  
the commission by order shall disapprove the application. 64052

(2)(a) If the commission modifies and approves an application 64053  
under division (C)(1) of this section, the electric distribution 64054  
utility may withdraw the application, thereby terminating it, and 64055  
may file a new standard service offer under this section or a 64056  
standard service offer under section 4928.142 of the Revised Code. 64057

(b) If the utility terminates an application pursuant to 64058  
division (C)(2)(a) of this section or if the commission 64059  
disapproves an application under division (C)(1) of this section, 64060  
the commission shall issue such order as is necessary to continue 64061  
the provisions, terms, and conditions of the utility's most recent 64062  
standard service offer, along with any expected increases or 64063  
decreases in fuel costs from those contained in that offer, until 64064  
a subsequent offer is authorized pursuant to this section or 64065  
section 4928.142 of the Revised Code, respectively. 64066

(D) Regarding the rate plan requirement of division (A) of 64067  
section 4928.141 of the Revised Code, if an electric distribution 64068  
utility that has a rate plan that extends beyond December 31, 64069  
2008, files an application under this section for the purpose of 64070  
its compliance with division (A) of section 4928.141 of the 64071  
Revised Code, that rate plan and its terms and conditions are 64072  
hereby incorporated into its proposed electric security plan and 64073  
shall continue in effect until the date scheduled under the rate 64074  
plan for its expiration, and that portion of the electric security 64075  
plan shall not be subject to commission approval or disapproval 64076  
under division (C) of this section, and the earnings test provided 64077



for in division (F) of this section shall not apply until after 64078  
the expiration of the rate plan. However, that utility may include 64079  
in its electric security plan under this section, and the 64080  
commission may approve, modify and approve, or disapprove subject 64081  
to division (C) of this section, provisions for the incremental 64082  
recovery or the deferral of any costs that are not being recovered 64083  
under the rate plan and that the utility incurs during that 64084  
continuation period to comply with section 4928.141, division (B) 64085  
of section 4928.64, or division (A) of section 4928.66 of the 64086  
Revised Code. 64087

(E) If an electric security plan approved under division (C) 64088  
of this section, except one withdrawn by the utility as authorized 64089  
under that division, has a term, exclusive of phase-ins or 64090  
deferrals, that exceeds three years from the effective date of the 64091  
plan, the commission shall test the plan in the fourth year, and 64092  
if applicable, every fourth year thereafter, to determine whether 64093  
the plan, including its then-existing pricing and all other terms 64094  
and conditions, including any deferrals and any future recovery of 64095  
deferrals, continues to be more favorable in the aggregate and 64096  
during the remaining term of the plan as compared to the expected 64097  
results that would otherwise apply under section 4928.142 of the 64098  
Revised Code. The commission shall also determine the prospective 64099  
effect of the electric security plan to determine if that effect 64100  
is substantially likely to provide the electric distribution 64101  
utility with a return on common equity that is significantly in 64102  
excess of the return on common equity that is likely to be earned 64103  
by publicly traded companies, including utilities, that face 64104  
comparable business and financial risk, with such adjustments for 64105  
capital structure as may be appropriate. The burden of proof for 64106  
demonstrating that significantly excessive earnings will not occur 64107  
shall be on the electric distribution utility. For affiliated Ohio 64108  
electric distribution utilities that operate under a joint 64109  
electric security plan, their total earned return on common equity 64110

shall be used for purposes of assessing significantly excessive earnings. If the test results are in the negative or the commission finds that continuation of the electric security plan will result in a return on equity that is significantly in excess of the return on common equity that is likely to be earned by publicly traded companies, including utilities, that will face comparable business and financial risk, with such adjustments for capital structure as may be appropriate, during the balance of the plan, the commission may terminate the electric security plan, but not until it shall have provided interested parties with notice and an opportunity to be heard. The commission may impose such conditions on the plan's termination as it considers reasonable and necessary to accommodate the transition from an approved plan to the more advantageous alternative. In the event of an electric security plan's termination pursuant to this division, the commission shall permit the continued deferral and phase-in of any amounts that occurred prior to that termination and the recovery of those amounts as contemplated under that electric security plan.

(F) With regard to the provisions that are included in an electric security plan under this section, the commission shall consider, following the end of each annual period of the plan, if any such adjustments resulted in excessive earnings as measured by whether the earned return on common equity of the electric distribution utility is significantly in excess of the return on common equity that was earned during the same period by publicly traded companies, including utilities, that face comparable business and financial risk, with such adjustments for capital structure as may be appropriate. In making its determination of significantly excessive earnings under this division, the commission shall, for affiliated Ohio electric distribution utilities that operate under a joint electric security plan, use the total of the utilities' earned return on common equity.

Consideration also shall be given to the capital requirements of 64144  
future committed investments in this state. The burden of proof 64145  
for demonstrating that significantly excessive earnings did not 64146  
occur shall be on the electric distribution utility. If the 64147  
commission finds that such adjustments, in the aggregate, did 64148  
result in significantly excessive earnings, it shall require the 64149  
electric distribution utility to return to consumers the amount of 64150  
the excess by prospective adjustments; provided that, upon making 64151  
such prospective adjustments, the electric distribution utility 64152  
shall have the right to terminate the plan and immediately file an 64153  
application pursuant to section 4928.142 of the Revised Code. Upon 64154  
termination of a plan under this division, rates shall be set on 64155  
the same basis as specified in division (C)(2)(b) of this section, 64156  
and the commission shall permit the continued deferral and 64157  
phase-in of any amounts that occurred prior to that termination 64158  
and the recovery of those amounts as contemplated under that 64159  
electric security plan. In making its determination of 64160  
significantly excessive earnings under this division, the 64161  
commission shall not consider, directly or indirectly, the 64162  
revenue, expenses, or earnings of any affiliate that is not an 64163  
Ohio electric distribution utility or parent company. 64164

Sec. 4929.18. (A) As used in this section, "biologically 64165  
derived methane gas" has the same meaning as in section 5713.30 of 64166  
the Revised Code. 64167

(B) Any property, equipment, or facilities installed or 64168  
constructed by a natural gas company to enable interconnection 64169  
with or receipt from any property, equipment, or facilities used 64170  
to generate, collect, gather, or transport biologically derived 64171  
methane gas, or to enable the supply of biologically derived 64172  
methane gas to consumers within this state, may be treated as 64173  
instrumentalities and facilities for distribution service if the 64174  
public utilities commission determines that treatment is just and 64175

reasonable. If the commission makes that determination, the 64176  
property, equipment, or facilities shall be considered used and 64177  
useful in rendering public utility service for purposes of section 64178  
4909.15 of the Revised Code. 64179

**Sec. 4937.01.** As used in sections 4937.01 to 4937.05 of the 64180  
Revised Code: 64181

(A) "Hazard" has the same meaning as in section 5502.21 of 64182  
the Revised Code. 64183

(B) "Member agency" means the state agency of which a member 64184  
of the utility radiological safety board is an officer. 64185

(C) "Nuclear electric facility" means any facility operated 64186  
by a nuclear electric utility using nuclear energy to produce 64187  
electricity and any facility for the storage of spent nuclear fuel 64188  
arising from such production. 64189

(D) "Nuclear electric facility incident" means any hazard 64190  
within the state which is associated with a nuclear electric 64191  
facility and requires, pursuant to sections 5502.21 to 5502.51 of 64192  
the Revised Code, emergency management to mitigate its effects. 64193

(E) "Nuclear electric utility" includes every person, their 64194  
agents, assignees, or trustees, within this state engaged in the 64195  
business of producing electricity using nuclear energy, or in the 64196  
storage of spent nuclear fuel arising from such production. 64197

(F) "Nuclear electric utility holding company" means any 64198  
company that holds an equity interest in a nuclear electric 64199  
utility and is part of an electric utility holding company system 64200  
exempt under section 3(a)(1) or (2) of the "Public Utility Holding 64201  
Company Act of 1935," 49 Stat. 810, 15 U.S.C.A. 79c, and the 64202  
regulations adopted under the act. 64203

**Sec. 4937.05.** (A) Subject to division (B) of this section, 64204

the utility radiological safety board may apportion among and 64205  
assess against each nuclear electric utility in this state against 64206  
which an assessment may be made under section 4905.10 of the 64207  
Revised Code an amount no greater than the maximums specified in 64208  
the applicable main operating appropriations act. The assessment 64209  
shall be made in proportion to the intrastate gross receipts of 64210  
the utility, excluding receipts from sales to other public 64211  
utilities for resale, for the calendar year next preceding that in 64212  
which the assessments are made, or be made based upon the 64213  
utility's decommissioning budget for the year of the assessment, 64214  
if the utility is not engaged in the business of producing 64215  
electricity using nuclear energy. On or before the first day of 64216  
October in each year, the board shall notify each such utility of 64217  
the sum assessed against it, whereupon payment shall be made to 64218  
the board. The board shall deposit the payment into any nuclear 64219  
safety fund for which a maximum is specified, for the purposes of 64220  
this section, in the applicable main operating appropriations act. 64221  
Any assessments so deposited which are not expended shall be 64222  
credited ratably to each nuclear electric utility that paid them, 64223  
according to the respective portions of the amount assessable 64224  
against the utility for the ensuing calendar year. The assessments 64225  
for such calendar year shall be adjusted accordingly. 64226

(B) The board shall assess an amount against the nuclear 64227  
electric utilities pursuant to division (A) of this section only 64228  
in accordance with this division and subject to the conditions it 64229  
specifies. 64230

(1) Nuclear electric utilities and, separately, the 64231  
environmental protection agency, the department of health, the 64232  
department of agriculture, and the emergency management agency of 64233  
the department of public safety, as member agencies of the board, 64234  
shall negotiate, in good faith, amounts to be given as grants by 64235  
the nuclear electric utilities pursuant to this division for 64236

funding the member agency for a fiscal biennium. Any such grant 64237  
shall cover all costs related to the statutory requirements or 64238  
agreements specified in division (B)(4) of this section, but shall 64239  
not be required to cover any costs of activities not directly 64240  
related to those statutory requirements or agreements. 64241

(2)(a) If any of the member agencies specified in division 64242  
(B)(1) of this section disagrees, before the first day of 64243  
September of the first year of a fiscal biennium, with the nuclear 64244  
electric utilities on a grant amount under that division for the 64245  
agency's funding for that biennium and the agency is requesting a 64246  
specified amount not exceeding seventy-five per cent of the 64247  
maximum specified in the applicable main operating appropriations 64248  
act, the agency shall make a written directive to the board for an 64249  
assessment against the nuclear electric utilities for that 64250  
specified amount and shall notify the controlling board, the 64251  
director of budget and management, and the nuclear electric 64252  
utilities in writing of that directive. Upon receipt of the 64253  
directive, the utility radiological safety board shall assess the 64254  
specified amount against the nuclear electric utilities as 64255  
provided in division (A) of this section, notwithstanding any 64256  
provision of that division to the contrary, provided the amount 64257  
assessed does not exceed the maximum specified in the applicable 64258  
main operating appropriations act. 64259

(b) If any of the member agencies specified in division 64260  
(B)(1) of this section disagrees, before the first day of 64261  
September of the first year of a fiscal biennium, with the nuclear 64262  
electric utilities on a grant amount under that division for the 64263  
agency's funding for that biennium and the agency is requesting a 64264  
specified amount that exceeds seventy-five per cent of the maximum 64265  
specified for that agency in the applicable main operating 64266  
appropriations act, the agency may request that the controlling 64267  
board approve an assessment against the electric utilities in the 64268

specified amount. The controlling board shall not approve an 64269  
assessment so requested if it exceeds that maximum or will not be 64270  
used for the purposes specified in division (B)(4) of this 64271  
section. If the controlling board approves the request, the 64272  
utility radiological safety board shall impose an assessment in 64273  
the approved amount against the nuclear electric utilities as 64274  
provided in division (A) of this section, notwithstanding any 64275  
provision of that division to the contrary. 64276

(c) The board shall not assess against the nuclear electric 64277  
utilities pursuant to division (A) of this section in any fiscal 64278  
biennium for which each member agency and the nuclear electric 64279  
utilities agree on grant amounts pursuant to division (B)(1) of 64280  
this section. 64281

(3) Revenues received pursuant to grants or assessments under 64282  
division (B)(1) or (2) of this section shall be deposited into the 64283  
requesting agency's nuclear safety fund, as such fund is specified 64284  
in the applicable main operating appropriations act. 64285

(4) Funding provided under this division to a member agency 64286  
shall be for the purpose of enabling a member agency to fulfill 64287  
its authority and duties under the statutes related to nuclear 64288  
safety or the utility safety radiological board, or under 64289  
agreements with the nuclear regulatory commission. 64290

(5) If a nuclear electric utility makes any recommendation to 64291  
render the nuclear safety programs of member agencies of the 64292  
utility radiological safety board more cost effective, the member 64293  
agencies shall implement the recommendation or provide to the 64294  
utility a written statement explaining why the recommendation will 64295  
not be implemented or will be implemented with substantial 64296  
modification. 64297

**Sec. 5101.061.** (A) There is hereby established in the 64298  
department of job and family services the office of human services 64299

innovation. The office shall develop recommendations, as described 64300  
in division (B) of this section, regarding the coordination and 64301  
reform of state programs to assist the residents of this state in 64302  
preparing for life and the dignity of work and to promote 64303  
individual responsibility and work opportunity. 64304

The director of job and family services shall establish the 64305  
office's organizational structure, may reassign the department's 64306  
staff and resources as necessary to support the office's 64307  
activities, and is responsible for the office's operations. The 64308  
superintendent of public instruction, chancellor of ~~the Ohio board~~ 64309  
~~of regents~~ higher education, and director of the governor's office 64310  
of workforce transformation, ~~and director of the governor's office~~ 64311  
~~of health transformation~~ shall assist the director of job and 64312  
family services with leadership and organizational support for the 64313  
office. 64314

(B) Not later than January 1, 2015, the office shall submit 64315  
to the governor recommendations for all of the following: 64316

(1) Coordinating services across all public assistance 64317  
programs to help individuals find employment, succeed at work, and 64318  
stay out of poverty; 64319

(2) Revising incentives for public assistance programs to 64320  
foster person-centered case management; 64321

(3) Standardizing and automating eligibility determination 64322  
policies and processes for public assistance programs; 64323

(4) Other matters the office considers appropriate. 64324

(C) Not later than three months after ~~the effective date of~~ 64325  
~~this section~~ September 15, 2014, the office shall establish clear 64326  
principles to guide the development of its recommendations, shall 64327  
identify in detail the problems to be addressed in the 64328  
recommendations, and shall make an inventory of all state and 64329



other resources that the office considers relevant to the 64330  
recommendations. 64331

(D) The office shall convene the directors and staff of the 64332  
departments, agencies, offices, boards, commissions, and 64333  
institutions of the executive branch of the state as necessary to 64334  
develop the office's recommendations. The departments, agencies, 64335  
offices, boards, commissions, and institutions shall comply with 64336  
all requests and directives that the office makes, subject to the 64337  
supervision of the directors of the departments, agencies, 64338  
offices, boards, commissions, and institutions. The office also 64339  
shall convene other individuals interested in the issues that the 64340  
office addresses in the development of the recommendations to 64341  
obtain their input on, and support for, the recommendations. 64342

**Sec. 5101.141.** (A) As used in sections 5101.141 to 5101.1414 64343  
of the Revised Code: 64344

(1) "Adopted young adult" means a person: 64345

(a) Who was in the temporary or permanent custody of a public 64346  
children services agency; 64347

(b) Who was adopted at the age of sixteen or seventeen and 64348  
attained the age of sixteen before a Title IV-E adoption 64349  
assistance agreement became effective; 64350

(c) Who has attained the age of eighteen; and 64351

(d) Who has not yet attained the age of twenty-one. 64352

(2) "Child" ~~includes a~~ means any of the following: 64353

(a) A person who meets the requirements of division (A)(1) 64354  
(B)(3) of section ~~5101.1411~~ 5153.01 of the Revised Code ~~or an~~ 64355  
~~adopted person who meets the requirements applicable to such a~~ 64356  
~~person under division (B)(1) of section 5101.1411 of the Revised~~ 64357  
~~Code.~~ 64358

~~(2) "Designee" means a person with whom the department of job and family services has entered into a contract, pursuant to division (B)(2) of this section;~~ 64359  
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(b) An adopted young adult; 64362

(c) An emancipated young adult. 64363

(3) "Emancipated young adult" means a person: 64364

(a) Who was in the temporary or permanent custody of a public children services agency, a planned permanent living arrangement, or in the Title-IV-E-eligible care and placement responsibility of a juvenile court or other governmental agency that provides Title IV-E reimbursable placement services; 64365  
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(b) Whose custody, arrangement, or care and placement was terminated on or after the person's eighteenth birthday; and 64370  
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(c) Who has not yet attained the age of twenty-one. 64372

(4) "Representative" means a person with whom the department of job and family services has entered into a contract, pursuant to division (B)(2)(b) of this section. 64373  
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(5) "Title IV-E" means Title IV-E of the "Social Security Act," 94 Stat. 501, 42 U.S.C. 670 (1980), as amended. 64376  
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(B)(1) Except as provided in division (B)(2) of this section, the department of job and family services shall act as the single state agency to administer federal payments for foster care and adoption assistance made pursuant to Title IV-E. The director of job and family services shall adopt rules to implement this authority. Rules governing financial and administrative requirements applicable to public children services agencies and government entities that provide Title IV-E reimbursable placement services to children shall be adopted in accordance with section 111.15 of the Revised Code, as if they were internal management rules. Rules governing requirements applicable to private child 64378  
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placing agencies and private noncustodial agencies and rules 64389  
establishing eligibility, program participation, and other 64390  
requirements concerning Title IV-E shall be adopted in accordance 64391  
with Chapter 119. of the Revised Code. A public children services 64392  
agency to which the department distributes Title IV-E funds shall 64393  
administer the funds in accordance with those rules. 64394

(2) If the state plan is amended under divisions (A) and (B) 64395  
of section 5101.1411 of the Revised Code, both of the following 64396  
shall apply: 64397

(a) Implementation of the amendments to the plan shall begin 64398  
fifteen months after September 13, 2016, the effective date of 64399  
H.B. 50 of the 131st general assembly, if both of the following 64400  
apply: 64401

(i) The plan as amended is approved by the secretary of 64402  
health and human services; 64403

(ii) The general assembly has appropriated sufficient funds 64404  
to operate the program required under the plan as amended. 64405

(b) The department shall have, exercise, and perform all new 64406  
duties required under the plan as amended. In doing so, the 64407  
department may contract with another person to carry out those new 64408  
duties, to the extent permitted under Title IV-E. 64409

(C)(1) The Except with regard to the new duties imposed on 64410  
the department or its contractor under division (B)(2)(b) of this 64411  
section that are not imposed on the county, the county, on behalf 64412  
of each child eligible for foster care maintenance payments under 64413  
Title IV-E, shall make payments to cover the cost of providing all 64414  
of the following: 64415

(a) The child's food, clothing, shelter, daily supervision, 64416  
and school supplies; 64417

(b) The child's personal incidentals; 64418

(c) Reasonable travel to the child's home for visitation. 64419

(2) In addition to payments made under division (C)(1) of 64420  
this section, the county may, on behalf of each child eligible for 64421  
foster care maintenance payments under Title IV-E, make payments 64422  
to cover the cost of providing the following: 64423

(a) Liability insurance with respect to the child; 64424

(b) If the county is participating in the demonstration 64425  
project established under division (A) of section 5101.142 of the 64426  
Revised Code, services provided under the project. 64427

(3) With respect to a child who is in a child-care 64428  
institution, including any type of group home designed for the 64429  
care of children or any privately operated program consisting of 64430  
two or more certified foster homes operated by a common 64431  
administrative unit, the foster care maintenance payments made by 64432  
the county on behalf of the child shall include the reasonable 64433  
cost of the administration and operation of the institution, group 64434  
home, or program, as necessary to provide the items described in 64435  
divisions (C)(1) and (2) of this section. 64436

(D) To the extent that either foster care maintenance 64437  
payments under division (C) of this section or Title IV-E adoption 64438  
assistance payments for maintenance costs require the expenditure 64439  
of county funds, the board of county commissioners shall report 64440  
the nature and amount of each expenditure of county funds to the 64441  
department. 64442

(E) The department shall distribute to public children 64443  
services agencies that incur and report expenditures of the type 64444  
described in division (D) of this section federal financial 64445  
participation received for administrative and training costs 64446  
incurred in the operation of foster care maintenance and adoption 64447  
assistance programs. The department may withhold not more than 64448  
three per cent of the federal financial participation received. 64449

The funds withheld may be used only to fund the following: 64450

(1) The Ohio child welfare training program established under 64451  
section 5103.30 of the Revised Code; 64452

(2) The university partnership program for college and 64453  
university students majoring in social work who have committed to 64454  
work for a public children services agency upon graduation; 64455

(3) Efforts supporting organizational excellence, including 64456  
voluntary activities to be accredited by a nationally recognized 64457  
accreditation organization. 64458

The funds withheld shall be in addition to any administration 64459  
and training cost for which the department is reimbursed through 64460  
its own cost allocation plan. 64461

(F) All federal financial participation funds received by a 64462  
county pursuant to this section shall be deposited into the 64463  
county's children services fund created pursuant to section 64464  
5101.144 of the Revised Code. 64465

(G) The department shall periodically publish and distribute 64466  
the maximum amounts that the department will reimburse public 64467  
children services agencies for making payments on behalf of 64468  
children eligible for foster care maintenance payments. 64469

(H) The department, by and through its director, is hereby 64470  
authorized to develop, participate in the development of, 64471  
negotiate, and enter into one or more interstate compacts on 64472  
behalf of this state with agencies of any other states, for the 64473  
provision of social services to children in relation to whom all 64474  
of the following apply: 64475

(1) They have special needs. 64476

(2) This state or another state that is a party to the 64477  
interstate compact is providing adoption assistance on their 64478  
behalf. 64479

(3) They move into this state from another state or move out of this state to another state. 64480  
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**Sec. 5101.1411.** (A)(1) The director of job and family services shall, not later than nine months after September 13, 2016, the effective date of H.B. 50 of the 131st general assembly, submit an amendment to the state plan required by 42 U.S.C. 671 to the United States secretary of health and human services to implement 42 U.S.C. 675(8) to make federal payments for foster care under Title IV-E directly to, or on behalf of, any ~~person~~ emancipated young adult who meets the following requirements: 64482  
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~~(a) The person has attained the age of eighteen but not attained the age of twenty one.~~ 64490  
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~~(b) The person was in the custody of a public children services agency upon attaining the age of eighteen.~~ 64492  
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~~(c) The person emancipated young adult signs a voluntary participation agreement.~~ 64494  
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~~(d)~~(b) The ~~person~~ emancipated young adult satisfies division (C) of this section. 64496  
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(2) Any ~~person~~ emancipated young adult who meets the requirements of division (A)(1) of this section may apply for foster care payments and make the appropriate application at any time. 64498  
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(B)(1) The director of job and family services shall, not later than nine months after September 13, 2016, the effective date of H.B. 50 of the 131st general assembly, submit an amendment to the state plan required by 42 U.S.C. 671 to the United States secretary of health and human services to implement 42 U.S.C. 675(8) to make federal payments for adoption assistance under Title IV-E available to any parent who meets all of the following requirements: 64502  
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(a) The parent adopted a person ~~while the adopted person was sixteen or seventeen and had been in the custody of a public children services agency, or~~ who is an adopted young adult and the parent ~~enters~~ entered into an adoption assistance agreement under 42 U.S.C. 673~~+~~ while the adopted person was age sixteen or seventeen.

(b) ~~The adopted person has attained the age of eighteen but has not attained the age of twenty one;~~

~~(c)~~ The parent maintains parental responsibility ~~to that for~~ the adopted ~~person;~~ young adult.

~~(d)~~(c) The adopted ~~person~~ young adult satisfies division (C) of this section.

(2) Any parent who meets the requirements of division (B)(1) of this section that are applicable to a parent may request an extension of adoption assistance payments at any time before the adopted ~~person~~ young adult reaches age twenty-one.

(3) An adopted young adult who is eligible to receive adoption assistance payments is not considered an emancipated young adult and is therefore not eligible to receive payment under division (A) of this section.

(C) In addition to other requirements, ~~a person who is in foster care or has been adopted~~ an adopted or emancipated young adult must meet at least one of the following criteria:

(1) Is completing secondary education or a program leading to an equivalent credential;

(2) Is enrolled in an institution that provides post-secondary or vocational education;

(3) Is participating in a program or activity designed to promote, or remove barriers to, employment;

(4) Is employed for at least eighty hours per month;

(5) Is incapable of doing any of the activities described in ~~division~~ divisions (C)(1) to (4) of this section due to a ~~medical~~ physical or mental condition, which incapacity is supported by regularly updated information in the person's case record or plan. 64540  
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(D) Any ~~person~~ emancipated young adult described in division (A)(1) of this section who is directly receiving foster care payments, or on whose behalf such foster care payments are received, or any parent receiving adoption assistance payments, ~~pursuant to this section~~ may refuse the payments at any time. ~~If the person or parent refuses payments and seeks payments at a later date, the person or parent must reapply for the payments in accordance with this section.~~ 64544  
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(E)(1) ~~A person~~ An emancipated young adult described in division (A)(1) of this section who is directly receiving foster care payments, or on whose behalf such foster care payments are received, or a parent receiving adoption assistance payments and the adopted ~~person, pursuant to this section,~~ young adult shall be eligible for services set forth in the federal, "Fostering Connections to Success and Increasing Adoptions Act of 2008," P.L. 110-351, 122 Stat. 3949. 64552  
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(2) ~~A person~~ An emancipated young adult described in division (A)(1) of this section who is directly receiving foster care payments, or on whose behalf such foster care payments are received, pursuant to this section, may be eligible to reside in a supervised independent living setting, including apartment living, room and board arrangements, college or university dormitories, host homes, and shared roommate settings. 64560  
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(F) Any determination by the department that denies or terminates foster care or adoption assistance payments shall be subject to a state hearing pursuant to section 5101.35 of the Revised Code. 64567  
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Sec. 5101.1412. (A) Without the approval of a court, ~~a child~~ 64571  
an emancipated young adult who receives payments, or on whose 64572  
behalf payments are received, under division (A) of section 64573  
5101.1411 of the Revised Code, may enter into a voluntary 64574  
participation agreement with the department of job and family 64575  
services, or its ~~designee~~ representative, for the ~~child's~~ 64576  
emancipated young adult's care and placement. The agreement shall 64577  
~~expire within one hundred eighty days and may not be renewed~~ 64578  
~~without court approval~~ stay in effect until one of the following 64579  
occurs: 64580

(1) The emancipated young adult enrolled in the program 64581  
notifies the department, or its representative, that they want to 64582  
terminate the agreement. 64583

(2) The emancipated young adult becomes ineligible for the 64584  
program. 64585

(B) ~~Prior to the agreement's expiration~~ During the 64586  
one-hundred-eighty-day period after the voluntary participation 64587  
agreement becomes effective, the department or its ~~designee~~ 64588  
representative shall seek approval from the court that the ~~child's~~ 64589  
emancipated young adult's best interest is served by ~~extending~~ 64590  
continuing the care and placement with the department or its 64591  
~~designee~~ representative. 64592

(C) In order to maintain Title IV-E eligibility for the 64593  
emancipated young adult, not later than twelve months after the 64594  
effective date of the voluntary participation agreement, and at 64595  
least once every twelve months thereafter, the department or its 64596  
representative must petition the court for, and obtain, a judicial 64597  
determination that the department or its representative has made 64598  
reasonable efforts to finalize a permanency plan that addresses 64599  
the department's or its representative's efforts to prepare the 64600  
emancipated young adult for independence. 64601

Sec. 5101.1414. (A) Not later than nine months after 64602  
September 13, 2016, the effective date of H.B. 50 of the 131st 64603  
general assembly, the department of job and family services shall 64604  
adopt rules necessary to carry out the purposes of sections 64605  
5101.1411 to 5101.1413 of the Revised Code, including rules that 64606  
do all of the following: 64607

(1) Allow ~~a person~~ an emancipated young adult described in 64608  
division (A)(1) of section 5101.1411 of the Revised Code who is 64609  
directly receiving foster care payments, or on whose behalf such 64610  
foster care payments are received, or ~~a person~~ an adopted young 64611  
adult whose adoptive parents are receiving adoption assistance 64612  
payments, to maintain eligibility while transitioning into, or out 64613  
of, qualified employment or educational activities; 64614

(2) Require that a thirty-day notice of termination be given 64615  
by the department to ~~a person~~ an emancipated young adult described 64616  
in division (A)(1) of section 5101.1411 of the Revised Code who is 64617  
receiving foster care payments, or on whose behalf such foster 64618  
care payments are received, or to a parent receiving adoption 64619  
assistance payments for an adopted ~~person~~ young adult described in 64620  
division (B)(1) of section 5101.1411 of the Revised Code, who is 64621  
determined to be ineligible for payments; 64622

(3) Establish the scope of practice and training necessary 64623  
for ~~foster care workers and foster care worker~~ case managers and 64624  
supervisors who care for ~~persons~~ emancipated young adults 64625  
described in division (A)(1) of section 5101.1411 of the Revised 64626  
Code who are receiving foster care payments, or on whose behalf 64627  
such foster care payments are received, under section 5101.1411 of 64628  
the Revised Code. 64629

(B) The department of job and family services shall create an 64630  
advisory council to evaluate and make recommendations for 64631  
statewide implementation of sections 5101.1411 and 5101.1412 of 64632

the Revised Code not later than one month after September 13, 64633  
2016, the effective date of H.B. 50 of the 131st general assembly. 64634

Sec. 5101.1415. The provisions of divisions (A) and (C) to 64635  
(F) of section 5101.1411 of the Revised Code shall not apply if 64636  
the person is eligible for temporary or permanent custody until 64637  
age twenty-one pursuant to a dispositional order under sections 64638  
2151.353, 2151.414, and 2151.415 of the Revised Code. 64639

**Sec. 5101.56.** (A) As used in this section, "physician" means 64640  
a person who holds a valid ~~certificate~~ license to practice 64641  
medicine and surgery or osteopathic medicine and surgery issued 64642  
under Chapter 4731. of the Revised Code. 64643

(B) Unless required by the United States Constitution or by 64644  
federal statute, regulation, or decisions of federal courts, state 64645  
or local funds may not be used for payment or reimbursement for 64646  
abortion services unless the certification required by division 64647  
(C) of this section is made and one of the following circumstances 64648  
exists: 64649

(1) The woman suffers from a physical disorder, physical 64650  
injury, or physical illness, including a life-endangering physical 64651  
condition caused by or arising from the pregnancy, that would, as 64652  
certified by a physician, place the woman in danger of death 64653  
unless an abortion is performed. 64654

(2) The pregnancy was the result of an act of rape and the 64655  
patient, the patient's legal guardian, or the person who made the 64656  
report to the law enforcement agency, certifies in writing that 64657  
prior to the performance of the abortion a report was filed with a 64658  
law enforcement agency having the requisite jurisdiction, unless 64659  
the patient was physically unable to comply with the reporting 64660  
requirement and that fact is certified by the physician performing 64661  
the abortion. 64662

(3) The pregnancy was the result of an act of incest and the patient, the patient's legal guardian, or the person who made the report certifies in writing that prior to the performance of the abortion a report was filed with either a law enforcement agency having the requisite jurisdiction, or, in the case of a minor, with a county children services agency established under Chapter 5153. of the Revised Code, unless the patient was physically unable to comply with the reporting requirement and that fact is certified by the physician performing the abortion.

(C)(1) Before payment of or reimbursement for an abortion can be made with state or local funds, the physician performing the abortion shall certify that one of the three circumstances in division (B) of this section has occurred. The certification shall be made on a form created by the Ohio department of job and family services known as the "Abortion Certification Form." The physician's signature shall be in the physician's own handwriting. The certification shall list the name and address of the patient. The certification form shall be attached to the billing invoice.

(2) The certification shall be as follows:

I certify that, on the basis of my professional judgment, this service was necessary because:

(a) The woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would place the woman in danger of death unless an abortion was performed;

(b) The pregnancy was the result of an act of rape and the patient, the patient's legal guardian, or the person who made the report to the law enforcement agency certified in writing that prior to the performance of the abortion a report was filed with a law enforcement agency having the requisite jurisdiction;

(c) The pregnancy was the result of an act of incest and the patient, the patient's legal guardian, or the person who made the report certified in writing that prior to the performance of the abortion a report was filed with either a law enforcement agency having the requisite jurisdiction or, in the case of a minor, with a county children services agency established under Chapter 5153. of the Revised Code;

(d) The pregnancy was the result of an act of rape and in my professional opinion the recipient was physically unable to comply with the reporting requirement; or

(e) The pregnancy was a result of an act of incest and in my professional opinion the recipient was physically unable to comply with the reporting requirement.

(D) Payment or reimbursement for abortion services shall not be made with state or local funds for associated services such as anesthesia, laboratory tests, or hospital services if the abortion service itself cannot be paid or reimbursed with state or local funds. All abortion services for which a physician is seeking reimbursement or payment for the purposes of this division shall be submitted on a hard-copy billing invoice.

(E) Documentation that supports the certification made by a physician shall be maintained by the physician in the recipient's medical record. When the physician certifies that circumstances described in division (C)(2)(b) or (c) of this section are the case, a copy of the statement signed by the patient, the patient's legal guardian, or the person who made the report shall be maintained in the patient's medical record.

(F) Nothing in this section denies reimbursement for drugs or devices to prevent implantation of the fertilized ovum, or for medical procedures for the termination of an ectopic pregnancy. This section does not apply to treatments for incomplete, missed,

or septic abortions. 64725

(G) If enforcement of this section will adversely affect 64726  
eligibility of the state or a political subdivision of the state 64727  
for participation in a federal program, this section shall be 64728  
enforced to the extent permissible without preventing 64729  
participation in that federal program. 64730

**Sec. 5101.83.** (A) As used in this section: 64731

(1) "Assistance group" has the same meaning as in section 64732  
5107.02 of the Revised Code, except that it also means a group 64733  
provided benefits and services under the prevention, retention, 64734  
and contingency program or the comprehensive case management and 64735  
employment program. 64736

(2) "Fraudulent assistance" means assistance and ~~service~~ 64737  
services, including cash assistance, provided under the Ohio works 64738  
first program established under Chapter 5107., or benefits and 64739  
services provided under the prevention, retention, and contingency 64740  
program established under Chapter 5108. of the Revised Code or 64741  
under the comprehensive case management and employment program 64742  
established under Chapter 5116. of the Revised Code, to or on 64743  
behalf of an assistance group that is provided as a result of 64744  
fraud by a member of the assistance group, including an 64745  
intentional violation of the program's requirements. "Fraudulent 64746  
assistance" does not include assistance or services to or on 64747  
behalf of an assistance group that is provided as a result of an 64748  
error that is the fault of a county department of job and family 64749  
services or the ~~state~~ Ohio department of job and family services. 64750

(B) If a county director of job and family services 64751  
determines that an assistance group has received fraudulent 64752  
assistance, the assistance group is ineligible to participate in 64753  
the Ohio works first program ~~or~~, the prevention, retention, and 64754  
contingency program, or the comprehensive case management and 64755

employment program until a member of the assistance group repays 64756  
the cost of the fraudulent assistance. If a member repays the cost 64757  
of the fraudulent assistance and the assistance group otherwise 64758  
meets the eligibility requirements for the Ohio works first 64759  
program ~~or~~, the prevention, retention, and contingency program, or 64760  
the comprehensive case management and employment program, the 64761  
assistance group shall not be denied the opportunity to 64762  
participate in the program. 64763

This section does not limit the ability of a county 64764  
department of job and family services to recover erroneous 64765  
payments under section 5107.76 of the Revised Code. 64766

The ~~state~~ Ohio department of job and family services shall 64767  
adopt rules in accordance with Chapter 119. of the Revised Code to 64768  
implement this section. 64769

**Sec. 5101.85.** As used in sections 5101.851 to ~~5101.853~~ 64770  
5101.856 of the Revised Code, "kinship caregiver" means any of the 64771  
following who is eighteen years of age or older and is caring for 64772  
a child in place of the child's parents: 64773

(A) The following individuals related by blood or adoption to 64774  
the child: 64775

(1) Grandparents, including grandparents with the prefix 64776  
"great," "great-great," or "great-great-great"; 64777

(2) Siblings; 64778

(3) Aunts, uncles, nephews, and nieces, including such 64779  
relatives with the prefix "great," "great-great," "grand," or 64780  
"great-grand"; 64781

(4) First cousins and first cousins once removed. 64782

(B) Stepparents and stepsiblings of the child; 64783

(C) Spouses and former spouses of individuals named in 64784

divisions (A) and (B) of this section;	64785
(D) A legal guardian of the child;	64786
(E) A legal custodian of the child;	64787
(F) <u>Any nonrelative adult that has a familiar and</u>	64788
<u>long-standing relationship or bond with the child or the family,</u>	64789
<u>which relationship or bond will ensure the child's social ties.</u>	64790
<b>Sec. 5101.851.</b> The department of job and family services <del>may</del>	64791
<u>shall</u> establish a statewide <del>program of kinship care navigators</del>	64792
<u>navigator program</u> to assist kinship caregivers who are seeking	64793
information regarding, or assistance obtaining, services and	64794
benefits available at the state and local level that address the	64795
needs of those caregivers residing in each county. The program	64796
shall provide to kinship caregivers information and referral	64797
services and assistance obtaining support services including the	64798
following:	64799
(A) Publicly funded child care;	64800
(B) Respite care;	64801
(C) Training related to caring for special needs children;	64802
(D) A toll-free telephone number that may be called to obtain	64803
basic information about the rights of, and services available to,	64804
kinship caregivers;	64805
(E) Legal services.	64806
<b>Sec. 5101.853.</b> <u>The director of job and family services shall</u>	64807
<u>divide the state into not less than five and not greater than</u>	64808
<u>twelve regions, for the kinship care navigator program under</u>	64809
<u>section 5101.851 of the Revised Code. The director shall take the</u>	64810
<u>following into consideration when establishing the regions:</u>	64811
(A) <u>The population size;</u>	64812



(B) The estimated number of kinship caregivers; 64813

(C) The expertise of kinship navigators; 64814

(D) Any other factor the director considers relevant. 64815

**Sec. 5101.854.** The program in each kinship care navigator 64816  
region established under section 5101.853 of the Revised Code 64817  
shall provide information and referral services and assistance in 64818  
obtaining support services for kinship caregivers within its 64819  
region. 64820

**Sec. ~~5101.853~~ 5101.855.** The ~~Not~~ later than one year after the 64821  
effective date of this amendment, the department of job and family 64822  
services ~~may~~ shall adopt rules to implement the kinship care 64823  
navigators ~~navigator~~ program. The rules shall be adopted under 64824  
Chapter 119. of the Revised Code, except that rules governing 64825  
fiscal and administrative matters related to implementation of the 64826  
navigators program are internal management rules and shall be 64827  
adopted under section 111.15 of the Revised Code. 64828

**Sec. 5101.856.** (A)(1) The kinship care navigator program 64829  
shall be funded to the extent that general revenue funds have been 64830  
appropriated by the general assembly for that purpose. 64831

(2) The director of job and family services shall take any 64832  
action necessary to obtain funds available for the kinship care 64833  
navigator program under Title IV-E of the "Social Security Act," 64834  
94 Stat. 501 (1980), 42 U.S.C. 670, as amended. 64835

(B) The department shall pay the full nonfederal share for 64836  
the kinship care navigator program. No county department of job 64837  
and family services or public children services agency shall be 64838  
responsible for the cost of the program. 64839

**Sec. 5103.02.** As used in sections 5103.03 to ~~5103.17~~ 5103.181 64840

of the Revised Code: 64841

(A)(1) "Association" or "institution" includes all of the 64842  
following: 64843

(a) Any incorporated or unincorporated organization, society, 64844  
association, or agency, public or private, that receives or cares 64845  
for children for two or more consecutive weeks; 64846

(b) Any individual, including the operator of a foster home, 64847  
who, for hire, gain, or reward, receives or cares for children for 64848  
two or more consecutive weeks, unless the individual is related to 64849  
them by blood or marriage; 64850

(c) Any individual not in the regular employ of a court, or 64851  
of an institution or association certified in accordance with 64852  
section 5103.03 of the Revised Code, who in any manner becomes a 64853  
party to the placing of children in foster homes, unless the 64854  
individual is related to such children by blood or marriage or is 64855  
the appointed guardian of such children. 64856

(2) "Association" or "institution" does not include any of 64857  
the following: 64858

(a) Any organization, society, association, school, agency, 64859  
child guidance center, detention or rehabilitation facility, or 64860  
children's clinic licensed, regulated, approved, operated under 64861  
the direction of, or otherwise certified by the department of 64862  
education, a local board of education, the department of youth 64863  
services, the department of mental health and addiction services, 64864  
or the department of developmental disabilities; 64865

(b) Any individual who provides care for only a single-family 64866  
group, placed there by their parents or other relative having 64867  
custody; 64868

(c) A private, nonprofit therapeutic wilderness camp; 64869

(d) A qualified organization as defined in section 2151.90 of 64870

the Revised Code. 64871

(B) "Family foster home" means a foster home that is not a 64872  
specialized foster home. 64873

(C) "Foster caregiver" means a person holding a valid foster 64874  
home certificate issued under section 5103.03 of the Revised Code. 64875

(D) "Foster home" means a private residence in which children 64876  
are received apart from their parents, guardian, or legal 64877  
custodian, by an individual reimbursed for providing the children 64878  
nonsecure care, supervision, or training twenty-four hours a day. 64879  
"Foster home" does not include care provided for a child in the 64880  
home of a person other than the child's parent, guardian, or legal 64881  
custodian while the parent, guardian, or legal custodian is 64882  
temporarily away. Family foster homes and specialized foster homes 64883  
are types of foster homes. 64884

(E) "Medically fragile foster home" means a foster home that 64885  
provides specialized medical services designed to meet the needs 64886  
of children with intensive health care needs who meet all of the 64887  
following criteria: 64888

(1) Under rules adopted by the medicaid director governing 64889  
medicaid payments for long-term care services, the children 64890  
require a skilled level of care. 64891

(2) The children require the services of a doctor of medicine 64892  
or osteopathic medicine at least once a week due to the 64893  
instability of their medical conditions. 64894

(3) The children require the services of a registered nurse 64895  
on a daily basis. 64896

(4) The children are at risk of institutionalization in a 64897  
hospital, skilled nursing facility, or intermediate care facility 64898  
for individuals with intellectual disabilities. 64899

(F) "Private, nonprofit therapeutic wilderness camp" means a 64900

structured, alternative residential setting for children who are 64901  
experiencing emotional, behavioral, moral, social, or learning 64902  
difficulties at home or school in which all of the following are 64903  
the case: 64904

(1) The children spend the majority of their time, including 64905  
overnight, either outdoors or in a primitive structure. 64906

(2) The children have been placed there by their parents or 64907  
another relative having custody. 64908

(3) The camp accepts no public funds for use in its 64909  
operations. 64910

(G) "Recommending agency" means a public children services 64911  
agency, private child placing agency, or private noncustodial 64912  
agency that recommends that the department of job and family 64913  
services take any of the following actions under section 5103.03 64914  
of the Revised Code regarding a foster home: 64915

(1) Issue a certificate; 64916

(2) Deny a certificate; 64917

(3) Renew a certificate; 64918

(4) Deny renewal of a certificate; 64919

(5) Revoke a certificate. 64920

(H) "Specialized foster home" means a medically fragile 64921  
foster home or a treatment foster home. 64922

(I) "Treatment foster home" means a foster home that 64923  
incorporates special rehabilitative services designed to treat the 64924  
specific needs of the children received in the foster home and 64925  
that receives and cares for children who are emotionally or 64926  
behaviorally disturbed, who are chemically dependent, who have 64927  
developmental disabilities, or who otherwise have exceptional 64928  
needs. 64929

Sec. 5103.037. (A) Prior to employing or appointing a person 64930  
as board president, or as an administrator or officer, an 64931  
institution or association shall do the following regarding the 64932  
person: 64933

(1) Request a summary report of a search of the uniform 64934  
statewide automated child welfare information system in accordance 64935  
with divisions (A) and (B) of section 5103.18 of the Revised Code; 64936

(2) Request a certified search of the findings for recovery 64937  
database; 64938

(3) Conduct a database review at the federal web site known 64939  
as the system for award management; 64940

(4) Conduct a search of the United States department of 64941  
justice national sex offender public web site. 64942

(B) The institution or association may refuse to hire or 64943  
appoint a person as board president, or as an administrator or 64944  
officer as follows: 64945

(1) Based solely on the findings of the summary report 64946  
described in division (B)(1)(a) of section 5103.18 of the Revised 64947  
Code or the results of the search described in division (A)(4) of 64948  
this section; 64949

(2) Based on the results of a certified search or database 64950  
review described in division (A)(2) or (3) of this section, when 64951  
considered within the totality of circumstances. 64952

(C) The director of job and family services shall adopt rules 64953  
in accordance with Chapter 119. of the Revised Code necessary for 64954  
the implementation and execution of this section. 64955

Sec. 5103.0310. (A) Prior to employing a person, an 64956  
institution or association, as defined in division (A)(1)(a) of 64957  
section 5103.02 of the Revised Code, shall do the following 64958

regarding the person: 64959

(1) Conduct a search of the United States department of justice national sex offender public web site regarding the person; 64960  
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(2) Request a summary report of a search of the uniform statewide automated child welfare information system in accordance with divisions (A) and (B) of section 5103.18 of the Revised Code. 64963  
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(B) The institution or association may refuse to hire the person based solely on the results of the search described in division (A)(1) of this section or the findings of the summary report described in division (B)(1)(a) of section 5103.18 of the Revised Code. 64966  
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(C) The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code necessary for the implementation and execution of this section. 64971  
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**Sec. 5103.0328.** (A) Not later than ninety-six hours after receiving notice from the superintendent of the bureau of criminal identification and investigation pursuant to section 109.5721 of the Revised Code that a foster caregiver has been arrested for, convicted of, or pleaded guilty to any foster caregiver-disqualifying offense, and not later than ninety-six hours after learning in any other manner that a foster caregiver has been arrested for, convicted of, or pleaded guilty to any foster caregiver-disqualifying offense, the department of job and family services shall provide notice of that arrest, conviction, or guilty plea to both the recommending agency relative to the foster caregiver and the custodial agency of any child currently placed with that caregiver. 64974  
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(B) If a recommending agency receives notice from the department of job and family services pursuant to division (A) of 64987  
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this section that a foster caregiver has been convicted of or 64989  
pleaded guilty to any foster caregiver-disqualifying offense, or 64990  
if a recommending agency learns in any other manner that a foster 64991  
caregiver has been convicted of or pleaded guilty to any foster 64992  
caregiver-disqualifying offense, the recommending agency shall 64993  
assess the foster caregiver's overall situation for safety 64994  
concerns and forward any recommendations, if applicable, for 64995  
revoking the foster caregiver's certificate to the department for 64996  
the department's review for possible revocation. 64997

(C) As used in this section, "foster caregiver-disqualifying 64998  
offense" means any offense or violation listed or described in 64999  
division (C)(1)~~(a) or (b)~~ of section 2151.86 of the Revised Code. 65000

**Sec. 5103.13.** (A) As used in this section and section 65001  
5103.131 of the Revised Code: 65002

(1)(a) "Children's crisis care facility" means a facility 65003  
that has as its primary purpose the provision of residential and 65004  
other care to either or both of the following: 65005

(i) One or more preteens voluntarily placed in the facility 65006  
by the preteen's parent or other caretaker who is facing a crisis 65007  
that causes the parent or other caretaker to seek temporary care 65008  
for the preteen and referral for support services; 65009

(ii) One or more preteens placed in the facility by a public 65010  
children services agency or private child placing agency that has 65011  
legal custody or permanent custody of the preteen and determines 65012  
that an emergency situation exists necessitating the preteen's 65013  
placement in the facility rather than an institution certified 65014  
under section 5103.03 of the Revised Code or elsewhere. 65015

(b) "Children's crisis care facility" does not include either 65016  
of the following: 65017

(i) Any organization, society, association, school, agency, 65018

child guidance center, detention or rehabilitation facility, or 65019  
children's clinic licensed, regulated, approved, operated under 65020  
the direction of, or otherwise certified by the department of 65021  
education, a local board of education, the department of youth 65022  
services, the department of mental health and addiction services, 65023  
or the department of developmental disabilities; 65024

(ii) Any individual who provides care for only a 65025  
single-family group, placed there by their parents or other 65026  
relative having custody. 65027

(2) "Legal custody" and "permanent custody" have the same 65028  
meanings as in section 2151.011 of the Revised Code. 65029

(3) "Preteen" means an individual under thirteen years of 65030  
age. 65031

(B) No person shall operate a children's crisis care facility 65032  
or hold a children's crisis care facility out as a certified 65033  
children's crisis care facility unless there is a valid children's 65034  
crisis care facility certificate issued under this section for the 65035  
facility. 65036

(C) A person seeking to operate a children's crisis care 65037  
facility shall apply to the director of job and family services to 65038  
obtain a certificate for the facility. The director shall certify 65039  
the person's children's crisis care facility if the facility meets 65040  
all of the certification standards established in rules adopted 65041  
under division (F) of this section and the person complies with 65042  
all of the rules governing the certification of children's crisis 65043  
care facilities adopted under that division. The issuance of a 65044  
children's crisis care facility certificate does not exempt the 65045  
facility from a requirement to obtain another certificate or 65046  
license mandated by law. 65047

(D)(1) No certified children's crisis care facility shall do 65048  
any of the following: 65049



- (a) Provide residential care to a preteen for more than one hundred twenty days in a calendar year; 65050  
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- (b) Subject to division (D)(1)(c) of this section and except as provided in division (D)(2) of this section, provide residential care to a preteen for more than sixty consecutive days; 65052  
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- (c) ~~Except as provided in division (D)(3) of this section, provide~~ Provide residential care to a preteen for more than ~~seventy-two~~ fourteen consecutive ~~hours~~ days if a public children services agency or private child placing agency placed the preteen in the facility; 65056  
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- (d) Fail to comply with section 2151.86 of the Revised Code. 65061
- (2) A certified children's crisis care facility may provide residential care to a preteen for up to ninety consecutive days, other than a preteen placed in the facility by a public children services agency or private child placing agency, if any of the following are the case: 65062  
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- (a) The preteen's parent or other caretaker is enrolled in an alcohol and drug addiction service or a community mental health service certified under section 5119.36 of the Revised Code; 65067  
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- (b) The preteen's parent or other caretaker is an inpatient in a hospital; 65070  
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- (c) The preteen's parent or other caretaker is incarcerated; 65072
- (d) A physician has diagnosed the preteen's parent or other caretaker as medically incapacitated. 65073  
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- ~~(3) A certified children's crisis care facility may provide residential care to a preteen placed in the facility by a public children services agency or private child placing agency for more than seventy-two consecutive hours if the director of job and family services or the director's designee issues the agency a~~ 65075  
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~~waiver of the seventy two consecutive hour limitation. The waiver 65080  
may authorize the certified children's crisis care facility to 65081  
provide residential care to the preteen for up to fourteen 65082  
consecutive days. 65083~~

(E) The director of job and family services may suspend or 65084  
revoke a children's crisis care facility's certificate pursuant to 65085  
Chapter 119. of the Revised Code if the facility violates division 65086  
(D) of this section or ceases to meet any of the certification 65087  
standards established in rules adopted under division (F) of this 65088  
section or the facility's operator ceases to comply with any of 65089  
the rules governing the certification of children's crisis care 65090  
facilities adopted under that division. 65091

(F) Not later than ninety days after September 21, 2006, the 65092  
director of job and family services shall adopt rules pursuant to 65093  
Chapter 119. of the Revised Code for the certification of 65094  
children's crisis care facilities. The rules shall specify that a 65095  
certificate shall not be issued to an applicant if the conditions 65096  
at the children's crisis care facility would jeopardize the health 65097  
or safety of the preteens placed in the facility. 65098

Sec. 5103.181. (A) Prior to certification or recertification 65099  
of a foster home under section 5103.03 of the Revised Code, a 65100  
recommending agency shall conduct a search of the United States 65101  
department of justice national sex offender public web site 65102  
regarding the prospective or current foster caregiver and all 65103  
persons eighteen years of age or older who reside with the 65104  
prospective or current foster caregiver. Certification or 65105  
recertification may be denied based solely on the results of the 65106  
search. 65107

(B) The director of job and family services shall adopt rules 65108  
in accordance with Chapter 119. of the Revised Code necessary for 65109  
the implementation and execution of this section. 65110

**Sec. 5103.30.** The Ohio child welfare training program is 65111  
hereby established in the department of job and family services as 65112  
a statewide program. The program shall provide all of the 65113  
following: 65114

(A) The training that section 3107.014 of the Revised Code 65115  
requires an assessor to complete; 65116

(B) The preplacement training that sections 5103.031 and 65117  
5103.033 of the Revised Code require a prospective foster 65118  
caregiver to complete; 65119

(C) The continuing training that sections 5103.032 and 65120  
5103.033 of the Revised Code require a foster caregiver to 65121  
complete; 65122

(D) The training that section 5153.122 of the Revised Code 65123  
requires a PCSA caseworker to complete; 65124

(E) The training that section 5153.123 of the Revised Code 65125  
requires a PCSA caseworker supervisor to complete; 65126

(F) The training required under section 5101.1414 of the 65127  
Revised Code for a ~~foster care worker or foster care worker~~ case 65128  
manager and supervisor. 65129

**Sec. 5104.01.** As used in this chapter: 65130

(A) "Administrator" means the person responsible for the 65131  
daily operation of a center, type A home, or ~~type B home~~ approved 65132  
child day camp. The administrator and the owner may be the same 65133  
person. 65134

(B) "Approved child day camp" means a child day camp approved 65135  
pursuant to section 5104.22 of the Revised Code. 65136

(C) "Authorized representative" means an individual employed 65137  
by a center, type A home, or approved child day camp that is owned 65138  
by a person other than an individual and who is authorized by the 65139

<u>owner to do all of the following:</u>	65140
<u>(1) Communicate on the owner's behalf;</u>	65141
<u>(2) Submit on the owner's behalf applications for licensure</u> <u>or approval;</u>	65142 65143
<u>(3) Enter into on the owner's behalf provider agreements for</u> <u>publicly funded child care.</u>	65144 65145
<u>(D) "Border state child care provider" means a child care</u> provider that is located in a state bordering Ohio and that is licensed, certified, or otherwise approved by that state to provide child care <u>funded by the child care block grant act.</u>	65146 65147 65148 65149
<del>(D)</del> <u>(E) "Career pathways model" means an alternative pathway</u> to meeting the requirements to be a child-care staff member or administrator that does both of the following:	65150 65151 65152
(1) Uses a framework approved by the director of job and family services to document formal education, training, experience, and specialized credentials and certifications;	65153 65154 65155
(2) Allows the child-care staff member or administrator to achieve a designation as an early childhood professional level one, two, three, four, five, or six.	65156 65157 65158
<del>(E)</del> <u>(F) "Caretaker parent" means the father or mother of a</u> child whose presence in the home is needed as the caretaker of the child, a person who has legal custody of a child and whose presence in the home is needed as the caretaker of the child, a guardian of a child whose presence in the home is needed as the caretaker of the child, and any other person who stands in loco parentis with respect to the child and whose presence in the home is needed as the caretaker of the child.	65159 65160 65161 65162 65163 65164 65165 65166
<del>(F)</del> <u>(G) "Chartered nonpublic school" means a school that meets</u> standards for nonpublic schools prescribed by the state board of education for nonpublic schools pursuant to section 3301.07 of the	65167 65168 65169

Revised Code. 65170

~~(G)~~(H) "Child" includes an infant, toddler, preschool-age child, or school-age child. 65171  
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~~(H)~~(I) "Child care block grant act" means the "Child Care and Development Block Grant Act of 1990," ~~established in section 5082 of the "Omnibus Budget Reconciliation Act of 1990," 104 Stat. 1388-236 (1990)~~ 2014," 128 Stat. 1971 (2014), 42 U.S.C. 9858, as amended. 65173  
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~~(I)~~(J) "Child day camp" means a program in which only school-age children attend or participate, that operates for no more than ~~seven~~ twelve hours per day, ~~that operates only during one or more public school district's regular vacation periods or for~~ and no more than fifteen weeks during the summer, ~~and that operates outdoor activities for each child who attends or participates in the program for a minimum of fifty per cent of each day that children attend or participate in the program, except for any day when hazardous weather conditions prevent the program from operating outdoor activities for a minimum of fifty per cent of that day.~~ For purposes of this division, the maximum ~~seven~~ twelve hours of operation time does not include transportation time from a child's home to a child day camp and from a child day camp to a child's home. 65178  
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~~(J)~~(K) "Child care" means all of the following: 65192

(1) Administering to the needs of infants, toddlers, preschool-age children, and school-age children outside of school hours; 65193  
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(2) By persons other than their parents, guardians, or custodians; 65196  
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(3) For ~~any~~ part of the twenty-four-hour day; 65198

(4) In a place other than a child's own home, except that an 65199

in-home aide provides child care in the child's own home; 65200

(5) By a provider required by this chapter to be licensed or 65201  
approved by the department of job and family services, certified 65202  
by a county department of job and family services, or under 65203  
contract with the department to provide publicly funded child care 65204  
as described in section 5104.32 of the Revised Code. 65205

~~(K)(L)~~ "Child day-care center" and "center" mean ~~any place in 65206~~  
~~which child care or publicly funded child care is provided for 65207~~  
~~thirteen or more children at one time or any place that is not the 65208~~  
permanent residence of the licensee or administrator in which 65209  
child care or publicly funded child care is provided for seven ~~to 65210~~  
~~twelve or more~~ children at one time. ~~In counting children for the 65211~~  
~~purposes of this division, any children under six years of age who 65212~~  
~~are related to a licensee, administrator, or employee and who are 65213~~  
~~on the premises of the center shall be counted.~~ "Child day-care 65214  
center" and "center" do not include any of the following: 65215

(1) A place located in and operated by a hospital, as defined 65216  
in section 3727.01 of the Revised Code, in which the needs of 65217  
children are administered to, if all the children whose needs are 65218  
being administered to are monitored under the on-site supervision 65219  
of a physician licensed under Chapter 4731. of the Revised Code or 65220  
a registered nurse licensed under Chapter 4723. of the Revised 65221  
Code, and the services are provided only for children who, in the 65222  
opinion of the child's parent, guardian, or custodian, are 65223  
exhibiting symptoms of a communicable disease or other illness or 65224  
are injured; 65225

(2) A child day camp; 65226

(3) A place that provides ~~child care, but not publicly funded 65227~~  
~~child~~ care, if all of the following apply: 65228

(a) An organized religious body provides the ~~child~~ care; 65229

(b) A parent, custodian, or guardian of at least one child 65230

receiving ~~child~~ care is on the premises and readily accessible at 65231  
all times; 65232

(c) The ~~child~~ care is not provided for more than thirty days 65233  
a year; 65234

(d) The ~~child~~ care is provided only for preschool-age and 65235  
school-age children. 65236

~~(L)~~(M) "Child care resource and referral service 65237  
organization" means a community-based nonprofit organization that 65238  
provides child care resource and referral services but not child 65239  
care. 65240

~~(M)~~(N) "Child care resource and referral services" means all 65241  
of the following services: 65242

(1) Maintenance of a uniform data base of all child care 65243  
providers in the community that are in compliance with this 65244  
chapter, including current occupancy and vacancy data; 65245

(2) Provision of individualized consumer education to 65246  
families seeking child care; 65247

(3) Provision of timely referrals of available child care 65248  
providers to families seeking child care; 65249

(4) Recruitment of child care providers; 65250

(5) Assistance in ~~the development, conduct, and dissemination~~ 65251  
~~of~~ developing, conducting, and disseminating training for child 65252  
care ~~providers~~ professionals and provision of technical assistance 65253  
to current and potential child care providers, employers, and the 65254  
community; 65255

(6) Collection and analysis of data on the supply of and 65256  
demand for child care in the community; 65257

(7) Technical assistance concerning locally, state, and 65258  
federally funded child care and early childhood education 65259  
programs; 65260

(8) Stimulation of employer involvement in making child care 65261  
more affordable, more available, safer, and of higher quality for 65262  
their employees and for the community; 65263

(9) Provision of written educational materials to caretaker 65264  
parents and informational resources to child care providers; 65265

(10) Coordination of services among child care resource and 65266  
referral service organizations to assist in developing and 65267  
maintaining a statewide system of child care resource and referral 65268  
services if required by the department of job and family services; 65269

(11) Cooperation with the county department of job and family 65270  
services in encouraging the establishment of parent cooperative 65271  
child care centers and parent cooperative type A family day-care 65272  
homes. 65273

~~(N)~~(O) "Child-care staff member" means an employee of a child 65274  
day-care center ~~or~~, type A family day-care home, licensed type B 65275  
family day-care home, or approved child day camp who is primarily 65276  
responsible for the care and supervision of children. The 65277  
administrator, authorized representative, or owner may be a 65278  
~~part-time~~ child-care staff member when not involved in other 65279  
duties. 65280

~~(O)~~(P) "Drop-in child day-care center," "drop-in center," 65281  
"drop-in type A family day-care home," and "drop-in type A home" 65282  
mean a center or type A home that provides child care or publicly 65283  
funded child care for children on a temporary, irregular basis. 65284

~~(P)~~(O) "Employee" means a person who either: 65285

(1) Receives compensation for duties performed in a child 65286  
day-care center ~~or~~, type A family day-care home, licensed type B 65287  
family day-care home, or approved child day camp; 65288

(2) Is assigned specific working hours or duties in a child 65289  
day-care center ~~or~~, type A family day-care home, licensed type B 65290



family day-care home, or approved child day camp. 65291

~~(Q)~~(R) "Employer" means a person, firm, institution, 65292  
organization, or agency that operates a child day-care center ~~or,~~ 65293  
type A family day-care home, licensed type B family day-care home, 65294  
or approved child day camp subject to licensure or approval under 65295  
this chapter. 65296

~~(R)~~(S) "Federal poverty line" means the official poverty 65297  
guideline as revised annually in accordance with section 673(2) of 65298  
the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 65299  
U.S.C. 9902, as amended, for a family size equal to the size of 65300  
the family of the person whose income is being determined. 65301

~~(S)~~(T) "Head start program" means a comprehensive child 65302  
development program serving birth to three years old and 65303  
preschool-age children that receives funds distributed under the 65304  
"Head Start Act," 95 Stat. 499 (1981), 42 U.S.C.A. 9831, as 65305  
amended, and is licensed as a child ~~day-care center~~ care program. 65306

~~(T)~~(U) "Homeless child care" means child care provided to a 65307  
child who satisfies any of the following: 65308

(1) Is homeless as defined in 42 U.S.C. 11302; 65309

(2) Is a homeless child or youth as defined in 42 U.S.C. 65310  
11434a; 65311

(3) Resides temporarily with a caretaker in a facility 65312  
providing emergency shelter for homeless families or is determined 65313  
by a county department of job and family services to be homeless. 65314

(V) "Income" means gross income, as defined in section 65315  
5107.10 of the Revised Code, less any amounts required by federal 65316  
statutes or regulations to be disregarded. 65317

~~(U)~~(W) "Indicator checklist" means an inspection tool, used 65318  
in conjunction with an instrument-based program monitoring 65319  
information system, that contains selected licensing requirements 65320

that are statistically reliable indicators or predictors of a 65321  
child day-care center's type A family day-care home's, or licensed 65322  
type B family day-care home's compliance with licensing 65323  
requirements. 65324

~~(V)~~(X) "Infant" means a child who is less than eighteen 65325  
months of age. 65326

~~(W)~~(Y) "In-home aide" means a person who does not reside with 65327  
the child but provides care in the child's home and is certified 65328  
by a county director of job and family services pursuant to 65329  
section 5104.12 of the Revised Code to provide publicly funded 65330  
child care to a child in a child's own home pursuant to this 65331  
chapter and any rules adopted under it. 65332

~~(X)~~(Z) "Instrument-based program monitoring information 65333  
system" means a method to assess compliance with licensing 65334  
requirements for child day-care centers, type A family day-care 65335  
homes, and licensed type B family day-care homes in which each 65336  
licensing requirement is assigned a weight indicative of the 65337  
relative importance of the requirement to the health, growth, and 65338  
safety of the children that is used to develop an indicator 65339  
checklist. 65340

~~(Y)~~(AA) "License capacity" means the maximum number in each 65341  
age category of children who may be cared for in a child day-care 65342  
center ~~or~~, type A family day-care home, or licensed type B family 65343  
day-care home at one time as determined by the director of job and 65344  
family services considering building occupancy limits established 65345  
by the department of commerce, amount of available indoor floor 65346  
space and outdoor play space, and amount of available play 65347  
equipment, materials, and supplies. ~~For the purposes of a~~ 65348  
~~provisional license issued under this chapter, the director shall~~ 65349  
~~also consider the number of available child care staff members~~ 65350  
~~when determining "license capacity" for the provisional license.~~ 65351

~~(Z)~~(BB) "Licensed child care program" means any of the 65352  
following: 65353

(1) A child day-care center licensed by the department of job 65354  
and family services pursuant to this chapter; 65355

(2) A type A family day-care home or type B family day-care 65356  
home licensed by the department of job and family services 65357  
pursuant to this chapter; 65358

(3) A licensed preschool program or licensed school child 65359  
program. 65360

~~(AA)~~(CC) "Licensed preschool program" or "licensed school 65361  
child program" means a preschool program or school child program, 65362  
as defined in section 3301.52 of the Revised Code, that is 65363  
licensed by the department of education pursuant to sections 65364  
3301.52 to 3301.59 of the Revised Code. 65365

~~(BB)~~(DD) "Licensed type B family day-care home" and "licensed 65366  
type B home" mean a type B family day-care home for which there is 65367  
a valid license issued by the director of job and family services 65368  
pursuant to section 5104.03 of the Revised Code. 65369

~~(CC)~~(EE) "Licensee" means the owner of a child day-care 65370  
center, type A family day-care home, or type B family day-care 65371  
home that is licensed pursuant to this chapter and who is 65372  
responsible for ensuring ~~its~~ compliance with this chapter and 65373  
rules adopted pursuant to this chapter. 65374

~~(DD)~~(FF) "Operate a child day camp" means to operate, 65375  
establish, manage, conduct, or maintain a child day camp. 65376

~~(EE)~~(GG) "Owner" includes a person, as defined in section 65377  
1.59 of the Revised Code, or government entity. 65378

~~(FF)~~(HH) "Parent cooperative child day-care center," "parent 65379  
cooperative center," "parent cooperative type A family day-care 65380  
home," and "parent cooperative type A home" mean a corporation or 65381

association organized for providing educational services to the 65382  
children of members of the corporation or association, without 65383  
gain to the corporation or association as an entity, in which the 65384  
services of the corporation or association are provided only to 65385  
children of the members of the corporation or association, 65386  
ownership and control of the corporation or association rests 65387  
solely with the members of the corporation or association, and at 65388  
least one parent-member of the corporation or association is on 65389  
the premises of the center or type A home during its hours of 65390  
operation. 65391

~~(GG)~~(II) "Part-time child day-care center," "part-time 65392  
center," "part-time type A family day-care home," and "part-time 65393  
type A home" mean a center or type A home that provides child care 65394  
or publicly funded child care for not more than four hours a day 65395  
for any child or not more than fifteen consecutive weeks per year, 65396  
regardless of the number of hours per day. 65397

~~(HH)~~(JJ) "Place of worship" means a building where activities 65398  
of an organized religious group are conducted and includes the 65399  
grounds and any other buildings on the grounds used for such 65400  
activities. 65401

~~(II)~~(KK) "Preschool-age child" means a child who is three 65402  
years old or older but is not a school-age child. 65403

~~(JJ)~~(LL) "Protective child care" means publicly funded child 65404  
care for the direct care and protection of a child to whom ~~either~~ 65405  
all of the following ~~applies~~ apply: 65406

(1) A case plan has been prepared and maintained for the 65407  
child pursuant to section 2151.412 of the Revised Code. 65408

(2) The case plan indicates a need for protective care ~~and~~ 65409  
~~the~~. 65410

(3) The child resides with a parent, stepparent, guardian, or 65411  
another person who stands in loco parentis as defined in rules 65412

adopted under section 5104.38 of the Revised Code+ 65413

~~(2) The child and the child's caretaker either temporarily 65414  
reside in a facility providing emergency shelter for homeless 65415  
families or are determined by the county department of job and 65416  
family services to be homeless, and are otherwise ineligible for 65417  
publicly funded child care. 65418~~

~~(KK)~~(MM) "Publicly funded child care" means administering to 65419  
the needs of infants, toddlers, preschool-age children, and 65420  
school-age children under age thirteen during any part of the 65421  
twenty-four-hour day by persons other than their caretaker parents 65422  
for remuneration wholly or in part with federal or state funds, 65423  
including funds available under the child care block grant act, 65424  
Title IV-A, and Title XX, distributed by the department of job and 65425  
family services. 65426

~~(LL)~~(NN) "Religious activities" means any of the following: 65427  
worship or other religious services; religious instruction; Sunday 65428  
school classes or other religious classes conducted during or 65429  
prior to worship or other religious services; youth or adult 65430  
fellowship activities; choir or other musical group practices or 65431  
programs; meals; festivals; or meetings conducted by an organized 65432  
religious group. 65433

~~(MM)~~(OO) "School-age child" means a child who is enrolled in 65434  
or is eligible to be enrolled in a grade of kindergarten or above 65435  
but is less than fifteen years old or, in the case of a child who 65436  
is receiving special needs child care, is less than eighteen years 65437  
old. 65438

~~(NN) "School age child care center" and "school age child 65439  
type A home" mean a center or type A home that provides child care 65440  
for school age children only and that does either or both of the 65441  
following: 65442~~

~~(1) Operates only during that part of the day that 65443~~

~~immediately precedes or follows the public school day of the~~ 65444  
~~school district in which the center or type A home is located;~~ 65445

~~(2) Operates only when the public schools in the school~~ 65446  
~~district in which the center or type A home is located are not~~ 65447  
~~open for instruction with pupils in attendance.~~ 65448

~~(OO)~~(PP) "Serious risk noncompliance" means a licensure or 65449  
certification rule violation that leads to a great risk of harm 65450  
to, or death of, a child, and is observable, not inferable. 65451

~~(PP)~~ "State median income" means the state median income 65452  
calculated by the department of development pursuant to division 65453  
~~(A)(1)(g)~~ of section 5709.61 of the Revised Code 65454

(OO) "Special needs child care" means child care provided to 65455  
a child who is less than eighteen years of age and either has one 65456  
or more chronic health conditions or does not meet age appropriate 65457  
expectations in one or more areas of development, including 65458  
social, emotional, cognitive, communicative, perceptual, motor, 65459  
physical, and behavioral development and that may include on a 65460  
regular basis such services, adaptations, modifications, or 65461  
adjustments needed to assist in the child's function or 65462  
development. 65463

~~(OO)~~(RR) "Title IV-A" means Title IV-A of the "Social 65464  
Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. 65465

~~(RR)~~(SS) "Title XX" means Title XX of the "Social Security 65466  
Act," 88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended. 65467

~~(SS)~~(TT) "Toddler" means a child who is at least eighteen 65468  
months of age but less than three years of age. 65469

~~(TT)~~(UU) "Type A family day-care home" and "type A home" mean 65470  
a the permanent residence of the administrator in which child care 65471  
or publicly funded child care is provided for seven to twelve 65472  
children at one time or a permanent residence of the administrator 65473

in which child care is provided for four to twelve children at one 65474  
time if four or more children at one time are under two years of 65475  
age. In counting children for the purposes of this division, any 65476  
children under six years of age who are related to a licensee, 65477  
administrator, or employee and who are on the premises of the type 65478  
A home shall be counted. "Type A family day-care home" and "type A 65479  
home" do not include any child day camp. 65480

~~(UU)~~(VV) "Type B family day-care home" and "type B home" mean 65481  
a permanent residence of the provider in which ~~child~~ care is 65482  
provided for one to six children at one time and in which no more 65483  
than three children are under two years of age at one time. In 65484  
counting children for the purposes of this division, any children 65485  
under six years of age who are related to the provider and who are 65486  
on the premises of the type B home shall be counted. "Type B 65487  
family day-care home" and "type B home" do not include any child 65488  
day camp. 65489

**Sec. 5104.013.** ~~(A)(1) At the times specified in division 65490  
(A)(3) of this section, the director of job and family services, 65491  
as part of the process of licensure of child day care centers, 65492  
type A family day care homes, and type B family day care homes 65493  
shall request the superintendent of the bureau of criminal 65494  
identification and investigation to conduct a criminal records 65495  
check with respect to the following persons:~~ 65496

~~(a) Any owner, licensee, or administrator of a center;~~ 65497

~~(b) Any owner, licensee, or administrator of a type A home or 65498  
type B home and any person eighteen years of age or older who 65499  
resides in a type A home or type B home.~~ 65500

~~(2) At the time specified in division (A)(3) of this section, 65501  
the director of a county department of job and family services, as 65502  
part of the process of certification of in-home aides, shall 65503  
request the superintendent of the bureau of criminal 65504~~

~~identification and investigation to conduct a criminal records check with respect to any in-home aide.~~ 65505  
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~~(3) The director of job and family services shall request a criminal records check pursuant to division (A)(1) of this section at the time of the initial application for licensure and every five years thereafter. The director of a county department of job and family services shall request a criminal records check pursuant to division (A)(2) of this section at the time of the initial application for certification and every five years thereafter. When the director of job and family services or the director of a county department of job and family services requests pursuant to division (A)(1) or (2) of this section a criminal records check for a person at the time of the person's initial application for licensure or certification, the director shall request that the superintendent of the bureau of criminal identification and investigation obtain information from the federal bureau of investigation as a part of the criminal records check for the person, including fingerprint based checks of national crime information databases as described in 42 U.S.C. 671 for the person subject to the criminal records check. In all other cases in which the director of job and family services or the director of a county department of job and family services requests a criminal records check for an applicant pursuant to division (A)(1) or (2) of this section, the director may request that the superintendent include information from the bureau of investigation in the criminal records check, including fingerprint based checks of national crime information databases as described in 42 U.S.C. 671.~~ 65507  
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~~(4) The director of job and family services shall review the results of a criminal records check subsequent to a request made pursuant to divisions (A)(1) and (3) of this section prior to approval of a license. The director of a county department of job~~ 65533  
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~~and family services shall review the results of a criminal records check subsequent to a request made pursuant to divisions (A)(2) and (3) of this section prior to approval of certification.~~ 65537  
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~~(B) The director of job and family services or the director of a county department of job and family services shall provide to each person for whom a criminal records check is required under this section a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a standard impression sheet to obtain fingerprint impressions prescribed pursuant to division (C)(2) of that section, obtain the completed form and impression sheet from that person, and forward the completed form and impression sheet to the superintendent of the bureau of criminal identification and investigation.~~ 65540  
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~~(C) A person who receives pursuant to division (B) of this section a copy of the form and standard impression sheet described in that division and who is requested to complete the form and provide a set of fingerprint impressions shall complete the form or provide all the information necessary to complete the form and shall provide the impression sheet with the impressions of the person's fingerprints. If the person, upon request, fails to provide the information necessary to complete the form or fails to provide impressions of the person's fingerprints, the director may consider the failure as a reason to deny licensure or certification.~~ 65550  
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~~(D) Except as provided in rules adopted under division (N) of this section:~~ 65561  
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~~(1) The director of job and family services shall not grant a license to a center, type A home, or type B home and a county director of job and family services shall not certify an in home aide if a person for whom a criminal records check was required in connection with the center or home previously has been convicted of or pleaded guilty to any of the violations described in~~ 65563  
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~~division (A)(5) of section 109.572 of the Revised Code.~~ 65569

~~(2) The director of job and family services shall not grant a license to a type A home or type B home if a resident of the type A home or type B home is under eighteen years of age and has been adjudicated a delinquent child for committing a violation of any section listed in division (A)(5) of section 109.572 of the Revised Code.~~ 65570  
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~~(E) Each center, type A home, and type B home shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check conducted in accordance with that section upon a request made pursuant to division (A) of this section.~~ 65576  
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~~(F)(1) At the times specified in division (F)(2) of this section, the administrator of a center, type A home or licensed type B home shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check with respect to any applicant who has applied to the center, type A home, or licensed type B home for employment.~~ 65582  
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~~(2) The administrator shall request a criminal records check pursuant to division (F)(1) of this section at the time of the applicant's initial application for employment and every five years thereafter. When the administrator requests pursuant to division (F)(1) of this section a criminal records check for an applicant at the time of the applicant's initial application for employment, the administrator shall request that the superintendent obtain information from the federal bureau of investigation as a part of the criminal records check for the applicant, including fingerprint based checks of national crime information databases as described in 42 U.S.C. 671, for the person subject to the criminal records check. In all other cases in which the administrator requests a criminal records check for~~ 65588  
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~~an applicant pursuant to division (F)(1) of this section, the administrator may request that the superintendent include information from the federal bureau of investigation in the criminal records check, including fingerprint based checks of national crime information databases as described in 42 U.S.C. 671.~~

~~(G) Any person required by division (F) of this section to request a criminal records check shall inform each person, at the time of the person's initial application for employment, that the person is required to provide a set of impressions of the person's fingerprints and that a criminal records check is required to be conducted and satisfactorily completed in accordance with section 109.572 of the Revised Code if the person comes under final consideration for appointment or employment as a precondition to employment for that position.~~

~~(H) A person required by division (F) of this section to request a criminal records check shall provide to each applicant a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code, provide to each applicant a standard impression sheet to obtain fingerprint impressions prescribed pursuant to division (C)(2) of section 109.572 of the Revised Code, obtain the completed form and impression sheet from each applicant, and forward the completed form and impression sheet to the superintendent of the bureau of criminal identification and investigation at the time the person requests a criminal records check pursuant to division (F) of this section.~~

~~(I) An applicant who receives pursuant to division (H) of this section a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a copy of an impression sheet prescribed pursuant to division (C)(2) of that section and who is requested to complete the form and provide a set of fingerprint impressions shall complete the form or provide~~

~~all the information necessary to complete the form and shall 65633  
provide the impression sheet with the impressions of the 65634  
applicant's fingerprints. If an applicant, upon request, fails to 65635  
provide the information necessary to complete the form or fails to 65636  
provide impressions of the applicant's fingerprints, the center or 65637  
type A home shall not employ that applicant for any position for 65638  
which a criminal records check is required by division (F) of this 65639  
section. 65640~~

~~(J)(1) Except as provided in rules adopted under division (N) 65641  
of this section, no center, type A home, or licensed type B home 65642  
shall employ or contract with another entity for the services of a 65643  
person if the person previously has been convicted of or pleaded 65644  
guilty to any of the violations described in division (A)(5) of 65645  
section 109.572 of the Revised Code. 65646~~

~~(2) A center, type A home, or licensed type B home may employ 65647  
an applicant conditionally until the criminal records check 65648  
required by this section is completed and the center or home 65649  
receives the results of the criminal records check. If the results 65650  
of the criminal records check indicate that, pursuant to division 65651  
(J)(1) of this section, the applicant does not qualify for 65652  
employment, the center, type A home, or licensed type B home shall 65653  
release the applicant from employment. 65654~~

~~(3) The administrator of a center, type A home, or licensed 65655  
type B home shall review the results of the criminal records check 65656  
before an applicant has sole responsibility for the care, custody, 65657  
or control of any child. 65658~~

~~(K)(1) Each center, type A home, and licensed type B home 65659  
shall pay to the bureau of criminal identification and 65660  
investigation the fee prescribed pursuant to division (C)(3) of 65661  
section 109.572 of the Revised Code for each criminal records 65662  
check conducted in accordance with that section upon the request 65663  
pursuant to division (F) of this section of the administrator of 65664~~

~~the center, type A home, or licensed type B home.~~ 65665

~~(2) A center, type A home, or licensed type B home may charge an applicant a fee for the costs it incurs in obtaining a criminal records check under this section. A fee charged under this division shall not exceed the amount of fees the center, type A home, or licensed type B home pays under division (K)(1) of this section. If a fee is charged under this division, the center, type A home, or licensed type B home shall notify the applicant at the time of the applicant's initial application for employment of the amount of the fee and that, unless the fee is paid, the center, type A home, or licensed type B home will not consider the applicant for employment.~~ 65666  
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~~(L) The report of any criminal records check conducted by the bureau of criminal identification and investigation in accordance with section 109.572 of the Revised Code and pursuant to a request made under division (A) or (F) of this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the person who is the subject of the criminal records check or the person's representative, the director of job and family services, the director of a county department of job and family services, the center, type A home, or type B home involved, and any court, hearing officer, or other necessary individual involved in a case dealing with a denial of licensure or certification related to the criminal records check.~~ 65677  
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~~(M)(1) Each of the following persons shall sign a statement on forms prescribed by the director of job and family services attesting to the fact that the person has not been convicted of or pleaded guilty to any offense set forth in division (A)(5) of section 109.572 of the Revised Code and that no child has been removed from the person's home pursuant to section 2151.353 of the Revised Code:~~ 65690  
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<del>(a) An employee of a center, type A home, or licensed type B home;</del>	65697
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<del>(b) A person eighteen years of age or older who resides in a type A home or licensed type B home;</del>	65699
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<del>(c) An in home aide;</del>	65701
<del>(d) An owner, licensee, or administrator of a center, type A home, or licensed type B home.</del>	65702
	65703
<del>(2) Each licensee of a type A home or type B home shall sign a statement on a form prescribed by the director of job and family services attesting to the fact that no person who resides at the type A home or licensed type B home and is under eighteen years of age has been adjudicated a delinquent child for committing a violation of any section listed in division (A)(5) of section 109.572 of the Revised Code.</del>	65704
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<del>(3) The statements required under divisions (M)(1) and (2) of this section shall be kept on file as follows:</del>	65711
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<del>(a) With respect to an owner, licensee, administrator, or employee of a center, type A home, or licensed type B home, or a person eighteen years of age or older residing in a type A home or licensed type B home, at the center, type A home, or licensed type B home;</del>	65713
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<del>(b) With respect to in home aides, at the county department of job and family services.</del>	65718
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<del>(4) No owner, administrator, licensee, or employee of a center, type A home, or licensed type B home, and no person eighteen years of age or older residing in a type A home or licensed type B home, shall withhold information from, or falsify information on, any statement required pursuant to division (M)(1) or (2) of this section.</del>	65720
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<del>(N) The director of job and family services shall adopt rules</del>	65726

~~in accordance with Chapter 119. of the Revised Code to implement 65727  
this section, including rules specifying exceptions to the 65728  
prohibitions in divisions (D) and (J) of this section for persons 65729  
who have been convicted of an offense listed in division (A)(5) of 65730  
section 109.572 of the Revised Code but who meet standards in 65731  
regard to rehabilitation set by the director. 65732~~

~~(0) As used in this section: 65733~~

~~(1) "Applicant" means a person who is under final 65734  
consideration for appointment to or employment in a position with 65735  
a center, a type A home, or licensed type B home or any person who 65736  
would serve in any position with a center, type A home, or 65737  
licensed type B home pursuant to a contract with another entity. 65738~~

~~(2) "Criminal records check" has the same meaning as in 65739  
section 109.572 of the Revised Code. 65740~~

~~(A) As used in this section: 65741~~

~~(1) "Applicant" means either of the following: 65742~~

~~(a) A person who is under final consideration for appointment 65743  
to or employment in a position with a licensed preschool program 65744  
or licensed school child program that provides publicly funded 65745  
child care, child day-care center, type A family day-care home, 65746  
licensed type B family day-care home, or child day camp; 65747~~

~~(b) A person who would serve in any position with a licensed 65748  
preschool program or licensed school child program that provides 65749  
publicly funded child care, child day-care center, type A family 65750  
day-care home, licensed type B family day-care home, or child day 65751  
camp pursuant to a contract with another entity. 65752~~

~~(2) "Criminal records check" has the same meaning as in 65753  
section 109.572 of the Revised Code. 65754~~

~~(B)(1) At the times specified in division (B)(2)(a) of this 65755  
section, the director of job and family services shall request the 65756~~

superintendent of the bureau of criminal identification and 65757  
investigation to conduct a criminal records check for each of the 65758  
following persons: 65759

(a) Any owner or licensee of a child day-care center; 65760

(b) Any owner or licensee of a type A family day-care home or 65761  
licensed type B family day-care home and any person eighteen years 65762  
of age or older who resides in the home; 65763

(c) Any owner of an approved child day camp; 65764

(d) Any director of a licensed preschool program or licensed 65765  
school child program that provides publicly funded child care; 65766

(e) Any in-home aide; 65767

(f) Any applicant or employee, including an administrator, of 65768  
a child day-care center, type A family day-care home, licensed 65769  
type B family day-care home, approved child day camp, or licensed 65770  
preschool program or licensed school child program that provides 65771  
publicly funded child care. 65772

(2)(a) The director shall request a criminal records check at 65773  
the following times: 65774

(i) In the case of an owner or licensee of child day-care 65775  
center or an owner or licensee of a type A family day-care home or 65776  
licensed type B family day-care home or a resident of such a home, 65777  
at the time of initial application for licensure and every five 65778  
years thereafter; 65779

(ii) In the case of an owner of an approved child day camp, 65780  
at the time of initial application for approval and every five 65781  
years thereafter; 65782

(iii) In the case of a director of a licensed child care 65783  
program or licensed school child program, at the time of initial 65784  
application to provide publicly funded child care and every five 65785  
years thereafter; 65786



(iv) In the case of an in-home aide, at the time of initial application for certification and every five years thereafter; 65787  
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(v) Except as provided in division (B)(2)(a)(vi) of this section, in the case of an applicant or employee, at the time of initial application for employment and every five years thereafter; 65789  
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(vi) In the case of an applicant who has been determined eligible for employment after a review of a criminal records check within the past five years and who has been employed by a licensed preschool program or licensed school child program that provides publicly funded child care, child day-care center, type A family day-care home, licensed type B family day-care home, or approved child day camp within the past one hundred eighty consecutive days, every five years after the date of the initial determination. 65793  
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(b) A criminal records check requested at the time of initial application shall include a request that the superintendent of the bureau of criminal identification and investigation obtain information from the federal bureau of investigation as part of the criminal records check for the person, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671 for the person subject to the criminal records check. 65802  
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(c) A criminal records check requested at any time other than the time of initial application may include a request that the superintendent of the bureau of criminal identification and investigation obtain information from the federal bureau of investigation as part of the criminal records check for the person, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671 for the person subject to the criminal records check. 65810  
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(3) With respect to a criminal records check requested for a person described in division (B)(1) of this section, the director of job and family services shall do all of the following: 65818  
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(a) Provide to the person a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a standard impression sheet to obtain fingerprint impressions prescribed pursuant to division (C)(2) of that section; 65821  
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(b) Obtain the completed form and impression sheet from the person; 65825  
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(c) Forward the completed form and impression sheet to the superintendent of the bureau of criminal identification and investigation; 65827  
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(d) Review the results of the criminal records check. 65830

(4) A person who receives from the director a copy of the form and standard impression sheet and who is requested to complete the form and provide a set of fingerprint impressions shall complete the form or provide all of the information necessary to complete the form and shall provide the impression sheet with the impressions of the person's fingerprints. If the person, upon request, fails to provide the information necessary to complete the form or fails to provide impressions of the person's fingerprints, the director or a county director of job and family services may consider the failure a reason to deny licensure, approval, or certification or to determine an employee ineligible for employment. 65831  
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(5) Except as provided in rules adopted under division (F) of this section: 65843  
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(a) The director of job and family services shall refuse to issue a license to or approve a center, type A home, type B home, child day camp, preschool program, or school child program, and shall revoke a license or approval, and a county director of job 65845  
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and family services shall not certify an in-home aide and shall 65849  
revoke a certification, if a person for whom a criminal records 65850  
check was required under division (B)(1)(a) to (B)(1)(e) of this 65851  
section has been convicted of or pleaded guilty to any of the 65852  
violations described in division (A)(5) of section 109.572 of the 65853  
Revised Code. 65854

(b) The director of job and family services shall not issue a 65855  
license to a type A home or type B home if a resident of the type 65856  
A home or type B home is under eighteen years of age and has been 65857  
adjudicated a delinquent child for committing either a violation 65858  
of any section listed in division (A)(5) of section 109.572 of the 65859  
Revised Code or an offense of another state or the United States 65860  
that is substantially equivalent to an offense listed in division 65861  
(A)(5) of section 109.572 of the Revised Code. 65862

(c) The director shall determine an applicant or employee 65863  
ineligible for employment if the person has been convicted of or 65864  
pleaded guilty to any of the violations described in division 65865  
(A)(5) of section 109.572 of the Revised Code. 65866

(6) Each child day-care center, type A home, type B home, 65867  
approved child day camp, licensed child care program, licensed 65868  
school child program, and in-home aide shall pay to the bureau of 65869  
criminal identification and investigation the fee prescribed 65870  
pursuant to division (C)(3) of section 109.572 of the Revised Code 65871  
for each criminal records check conducted in accordance with that 65872  
section upon a request made pursuant to division (B) of this 65873  
section. 65874

A center, home, camp, preschool program, or school child 65875  
program may charge an applicant a fee for the costs it incurs in 65876  
obtaining a criminal records check under this section. A fee 65877  
charged under this division shall not exceed the amount the 65878  
center, home, camp, or program pays under this section. If a fee 65879  
is charged, the center, home, camp, or program shall notify the 65880

applicant at the time of the applicant's initial application for 65881  
employment of the amount of the fee and that, unless the fee is 65882  
paid, the center, home, camp, or program will not consider the 65883  
applicant for employment. 65884

(7) The report of any criminal records check conducted by the 65885  
bureau of criminal identification and investigation in accordance 65886  
with section 109.572 of the Revised Code and pursuant to a request 65887  
made under division (B) of this section is confidential and not a 65888  
public record for the purposes of section 149.43 of the Revised 65889  
Code. The report shall not be made available to any person other 65890  
than the person who is the subject of the criminal records check 65891  
or the person's representative, the director of job and family 65892  
services, the director of a county department of job and family 65893  
services, and any court, hearing officer, or other necessary 65894  
individual involved in a case dealing with a denial or revocation 65895  
of licensure, approval, or certification related to the criminal 65896  
records check. 65897

(C)(1) At the times specified in division (C)(2) of this 65898  
section, the director of job and family services shall search the 65899  
uniform statewide automated child welfare information system for 65900  
information concerning any abuse or neglect report made pursuant 65901  
to section 2151.421 of the Revised Code of which any of the 65902  
following persons is a subject: 65903

(a) Any owner or licensee of a child day-care center; 65904

(b) Any owner or licensee of a type A family day-care home or 65905  
licensed type B family day-care home and any person eighteen years 65906  
of age or older who resides in the home; 65907

(c) Any owner of an approved child day camp; 65908

(d) Any director of a licensed preschool program or licensed 65909  
school child program that provides publicly funded child care; 65910

(e) Any in-home aide; 65911

(f) Any applicant or employee, including an administrator, of a child day-care center, type A family day-care home, licensed type B family day-care home, approved child day camp, or licensed preschool program or licensed school child program that provides publicly funded child care.

(2) The director shall search the information system at the following times:

(i) In the case of an owner or licensee of child day-care center or an owner or licensee of a type A family day-care home or licensed type B family day-care home or a resident of such a home, at the time of initial application for licensure and every five years thereafter;

(ii) In the case of an owner of an approved child day camp, at the time of initial application for approval and every five years thereafter;

(iii) In the case of a director of a licensed child care program or licensed school child program, at the time of initial application to provide publicly funded child care and every five years thereafter;

(iv) In the case of an in-home aide, at the time of initial application for certification and every five years thereafter;

(v) Except as provided in division (C)(2)(a)(vi) of this section, in the case of an applicant or employee, at the time of initial application for employment and every five years thereafter;

(vi) In the case of an applicant who has been determined eligible for employment after a search of the uniform statewide automated child welfare information system within the past five years and who has been employed by a licensed preschool program or licensed school child program that provides publicly funded child care, child day-care center, type A family day-care home, licensed

type B family day-care home, or approved child day camp within the 65943  
past one hundred eighty consecutive days, every five years after 65944  
the date of the initial determination. 65945

(3) The director shall consider any information discovered 65946  
pursuant to division (C)(1) of this section or that is provided by 65947  
a public children services agency pursuant to section 5153.175 of 65948  
the Revised Code. If the director determines that the information, 65949  
when viewed within the totality of the circumstances, reasonably 65950  
leads to the conclusion that the person may directly or indirectly 65951  
endanger the health, safety, or welfare of children, the director 65952  
or county director of job and family services shall do any of the 65953  
following: 65954

(a) Refuse to issue a license to or approve a center, type A 65955  
home, type B home, child day camp, preschool program, or school 65956  
child program; 65957

(b) Revoke a license or approval; 65958

(c) Refuse to certify an in-home aide or revoke a 65959  
certification; 65960

(d) Determine an applicant or employee ineligible for 65961  
employment with the center, type A home, licensed type B home, 65962  
child day camp, preschool program, or school child program. 65963

(4) Any information obtained under division (C) of this 65964  
section is confidential and not a public record for the purposes 65965  
of section 149.43 of the Revised Code. The information shall not 65966  
be made available to any person other than the person who is the 65967  
subject of the search or the person's representative, the director 65968  
of job and family services, the director of a county department of 65969  
job and family services, and any court, hearing officer, or other 65970  
necessary individual involved in a case dealing with a denial or 65971  
revocation of licensure, approval, or certification related to the 65972  
search. 65973

(D)(1) At the times specified in division (D)(2) of this section, the director of job and family services shall inspect the state registry of sex offenders and child-victim offenders established under section 2950.13 of the Revised Code and the national sex offender registry as described in 42 U.S.C. 16901 to determine if any of the following persons is registered or required to be registered as an offender: 65974  
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(a) Any owner or licensee of a child day-care center; 65981

(b) Any owner or licensee of a type A family day-care home or licensed type B family day-care home and any person eighteen years of age or older who resides in the home; 65982  
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(c) Any owner of an approved child day camp; 65985

(d) Any director of a licensed preschool program or licensed school child program that provides publicly funded child care; 65986  
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(e) Any in-home aide; 65988

(f) Any applicant or employee, including an administrator, of a child day-care center, type A family day-care home, licensed type B family day-care home, approved child day camp, or licensed preschool program or licensed school child program that provides publicly funded child care. 65989  
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(2) The director shall inspect each registry at the following times: 65994  
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(i) In the case of an owner or licensee of child day-care center or an owner or licensee of a type A family day-care home or type B family day-care home or a resident of such a home, at the time of initial application for licensure and every five years thereafter; 65996  
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(ii) In the case of an owner of an approved child day camp, at the time of initial application for approval and every five years thereafter; 66001  
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(iii) In the case of a director of a licensed child care program or licensed school child program, at the time of initial application to provide publicly funded child care; 66004  
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(iv) In the case of an in-home aide, at the time of initial application for certification and every five years thereafter; 66007  
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(v) Except as provided in division (D)(2)(a)(vi) of this section, in the case of an applicant or employee, at the time of initial application for employment and every five years thereafter; 66009  
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(vi) In the case of an applicant who has been determined eligible for employment after an inspection of the state registry of sex offenders and child-victim offenders established under section 2950.13 of the Revised Code and the national sex offender registry as described in 42 U.S.C. 16901 within the past five years and who has been employed by a licensed preschool program or licensed school child program that provides publicly funded child care, child day-care center, type A family day-care home, licensed type B family day-care home, or approved child day camp within the past one hundred eighty consecutive days, every five years after the date of the initial determination. 66013  
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(3) If the director determines that the person is registered or required to be registered on either registry, the director or county director of job and family services shall do any of the following: 66024  
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(a) Refuse to issue a license to or approve a center, type A home, type B home, child day camp, preschool program, or school child program; 66028  
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(b) Revoke a license or approval; 66031

(c) Refuse to certify an in-home aide or revoke a certification; 66032  
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(d) Determine an applicant or employee ineligible for employment with the center, type A home, licensed type B home, child day camp, preschool program, or school child program. 66034  
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(4) Any information obtained under division (D) of this section is confidential and not a public record for the purposes of section 149.43 of the Revised Code. The information shall not be made available to any person other than the person who is the subject of the inspection or the person's representative, the director of job and family services, the director of a county department of job and family services, and any court, hearing officer, or other necessary individual involved in a case dealing with a denial or revocation of licensure, approval, or certification related to the search. 66037  
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(E) Whenever the director of job and family services determines a person ineligible for employment under division (B), (C), or (D) of this section, the director shall as soon as practicable notify the following of that determination: the licensed preschool program or licensed school child program that provides publicly funded child care, child day-care center, type A family day-care home, licensed type B family day-care home, or approved child day camp that is considering the person for appointment or employment. A licensed preschool program or licensed school child program that provides publicly funded child care, child day-center, type A family day-care home, licensed type B family day-care home, or approved child day camp shall not employ a person who is determined under this section to be ineligible for employment. 66047  
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(F)(1) An administrator of a child day camp, other than an approved child day camp shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check for any applicant or employee, including an administrator, of the child day camp. The request shall be made at 66061  
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the time of initial application for employment and every five 66066  
years thereafter. 66067

(2) A criminal records check requested at the time of initial 66068  
application shall include a request that the superintendent of the 66069  
bureau of criminal identification and investigation obtain 66070  
information from the federal bureau of investigation as part of 66071  
the criminal records check for the person, including 66072  
fingerprint-based checks of national crime information databases 66073  
as described in 42 U.S.C. 671 for the person subject to the 66074  
criminal records check. 66075

(3) A criminal records check requested at any time other than 66076  
the time of initial application may include a request that the 66077  
superintendent of the bureau of criminal identification and 66078  
investigation obtain information from the federal bureau of 66079  
investigation as part of the criminal records check for the 66080  
person, including fingerprint-based checks of national crime 66081  
information databases as described in 42 U.S.C. 671 for the person 66082  
subject to the criminal records check. 66083

(4) With respect to a criminal records check requested under 66084  
division (F) of this section, the administrator shall do all of 66085  
the following: 66086

(a) Provide to the applicant or employee a copy of the form 66087  
prescribed pursuant to division (C)(1) of section 109.572 of the 66088  
Revised Code and a standard impression sheet to obtain fingerprint 66089  
impressions prescribed pursuant to division (C)(2) of that 66090  
section; 66091

(b) Obtain the completed form and impression sheet from the 66092  
applicant or employee; 66093

(c) Forward the completed form and impression sheet to the 66094  
superintendent of the bureau of criminal identification and 66095  
investigation; 66096

- (d) Review the results of the criminal records check. 66097
- (5) An applicant or employee who receives from the administrator a copy of the form and standard impression sheet and who is requested to complete the form and provide a set of fingerprint impressions shall complete the form or provide all of the information necessary to complete the form and shall provide the impression sheet with the impressions of the person's fingerprints. If the applicant or employee, upon request, fails to provide the information necessary to complete the form or fails to provide impressions of the person's fingerprints, the administrator may consider the failure a reason to determine an applicant or employee ineligible for employment. 66098  
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- (6) A child day camp, other than an approved child day camp, may employ an applicant or continue to employ an employee until the criminal records check required by this section is completed and the camp receives the results of the check. Until the administrator has reviewed the results of the criminal records check and determines that the applicant or employee is eligible for employment, the camp shall not grant the applicant or employee sole responsibility for the care, custody, or control of a child. If the results indicate that the applicant or employee is ineligible for employment, the camp shall immediately release the applicant or employee from employment. 66109  
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- (7) Except as provided in rules adopted under this section, the administrator shall determine an applicant or employee ineligible for employment if the person has been convicted of or pleaded guilty to any of the violations described in division (A)(5) of section 109.572 of the Revised Code. If the applicant or employee is determined ineligible, the child day camp shall not employ the applicant or employee or contract with another entity for the services of the applicant or employee. 66120  
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- (8) Each child day camp shall pay to the bureau of criminal 66128

identification and investigation the fee prescribed pursuant to 66129  
division (C)(3) of section 109.572 of the Revised Code for each 66130  
criminal records check conducted in accordance with that section 66131  
upon a request made pursuant to division (F) of this section. A 66132  
camp may charge an applicant or employee a fee for the costs it 66133  
incurs in obtaining a criminal records check under division (F) of 66134  
this section. A fee charged under this division shall not exceed 66135  
the fees the camp pays under this section. If a fee is charged, 66136  
the camp shall notify the applicant at the time of the applicant's 66137  
initial application for employment of the amount of the fee and 66138  
that, unless the fee is paid, the camp will not consider the 66139  
applicant for employment. 66140

(9) The report of any criminal records check conducted by the 66141  
bureau of criminal identification and investigation in accordance 66142  
with section 109.572 of the Revised Code and pursuant to a request 66143  
made under division (F) of this section is confidential and not a 66144  
public record for the purposes of section 149.43 of the Revised 66145  
Code. The report shall not be made available to any person other 66146  
than the person who is the subject of the criminal records check 66147  
or the person's representative, the director of job and family 66148  
services, the administrator, and any court, hearing officer, or 66149  
other necessary individual involved in a case dealing with a 66150  
denial or revocation of registration related to the criminal 66151  
records check. 66152

(G) The director of job and family services shall adopt rules 66153  
as necessary to implement this section. The rules shall be adopted 66154  
in accordance with Chapter 119. of the Revised Code. The rules 66155  
shall specify exceptions to the prohibitions in division (B), (E), 66156  
and (F) of this section for a person who has been convicted of or 66157  
pleaded guilty to a criminal offense listed in division (A)(5) of 66158  
section 109.572 of the Revised Code but who meets standards in 66159  
regard to rehabilitation set by the director. 66160

(H)(1) Whenever the director of job and family services requests a criminal records check, searches the uniform statewide automated child welfare information system, or inspects the state registry of sex offenders and child-victim offenders and national sex offender registry as required by this section and finds that a person who is subject to the requirements of division (B), (C), or (D) of this section resided in another state during the previous five years, the director shall request the following from the other state: a criminal records check and information from the uniform statewide automated child welfare information system or state registry of sex offenders.

(2) Whenever the director receives from an agency of another state a request for a criminal records check or for information from the uniform statewide automated child welfare information system or state registry of sex offenders that is related to a child care license or the provision of publicly funded child care, the director shall provide to that other state's agency the results of the records check and information from the system and registry.

**Sec. 5104.015.** The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code governing the operation of child day-care centers, including parent cooperative centers, part-time centers, and drop-in centers, ~~and school-age child care centers~~. The rules shall reflect the various forms of child care and the needs of children receiving child care or publicly funded child care and shall include specific rules for school-age child care centers that are developed in consultation with the department of education. ~~The rules shall not require an existing school facility that is in compliance with applicable building codes to undergo an additional building code inspection or to have structural modifications.~~ The rules shall include the following:

(A) Submission of a site plan and descriptive plan of operation to demonstrate how the center proposes to meet the requirements of this chapter and rules adopted pursuant to this chapter for the initial license application;	66193 66194 66195 66196
(B) Standards for ensuring that the physical surroundings of the center are safe and sanitary including the physical environment, the physical plant, and the equipment of the center;	66197 66198 66199
(C) Standards for the supervision, care, and discipline of children receiving child care or publicly funded child care in the center;	66200 66201 66202
(D) Standards for a program of activities, and for play equipment, materials, and supplies, to enhance the development of each child; however, any educational curricula, philosophies, and methodologies that are developmentally appropriate and that enhance the social, emotional, intellectual, and physical development of each child shall be permissible. As used in this division, "program" does not include instruction in religious or moral doctrines, beliefs, or values that is conducted at child day-care centers owned and operated by churches and does include methods of disciplining children at child day-care centers.	66203 66204 66205 66206 66207 66208 66209 66210 66211 66212
(E) Admissions policies and procedures;	66213
(F) Health care policies and procedures, including procedures for the isolation of children with communicable diseases;	66214 66215
(G) First aid and emergency procedures;	66216
(H) Procedures for discipline and supervision of children;	66217
(I) Standards for the provision of nutritious meals and snacks;	66218 66219
(J) Procedures for screening children that may include any necessary physical examinations and shall include immunizations in accordance with section 5104.014 of the Revised Code;	66220 66221 66222

(K) Procedures for screening employees that may include any necessary physical examinations and immunizations;	66223 66224
(L) Methods for encouraging parental participation in the center and methods for ensuring that the rights of children, parents, and employees are protected and that responsibilities of parents and employees are met;	66225 66226 66227 66228
(M) Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the center while under the care of a center employee;	66229 66230 66231
(N) Procedures for record keeping, organization, and administration;	66232 66233
(O) Procedures for issuing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;	66234 66235 66236
(P) Inspection procedures;	66237
(Q) Procedures and standards for setting initial license application fees;	66238 66239
(R) Procedures for receiving, recording, and responding to complaints about centers;	66240 66241
(S) Procedures for enforcing section 5104.04 of the Revised Code;	66242 66243
(T) <del>A standard requiring the inclusion of a current department of job and family services toll free telephone number on each center provisional license or license which any person may use to report a suspected violation by the center of this chapter or rules adopted pursuant to this chapter</del> <u>Minimum qualifications for employment as an administrator or child-care staff member;</u>	66244 66245 66246 66247 66248 66249
(U) Requirements for the training of administrators and child-care staff members, including training in first aid, in prevention, recognition, and management of communicable diseases,	66250 66251 66252

and in child abuse recognition and prevention; 66253

(V) Standards providing for the special needs of children who 66254  
are handicapped or who require treatment for health conditions 66255  
while the child is receiving child care or publicly funded child 66256  
care in the center; 66257

(W) A procedure for reporting of injuries of children that 66258  
occur at the center; 66259

(X) Standards for licensing child day-care centers for 66260  
children with short-term illnesses and other temporary medical 66261  
conditions; 66262

(Y) Minimum requirements for instructional time for child 66263  
day-care centers rated through the step up to quality program 66264  
established pursuant to section 5104.29 of the Revised Code; 66265

(Z) Any other procedures and standards necessary to carry out 66266  
the provisions of this chapter regarding child day-care centers. 66267

**Sec. 5104.016.** The director of job and family services, in 66268  
addition to the rules adopted under section 5104.015 of the 66269  
Revised Code, shall adopt rules establishing minimum requirements 66270  
for child day-care centers. The rules shall include the 66271  
requirements set forth in sections 5104.032 to ~~5104.036~~ 5104.034 66272  
of the Revised Code. Except as provided in section 5104.07 of the 66273  
Revised Code, the rules shall not change the square footage 66274  
requirements of section 5104.032 of the Revised Code ~~+~~ or the 66275  
maximum number of children per child-care staff member and maximum 66276  
group size requirements of section 5104.033 of the Revised Code ~~+~~ 66277  
~~the educational and experience requirements of section 5104.035 of~~ 66278  
~~the Revised Code; the age, educational, and experience~~ 66279  
~~requirements of section 5104.036 of the Revised Code; however.~~ 66280  
However, the rules shall provide procedures for determining 66281  
compliance with those requirements. 66282



Sec. 5104.02. (A) The director of job and family services is 66283  
responsible for ~~the~~ licensing of child day-care centers ~~and~~, type 66284  
A family day-care homes, and type B family day-care homes. Each 66285  
entity operating a head start program shall meet the criteria for, 66286  
and be licensed as, a child day-care center. The director is 66287  
responsible for the enforcement of this chapter and of rules 66288  
promulgated pursuant to this chapter. 66289

No person, firm, organization, institution, or agency shall 66290  
operate, establish, manage, conduct, or maintain a child day-care 66291  
center or type A family day-care home without a license issued 66292  
under section 5104.03 of the Revised Code. The current license 66293  
shall be posted ~~in a conspicuous place~~ in the center or ~~type A~~ 66294  
home in a conspicuous place that is accessible to parents, 66295  
custodians, or guardians and employees of the center or ~~type A~~ 66296  
home at all times when the center or ~~type A~~ home is in operation. 66297

(B) A person, firm, institution, organization, or agency 66298  
operating any of the following programs is exempt from the 66299  
requirements of this chapter: 66300

(1) A program ~~of child care~~ caring for children that operates 66301  
for two ~~or less~~ consecutive weeks or less and not more than six 66302  
weeks total in each calendar year; 66303

(2) ~~Child care~~ Caring for children in places of worship 66304  
during religious activities ~~during which children are cared for~~ 66305  
while at least one parent, guardian, or custodian of each child is 66306  
participating in such activities and is readily available; 66307

(3) ~~Religious activities which do not provide child care~~; 66308

~~(4)~~ Supervised training, instruction, or activities of 66309  
children in specific areas, including, but not limited to: art; 66310  
drama; dance; music; ~~gymnastics, swimming, or another~~ athletic 66311  
~~skill or sport~~ skills or sports; computers; or an educational 66312

subject conducted on an organized or periodic basis ~~no more than~~ 66313  
~~one day a week and for no more than six hours duration~~ that a 66314  
child does not attend for more than eight total hours per week; 66315

~~(5)(4)~~ (4) Programs in which the director determines that at 66316  
least one parent, custodian, or guardian of each child who is not 66317  
an employee of the facility engaged in employment duties is on the 66318  
premises of the facility ~~offering child~~ that offers care and is 66319  
readily accessible at all times, ~~except that child care provided~~ 66320  
~~on the premises at which a parent, custodian, or guardian is~~ 66321  
~~employed more than two and one half hours a day shall be licensed~~ 66322  
~~in accordance with division (A) of this section;~~ 66323

~~(6)(a)(5)~~ (5) Programs that provide child care funded and 66324  
~~regulated or operated~~ and are regulated by state departments other 66325  
than the department of job and family services or the state board 66326  
of education ~~when the director of job and family services has~~ 66327  
~~determined that the rules governing the program are equivalent to~~ 66328  
~~or exceed the rules promulgated pursuant to this chapter.~~ 66329

~~Notwithstanding any exemption from regulation under this~~ 66330  
~~chapter, each state department shall submit to the director of job~~ 66331  
~~and family services a copy of the rules that govern programs that~~ 66332  
~~provide child care and are regulated or operated and regulated by~~ 66333  
~~the department. Annually, each state department shall submit to~~ 66334  
~~the director a report for each such program it regulates or~~ 66335  
~~operates and regulates that includes the following information:~~ 66336

~~(i) The site location of the program;~~ 66337

~~(ii) The maximum number of infants, toddlers, preschool age~~ 66338  
~~children, or school age children served by the program at one~~ 66339  
~~time;~~ 66340

~~(iii) The number of adults providing child care for the~~ 66341  
~~number of infants, toddlers, preschool age children, or school age~~ 66342  
~~children;~~ 66343

~~(iv) Any changes in the rules made subsequent to the time when the rules were initially submitted to the director.~~ 66344  
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~~The director shall maintain a record of the child care information submitted by other state departments and shall provide this information upon request to the general assembly or the public.~~ 66346  
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~~(b) Child care programs conducted by boards of education or by chartered nonpublic schools that are conducted in school buildings and that provide child care to school age children only shall be exempt from meeting or exceeding rules promulgated pursuant to this chapter.~~ 66350  
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~~(7)(6)~~ Any preschool program or school child program, except a head start program, that is subject to licensure by the department of education under sections 3301.52 to 3301.59 of the Revised Code. 66355  
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~~(8)(7)~~ Any program providing child care that meets all of the following requirements and, on October 20, 1987, was being operated by a nonpublic school that holds a charter issued by the state board of education for kindergarten only: 66359  
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(a) The nonpublic school has given the notice to the state board and the director of job and family services required by Section 4 of Substitute House Bill No. 253 of the 117th general assembly; 66363  
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(b) The nonpublic school continues to be chartered by the state board for kindergarten, or receives and continues to hold a charter from the state board for kindergarten through grade five; 66367  
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(c) The program is conducted in a school building; 66370

(d) The program is operated in accordance with rules promulgated by the state board under ~~sections 3301.52 to 3301.57~~ section 3301.53 of the Revised Code. 66371  
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~~(9)~~(8) A youth development program operated outside of school hours ~~by a community based center~~ to which all of the following apply: 66374  
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(a) The children enrolled in the program are under nineteen years of age and enrolled in or eligible to be enrolled in a grade of kindergarten or above. 66377  
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(b) The program provides informal ~~child~~ care, which is ~~child~~ care that does not require parental signature, permission, or notice for the child receiving the care to enter or leave the program. 66380  
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(c) The program provides any of the following supervised activities: educational, recreational, culturally enriching, social, and personal development activities. 66384  
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~~(d) The program is eligible for participation in the child and adult care food program as an outside school hours care center pursuant to standards established under section 3313.813 of the Revised Code.~~ 66387  
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~~(e) The community based center~~ entity operating the program is exempt from federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3). 66391  
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~~(10)~~(9) A preschool program operated by a nonchartered, nontax-supported school if the preschool program meets all of the following conditions: 66394  
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(a) The program complies with state and local health, fire, and safety laws. 66397  
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(b) The program annually certifies in a report to the parents of its pupils that the school is in compliance with division (B)~~(10)~~(9)(a) of this section and files a copy of the report with the department of job and family services on or before the thirtieth day of September of each year. 66399  
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(c) The program complies with all applicable reporting requirements in the same manner as required by the state board of education for nonchartered, nonpublic primary and secondary schools.

(d) The program is associated with a nonchartered, nontax-supported primary or secondary school.

(10) A program that provides activities for children who are five years of age or older and is operated by a county, township, municipal corporation, township park district created under section 511.18 of the Revised Code, park district created under section 1545.04 of the Revised Code, or joint recreation district established under section 755.14 of the Revised Code.

**Sec. 5104.021.** The director of job and family services may issue a child day-care center or type A family day-care home license to a youth development program that is exempted by division (B)~~(9)~~(8) of section 5104.02 of the Revised Code from the requirements of this chapter if the youth development program applies for and meets all of the requirements for the license.

**Sec. 5104.03.** (A) As used in this section, "owner" has the same meaning as in section 5104.01 of the Revised Code, except that "owner" also includes a firm, organization, institution, or agency, as well as any individual governing board members, partners, or authorized representatives of the owner.

(B) Any person, firm, organization, institution, or agency seeking to establish a child day-care center, type A family day-care home, or licensed type B family day-care home shall apply for a license to the director of job and family services on such form as the director prescribes. The director shall provide at no charge to each applicant for licensure a copy of the child care license requirements in this chapter and a copy of the rules

adopted pursuant to this chapter. The copies may be provided in 66434  
paper or electronic form. 66435

Fees shall be set by the director pursuant to sections 66436  
5104.015, 5104.017, and 5104.018 of the Revised Code and shall be 66437  
paid at the time of application for a license to operate a center, 66438  
type A home, or type B home. Fees collected under this section 66439  
shall be paid into the state treasury to the credit of the general 66440  
revenue fund. 66441

(C)(1) Upon filing of the application for a license, the 66442  
director shall investigate and inspect the center, type A home, or 66443  
type B home to determine the license capacity for each age 66444  
category of children of the center, type A home, or type B home 66445  
and to determine whether the center, type A home, or type B home 66446  
complies with this chapter and rules adopted pursuant to this 66447  
chapter. When, after investigation and inspection, the director is 66448  
satisfied that this chapter and rules adopted pursuant to it are 66449  
complied with, subject to division ~~(I)~~(G) of this section, a 66450  
license shall be issued as soon as practicable in such form and 66451  
manner as prescribed by the director. The license shall be 66452  
designated as provisional and shall be valid for at least twelve 66453  
months from the date of issuance ~~unless~~ and until the continuous 66454  
license is issued or until the provisional license is revoked or 66455  
suspended pursuant to section 5104.042 of the Revised Code. 66456

(2) The director may contract with a government entity or a 66457  
private nonprofit entity for the entity to inspect type A or type 66458  
B family day-care homes pursuant to this section. If the director 66459  
contracts with a government entity or private nonprofit entity for 66460  
that purpose, the entity may contract with another government 66461  
entity or private nonprofit entity for the other entity to inspect 66462  
type A or type B homes pursuant to this section. The director, 66463  
government entity, or private nonprofit entity shall conduct an 66464  
inspection prior to the issuance of a license for a type A or type 66465

B home and, as part of that inspection, ensure that the home is 66466  
safe and sanitary. 66467

~~(D)(1) On receipt of an application for licensure as a type B 66468  
family day care home to provide publicly funded child care, the 66469  
director shall search the uniform statewide automated child 66470  
welfare information system for information concerning any abuse or 66471  
neglect report made pursuant to section 2151.421 of the Revised 66472  
Code of which the applicant, any other adult residing in the 66473  
applicant's home, or a person designated by the applicant to be an 66474  
emergency or substitute caregiver for the applicant is the 66475  
subject. 66476~~

~~(2) The director shall consider any information discovered 66477  
pursuant to division (D)(1) of this section or that is provided by 66478  
a public children services agency pursuant to section 5153.175 of 66479  
the Revised Code. If the director determines that the information, 66480  
when viewed within the totality of the circumstances, reasonably 66481  
leads to the conclusion that the applicant may directly or 66482  
indirectly endanger the health, safety, or welfare of children, 66483  
the director shall deny the application for licensure or revoke 66484  
the license of a type B family day care home. 66485~~

~~(E)~~ The director shall investigate and inspect the center, 66486  
type A home, or type B home at least once during operation under a 66487  
license designated as provisional. If after the investigation and 66488  
inspection the director determines that the requirements of this 66489  
chapter and rules adopted pursuant to this chapter are met, 66490  
subject to division ~~(F)~~(G) of this section, the director shall 66491  
issue a new continuous license to the center or home. 66492

~~(F)~~(E) Each license shall state the name of the licensee, the 66493  
name of the administrator, the address of the center, type A home, 66494  
or licensed type B home, and the license capacity for each age 66495  
category of children. The license shall include thereon, in 66496  
accordance with sections 5104.015, 5104.017, and 5104.018 of the 66497

Revised Code, the toll-free telephone number to be used by persons 66498  
suspecting that the center, type A home, or licensed type B home 66499  
has violated a provision of this chapter or rules adopted pursuant 66500  
to this chapter. A license is valid only for the licensee, 66501  
administrator, address, and license capacity for each age category 66502  
of children designated on the license. The license capacity 66503  
specified on the license is the maximum number of children in each 66504  
age category that may be cared for in the center, type A home, or 66505  
licensed type B home at one time. 66506

~~The A center or type A home~~ licensee shall notify the 66507  
director in writing when the administrator, address, or license 66508  
capacity of the center or home changes. The director shall amend 66509  
the current license to reflect a change in ~~an~~ any of the 66510  
following: 66511

(1) An administrator, if the administrator meets the 66512  
requirements of this chapter and rules adopted pursuant to this 66513  
chapter, ~~or a change in license;~~ 66514

(2) Address, if the new address meets the requirements of 66515  
this chapter and rules adopted pursuant to this chapter; 66516

(3) License capacity for any age category of children as 66517  
determined by the director of job and family services. 66518

~~(G)~~(F) If the director revokes the license of a center, a 66519  
type A home, or a type B home, the director shall not issue 66520  
another license to the owner of the center, type A home, or type B 66521  
home until five years have elapsed from the date the license is 66522  
revoked. 66523

If the director denies an application for a license, the 66524  
director shall not consider another application from the applicant 66525  
until five years have elapsed from the date the application is 66526  
denied. 66527

~~(H) If during the application for licensure process the~~ 66528



~~director determines that the license of the owner has been~~ 66529  
~~revoked, the investigation of the center, type A home, or type B~~ 66530  
~~home shall cease. This action does not constitute denial of the~~ 66531  
~~application and may not be appealed under division (I) of this~~ 66532  
~~section.~~ 66533

~~(I)(G)(1)~~ Except as provided in division ~~(I)(G)(2)~~ of this 66534  
section, all actions of the director with respect to licensing 66535  
centers, type A homes, or type B homes, refusal to license, and 66536  
revocation of a license shall be in accordance with Chapter 119. 66537  
of the Revised Code. Except as provided in division ~~(I)(G)(2)~~ of 66538  
this section, any applicant who is denied a license or any owner 66539  
whose license is revoked may appeal in accordance with section 66540  
119.12 of the Revised Code. 66541

(2) The following actions by the director are not subject to 66542  
Chapter 119. of the Revised Code: 66543

(a) The director ~~does not issue a license to~~ ceases its 66544  
review of an application because the owner of a center, type A 66545  
home, or type B home ~~because the owner~~ sought a license before 66546  
five years had elapsed from the date the previous license was 66547  
revoked and the director does not issue the license. 66548

(b) The director ~~does not issue a license~~ ceases its review 66549  
of an application because the applicant applied for licensure 66550  
before five years had elapsed from the date the previous 66551  
application was denied and the director does not issue the 66552  
license. 66553

(c) The director closes a license because the director has 66554  
determined that the center, type A home, or type B home is no 66555  
longer operating at the address stated on the license and did not 66556  
notify the director of the address change as described in division 66557  
(E) of this section. 66558

~~(J)(H)~~ In no case shall the director issue a license under 66559

this section for a center, type A home, or type B home if the 66560  
director, based on documentation provided by the appropriate 66561  
county department of job and family services, determines that the 66562  
applicant had been certified as ~~a type B family day care home when~~ 66563  
~~such certifications were issued by county departments prior to~~ 66564  
~~January 1, 2014~~ an in-home aide, that the county department 66565  
revoked that certification within the immediately preceding five 66566  
years, that the revocation was based on the applicant's refusal or 66567  
inability to comply with the criteria for certification, and that 66568  
the refusal or inability resulted in a risk to the health or 66569  
safety of children. 66570

~~(K)(1) Except as provided in division (K)(2) of this section,~~ 66571  
~~an administrator~~ (I) An owner of a type B family day-care home 66572  
that receives a license pursuant to this section ~~to provide~~ 66573  
~~publicly funded child care~~ is an independent contractor and is not 66574  
an employee of the department of job and family services. 66575

~~(2) For purposes of Chapter 4141. of the Revised Code,~~ 66576  
~~determinations concerning the employment of an administrator of a~~ 66577  
~~type B family day care home that receives a license pursuant to~~ 66578  
~~this section shall be determined under Chapter 4141. of the~~ 66579  
~~Revised Code.~~ 66580

**Sec. 5104.04.** (A) The department of job and family services 66581  
shall establish procedures to be followed in investigating, 66582  
inspecting, and licensing child day-care centers, type A family 66583  
day-care homes, and licensed type B family day-care homes. 66584

(B)(1)(a) The department shall, at least once during every 66585  
twelve-month period of operation of a center, type A home, or 66586  
licensed type B home, inspect the center, type A home, or licensed 66587  
type B home. The department shall inspect a part-time center or 66588  
part-time type A home at least once during every twelve-month 66589  
period of operation. The department shall provide a written 66590

inspection report to the licensee within a reasonable time after 66591  
each inspection. ~~The licensee shall display its most recent~~ 66592  
~~inspection report in a conspicuous place in the center, type A~~ 66593  
~~home, or licensed type B home.~~ 66594

Inspections may be unannounced. No person, firm, 66595  
organization, institution, or agency shall interfere with the 66596  
inspection of a center, type A home, or licensed type B home by 66597  
any state or local official engaged in performing duties required 66598  
of the state or local official by this chapter or rules adopted 66599  
pursuant to this chapter, including inspecting the center, type A 66600  
home, or licensed type B home, reviewing records, or interviewing 66601  
licensees, employees, children, or parents. 66602

(b) Upon receipt of any complaint that a center, type A home 66603  
or licensed type B home is out of compliance with the requirements 66604  
of this chapter or rules adopted pursuant to this chapter, the 66605  
department shall investigate the center or home, and both of the 66606  
following apply: 66607

(i) If the complaint alleges that a child suffered physical 66608  
harm while receiving child care at the center or home or that the 66609  
noncompliance alleged in the complaint involved, resulted in, or 66610  
poses a substantial risk of physical harm to a child receiving 66611  
child care at the center or home, the department shall inspect the 66612  
center or home. 66613

(ii) If division (B)(1)(b)(i) of this section does not apply 66614  
regarding the complaint, the department may inspect the center or 66615  
home. 66616

(c) Division (B)(1)(b) of this section does not limit, 66617  
restrict, or negate any duty of the department to inspect a 66618  
center, type A home, or licensed type B home that otherwise is 66619  
imposed under this section, or any authority of the department to 66620  
inspect a center, type A home, or licensed type B home that 66621

otherwise is granted under this section ~~when the department~~ 66622  
~~believes the inspection is necessary and it is permitted under the~~ 66623  
~~grant.~~ 66624

(2) If the department implements an instrument-based program 66625  
monitoring information system, it may use an indicator checklist 66626  
to comply with division (B)(1) of this section. 66627

~~(3) The department shall contract with a third party by the~~ 66628  
~~first day of October in each even numbered year to collect~~ 66629  
~~information concerning the amounts charged by the center or home~~ 66630  
~~for providing child care services for use in establishing~~ 66631  
~~reimbursement ceilings and payment pursuant to section 5104.30 of~~ 66632  
~~the Revised Code. The third party shall compile the information~~ 66633  
~~and report the results of the survey to the department not later~~ 66634  
~~than the first day of December in each even numbered year.~~ 66635

(C) The department may deny an application or revoke a 66636  
license of a center, type A home, or licensed type B home, if the 66637  
applicant knowingly ~~makes a false statement on the application,~~ 66638  
submits falsified information to the department or if the center 66639  
or home does not comply with the requirements of this chapter or 66640  
rules adopted pursuant to this chapter, ~~or the applicant or owner~~ 66641  
~~has pleaded guilty to or been convicted of an offense described in~~ 66642  
~~division (A)(5) of section 109.572 of the Revised Code.~~ 66643

(D) If the department finds, after notice and hearing 66644  
pursuant to Chapter 119. of the Revised Code, that any applicant, 66645  
person, firm, organization, institution, or agency applying for 66646  
licensure or licensed under section 5104.03 of the Revised Code is 66647  
in violation of any provision of this chapter or rules adopted 66648  
pursuant to this chapter, the department may issue an order of 66649  
denial to the applicant or an order of revocation to the center, 66650  
type A home, or licensed type B home revoking the license 66651  
previously issued by the department. Upon the issuance of such an 66652  
order, the person whose application is denied or whose license is 66653

revoked may appeal in accordance with section 119.12 of the Revised Code. 66654  
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(E) The surrender of a center, type A home, or licensed type B home license to the department or the withdrawal of an application for licensure by the owner or administrator of the center, type A home, or licensed type B home shall not prohibit the department from instituting any of the actions set forth in this section. 66656  
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(F) Whenever the department receives a complaint, is advised, or otherwise has any reason to believe that a center or type A home is providing child care without a license issued pursuant to section 5104.03 and is not exempt from licensing pursuant to section 5104.02 of the Revised Code, the department shall investigate the center or type A home and may inspect the areas children have access to or areas necessary for the care of children in the center or type A home during suspected hours of operation to determine whether the center or type A home is subject to the requirements of this chapter or rules adopted pursuant to this chapter. 66662  
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(G) The department, upon determining that the center or type A home is operating without a license, shall notify the attorney general, the prosecuting attorney of the county in which the center or type A home is located, or the city attorney, village solicitor, or other chief legal officer of the municipal corporation in which the center or type A home is located, that the center or type A home is operating without a license. Upon receipt of the notification, the attorney general, prosecuting attorney, city attorney, village solicitor, or other chief legal officer of a municipal corporation shall file a complaint in the court of common pleas of the county in which the center or type A home is located requesting that the court grant an order enjoining the owner from operating the center or type A home in violation of 66673  
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section 5104.02 of the Revised Code. The court shall grant such injunctive relief upon a showing that the respondent named in the complaint is operating a center or type A home and is doing so without a license.

(H) The department shall prepare an annual report on inspections conducted under this section. The report shall include the number of inspections conducted, the number and types of violations found, and the steps taken to address the violations. The department shall file the report with the governor, the president and minority leader of the senate, and the speaker and minority leader of the house of representatives on or before the first day of January of each year, beginning in 1999.

**Sec. 5104.042.** (A) The department of job and family services may suspend, without a prior hearing, the license of a child day-care center, type A family day-care home, or licensed type B family day-care home if any of the following occur:

(1) A child dies or suffers a serious injury while receiving child care in the center, type A home, or licensed type B home.

(2) A public children services agency receives a report pursuant to section 2151.421 of the Revised Code, and the person alleged to have inflicted abuse or neglect on the child who is the subject of the report is any of the following:

(a) The owner, licensee, or administrator of the center, type A home, or licensed type B home;

(b) An employee of the center, type A home, or licensed type B home who has not immediately been placed on administrative leave or released from employment;

(c) Any person who resides in the type A home or licensed type B home.

(3) An owner, licensee, administrator, or employee of the

center, type A home, or licensed type B home, or a resident of the 66716  
type A home or licensed type B home is charged by an indictment, 66717  
information, or complaint with an offense relating to the abuse or 66718  
neglect of a child. 66719

(4) The department or a county department of job and family 66720  
services determines that the center, type A home, or licensed type 66721  
B home created a serious risk to the health or safety of a child 66722  
receiving child care in the center, type A home, or licensed type 66723  
B home that resulted in or could have resulted in a child's death 66724  
or injury. 66725

(5) The department determines that the owner, or licensee, or 66726  
administrator of the center, type A home, or licensed type B home 66727  
is charged by indictment, information, or complaint with fraud 66728  
does not meet the requirements of section 5104.013 of the Revised 66729  
Code. 66730

(B) The department shall issue a written order of suspension 66731  
and furnish a copy to the licensee either by certified mail or in 66732  
person as described in section 119.07 of the Revised Code. The 66733  
licensee may ~~appeal the suspension in accordance with section~~ 66734  
request an adjudicatory hearing before the department pursuant to 66735  
sections 119.06 to 119.12 of the Revised Code. 66736

(C) ~~Except as provided in division (D) of this section, any~~ 66737  
Any summary suspension imposed under this section shall remain in 66738  
effect, ~~unless reversed on appeal,~~ until any of the following 66739  
occurs: 66740

(1) The public children services agency completes its 66741  
investigation of the report pursuant to section 2151.421 of the 66742  
Revised Code and determines that all of the allegations are 66743  
unsubstantiated. 66744

(2) All criminal charges are disposed of through dismissal, 66745  
or a finding of not guilty, conviction, or a plea of guilty. 66746

(3) ~~A final order is issued by the~~ The department issues 66747  
pursuant to Chapter 119. of the Revised Code ~~becomes effective a~~ 66748  
final order terminating the suspension. 66749

~~(D) If the department initiates the revocation of a license~~ 66750  
~~that has been suspended pursuant to this section, the suspension~~ 66751  
~~shall continue until the revocation process is completed.~~ 66752

~~(E)~~ The center, type A home, or licensed type B home shall 66753  
not provide child care while the summary suspension remains in 66754  
effect. Upon issuance of the order of suspension, the licensee 66755  
shall inform the caretaker parent of each child receiving child 66756  
care in the center, type A home, or licensed type B home of the 66757  
suspension. 66758

~~(F)~~(E) The director of job and family services may adopt 66759  
rules in accordance with Chapter 119. of the Revised Code 66760  
establishing standards and procedures for the summary suspension 66761  
of licenses. 66762

(F) This section does not limit the authority of the 66763  
department to revoke a license pursuant to section 5104.04 of the 66764  
Revised Code. 66765

**Sec. 5104.09.** No administrator, employee, licensee, or 66766  
child-care staff member shall discriminate in the enrollment of 66767  
children in a child day-care center, type A home, licensed type B 66768  
home, or approved child day camp upon the basis of race, color, 66769  
religion, sex, disability, or national origin. 66770

**Sec. 5104.12.** (A) ~~The~~(1) A county director of job and family 66771  
services may certify in-home aides to provide publicly funded 66772  
child care pursuant to this chapter and any rules adopted under 66773  
it. Any in-home aide who receives a certificate pursuant to this 66774  
section to provide publicly funded child care is an independent 66775  
contractor and is not an employee of the county department of job 66776



and family services that issues the certificate. 66777

~~(B)(2)~~ Every person desiring to receive certification as an 66778  
in-home aide shall apply for certification to ~~the~~ a county 66779  
director of job and family services on such forms as the director 66780  
of job and family services prescribes. ~~The~~ A county director shall 66781  
provide at no charge to each applicant a copy of rules for 66782  
certifying in-home aides adopted pursuant to this chapter. 66783

(B) To be eligible for certification as an in-home aide, a 66784  
person shall not be either of the following: 66785

(1) The owner of a center or home whose license was revoked 66786  
pursuant to section 5104.04 of the Revised Code within the 66787  
previous five years; 66788

(2) An in-home aide whose certificate was revoked under 66789  
division (C)(2) of this section within the previous five years. 66790

(C)(1) If the county director of job and family services 66791  
determines that ~~public funds are available and that the person~~ 66792  
applicant complies with this chapter and any rules adopted under 66793  
it, the county director shall certify the person as an in-home 66794  
aide and issue the person a certificate to provide publicly funded 66795  
child care for ~~twelve~~ twenty-four months. The county director 66796  
shall furnish a copy of the certificate to the parent, custodian, 66797  
or guardian. The certificate shall state the name and address of 66798  
the in-home aide, the expiration date of the certification, and 66799  
the name and telephone number of the county director who issued 66800  
the certificate. 66801

(2) The county director may revoke the certificate in either 66802  
of the following circumstances: 66803

(a) The county director determines, pursuant to rules adopted 66804  
under Chapter 119. of the Revised Code, that revocation is 66805  
necessary; 66806

(b) The in-home aide does not comply with division ~~(D)~~(C)(2) 66807  
of section 5104.32 of the Revised Code. 66808

(D)(1) The county director of job and family services shall 66809  
inspect every home of a child who is receiving publicly funded 66810  
child care in the child's own home while the in-home aide is 66811  
providing the services. Inspections may be unannounced. Upon 66812  
receipt of a complaint, the county director shall investigate the 66813  
in-home aide, shall investigate the home of a child who is 66814  
receiving publicly funded child care in the child's own home, and 66815  
division (D)(2) of this section applies regarding the complaint. 66816  
The caretaker parent shall permit the county director to inspect 66817  
any part of the child's home. The county director shall prepare a 66818  
written inspection report and furnish one copy each to the in-home 66819  
aide and the caretaker parent within a reasonable time after the 66820  
inspection. 66821

(2) Upon receipt of a complaint as described in division 66822  
(D)(1) of this section, in addition to the investigations that are 66823  
required under that division, both of the following apply: 66824

(a) If the complaint alleges that a child suffered physical 66825  
harm while receiving publicly funded child care in the child's own 66826  
home from an in-home aide or that the noncompliance with law or 66827  
act alleged in the complaint involved, resulted in, or poses a 66828  
substantial risk of physical harm to a child receiving publicly 66829  
funded child care in the child's own home from an in-home aide, 66830  
the county director shall inspect the home of the child. 66831

(b) If division (D)(2)(a) of this section does not apply 66832  
regarding the complaint, the county director may inspect the home 66833  
of the child. 66834

(3) Division (D)(2) of this section does not limit, restrict, 66835  
or negate any duty of the county director to inspect a home of a 66836  
child who is receiving publicly funded child care from an in-home 66837

aide that otherwise is imposed under this section, or any 66838  
authority of the county director to inspect such a home that 66839  
otherwise is granted under this section when the county director 66840  
believes the inspection is necessary and it is permitted under the 66841  
grant. 66842

**Sec. 5104.21.** (A) The department of job and family services 66843  
shall register child day camps and enforce this section and 66844  
~~section~~ sections 5104.211 and 5104.22 of the Revised Code and the 66845  
rules adopted pursuant to those sections. No person, firm, 66846  
organization, institution, or agency shall operate a child day 66847  
camp without annually registering with the department. 66848

(B) A person, firm, institution, organization, or agency 66849  
operating any of the following programs is exempt from the 66850  
provisions of this section and ~~section~~ sections 5104.211 and 66851  
5104.22 of the Revised Code: 66852

(1) A child day camp that operates for two ~~or less~~ 66853  
consecutive weeks or less and for no more than a total of two 66854  
weeks during each calendar year; 66855

(2) Supervised training, instruction, or activities of 66856  
children that is conducted on an organized or periodic basis ~~no~~ 66857  
~~more than one day a week and for no more than six hours' duration~~ 66858  
~~and that is conducted~~ in specific areas or in a combination of 66859  
areas for a maximum of eight hours each week, including, but not 66860  
~~limited to, art; drama; dance; music; gymnastics, swimming, or~~ 66861  
~~another,~~ athletic skill or sport; computers; or an educational 66862  
subject; 66863

(3) Programs in which the department determines that at least 66864  
one parent, custodian, or guardian of each child attending or 66865  
participating in the child day camp is on the child day camp 66866  
activity site and is readily accessible at all times, except that 66867  
a child day camp on the premises of a parent's, custodian's, or 66868

guardian's place of employment shall be registered in accordance 66869  
with division (A) of this section; 66870

(4) Child day camps ~~funded and regulated or operated and~~ 66871  
~~regulated by any state department, other than the department of~~ 66872  
~~job and family services, when the department of job and family~~ 66873  
~~services has determined that the rules governing the child day~~ 66874  
~~camp are equivalent to or exceed the rules adopted pursuant to~~ 66875  
~~this section and section 5104.22;~~ 66876

(5) A program that provides activities for children who are 66877  
five years of age or older and is operated by any county, 66878  
township, municipal corporation, township park district created 66879  
under section 511.18 of the Revised Code, park district created 66880  
under section 1545.04 of the Revised Code, or joint recreation 66881  
district established under section 755.04 of the Revised Code. 66882

(C) A person, firm, organization, institution, or agency 66883  
operating a child day camp that is exempt under division (B) of 66884  
this section from registering under division (A) of this section 66885  
may elect to register itself under division (A) of this section. 66886  
All requirements of this section and the rules adopted pursuant to 66887  
this section shall apply to any exempt child day camp that so 66888  
elects to register. 66889

(D) The director of job and family services shall adopt 66890  
pursuant to Chapter 119. of the Revised Code rules prescribing the 66891  
registration form and establishing the procedure for the child day 66892  
camps to register. The form shall ~~not be longer than one~~ 66893  
~~typewritten page and shall~~ state both of the following: 66894

(1) That the child day camp administrator or the 66895  
administrator's representative agrees to provide the parents of 66896  
each school-age child who attends or participates in that child 66897  
day camp with the telephone number of the county department of 66898  
health and the public children services agency of the county in 66899

which the child day camp is located; 66900

(2) That the child day camp administrator or the 66901  
administrator's representative agrees to permit a public children 66902  
services agency or the county department of health to review or 66903  
inspect the child day camp if a complaint is made to that 66904  
department or any other state department or public children 66905  
services agency against that child day camp. 66906

(E) The department may charge a fee to register a child day 66907  
camp. The fee for each child day camp shall be twenty-five 66908  
dollars. No organization that operates, or owner of, child day 66909  
camps shall pay a fee that exceeds two hundred fifty dollars for 66910  
all of its child day camps. 66911

(F) If a child day camp that is required to register under 66912  
this section fails to register with the department in accordance 66913  
with this section or the rules adopted pursuant to it or if a 66914  
child day camp that files a registration form under this section 66915  
knowingly provides false or misleading information on the 66916  
registration form, the department shall require the child day camp 66917  
to register or register correctly and to pay a registration fee 66918  
that equals three times the registration fee as set forth in 66919  
division (E) of this section. 66920

(G) A child day camp administrator or the administrator's 66921  
representative shall provide the parents of each school-age child 66922  
who attends or participates in that child day camp with both of 66923  
the ~~telephone~~ following: 66924

(1) Telephone numbers of the county department of health and 66925  
the county public children services agency of the county in which 66926  
the child day camp is located ~~and a~~; 66927

(2) A statement that the parents may ~~use these telephone~~ 66928  
~~numbers to contact or otherwise contact the departments county~~ 66929  
department or agency to make a complaint regarding the child day 66930

camp. 66931

Sec. 5104.211. (A) The director of job and family services 66932  
may periodically conduct a random sampling of child day camps to 66933  
determine compliance with section 5104.013 of the Revised Code. 66934

(B)(1) No child day camp shall fail to comply with section 66935  
5104.013 of the Revised Code in regards to a person it appoints or 66936  
employs. 66937

(2) If the director determines that a camp has violated 66938  
division (B)(1) of this section, the director shall do both of the 66939  
following: 66940

(a) Consider imposing a civil penalty on the camp in an 66941  
amount that shall not exceed ten per cent of the camp's gross 66942  
revenues for the full month immediately preceding the month in 66943  
which the violation occurred. If the camp was not operating for 66944  
the entire calendar month preceding the month in which the 66945  
violation occurred, the penalty shall be five hundred dollars. 66946

(b) Order the camp to initiate a criminal records check of 66947  
the person who is the subject of the violation within a specified 66948  
period of time. 66949

(3) If, within the specified period of time, the camp fails 66950  
to comply with an order to initiate a criminal records check of 66951  
the person who is the subject of the violation or to release the 66952  
person from the appointment or employment, the director shall do 66953  
both of the following: 66954

(a) Impose a civil penalty in an amount that is not less than 66955  
the amount previously imposed and that does not exceed twice the 66956  
amount permitted by division (B)(2)(a) of this section; 66957

(b) Order the camp to initiate a criminal records check of 66958  
the person who is the subject of the violation within a specified 66959  
period of time. 66960

(C) If the director determines that a child day camp has 66961  
violated division (B)(1) of this section, the director may post a 66962  
notice at a prominent place at the camp that states that the camp 66963  
has failed to conduct criminal records checks of its appointees or 66964  
employees as required by section 5104.013 of the Revised Code. 66965  
Once the camp demonstrates to the department that the camp is in 66966  
compliance with that section, the director shall permit the camp 66967  
to remove the notice. 66968

(D) The director may include on the web site of the 66969  
department of job and family services a list of child day camps 66970  
that the director has determined to not be in compliance with the 66971  
criminal records check requirements of section 5104.013 of the 66972  
Revised Code. The director shall remove a camp's name from the 66973  
list when the camp demonstrates to the director that the camp is 66974  
in compliance with that section. 66975

(E) For the purposes of divisions (C) and (D) of this 66976  
section, a child day camp will be considered to be in compliance 66977  
with section 5104.013 of the Revised Code by doing any of the 66978  
following: 66979

(1) Requesting that the bureau of criminal identification and 66980  
investigation conduct a criminal records check regarding the 66981  
person who is the subject of the violation of division (B)(1) of 66982  
this section and, if the person does not qualify for the 66983  
appointment or employment, releasing the person from the 66984  
appointment or employment; 66985

(2) Releasing the person who is the subject of the violation 66986  
from the appointment or employment. 66987

(F) The attorney general shall commence and prosecute to 66988  
judgment a civil action in a court of competent jurisdiction to 66989  
collect any civil penalty imposed under this section that remains 66990  
unpaid. 66991

(G) This section does not apply to a child day camp that is 66992  
an approved child day camp. 66993

**Sec. 5104.22.** (A) The director of job and family services, no 66994  
later than September 1, 1993, and pursuant to Chapter 119. of the 66995  
Revised Code, shall adopt rules establishing a procedure and 66996  
standards for the approval of child day camps that will enable an 66997  
approved child day camp to receive public moneys pursuant to 66998  
sections 5104.30 to 5104.39 of the Revised Code. ~~The procedure and~~ 66999  
~~standards shall be similar and comparable to the procedure and~~ 67000  
~~standards for accrediting child day camps used by the American~~ 67001  
~~camping association.~~ The department of job and family services may 67002  
charge a reasonable fee to inspect a child day camp to determine 67003  
whether that child day camp meets the standards set forth in this 67004  
section or in the rules adopted under this section. The department 67005  
shall approve any child day camp that ~~the~~ meets both of the 67006  
following: 67007

(1) The department inspects and approves, that the camp and 67008  
determines that it meets the standards established in rules 67009  
adopted under this section; 67010

(2) The camp is accredited by the American camping camp 67011  
~~association inspects and accredits, or that is inspected and~~ 67012  
~~accredited by any~~ a nationally recognized organization that 67013  
accredits child day camps by using standards that the department 67014  
has determined are substantially similar and comparable to those 67015  
of the American ~~camping~~ camp association. The department shall 67016  
approve a child day camp for ~~no longer than two years~~ a period of 67017  
one year and shall inspect an approved child day camp ~~no less than~~ 67018  
biennially on an annual basis. 67019

(B) An approved child day camp shall comply with this section 67020  
and section 5104.21 of the Revised Code and the rules adopted 67021  
pursuant to those sections. If an approved child day camp is not 67022



in substantial compliance with those sections or rules at any 67023  
time, the department shall terminate the child day camp's approval 67024  
until the child day camp complies with those sections and rules or 67025  
for a period of two years, whichever period is longer. 67026

**Sec. 5104.29.** (A) As used in this section, "early learning 67027  
and development program" has the same meaning as "licensed child 67028  
care program" as defined in section 5104.01 of the Revised Code. 67029

(B) There is hereby created in the department of job and 67030  
family services the step up to quality program, under which the 67031  
department of job and family services, in cooperation with the 67032  
department of education, shall develop a tiered quality rating and 67033  
improvement system for all early learning and development programs 67034  
in this state. The step up to quality program shall include all of 67035  
the following components: 67036

(1) Quality program standards for early learning and 67037  
development programs; 67038

(2) Accountability measures that include tiered ratings 67039  
representing each program's level of quality; 67040

(3) Program and provider outreach and support to help 67041  
programs meet higher standards and promote participation in the 67042  
step up to quality program; 67043

(4) Financial incentives for early learning and development 67044  
programs that provide publicly funded child care and are linked to 67045  
achieving and maintaining quality standards; 67046

(5) Parent and consumer education to help parents learn about 67047  
program quality and ratings so they can make informed choices on 67048  
behalf of their children. 67049

(C) The step up to quality program shall have the following 67050  
goals: 67051

(1) Increasing the number of low-income children, special 67052

needs children, and children with limited English proficiency 67053  
participating in quality early learning and development programs; 67054

(2) Providing families with an easy-to-use tool for 67055  
evaluating the quality of early learning and development programs; 67056

(3) Recognizing and supporting early learning and development 67057  
programs that achieve higher levels of quality; 67058

(4) Providing incentives and supports to help early learning 67059  
and development programs implement continuous quality improvement 67060  
systems. 67061

(D) Under the step up to quality program, participating early 67062  
learning and development programs may be eligible for grants, 67063  
technical assistance, training, and other assistance. Programs 67064  
that maintain a quality rating may be eligible for unrestricted 67065  
monetary awards. 67066

(E) The tiered ratings developed pursuant to this section 67067  
shall be based on an early learning and development program's 67068  
performance in meeting program standards in the following four 67069  
domains: 67070

(1) Learning and development; 67071

(2) Administration and leadership practices; 67072

(3) Staff quality and professional development; 67073

(4) Family and community partnerships. 67074

(F) The director of job and family services, in collaboration 67075  
with the superintendent of public instruction, shall adopt rules 67076  
in accordance with Chapter 119. of the Revised Code to implement 67077  
the step up to quality program described in this section. 67078

(G)(1) The department of job and family services shall ensure 67079  
that the following percentages of early learning and development 67080  
programs ~~that are not type B family day care homes and that~~ 67081  
provide publicly funded child care are rated in the third highest 67082

tier or above in the step up to quality program: 67083

(a) By June 30, 2017, twenty-five per cent; 67084

(b) By June 30, 2019, forty per cent; 67085

(c) By June 30, 2021, sixty per cent; 67086

(d) By June 30, 2023, eighty per cent; 67087

(e) By June 30, 2025, one hundred per cent. 67088

~~(2) The department of job and family services and the 67089  
department of education shall identify ways to accelerate early 67090  
learning and development programs moving to higher tiers in the 67091  
step up to quality program and identify strategies for appropriate 67092  
ratings of type B homes. The departments may consult with the 67093  
early childhood advisory council established pursuant to section 67094  
3301.90 of the Revised Code to facilitate their efforts and shall 67095  
include owners and administrators of early learning and 67096  
development programs in the identification process. The 67097  
departments shall report their recommendations to the general 67098  
assembly not later than October 31, 2016. This division does not 67099  
apply to early learning and development programs that are either 67100  
of the following: 67101~~

~~(a) Licensed type B family day-care homes; 67102~~

~~(b) Providers described in division (C)(2) of section 5104.31 67103  
of the Revised Code. 67104~~

**Sec. 5104.30.** (A) The department of job and family services 67105  
is hereby designated as the state agency responsible for 67106  
administration and coordination of federal and state funding for 67107  
publicly funded child care in this state. Publicly funded child 67108  
care shall be provided to the following: 67109

(1) Recipients of transitional child care as provided under 67110  
section 5104.34 of the Revised Code; 67111

(2) Participants in the Ohio works first program established 67112  
under Chapter 5107. of the Revised Code; 67113

(3) Individuals who would be participating in the Ohio works 67114  
first program if not for a sanction under section 5107.16 of the 67115  
Revised Code and who continue to participate in a work activity, 67116  
developmental activity, or alternative work activity pursuant to 67117  
an assignment under section 5107.42 of the Revised Code; 67118

(4) A family receiving publicly funded child care on October 67119  
1, 1997, until the family's income reaches one hundred fifty per 67120  
cent of the federal poverty line; 67121

(5) Subject to available funds, other individuals determined 67122  
eligible in accordance with rules adopted under section 5104.38 of 67123  
the Revised Code. 67124

The department shall apply to the United States department of 67125  
health and human services for authority to operate a coordinated 67126  
program for publicly funded child care, if the director of job and 67127  
family services determines that the application is necessary. For 67128  
purposes of this section, the department of job and family 67129  
services may enter into agreements with other state agencies that 67130  
are involved in regulation or funding of child care. The 67131  
department shall consider the special needs of migrant workers 67132  
when it administers and coordinates publicly funded child care and 67133  
shall develop appropriate procedures for accommodating the needs 67134  
of migrant workers for publicly funded child care. 67135

(B) The department of job and family services shall 67136  
distribute state and federal funds for publicly funded child care, 67137  
including appropriations of state funds for publicly funded child 67138  
care and appropriations of federal funds available under the child 67139  
care block grant act, Title IV-A, and Title XX. The department may 67140  
use any state funds appropriated for publicly funded child care as 67141  
the state share required to match any federal funds appropriated 67142

for publicly funded child care. 67143

(C) In the use of federal funds available under the child care block grant act, all of the following apply: 67144

(1) The department may use the federal funds to hire staff to prepare any rules required under this chapter and to administer and coordinate federal and state funding for publicly funded child care. 67145

(2) Not more than five per cent of the aggregate amount of the federal funds received for a fiscal year may be expended for administrative costs. 67146

(3) The department shall allocate and use at least four per cent of the federal funds for the following: 67147

(a) Activities designed to provide comprehensive consumer education to parents and the public; 67148

(b) Activities that increase parental choice; 67149

(c) Activities, including child care resource and referral services, designed to improve the quality, and increase the supply, of child care; 67150

(d) Establishing the step up to quality program pursuant to section 5104.29 of the Revised Code. 67151

(4) The department shall ensure that the federal funds will be used only to supplement, and will not be used to supplant, federal, state, and local funds available on the effective date of the child care block grant act for publicly funded child care and related programs. If authorized by rules adopted by the department pursuant to section 5104.42 of the Revised Code, county departments of job and family services may purchase child care from funds obtained through any other means. 67152

(D) The department shall encourage the development of suitable child care throughout the state, especially in areas with 67153

high concentrations of recipients of public assistance and 67173  
families with low incomes. The department shall encourage the 67174  
development of suitable child care designed to accommodate the 67175  
special needs of migrant workers. On request, the department, 67176  
through its employees or contracts with state or community child 67177  
care resource and referral service organizations, shall provide 67178  
consultation to groups and individuals interested in developing 67179  
child care. The department of job and family services may enter 67180  
into interagency agreements with the department of education, the 67181  
chancellor of higher education, the department of development, and 67182  
other state agencies and entities whenever the cooperative efforts 67183  
of the other state agencies and entities are necessary for the 67184  
department of job and family services to fulfill its duties and 67185  
responsibilities under this chapter. 67186

The department shall develop and maintain a registry of 67187  
persons providing child care. The director shall adopt rules in 67188  
accordance with Chapter 119. of the Revised Code establishing 67189  
procedures and requirements for the registry's administration. 67190

(E)(1) The director shall adopt rules in accordance with 67191  
Chapter 119. of the Revised Code establishing both of the 67192  
following: 67193

(a) Reimbursement ceilings for providers of publicly funded 67194  
child care not later than the first day of July in each 67195  
odd-numbered year; 67196

(b) A procedure for reimbursing and paying providers of 67197  
publicly funded child care. 67198

(2) In establishing reimbursement ceilings under division 67199  
(E)(1)(a) of this section, the director shall do all of the 67200  
following: 67201

(a) Use the information obtained ~~under division (B)(3) of~~ 67202  
~~section 5104.04 of the Revised Code~~ in accordance with 45 C.F.R. 67203

<u>98.45;</u>	67204
(b) Establish an enhanced reimbursement ceiling for providers who provide child care for caretaker parents who work nontraditional hours;	67205 67206 67207
<del>(c) For an in-home aide, establish an hourly reimbursement ceiling;</del>	67208 67209
<del>(d)</del> (c) With regard to the step up to quality program established pursuant to section 5104.29 of the Revised Code, do both of the following:	67210 67211 67212
(i) Establish enhanced reimbursement ceilings for child day-care providers that participate in the program and maintain quality ratings;	67213 67214 67215
(ii) Weigh any reduction in reimbursement ceilings more heavily against providers that do not participate in the program or do not maintain quality ratings.	67216 67217 67218
(3) In establishing reimbursement ceilings under division (E)(1)(a) of this section, the director may establish different reimbursement ceilings based on any of the following:	67219 67220 67221
(a) Geographic location of the provider;	67222
(b) Type of care provided;	67223
(c) Age of the child served;	67224
(d) Special needs of the child served;	67225
(e) Whether the expanded hours of service are provided;	67226
(f) Whether weekend service is provided;	67227
(g) Whether the provider has exceeded the minimum requirements of state statutes and rules governing child care;	67228 67229
(h) Any other factors the director considers appropriate.	67230
<b>Sec. 5104.31.</b> (A) Publicly funded child care may be provided	67231

only by the following: 67232

(1) Any of the following licensed by the department of job and family services pursuant to section 5104.03 of the Revised Code or pursuant to rules adopted under section 5104.018 of the Revised Code: 67233

(a) A child day-care center, including a parent cooperative child day-care center; 67234  
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(b) A type A family day-care home, including a parent cooperative type A family day-care home; 67237  
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(c) A licensed type B family day-care home. 67239  
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(2) An in-home aide who has been certified by the county department of job and family services pursuant to section 5104.12 of the Revised Code; 67241  
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(3) A child day camp approved pursuant to section 5104.22 of the Revised Code; 67245  
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(4) A licensed preschool program; 67247

(5) A licensed school child program; 67248

(6) A border state child care provider, except that a border state child care provider may provide publicly funded child care only to an individual who resides in an Ohio county that borders the state in which the provider is located. 67249  
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(B) Publicly funded child day-care may be provided in a child's own home only by an in-home aide. 67253  
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(C)(1) Beginning July 1, 2020, and except as provided in division (C)(2) of this section, a licensed child care program may provide publicly funded child care ~~may be provided only by a provider that~~ if the program is rated through the step up to quality program established pursuant to section 5104.29 of the Revised Code. 67255  
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(2) A licensed child care program that is any of the following may provide publicly funded child care without being rated through the step up to quality program: 67261  
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(a) A program that operates only during the summer and for not more than fifteen consecutive weeks; 67264  
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(b) A program that operates only during school breaks; 67266

(c) A program that operates only on weekday evenings, weekends, or both; 67267  
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(d) A program that holds a provisional license issued under section 5104.03 of the Revised Code; 67269  
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(e) A program that had its step up to quality program rating removed by the department of job and family services within the previous twelve months; 67271  
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(f) A program that is the subject of a revocation action initiated by the department, but the license has not yet been revoked. 67274  
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**Sec. 5104.32.** (A) ~~Except as provided in division (C) of this section, all~~ All purchases of publicly funded child care shall be made under a contract entered into by a licensed child day-care center, licensed type A family day-care home, licensed type B family day-care home, certified in-home aide, approved child day camp, licensed preschool program, licensed school child program, or border state child care provider and the department of job and family services. All contracts for publicly funded child care shall be contingent upon the availability of state and federal funds. The department shall prescribe a standard form to be used for all contracts for the purchase of publicly funded child care, regardless of the source of public funds used to purchase the child care. To the extent permitted by federal law and notwithstanding any other provision of the Revised Code that 67277  
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regulates state contracts or contracts involving the expenditure 67291  
of state or federal funds, all contracts for publicly funded child 67292  
care shall be entered into in accordance with the provisions of 67293  
this chapter and are exempt from any other provision of the 67294  
Revised Code that regulates state contracts or contracts involving 67295  
the expenditure of state or federal funds. 67296

(B) Each contract for publicly funded child care shall 67297  
specify at least the following: 67298

(1) That the provider of publicly funded child care agrees to 67299  
be paid for rendering services at the lower of the rate 67300  
customarily charged by the provider for children enrolled for 67301  
child care or the reimbursement ceiling or rate of payment 67302  
established pursuant to section 5104.30 of the Revised Code; 67303

(2) That, if a provider provides child care to an individual 67304  
potentially eligible for publicly funded child care who is 67305  
subsequently determined to be eligible, the department agrees to 67306  
pay for all child care provided between the date the county 67307  
department of job and family services receives the individual's 67308  
completed application and the date the individual's eligibility is 67309  
determined; 67310

(3) Whether the county department of job and family services, 67311  
the provider, or a child care resource and referral service 67312  
organization will make eligibility determinations, whether the 67313  
provider or a child care resource and referral service 67314  
organization will be required to collect information to be used by 67315  
the county department to make eligibility determinations, and the 67316  
time period within which the provider or child care resource and 67317  
referral service organization is required to complete required 67318  
eligibility determinations or to transmit to the county department 67319  
any information collected for the purpose of making eligibility 67320  
determinations; 67321

(4) That the provider, other than a border state child care provider, shall continue to be licensed, approved, or certified pursuant to this chapter and shall comply with all standards and other requirements in this chapter and in rules adopted pursuant to this chapter for maintaining the provider's license, approval, or certification;

(5) That, in the case of a border state child care provider, the provider shall continue to be licensed, certified, or otherwise approved by the state in which the provider is located and shall comply with all standards and other requirements established by that state for maintaining the provider's license, certificate, or other approval;

(6) Whether the provider will be paid by the state department of job and family services or in some other manner as prescribed by rules adopted under section 5104.42 of the Revised Code;

(7) That the contract is subject to the availability of state and federal funds.

~~(C) Unless specifically prohibited by federal law or by rules adopted under section 5104.42 of the Revised Code, the county department of job and family services shall give individuals eligible for publicly funded child care the option of obtaining certificates that the individual may use to purchase services from any provider qualified to provide publicly funded child care under section 5104.31 of the Revised Code. Providers of publicly funded child care may present these certificates for payment in accordance with rules that the director of job and family services shall adopt. Only providers may receive payment for certificates. The value of the certificate shall be based on the lower of the rate customarily charged by the provider or the rate of payment established pursuant to section 5104.30 of the Revised Code. The county department may provide the certificates to the individuals or may contract with child care providers or child care resource~~

~~and referral service organizations that make determinations of 67354  
eligibility for publicly funded child care pursuant to contracts 67355  
entered into under section 5104.34 of the Revised Code for the 67356  
providers or resource and referral service organizations to 67357  
provide the certificates to individuals whom they determine are 67358  
eligible for publicly funded child care. 67359~~

~~For each six month period a provider of publicly funded child 67360  
care provides publicly funded child care to the child of an 67361  
individual given certificates, the individual shall provide the 67362  
provider certificates for days the provider would have provided 67363  
publicly funded child care to the child had the child been 67364  
present. The maximum number of days providers shall be provided 67365  
certificates shall not exceed ten days in a six month period 67366  
during which publicly funded child care is provided to the child 67367  
regardless of the number of providers that provide publicly funded 67368  
child care to the child during that period. 67369~~

~~(D)(1) The department shall establish the Ohio electronic an 67370  
automated child care system to track attendance and calculate 67371  
payments for publicly funded child care. The system shall include 67372  
issuing an electronic child care card to each caretaker parent to 67373  
swipe through a point of service device issued to an eligible 67374  
provider, as described in section 5104.31 of the Revised Code. 67375~~

(2) Each eligible provider that provides publicly funded 67376  
child care shall participate in the Ohio electronic automated 67377  
child care system. A provider participating in the system shall 67378  
not do any of the following: 67379

(a) Use or have possession of an electronic child care card a 67380  
personal identification number or password issued to a caretaker 67381  
parent under the automated child care system; 67382

(b) Falsify attendance records; 67383

(c) Knowingly seek or accept payment for publicly funded 67384

child care that was not provided or for which the provider was not 67385  
eligible; 67386

(d) ~~Knowingly accept reimbursement for publicly funded child~~ 67387  
~~care that was not provided~~ seek or accept payment for child care 67388  
provided to a child who resides in the provider's own home. 67389

(D) The department may withhold any money due under this 67390  
chapter and may recover through any appropriate method any money 67391  
erroneously paid under this chapter if evidence demonstrates that 67392  
a provider of publicly funded child care failed to comply with 67393  
either of the following: 67394

(1) The terms of the contract entered into under this 67395  
section; 67396

(2) This chapter or any rules adopted under it. 67397

(E) If the department has evidence that a provider has 67398  
employed an individual who is ineligible for employment under 67399  
section 5104.013 of the Revised Code and the provider has not 67400  
released the individual from employment upon notice that the 67401  
individual is ineligible, the department may terminate immediately 67402  
the contract entered into under this section to provide publicly 67403  
funded child care. 67404

(F) Any decision by the department concerning publicly funded 67405  
child care, including the recovery of funds, overpayment 67406  
determinations, and contract terminations is final and is not 67407  
subject to appeal, hearing, or further review under Chapter 119. 67408  
of the Revised Code. 67409

**Sec. 5104.34.** (A)(1) Each county department of job and family 67410  
services shall implement procedures for making determinations of 67411  
eligibility for publicly funded child care. Under those 67412  
procedures, the eligibility determination for each applicant shall 67413  
be made no later than thirty calendar days from the date the 67414

county department receives a completed application for publicly 67415  
funded child care. Each applicant shall be notified promptly of 67416  
the results of the eligibility determination. An applicant 67417  
aggrieved by a decision or delay in making an eligibility 67418  
determination may appeal the decision or delay to the department 67419  
of job and family services in accordance with section 5101.35 of 67420  
the Revised Code. The due process rights of applicants shall be 67421  
protected. 67422

To the extent permitted by federal law, the county department 67423  
may make all determinations of eligibility for publicly funded 67424  
child care, may contract with child care providers or child care 67425  
resource and referral service organizations for the providers or 67426  
resource and referral service organizations to make all or any 67427  
part of the determinations, and may contract with child care 67428  
providers or child care resource and referral service 67429  
organizations for the providers or resource and referral service 67430  
organizations to collect specified information for use by the 67431  
county department in making determinations. If a county department 67432  
contracts with a child care provider or a child care resource and 67433  
referral service organization for eligibility determinations or 67434  
for the collection of information, the contract shall require the 67435  
provider or resource and referral service organization to make 67436  
each eligibility determination no later than thirty calendar days 67437  
from the date the provider or resource and referral organization 67438  
receives a completed application that is the basis of the 67439  
determination and to collect and transmit all necessary 67440  
information to the county department within a period of time that 67441  
enables the county department to make each eligibility 67442  
determination no later than thirty days after the filing of the 67443  
application that is the basis of the determination. 67444

The county department may station employees of the department 67445  
in various locations throughout the county to collect information 67446

relevant to applications for publicly funded child care and to 67447  
make eligibility determinations. The county department, child care 67448  
provider, and child care resource and referral service 67449  
organization shall make each determination of eligibility for 67450  
publicly funded child care no later than thirty days after the 67451  
filing of the application that is the basis of the determination, 67452  
shall make each determination in accordance with any relevant 67453  
rules adopted pursuant to section 5104.38 of the Revised Code, and 67454  
shall notify promptly each applicant for publicly funded child 67455  
care of the results of the determination of the applicant's 67456  
eligibility. 67457

The director of job and family services shall adopt rules in 67458  
accordance with Chapter 119. of the Revised Code for monitoring 67459  
the eligibility determination process. In accordance with those 67460  
rules, the state department shall monitor eligibility 67461  
determinations made by county departments of job and family 67462  
services and shall direct any entity that is not in compliance 67463  
with this division or any rule adopted under this division to 67464  
implement corrective action specified by the department. 67465

(2)(a) All eligibility determinations for publicly funded 67466  
child care shall be made in accordance with rules adopted pursuant 67467  
to division (A) of section 5104.38 of the Revised Code. Except as 67468  
otherwise provided in this section, both of the following apply: 67469

(i) Publicly funded child care may be provided only to 67470  
eligible infants, toddlers, preschool-age children, ~~and~~ school-age 67471  
children under age thirteen, or children receiving special needs 67472  
child care. 67473

(ii) For an applicant to be eligible for publicly funded 67474  
child care, the caretaker parent must be employed or participating 67475  
in a program of education or training for an amount of time 67476  
reasonably related to the time that the parent's children are 67477  
receiving publicly funded child care. This restriction does not 67478

apply to families whose children are eligible for protective child care. 67479  
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(b) In accordance with rules adopted under division (B) of 67481  
section 5104.38 of the Revised Code, an applicant may receive 67482  
publicly funded child care while the county department determines 67483  
eligibility. An applicant may receive publicly funded child care 67484  
while a county department determines eligibility only once during 67485  
a twelve-month period. If the county department determines that an 67486  
applicant is not eligible for publicly funded child care, the 67487  
~~licensed~~ child care ~~program~~ provider shall be paid for providing 67488  
publicly funded child care for up to five days after that 67489  
determination if the county department received a completed 67490  
application with all required documentation. A program may appeal 67491  
a denial of payment under this division. 67492

(c) If a caretaker parent who has been determined eligible to 67493  
receive publicly funded child care no longer meets the 67494  
requirements of division (A)(2)(a)(ii) of this section, the 67495  
caretaker parent may continue to receive publicly funded child 67496  
care for a period of up to thirteen weeks not to extend beyond the 67497  
caretaker parent's twelve-month eligibility period. ~~Such~~ 67498  
~~authorization may be given only once during a twelve-month period.~~ 67499

(d) If a child turns thirteen, or if a child receiving 67500  
special needs child care turns eighteen, during the twelve-month 67501  
eligibility period, the caretaker parent may continue to receive 67502  
publicly funded child care until the end of that twelve-month 67503  
period. 67504

Subject to available funds, the department of job and family 67505  
services shall allow a family to receive publicly funded child 67506  
care unless the family's income exceeds the maximum income 67507  
eligibility limit. Initial and continued eligibility for publicly 67508  
funded child care is subject to available funds unless the family 67509  
is receiving child care pursuant to division (A)(1), (2), (3), or 67510



(4) of section 5104.30 of the Revised Code. If the department must  
limit eligibility due to lack of available funds, it shall give  
first priority for publicly funded child care to an assistance  
group whose income is not more than the maximum income eligibility  
limit that received transitional child care in the previous month  
but is no longer eligible because the twelve-month period has  
expired. Such an assistance group shall continue to receive  
priority for publicly funded child care until its income exceeds  
the maximum income eligibility limit.

(3) An assistance group that ceases to participate in the  
Ohio works first program established under Chapter 5107. of the  
Revised Code is eligible for transitional child care at any time  
during the immediately following twelve-month period that both of  
the following apply:

(a) The assistance group requires child care due to  
employment;

(b) The assistance group's income is not more than one  
hundred fifty per cent of the federal poverty line.

An assistance group ineligible to participate in the Ohio  
works first program pursuant to section 5101.83 or section 5107.16  
of the Revised Code is not eligible for transitional child care.

(B) To the extent permitted by federal law, the department of  
job and family services may require a caretaker parent determined  
to be eligible for publicly funded child care to pay a fee  
according to the schedule of fees established in rules adopted  
under section 5104.38 of the Revised Code. The department shall  
make protective child care services and homeless child care  
services available to children without regard to the income or  
assets of the caretaker parent of the child.

(C) A caretaker parent receiving publicly funded child care  
shall report to the entity that determined eligibility any changes

in status with respect to employment or participation in a program 67542  
of education or training not later than ten calendar days after 67543  
the change occurs. 67544

(D) If the department of job and family services determines 67545  
that available resources are not sufficient to provide publicly 67546  
funded child care to all eligible families who request it, the 67547  
department may establish a waiting list. The department may 67548  
establish separate waiting lists within the waiting list based on 67549  
income. 67550

(E) A caretaker parent shall not receive ~~full-time~~ publicly 67551  
funded child care from more than one child care provider per child 67552  
during a week, unless a county department grants the family an 67553  
exemption for one of the following reasons: 67554

~~(a)~~(1) The child needs additional care during non-traditional 67555  
hours; 67556

~~(b)~~(2) The child needs to change providers in the middle of 67557  
the week and the hours of care provided by the providers do not 67558  
overlap; 67559

~~(c)~~(3) The child's provider is closed on scheduled school 67560  
days off or on calamity days; 67561

~~(d)~~(4) The child is enrolled in a part-time program 67562  
participating in the tiered quality rating and improvement system 67563  
established under section ~~5104.30~~ 5104.29 of the Revised Code and 67564  
needs care from an additional part-time provider. 67565

(F) As used in this section, "maximum income eligibility 67566  
limit" means the amount of income specified in rules adopted under 67567  
division (A) of section 5104.38 of the Revised Code. 67568

**Sec. 5104.38.** In addition to any other rules adopted under 67569  
this chapter, the director of job and family services shall adopt 67570  
rules in accordance with Chapter 119. of the Revised Code 67571

governing financial and administrative requirements for publicly funded child care and establishing all of the following:

(A) Procedures and criteria to be used in making determinations of eligibility for publicly funded child care that give priority to children of families with lower incomes and procedures and criteria for eligibility for publicly funded protective child care or homeless child care. The rules shall specify the maximum amount of income a family may have for initial and continued eligibility. The maximum amount shall not exceed three hundred per cent of the federal poverty line. The rules may specify exceptions to the eligibility requirements in the case of a family that previously received publicly funded child care and is seeking to have the child care reinstated after the family's eligibility was terminated.

(B) Procedures under which an applicant for publicly funded child care may receive publicly funded child care while the county department of job and family services determines eligibility and under which a ~~licensed~~ child care ~~program~~ provider may appeal a denial of payment under division (A)(2)(b) of section 5104.34 of the Revised Code;

(C) A schedule of fees requiring all eligible caretaker parents to pay a fee for publicly funded child care according to income and family size, which shall be uniform for all types of publicly funded child care, except as authorized by rule, and, to the extent permitted by federal law, shall permit the use of state and federal funds to pay the customary deposits and other advance payments that a provider charges all children who receive child care from that provider.

(D) A formula for determining the amount of state and federal funds appropriated for publicly funded child care that may be allocated to a county department to use for administrative purposes;

(E) Procedures to be followed by the department and county departments in recruiting individuals and groups to become providers of child care;

(F) Procedures to be followed in establishing state or local programs designed to assist individuals who are eligible for publicly funded child care in identifying the resources available to them and to refer the individuals to appropriate sources to obtain child care;

(G) Procedures to deal with fraud and abuse committed by either recipients or providers of publicly funded child care;

(H) Procedures for establishing a child care grant or loan program in accordance with the child care block grant act;

(I) Standards and procedures for applicants to apply for grants and loans, and for the department to make grants and loans;

(J) A definition of "person who stands in loco parentis" for the purposes of division ~~(JJ)(1)~~(LL)(3) of section 5104.01 of the Revised Code;

(K) Procedures for a county department of job and family services to follow in making eligibility determinations and redeterminations for publicly funded child care available through telephone, computer, and other means at locations other than the county department;

(L) If the director establishes a different reimbursement ceiling under division (E)(3)(d) of section 5104.30 of the Revised Code, standards and procedures for determining the amount of the higher payment that is to be issued to a child care provider based on the special needs of the child being served;

(M) To the extent permitted by federal law, procedures for paying for up to thirty days of child care for a child whose caretaker parent is seeking employment, taking part in employment

orientation activities, or taking part in activities in 67634  
anticipation of enrolling in or attending an education or training 67635  
program or activity, if the employment or the education or 67636  
training program or activity is expected to begin within the 67637  
thirty-day period; 67638

(N) Any other rules necessary to carry out sections 5104.30 67639  
to 5104.43 of the Revised Code. 67640

**Sec. 5104.41.** A child and the child's caretaker ~~who either~~ 67641  
~~temporarily reside in a facility providing emergency shelter for~~ 67642  
~~homeless families or are determined by the county department of~~ 67643  
~~job and family services to be homeless, and~~ who are otherwise 67644  
ineligible for publicly funded child care, are eligible for 67645  
protective homeless child care for the lesser of the following: 67646

(A) ~~Ninety~~ Not more than ninety days; 67647

(B) The period of time they reside in ~~the~~ a facility 67648  
~~providing emergency shelter, if they qualified for protective~~ 67649  
~~child care because they reside in the shelter, for homeless~~ 67650  
families or the period of time in which the county department 67651  
determines they are homeless. 67652

**Sec. 5104.99.** (A) Whoever violates section 5104.02 of the 67653  
Revised Code shall be punished as follows: 67654

(1) For each offense, the offender shall be fined not less 67655  
than one hundred dollars nor more than five hundred dollars 67656  
multiplied by the number of children receiving child care at the 67657  
child day-care center or type A family day-care home that either 67658  
exceeds the number of children to which a type B family day-care 67659  
home may provide child care or, if the offender is a licensed type 67660  
A family day-care home that is operating as a child day-care 67661  
center without being licensed as a center, exceeds the license 67662  
capacity of the type A home. 67663

(2) In addition to the fine specified in division (A)(1) of this section, all of the following apply:

(a) Except as provided in divisions (A)(2)(b), (c), and (d) of this section, the court shall order the offender to reduce the number of children to which it provides child care to a number that does not exceed either the number of children to which a type B family day-care home may provide child care or, if the offender is a licensed type A family day-care home that is operating as a child day-care center without being licensed as a center, the license capacity of the type A home.

(b) If the offender previously has been convicted of or pleaded guilty to one violation of section 5104.02 of the Revised Code, the court shall order the offender to cease the provision of child care to any person until it obtains a child day-care center license or a type A family day-care home license, as appropriate, under section 5104.03 of the Revised Code.

(c) If the offender previously has been convicted of or pleaded guilty to two violations of section 5104.02 of the Revised Code, the offender is guilty of a misdemeanor of the first degree, and the court shall order the offender to cease the provision of child care to any person until it obtains a child day-care center license or a type A family day-care home license, as appropriate, under section 5104.03 of the Revised Code. The court shall impose the fine specified in division (A)(1) of this section and may impose an additional fine provided that the total amount of the fines so imposed does not exceed the maximum fine authorized for a misdemeanor of the first degree under section 2929.28 of the Revised Code.

(d) If the offender previously has been convicted of or pleaded guilty to three or more violations of section 5104.02 of the Revised Code, the offender is guilty of a felony of the fifth degree, and the court shall order the offender to cease the

provision of child care to any person until it obtains a child 67696  
day-care center license or a type A family day-care home license, 67697  
as appropriate, under section 5104.03 of the Revised Code. The 67698  
court shall impose the fine specified in division (A)(1) of this 67699  
section and may impose an additional fine provided that the total 67700  
amount of the fines so imposed does not exceed the maximum fine 67701  
authorized for a felony of the fifth degree under section 2929.18 67702  
of the Revised Code. 67703

~~(B) Whoever violates division (M)(4) of section 5104.013 of 67704  
the Revised Code is guilty of a misdemeanor of the first degree. 67705  
If the offender is a licensee of a center, type A home, or 67706  
licensed type B home, the conviction shall constitute grounds for 67707  
denial or revocation of an application for licensure pursuant to 67708  
section 5104.04 of the Revised Code. Except as otherwise provided 67709  
in this division, the offense established under division (M)(4) of 67710  
section 5104.013 of the Revised Code is a strict liability 67711  
offense, and section 2901.20 of the Revised Code does not apply. 67712  
If the offender is a person eighteen years of age or older 67713  
residing in a type A home or licensed type B home or is an 67714  
employee of a center, type A home, or licensed type B home and if 67715  
the licensee had knowledge of, and acquiesced in, the commission 67716  
of the offense, the conviction shall constitute grounds for denial 67717  
or revocation of an application for licensure pursuant to section 67718  
5104.04 of the Revised Code. 67719~~

~~(C) Whoever violates section 5104.09 of the Revised Code is 67720  
guilty of a misdemeanor of the third degree. 67721~~

**Sec. 5119.185.** (A) As used in this section, "physician": 67722

(1) "Advanced practice registered nurse" has the same meaning 67723  
as in section 4723.01 of the Revised Code. 67724

(2) "Clinician" means any of the following: 67725

<u>(a) An advanced practice registered nurse;</u>	67726
<u>(b) A physician;</u>	67727
<u>(c) A physician assistant.</u>	67728
<u>(3) "Physician" means an individual authorized under Chapter</u>	67729
<u>4731. of the Revised Code to practice medicine and surgery or</u>	67730
<u>osteopathic medicine and surgery.</u>	67731
<u>(4) "Physician assistant" means an individual who holds a</u>	67732
<u>current, valid license to practice as a physician assistant issued</u>	67733
<u>under Chapter 4730. of the Revised Code.</u>	67734
(B) The department of mental health and addiction services	67735
may establish a <del>physician</del> <u>clinician</u> recruitment program under	67736
which the department agrees to repay all or part of the principal	67737
and interest of a government or other educational loan incurred by	67738
a <del>physician</del> <u>clinician</u> who agrees to provide services to inpatients	67739
and outpatients of institutions under the department's	67740
administration. To be eligible to participate in the program, a	67741
<del>physician</del> <u>clinician</u> must have attended <u>the following:</u>	67742
<u>(1) In the case of a physician,</u> a school that was, at the	67743
time of attendance, a medical school or osteopathic medical school	67744
in this country accredited by the liason committee on medical	67745
education or the American osteopathic association, or a medical	67746
school or osteopathic medical school located outside this country	67747
that was acknowledged by the world health organization and	67748
verified by a member state of that organization as operating	67749
within that state's jurisdiction;	67750
<u>(2) In the case of a physician assistant, a school that was,</u>	67751
<u>at the time of attendance, accredited by the accreditation review</u>	67752
<u>commission on education for the physician assistant or a regional</u>	67753
<u>or specialized and professional accrediting agency recognized by</u>	67754
<u>the council for higher education accreditation;</u>	67755



(3) In the case of an advanced practice registered nurse, a school that was, at the time of attendance, accredited by a national or regional accrediting organization. 67756  
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(C) The department shall enter into a contract with each ~~physician~~ clinician it recruits under this section. Each contract shall include at least the following terms: 67759  
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(1) The ~~physician~~ clinician agrees to provide a specified scope of ~~medical or osteopathic medical~~ health care services for a specified number of hours per week and a specified number of years to patients of one or more specified institutions administered by the department. 67762  
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(2) The department agrees to repay all or a specified portion of the principal and interest of a government or other educational loan taken by the ~~physician~~ clinician for the following expenses if the ~~physician~~ clinician meets the service obligation agreed to and the expenses were incurred while the ~~physician~~ clinician was enrolled in, for up to a maximum of four years, a school that qualifies the ~~physician~~ clinician to participate in the program: 67767  
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(a) Tuition; 67774

(b) Other educational expenses for specific purposes, including fees, books, and laboratory expenses, in amounts determined to be reasonable in accordance with rules adopted under division (D) of this section; 67775  
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(c) Room and board, in an amount determined to be reasonable in accordance with rules adopted under division (D) of this section. 67779  
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(3) The ~~physician~~ clinician agrees to pay the department a specified amount, which shall be not less than the amount already paid by the department pursuant to its agreement, as damages if the ~~physician~~ clinician fails to complete the service obligation agreed to or fails to comply with other specified terms of the 67782  
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contract. The contract may vary the amount of damages based on the 67787  
portion of the ~~physician's~~ clinician's service obligation that 67788  
remains uncompleted as determined by the department. 67789

(4) Other terms agreed upon by the parties. 67790

(D) If the department elects to implement the ~~physician~~ 67791  
clinician recruitment program, it shall adopt rules in accordance 67792  
with Chapter 119. of the Revised Code that establish all of the 67793  
following: 67794

(1) Criteria for designating institutions for which 67795  
~~physicians~~ clinicians will be recruited; 67796

(2) Criteria for selecting ~~physicians~~ clinicians for 67797  
participation in the program; 67798

(3) Criteria for determining the portion of a ~~physician's~~ 67799  
clinician's loan that the department will agree to repay; 67800

(4) Criteria for determining reasonable amounts of the 67801  
expenses described in divisions (C)(2)(b) and (c) of this section; 67802

(5) Procedures for monitoring compliance by ~~physicians~~ 67803  
clinicians with the terms of their contracts; 67804

(6) Any other criteria or procedures necessary to implement 67805  
the program. 67806

**Sec. 5119.19.** (A)(1) As used in this section, ~~"psychotropic:~~ 67807

(a) "Prescribed drug" has the same meaning as in section 67808  
5164.01 of the Revised Code. 67809

(b) "Psychotropic drug" means, except as provided in division 67810  
(A)(2) of this section, a drug that has the capability of changing 67811  
or controlling mental functioning or behavior through direct 67812  
pharmacological action. "Psychotropic drug" includes all of the 67813  
following: 67814

~~(a)~~(i) Antipsychotic medications, including those 67815

administered or dispensed in a long-acting injectable form; 67816

~~(b)~~(ii) Antidepressant medications; 67817

~~(e)~~(iii) Anti-anxiety medications; 67818

~~(d)~~(iv) Mood stabilizing medications. 67819

(2) "Psychotropic drug" excludes a stimulant prescribed for 67820  
the treatment of attention deficit hyperactivity disorder. 67821

(B) There is hereby created the psychotropic drug 67822  
reimbursement program. The program shall be administered by the 67823  
department of mental health and addiction services. 67824

The purpose of the program is to provide state reimbursement 67825  
to counties for the cost of psychotropic drugs that are dispensed 67826  
to inmates of county jails in this state. The Each county shall 67827  
ensure that inmates have access to all psychotropic drugs that are 67828  
prescribed drugs covered by the fee-for-service component of the 67829  
medicaid program. 67830

The department, based on factors it considers appropriate, 67831  
shall allocate an amount to each county for reimbursement of such 67832  
psychotropic drug costs incurred by the county. 67833

(C) The director of mental health and addiction services may 67834  
adopt rules as necessary to implement this section. The rules, if 67835  
adopted, shall be adopted in accordance with Chapter 119. of the 67836  
Revised Code. 67837

**Sec. 5119.39.** (A) As used in this section, 67838  
"medication-assisted treatment" has the same meaning as in section 67839  
340.01 of the Revised Code. 67840

(B) There is hereby created in the department of mental 67841  
health and addiction services the medication-assisted treatment 67842  
drug reimbursement program. Under the program, the department 67843  
shall reimburse counties for the costs of drugs that are both of 67844

the following: 67845

(1) Prescribed or furnished to inmates of county jails; 67846

(2) Approved by the United States food and drug 67847  
administration for use in medication-assisted treatment, including 67848  
full opioid agonists, partial opioid agonists, and injectable 67849  
long-acting or extended-release opioid antagonists. 67850

The department, based on factors it considers appropriate, 67851  
shall allocate an amount to each county for reimbursement of 67852  
medication-assisted treatment drug costs incurred by the county. 67853

(C) The director of mental health and addiction services may 67854  
adopt rules as necessary to implement this section. The rules 67855  
shall be adopted in accordance with Chapter 119. of the Revised 67856  
Code. 67857

**Sec. 5119.44.** As used in this section, "free clinic" has the 67858  
same meaning as in section 2305.2341 of the Revised Code. 67859

(A) The department of mental health and addiction services 67860  
may provide certain goods and services for the department of 67861  
mental health and addiction services, the department of 67862  
developmental disabilities, the department of rehabilitation and 67863  
correction, the department of youth services, and other state, 67864  
county, or municipal agencies requesting such goods and services 67865  
when the department of mental health and addiction services 67866  
determines that it is in the public interest, and considers it 67867  
advisable, to provide these goods and services. The department of 67868  
mental health and addiction services also may provide goods and 67869  
services to agencies operated by the United States government and 67870  
to public or private nonprofit agencies, other than free clinics, 67871  
that are funded in whole or in part by the state if the public or 67872  
private nonprofit agencies are designated for participation in 67873  
this program by the director of mental health and addiction 67874

services for community addiction services providers and community 67875  
mental health services providers, the director of developmental 67876  
disabilities for community developmental disabilities agencies, 67877  
the director of rehabilitation and correction for community 67878  
rehabilitation and correction agencies, or the director of youth 67879  
services for community youth services agencies. 67880

Designated community agencies or services providers shall 67881  
receive goods and services through the department of mental health 67882  
and addiction services only in those cases where the designating 67883  
state agency certifies that providing such goods and services to 67884  
the agency or services provider will conserve public resources to 67885  
the benefit of the public and where the provision of such goods 67886  
and services is considered feasible by the department of mental 67887  
health and addiction services. 67888

(B) The department of mental health and addiction services 67889  
may permit free clinics to purchase certain goods and services to 67890  
the extent the purchases fall within the exemption to the 67891  
Robinson-Patman Act, 15 U.S.C. 13 et seq., applicable to nonprofit 67892  
institutions, in 15 U.S.C. 13c, as amended. 67893

(C) The goods and services that may be provided by the 67894  
department of mental health and addiction services under divisions 67895  
(A) and (B) of this section may include: 67896

(1) Procurement, storage, processing, and distribution of 67897  
food and professional consultation on food operations; 67898

(2) Procurement, storage, and distribution of medical and 67899  
laboratory supplies, dental supplies, medical records, forms, 67900  
optical supplies, and sundries, ~~subject to section 5120.135 of the~~ 67901  
~~Revised Code;~~ 67902

(3) Procurement, storage, repackaging, distribution, and 67903  
dispensing of drugs, the provision of professional pharmacy 67904  
consultation, and drug information services; 67905

(4) Other goods and services. 67906

(D) The department of mental health and addiction services 67907  
may provide the goods and services designated in division (C) of 67908  
this section to its institutions and to state-operated 67909  
community-based mental health or addiction services providers. 67910

(E) After consultation with and advice from the director of 67911  
developmental disabilities, the director of rehabilitation and 67912  
correction, and the director of youth services, the department of 67913  
mental health and addiction services may provide the goods and 67914  
services designated in division (C) of this section to the 67915  
department of developmental disabilities, the department of 67916  
rehabilitation and correction, and the department of youth 67917  
services. 67918

(F) The cost of administration of this section shall be 67919  
determined by the department of mental health and addiction 67920  
services and paid by the agencies, services providers, or free 67921  
clinics receiving the goods and services to the department for 67922  
deposit in the state treasury to the credit of the Ohio pharmacy 67923  
services fund, which is hereby created. The fund shall be used to 67924  
pay the cost of administration of this section to the department. 67925

(G) Whenever a state agency fails to make a payment for goods 67926  
and services provided under this section within thirty-one days 67927  
after the date the payment was due, the office of budget and 67928  
management may transfer moneys from the state agency to the 67929  
department of mental health and addiction services. The amount 67930  
transferred shall not exceed the amount of overdue payments. Prior 67931  
to making a transfer under this division, the office of budget and 67932  
management shall apply any credits the state agency has 67933  
accumulated in payments for goods and services provided under this 67934  
section. 67935

(H) Purchases of goods and services under this section are 67936

not subject to section 307.86 of the Revised Code. 67937

**Sec. 5120.10.** (A)(1) The director of rehabilitation and 67938  
correction, by rule, shall promulgate minimum standards for jails 67939  
in Ohio, including minimum security jails dedicated under section 67940  
341.34 or 753.21 of the Revised Code. Whenever the director files 67941  
a rule or an amendment to a rule in final form with both the 67942  
secretary of state and the director of the legislative service 67943  
commission pursuant to section 111.15 of the Revised Code, the 67944  
director of rehabilitation and correction promptly shall send a 67945  
copy of the rule or amendment, if the rule or amendment pertains 67946  
to minimum jail standards, by ordinary mail to the political 67947  
subdivisions or affiliations of political subdivisions that 67948  
operate jails to which the standards apply. 67949

(2) The rules promulgated in accordance with division (A)(1) 67950  
of this section shall serve as criteria for the investigative and 67951  
supervisory powers and duties vested by division (D) of this 67952  
section in the division of parole and community services of the 67953  
department of rehabilitation and correction or in another division 67954  
of the department to which those powers and duties are assigned. 67955

(B) The director may initiate an action in the court of 67956  
common pleas of the county in which a facility that is subject to 67957  
the rules promulgated under division (A)(1) of this section is 67958  
situated to enjoin compliance with the minimum standards for jails 67959  
or with the minimum standards and minimum renovation, 67960  
modification, and construction criteria for ~~minimum security~~ 67961  
jails. 67962

(C) Upon the request of an administrator of a jail facility, 67963  
the chief executive of a municipal corporation, or a board of 67964  
county commissioners, the director of rehabilitation and 67965  
correction or the director's designee shall grant a variance from 67966  
the minimum standards for jails in Ohio for a facility that is 67967

subject to one of those minimum standards when the director 67968  
determines that strict compliance with the minimum standards would 67969  
cause unusual, practical difficulties or financial hardship, that 67970  
existing or alternative practices meet the intent of the minimum 67971  
standards, and that granting a variance would not seriously affect 67972  
the security of the facility, the supervision of the inmates, or 67973  
the safe, healthful operation of the facility. If the director or 67974  
the director's designee denies a variance, the applicant may 67975  
appeal the denial pursuant to section 119.12 of the Revised Code. 67976

(D) The following powers and duties shall be exercised by the 67977  
division of parole and community services unless assigned to 67978  
another division by the director: 67979

(1) The investigation and supervision of county and municipal 67980  
jails, workhouses, minimum security jails, and other correctional 67981  
institutions and agencies; 67982

(2) The review and approval of plans submitted to the 67983  
department of rehabilitation and correction pursuant to division 67984  
(E) of this section; 67985

(3) The management and supervision of the adult parole 67986  
authority created by section 5149.02 of the Revised Code; 67987

(4) The review and approval of proposals for community-based 67988  
correctional facilities and programs and district community-based 67989  
correctional facilities and programs that are submitted pursuant 67990  
to division (B) of section 2301.51 of the Revised Code; 67991

(5) The distribution of funds made available to the division 67992  
for purposes of assisting in the renovation, maintenance, and 67993  
operation of community-based correctional facilities and programs 67994  
and district community-based correctional facilities and programs 67995  
in accordance with section 5120.112 of the Revised Code; 67996

(6) The performance of the duty imposed upon the department 67997  
of rehabilitation and correction in section 5149.31 of the Revised 67998



Code to establish and administer a program of subsidies to 67999  
eligible municipal corporations, counties, and groups of 68000  
contiguous counties for the development, implementation, and 68001  
operation of community-based corrections programs; 68002

(7) Licensing halfway houses and community residential 68003  
centers for the care and treatment of adult offenders in 68004  
accordance with section 2967.14 of the Revised Code; 68005

(8) Contracting with a public or private agency or a 68006  
department or political subdivision of the state that operates a 68007  
licensed halfway house or community residential center for the 68008  
provision of housing, supervision, and other services to parolees, 68009  
releasees, persons placed under a residential sanction, persons 68010  
under transitional control, and other eligible offenders in 68011  
accordance with section 2967.14 of the Revised Code. 68012

Other powers and duties may be assigned by the director of 68013  
rehabilitation and correction to the division of parole and 68014  
community services. This section does not apply to the department 68015  
of youth services or its institutions or employees. 68016

(E) No plan for any new jail, workhouse, or lockup, and no 68017  
plan for a substantial addition or alteration to an existing jail, 68018  
workhouse, or lockup, shall be adopted unless the officials 68019  
responsible for adopting the plan have submitted the plan to the 68020  
department of rehabilitation and correction for approval, and the 68021  
department has approved the plan as provided in division (D)(2) of 68022  
this section. 68023

**Sec. 5120.112.** (A) The division of parole and community 68024  
services shall accept applications for state financial assistance 68025  
for the renovation, maintenance, and operation of proposed and 68026  
approved community-based correctional facilities and programs and 68027  
district community-based correctional facilities and programs that 68028  
are filed in accordance with section 2301.56 of the Revised Code. 68029

The division, upon receipt of an application for a particular facility and program, shall determine whether the application is in proper form, whether the applicant satisfies the standards of operation that are prescribed by the department of rehabilitation and correction under section 5120.111 of the Revised Code, whether the applicant has established the facility and program, and, if the applicant has not at that time established the facility and program, whether the proposal of the applicant sufficiently indicates that the standards will be satisfied upon the establishment of the facility and program. If the division determines that the application is in proper form and that the applicant has satisfied or will satisfy the standards of the department, the division shall notify the applicant that it is qualified to receive state financial assistance for the facility and program under this section from moneys made available to the division for purposes of providing assistance to community-based correctional facilities and programs and district community-based correctional facilities and programs.

(B) The amount of state financial assistance that is awarded to a qualified applicant under this section shall be determined by the division of parole and community services in accordance with this division. In determining the amount of state financial assistance to be awarded to a qualified applicant under this section, the division shall not calculate the cost of an offender incarcerated in a community-based correctional facility and program or district community-based correctional facility program to be greater than the average yearly cost of incarceration per inmate in all state correctional institutions, as defined in section 2967.01 of the Revised Code, as determined by the department of rehabilitation and correction.

The times and manner of distribution of state financial assistance to be awarded to a qualified applicant under this

section shall be determined by the division of parole and 68062  
community services. 68063

(C) Upon approval of a proposal for a community-based 68064  
correctional facility and program or a district community-based 68065  
correctional facility and program by the division of parole and 68066  
community services, the facility governing board, upon the advice 68067  
of the judicial advisory board, shall enter into an award 68068  
agreement with the department of rehabilitation and correction 68069  
that outlines terms and conditions of the agreement ~~on an annual~~ 68070  
~~basis. The agreement shall not be effective for longer than the~~ 68071  
state fiscal biennium in which the financial assistance is to be 68072  
awarded. In the award agreement, the facility governing board 68073  
shall identify a fiscal agent responsible for the deposit of funds 68074  
and compliance with sections 2301.55 and 2301.56 of the Revised 68075  
Code. 68076

(D) No state financial assistance shall be distributed to a 68077  
qualified applicant until an agreement concerning the assistance 68078  
has been entered into by the director of rehabilitation and 68079  
correction and the deputy director of the division of parole and 68080  
community services on the part of the state, and by the 68081  
chairperson of the facility governing board of the community-based 68082  
correctional facility and program or district community-based 68083  
correctional facility and program to receive the financial 68084  
assistance, whichever is applicable. The agreement shall not be 68085  
effective for ~~a period of one year from the date of the agreement~~ 68086  
longer than the state fiscal biennium in which the financial 68087  
assistance is to be awarded, and shall specify all terms and 68088  
conditions that are applicable to the awarding of the assistance, 68089  
including, but not limited to: 68090

(1) The total amount of assistance to be awarded for each 68091  
community-based correctional facility and program or district 68092  
community-based correctional facility and program, and the times 68093

and manner of the payment of the assistance; 68094

(2) How persons who will staff and operate the facility and 68095  
program are to be utilized during the period for which the 68096  
assistance is to be granted, including descriptions of their 68097  
positions and duties, and their salaries and fringe benefits; 68098

(3) A statement that none of the persons who will staff and 68099  
operate the facility and program, including those who are 68100  
receiving some or all of their salaries out of funds received by 68101  
the facility and program as state financial assistance, are 68102  
employees or are to be considered as being employees of the 68103  
department of rehabilitation and correction, and a statement that 68104  
the employees who will staff and operate that facility and program 68105  
are employees of the facility and program; 68106

(4) A list of the type of expenses, other than salaries of 68107  
persons who will staff and operate the facility and program, for 68108  
which the state financial assistance can be used, and a 68109  
requirement that purchases made with funds received as state 68110  
financial assistance follow established fiscal guidelines as 68111  
determined by the division of parole and community services and 68112  
any applicable sections of the Revised Code, including, but not 68113  
limited to, sections 125.01 to 125.11 and Chapter 153. of the 68114  
Revised Code; 68115

(5) The accounting procedures that are to be used by the 68116  
facility and program in relation to the state financial 68117  
assistance; 68118

(6) A requirement that the facility and program file reports, 68119  
during the period that it receives state financial assistance, 68120  
with the division of parole and community services, which reports 68121  
shall be statistical in nature and shall contain that information 68122  
required under a research design agreed upon by all parties to the 68123  
agreement, for purposes of evaluating the facility and program; 68124

(7) A requirement that the facility and program comply with standards of operation as prescribed by the department under section 5120.111 of the Revised Code, and with all information submitted on its application;

(8) A statement that the facility and program will make a reasonable effort to augment the funding received from the state.

(E)(1) No state financial assistance shall be distributed to a qualified applicant until its proposal for a community-based correctional facility and program or district community-based correctional facility and program has been approved by the division of parole and community services.

(2) State financial assistance may be denied to any applicant if it fails to comply with the terms of any agreement entered into pursuant to division (D) of this section.

(F) The division of parole and community services may expend up to one-half per cent of the annual appropriation made for community-based correctional facility programs, for goods or services that benefit those programs.

**Sec. 5122.43.** (A) Costs, fees, and expenses of all proceedings held under this chapter shall be paid as follows:

(1) To police and health officers, other than sheriffs or their deputies, the same fees allowed to constables, to be paid upon the approval of the probate judge;

(2) To sheriffs or their deputies, the same fees allowed for similar services in the court of common pleas;

(3) To physicians or licensed clinical psychologists acting as expert witnesses and to other expert witnesses designated by the court, an amount determined by the court;

(4) To other witnesses, the same fees and mileage as for attendance at the court of common pleas, to be paid upon the

approval of the probate judge;	68155
(5) To a person, other than the sheriff or the sheriff's	68156
deputies, for taking a mentally ill person to a hospital or	68157
removing a mentally ill person from a hospital, the actual	68158
necessary expenses incurred, specifically itemized, and approved	68159
by the probate judge;	68160
(6) To assistants who convey mentally ill persons to the	68161
hospital when authorized by the probate judge, a fee set by the	68162
probate court, provided the assistants are not drawing a salary	68163
from the state or any political subdivision of the state, and	68164
their actual necessary expenses incurred, provided that the	68165
expenses are specifically itemized and approved by the probate	68166
judge;	68167
(7) To an attorney appointed by the probate division for an	68168
indigent who allegedly is a mentally ill person pursuant to any	68169
section of this chapter or a person suffering from alcohol and	68170
other drug abuse and who may be ordered under sections 5119.91 to	68171
5119.98 of the Revised Code to undergo treatment, the fees that	68172
are determined by the probate division. When those indigent	68173
persons are before the court, all filing and recording fees shall	68174
be waived.	68175
(8) To a referee who is appointed to conduct proceedings	68176
under this chapter that involve a respondent whose domicile is or,	68177
before the respondent's hospitalization, was not the county in	68178
which the proceedings are held, compensation as fixed by the	68179
probate division, but not more than the compensation paid for	68180
similar proceedings for respondents whose domicile is in the	68181
county in which the proceedings are held;	68182
(9) To a court reporter appointed to make a transcript of	68183
proceedings under this chapter, the compensation and fees allowed	68184
in other cases under section 2101.08 of the Revised Code.	68185

(B) A county shall pay for the costs, fees, and expenses 68186  
described in division (A) of this section with money appropriated 68187  
pursuant to section 2101.11 of the Revised Code. A county may seek 68188  
reimbursement from the department of mental health and addiction 68189  
services by submitting a request and certification by the county 68190  
auditor of the costs, fees, and expenses to the department within 68191  
two months of the date the costs, fees, and expenses are incurred 68192  
by the county. 68193

Each fiscal year, based on past allocations, historical 68194  
utilization, and other factors the department considers 68195  
appropriate, the department shall allocate for each county an 68196  
amount for reimbursements under this section. A county's 68197  
allocation may be zero. The department shall set aside an amount 68198  
in addition to the allocations to cover court costs associated 68199  
with proceedings held under this chapter for counties that 68200  
received an allocation of zero but that incurred expenditures 68201  
authorized by the department. The total of all the allocations 68202  
plus the additional amount set aside shall equal the amount 68203  
appropriated for the fiscal year to the department specifically 68204  
for the purposes of this section. 68205

On receipt, the department shall review each request for 68206  
reimbursement and prepare a voucher for the amount of the costs, 68207  
fees, and expenses incurred by the county, provided that the total 68208  
amount of money paid to all counties in each fiscal year shall not 68209  
exceed the total amount of moneys specifically appropriated to the 68210  
department for these purposes. 68211

The department's total reimbursement to each county shall be 68212  
the lesser of the full amount requested or either the amount 68213  
allocated for the county under this division, or, for counties 68214  
that received an allocation of zero, the amount approved by the 68215  
department. In addition, the department shall distribute any 68216  
surplus remaining from the money appropriated for the fiscal year 68217

to the department for the purposes of this section as follows to 68218  
counties whose full requests exceed their allocations: 68219

(1) If the surplus is sufficient to reimburse such counties 68220  
the full amount of their requests, each such county shall receive 68221  
the full amount of its request; 68222

(2) If the surplus is insufficient, each such county shall 68223  
receive a percentage of the surplus determined by dividing the 68224  
difference between the county's full request and its allocation by 68225  
the difference between the total of the full requests of all such 68226  
counties and the total of the amounts allocated for all such 68227  
counties. 68228

The department may adopt rules in accordance with Chapter 68229  
119. of the Revised Code to implement the payment of costs, fees, 68230  
and expenses under this section. 68231

**Sec. 5123.01.** As used in this chapter: 68232

(A) "Chief medical officer" means the licensed physician 68233  
appointed by the managing officer of an institution for persons 68234  
with intellectual disabilities with the approval of the director 68235  
of developmental disabilities to provide medical treatment for 68236  
residents of the institution. 68237

(B) "Chief program director" means a person with special 68238  
training and experience in the diagnosis and management of persons 68239  
with developmental disabilities, certified according to division 68240

(C) of this section in at least one of the designated fields, and 68241  
appointed by the managing officer of an institution for persons 68242  
with intellectual disabilities with the approval of the director 68243  
to provide habilitation and care for residents of the institution. 68244

(C) "Comprehensive evaluation" means a study, including a 68245  
sequence of observations and examinations, of a person leading to 68246  
conclusions and recommendations formulated jointly, with 68247



dissenting opinions if any, by a group of persons with special 68248  
training and experience in the diagnosis and management of persons 68249  
with developmental disabilities, which group shall include 68250  
individuals who are professionally qualified in the fields of 68251  
medicine, psychology, and social work, together with such other 68252  
specialists as the individual case may require. 68253

(D) "Education" means the process of formal training and 68254  
instruction to facilitate the intellectual and emotional 68255  
development of residents. 68256

(E) "Habilitation" means the process by which the staff of 68257  
the institution assists the resident in acquiring and maintaining 68258  
those life skills that enable the resident to cope more 68259  
effectively with the demands of the resident's own person and of 68260  
the resident's environment and in raising the level of the 68261  
resident's physical, mental, social, and vocational efficiency. 68262  
Habilitation includes but is not limited to programs of formal, 68263  
structured education and training. 68264

(F) "Health officer" means any public health physician, 68265  
public health nurse, or other person authorized or designated by a 68266  
city or general health district. 68267

(G) "Home and community-based services" means medicaid-funded 68268  
home and community-based services specified in division (A)(1) of 68269  
section 5166.20 of the Revised Code provided under the medicaid 68270  
waiver components the department of developmental disabilities 68271  
administers pursuant to section 5166.21 of the Revised Code. 68272  
Except as provided in section 5123.0412 of the Revised Code, home 68273  
and community-based services provided under the medicaid waiver 68274  
component known as the transitions developmental disabilities 68275  
waiver are to be considered to be home and community-based 68276  
services for the purposes of this chapter, and Chapters 5124. and 68277  
5126. of the Revised Code, only to the extent, if any, provided by 68278  
the contract required by section 5166.21 of the Revised Code 68279

regarding the waiver. 68280

(H) "ICF/IID" ~~has~~ and "ICF/IID services" have the same 68281  
~~meaning~~ meanings as in section 5124.01 of the Revised Code. 68282

(I) "Indigent person" means a person who is unable, without 68283  
substantial financial hardship, to provide for the payment of an 68284  
attorney and for other necessary expenses of legal representation, 68285  
including expert testimony. 68286

(J) "Institution" means a public or private facility, or a 68287  
part of a public or private facility, that is licensed by the 68288  
appropriate state department and is equipped to provide 68289  
residential habilitation, care, and treatment for persons with 68290  
intellectual disabilities. 68291

(K) "Licensed physician" means a person who holds a valid 68292  
~~certificate~~ license issued under Chapter 4731. of the Revised Code 68293  
authorizing the person to practice medicine and surgery or 68294  
osteopathic medicine and surgery, or a medical officer of the 68295  
government of the United States while in the performance of the 68296  
officer's official duties. 68297

(L) "Managing officer" means a person who is appointed by the 68298  
director of developmental disabilities to be in executive control 68299  
of an institution under the jurisdiction of the department of 68300  
developmental disabilities. 68301

(M) "Medicaid case management services" means case management 68302  
services provided to an individual with a developmental disability 68303  
that the state medicaid plan requires. 68304

(N) "Intellectual disability" means a disability 68305  
characterized by having significantly subaverage general 68306  
intellectual functioning existing concurrently with deficiencies 68307  
in adaptive behavior, manifested during the developmental period. 68308

(O) "Person with an intellectual disability subject to 68309

institutionalization by court order" means a person eighteen years 68310  
of age or older with at least a moderate level of intellectual 68311  
disability and in relation to whom, because of the person's 68312  
disability, either of the following conditions exists: 68313

(1) The person represents a very substantial risk of physical 68314  
impairment or injury to self as manifested by evidence that the 68315  
person is unable to provide for and is not providing for the 68316  
person's most basic physical needs and that provision for those 68317  
needs is not available in the community; 68318

(2) The person needs and is susceptible to significant 68319  
habilitation in an institution. 68320

(P) "Moderate level of intellectual disability" means the 68321  
condition in which a person, following a comprehensive evaluation, 68322  
is found to have at least moderate deficits in overall 68323  
intellectual functioning, as indicated by a full-scale 68324  
intelligence quotient test score of fifty-five or below, and at 68325  
least moderate deficits in adaptive behavior, as determined in 68326  
accordance with the criteria established in the fifth edition of 68327  
the diagnostic and statistical manual of mental disorders 68328  
published by the American psychiatric association. 68329

(Q) "Developmental disability" means a severe, chronic 68330  
disability that is characterized by all of the following: 68331

(1) It is attributable to a mental or physical impairment or 68332  
a combination of mental and physical impairments, other than a 68333  
mental or physical impairment solely caused by mental illness, as 68334  
defined in division (A) of section 5122.01 of the Revised Code. 68335

(2) It is manifested before age twenty-two. 68336

(3) It is likely to continue indefinitely. 68337

(4) It results in one of the following: 68338

(a) In the case of a person under three years of age, at 68339

least one developmental delay, as defined in rules adopted under 68340  
section 5123.011 of the Revised Code, or a diagnosed physical or 68341  
mental condition that has a high probability of resulting in a 68342  
developmental delay, as defined in those rules; 68343

(b) In the case of a person at least three years of age but 68344  
under six years of age, at least two developmental delays, as 68345  
defined in rules adopted under section 5123.011 of the Revised 68346  
Code; 68347

(c) In the case of a person six years of age or older, a 68348  
substantial functional limitation in at least three of the 68349  
following areas of major life activity, as appropriate for the 68350  
person's age: self-care, receptive and expressive language, 68351  
learning, mobility, self-direction, capacity for independent 68352  
living, and, if the person is at least sixteen years of age, 68353  
capacity for economic self-sufficiency. 68354

(5) It causes the person to need a combination and sequence 68355  
of special, interdisciplinary, or other type of care, treatment, 68356  
or provision of services for an extended period of time that is 68357  
individually planned and coordinated for the person. 68358

"Developmental disability" includes intellectual disability. 68359

(R) "State institution" means an institution that is 68360  
tax-supported and under the jurisdiction of the department of 68361  
developmental disabilities. 68362

(S) "Residence" and "legal residence" have the same meaning 68363  
as "legal settlement," which is acquired by residing in Ohio for a 68364  
period of one year without receiving general assistance prior to 68365  
July 17, 1995, under former Chapter 5113. of the Revised Code, 68366  
without receiving financial assistance prior to December 31, 2017, 68367  
under former Chapter 5115. of the Revised Code, or assistance from 68368  
a private agency that maintains records of assistance given. A 68369  
person having a legal settlement in the state shall be considered 68370

as having legal settlement in the assistance area in which the 68371  
person resides. No adult person coming into this state and having 68372  
a spouse or minor children residing in another state shall obtain 68373  
a legal settlement in this state as long as the spouse or minor 68374  
children are receiving public assistance, care, or support at the 68375  
expense of the other state or its subdivisions. For the purpose of 68376  
determining the legal settlement of a person who is living in a 68377  
public or private institution or in a home subject to licensing by 68378  
the department of job and family services, the department of 68379  
mental health and addiction services, or the department of 68380  
developmental disabilities, the residence of the person shall be 68381  
considered as though the person were residing in the county in 68382  
which the person was living prior to the person's entrance into 68383  
the institution or home. Settlement once acquired shall continue 68384  
until a person has been continuously absent from Ohio for a period 68385  
of one year or has acquired a legal residence in another state. A 68386  
woman who marries a man with legal settlement in any county 68387  
immediately acquires the settlement of her husband. The legal 68388  
settlement of a minor is that of the parents, surviving parent, 68389  
sole parent, parent who is designated the residential parent and 68390  
legal custodian by a court, other adult having permanent custody 68391  
awarded by a court, or guardian of the person of the minor, 68392  
provided that: 68393

(1) A minor female who marries shall be considered to have 68394  
the legal settlement of her husband and, in the case of death of 68395  
her husband or divorce, she shall not thereby lose her legal 68396  
settlement obtained by the marriage. 68397

(2) A minor male who marries, establishes a home, and who has 68398  
resided in this state for one year without receiving general 68399  
assistance prior to July 17, 1995, under former Chapter 5113. of 68400  
the Revised Code or assistance from a private agency that 68401  
maintains records of assistance given shall be considered to have 68402

obtained a legal settlement in this state. 68403

(3) The legal settlement of a child under eighteen years of 68404  
age who is in the care or custody of a public or private child 68405  
caring agency shall not change if the legal settlement of the 68406  
parent changes until after the child has been in the home of the 68407  
parent for a period of one year. 68408

No person, adult or minor, may establish a legal settlement 68409  
in this state for the purpose of gaining admission to any state 68410  
institution. 68411

(T)(1) "Resident" means, subject to division (T)(2) of this 68412  
section, a person who is admitted either voluntarily or 68413  
involuntarily to an institution or other facility pursuant to 68414  
section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 68415  
Code subsequent to a finding of not guilty by reason of insanity 68416  
or incompetence to stand trial or under this chapter who is under 68417  
observation or receiving habilitation and care in an institution. 68418

(2) "Resident" does not include a person admitted to an 68419  
institution or other facility under section 2945.39, 2945.40, 68420  
2945.401, or 2945.402 of the Revised Code to the extent that the 68421  
reference in this chapter to resident, or the context in which the 68422  
reference occurs, is in conflict with any provision of sections 68423  
2945.37 to 2945.402 of the Revised Code. 68424

(U) "Respondent" means the person whose detention, 68425  
commitment, or continued commitment is being sought in any 68426  
proceeding under this chapter. 68427

(V) "Working day" and "court day" mean Monday, Tuesday, 68428  
Wednesday, Thursday, and Friday, except when such day is a legal 68429  
holiday. 68430

(W) "Prosecutor" means the prosecuting attorney, village 68431  
solicitor, city director of law, or similar chief legal officer 68432  
who prosecuted a criminal case in which a person was found not 68433

guilty by reason of insanity, who would have had the authority to 68434  
prosecute a criminal case against a person if the person had not 68435  
been found incompetent to stand trial, or who prosecuted a case in 68436  
which a person was found guilty. 68437

(X) "Court" means the probate division of the court of common 68438  
pleas. 68439

(Y) "Supported living" and "residential services" have the 68440  
same meanings as in section 5126.01 of the Revised Code. 68441

**Sec. 5123.023.** (A) The director of developmental disabilities 68442  
~~may~~ shall establish an employment first task force consisting of 68443  
the departments of developmental disabilities, education, 68444  
medicaid, job and family services, and mental health and addiction 68445  
services; and the opportunities for Ohioans with disabilities 68446  
agency. The purpose of the task force shall be to improve the 68447  
coordination of the state's efforts to address the needs of 68448  
individuals with developmental disabilities who seek community 68449  
employment as defined in section 5123.022 of the Revised Code. 68450

(B) The department of developmental disabilities may enter 68451  
into interagency agreements with any of the government entities on 68452  
the task force. The interagency agreements may specify either or 68453  
both of the following: 68454  
68455

(1) The roles and responsibilities of the government entities 68456  
that are members of the task force, including any money to be 68457  
contributed by those entities; 68458

(2) The projects and activities of the task force. 68459

(C) There is hereby created in the state treasury the 68460  
employment first taskforce fund. Any money received by the task 68461  
force from its members shall be credited to the fund. The 68462  
department of developmental disabilities shall use the fund to 68463

support the work of the task force. 68464

~~(D) The task force shall cease to exist on January 1, 2020. 68465  
Any money, assets, or employees of the department of developmental 68466  
disabilities that on that date are dedicated to the work of the 68467  
task force shall be reallocated by the department for employment 68468  
services for individuals with developmental disabilities. 68469~~

**Sec. 5123.044.** The department of developmental disabilities 68470  
shall determine whether county boards of developmental 68471  
disabilities violate the rights that individuals with 68472  
developmental disabilities have under section 5126.046 of the 68473  
Revised Code to obtain home and community-based services, ICF/IID 68474  
services, nonmedicaid residential services, or nonmedicaid 68475  
supported living from qualified and willing providers. The 68476  
department shall provide assistance to an individual with a 68477  
developmental disability who requests assistance with the 68478  
individual's rights under that section if the department is 68479  
notified of a county board's alleged violation of the individual's 68480  
rights under that section. 68481

**Sec. 5123.046.** The department of developmental disabilities 68482  
shall review each ~~component of the three calendar year~~ annual plan 68483  
it receives from a county board of developmental disabilities 68484  
under section 5126.054 of the Revised Code and, in consultation 68485  
with the department of job and family services and office of 68486  
budget and management, approve each ~~component~~ plan that includes 68487  
all the information and conditions specified in that section. ~~The~~ 68488  
~~third component of the plan shall be approved or disapproved not~~ 68489  
~~later than forty five days after the third component is submitted~~ 68490  
~~to the department. If the department approves all three components~~ 68491  
~~of the plan, the plan is approved. Otherwise, the plan is~~ 68492  
~~disapproved.~~ If the plan is disapproved, the department shall take 68493  
action against the county board under division (B) of section 68494



5126.056 of the Revised Code. 68495

In approving plans under this section, the department shall 68496  
ensure that the aggregate of all plans provide for the increased 68497  
enrollment into home and community-based services during each 68498  
state fiscal year of at least five hundred individuals who did not 68499  
receive residential services, supported living, or home and 68500  
community-based services the prior state fiscal year if the 68501  
department has enough additional enrollment available for this 68502  
purpose. 68503

The department shall establish protocols that the department 68504  
shall use to determine whether a county board is complying with 68505  
the programmatic and financial accountability mechanisms and 68506  
achieving outcomes specified in its approved plan. If the 68507  
department determines that a county board is not in compliance 68508  
with the mechanisms or achieving the outcomes specified in its 68509  
approved plan, the department may take action under division (F) 68510  
of section 5126.055 of the Revised Code. 68511

**Sec. 5123.0414.** (A) When the director of developmental 68512  
disabilities, ~~under section 119.07 of the Revised Code,~~ sends a 68513  
party a notice by registered or certified mail, return receipt 68514  
requested, that the director intends to take action against the 68515  
party authorized by section 5123.166, 5123.168, 5123.19, 5123.45, 68516  
5123.51, or 5126.25 of the Revised Code and the notice is returned 68517  
to the director with an endorsement indicating that the notice was 68518  
refused or unclaimed, the director shall resend the notice by 68519  
ordinary mail to the party. 68520

(B) If the original notice was refused, the notice shall be 68521  
deemed received as of the date the director resends the notice. 68522

(C) If the original notice was unclaimed, the notice shall be 68523  
deemed received as of the date the director resends the notice 68524  
unless, not later than thirty days after the date the director 68525

sent the original notice, the resent notice is returned to the 68526  
director for failure of delivery. 68527

If the notice concerns taking action under section 5123.51 of 68528  
the Revised Code and the resent notice is returned to the director 68529  
for failure of delivery not later than thirty days after the date 68530  
the director sent the original notice, the director shall cause 68531  
the notice to be published in a newspaper of general circulation 68532  
in the county of the party's last known residence or business and 68533  
shall mail a dated copy of the published notice to the party at 68534  
the last known address. The notice shall be deemed received as of 68535  
the date of the publication. 68536

If the notice concerns taking action under section 5123.166, 68537  
5123.168, 5123.19, 5123.45, or 5126.25 of the Revised Code and the 68538  
resent notice is returned to the director for failure of delivery 68539  
not later than thirty days after the date the director sent the 68540  
original notice, the director shall resend the notice to the party 68541  
a second time. The notice shall be deemed received as of the date 68542  
the director resends the notice the second time. 68543

**Sec. 5123.0419.** (A) The director of developmental 68544  
disabilities ~~may~~ shall establish an interagency workgroup on 68545  
autism. The purpose of the workgroup shall be to improve the 68546  
coordination of the state's efforts to address the service needs 68547  
of individuals with autism spectrum disorders and the families of 68548  
those individuals. In fulfilling this purpose, the director may 68549  
enter into interagency agreements with the government entities 68550  
represented by the members of the workgroup. The agreements may 68551  
specify any or all of the following: 68552

(1) The roles and responsibilities of government entities 68553  
that enter into the agreements; 68554

(2) Procedures regarding the receipt, transfer, and 68555  
expenditure of funds necessary to achieve the goals of the 68556

workgroup; 68557

(3) The projects to be undertaken and activities to be 68558  
performed by the government entities that enter into the 68559  
agreements. 68560

(B) Money received from government entities represented by 68561  
the members of the workgroup shall be deposited into the state 68562  
treasury to the credit of the interagency workgroup on autism 68563  
fund, which is hereby created in the state treasury. Money 68564  
credited to the fund shall be used by the department of 68565  
developmental disabilities solely to support the activities of the 68566  
workgroup. 68567

Sec. 5123.0424. (A) As used in this section: 68568

(1) "Official member" means a member of an official workgroup 68569  
who was appointed by the director of developmental disabilities. 68570

(2) "Official workgroup" means a workgroup, task force, 68571  
council, committee, or similar entity that has been established by 68572  
the director of developmental disabilities under the director's 68573  
express or implied statutory authority. 68574

(B) Subject to division (C) of this section, the director of 68575  
developmental disabilities may, at the director's discretion, 68576  
provide for an official member of an official workgroup to be 68577  
reimbursed for actual and necessary travel expenses the member 68578  
incurs in the performance of the member's duties on the workgroup, 68579  
including attending the workgroup's meetings, if all of the 68580  
following apply: 68581

(1) The official member serves on the official workgroup as a 68582  
representative of the families of, or advocates for, individuals 68583  
with developmental disabilities; 68584

(2) The official member does not receive reimbursement for 68585  
the travel expenses from any other source; 68586

(3) The official member does not receive wages or other compensation from any other source for performing the member's duties on the official workgroup; and 68587  
68588  
68589

(4) No statute prohibits official members of the official workgroup from being reimbursed for travel expenses. 68590  
68591

(C) The amount the director provides for an official member of an official workgroup to be reimbursed under division (B) of this section shall not exceed the rates the director of budget and management establishes in rules adopted under division (B) of section 126.31 of the Revised Code. 68592  
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**Sec. 5123.081.** (A) As used in this section: 68597

(1)(a) "Applicant" means any of the following: 68598

(i) A person who is under final consideration for appointment to or employment with the department of developmental disabilities or a county board of developmental disabilities; 68599  
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(ii) A person who is being transferred to the department or a county board; 68602  
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(iii) An employee who is being recalled to or reemployed by the department or a county board after a layoff; 68604  
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(iv) A person under final consideration for a direct services position with a provider or subcontractor. 68606  
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(b) Neither of the following is an applicant: 68608

(i) A person who is employed by a responsible entity in a position for which a criminal records check is required by this section and either is being considered for a different position with the responsible entity or is returning after a leave of absence or seasonal break in employment, unless the responsible entity has reason to believe that the person has committed a disqualifying offense; 68609  
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(ii) A person who is to provide only respite care under a family support services program established under section 5126.11 of the Revised Code if a family member of the individual with a developmental disability who is to receive the respite care selects the person.

(2) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

(3) "Direct services position" means an employment position in which the employee has the opportunity to be alone with or exercises supervision or control over one or more individuals with developmental disabilities.

(4) "Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code.

(5)(a) "Employee" means either of the following:

(i) A person appointed to or employed by the department of developmental disabilities or a county board of developmental disabilities;

(ii) A person employed in a direct services position by a provider or subcontractor.

(b) "Employee" does not mean a person who provides only respite care under a family support services program established under section 5126.11 of the Revised Code if a family member of the individual with a developmental disability who receives the respite care selected the person.

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

(7) "Provider" means a person that provides specialized services to individuals with developmental disabilities and employs one or more persons in direct services positions.

(8) "Responsible entity" means the following:	68646
(a) The department of developmental disabilities in the case of either of the following:	68647 68648
(i) A person who is an applicant because the person is under final consideration for appointment to or employment with the department, being transferred to the department, or being recalled to or reemployed by the department after a layoff;	68649 68650 68651 68652
(ii) A person who is an employee because the person is appointed to or employed by the department.	68653 68654
(b) A county board of developmental disabilities in the case of either of the following:	68655 68656
(i) A person who is an applicant because the person is under final consideration for appointment to or employment with the county board, being transferred to the county board, or being recalled to or reemployed by the county board after a layoff;	68657 68658 68659 68660
(ii) A person who is an employee because the person is appointed to or employed by the county board.	68661 68662
(c) A provider in the case of either of the following:	68663
(i) A person who is an applicant because the person is under final consideration for a direct services position with the provider;	68664 68665 68666
(ii) A person who is an employee because the person is employed in a direct services position by the provider.	68667 68668
(d) A subcontractor in the case of either of the following:	68669
(i) A person who is an applicant because the person is under final consideration for a direct services position with the subcontractor;	68670 68671 68672
(ii) A person who is an employee because the person is employed in a direct services position by the subcontractor.	68673 68674

(9) "Specialized services" means any program or service designed and operated to serve primarily individuals with developmental disabilities, including a program or service provided by an entity licensed or certified by the department of developmental disabilities. If there is a question as to whether a provider or subcontractor is providing specialized services, the provider or subcontractor may request that the director of developmental disabilities make a determination. The director's determination is final.

(10) "Subcontractor" means a person to which both of the following apply:

(a) The person has either of the following:

(i) A subcontract with a provider to provide specialized services included in the contract between the provider and the department of developmental disabilities or a county board of developmental disabilities;

(ii) A subcontract with another subcontractor to provide specialized services included in a subcontract between the other subcontractor and a provider or other subcontractor.

(b) The person employs one or more persons in direct services positions.

(B) A responsible entity shall not employ an applicant or continue to employ an employee if either of the following applies:

(1) The applicant or employee fails to comply with division (D)(3) of this section.

(2) Except as provided in rules adopted under this section, the applicant or employee is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.

(C) Before employing an applicant in a position for which a criminal records check is required by this section, a responsible entity shall require the applicant to submit a statement with the applicant's signature attesting that the applicant has not been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense. The responsible entity also shall require the applicant to sign an agreement under which the applicant agrees to notify the responsible entity within fourteen calendar days if, while employed by the responsible entity, the applicant is formally charged with, is convicted of, pleads guilty to, or is found eligible for intervention in lieu of conviction for a disqualifying offense. The agreement shall provide that the applicant's failure to provide the notification may result in termination of the applicant's employment.

(D)(1) As a condition of employing any applicant in a position for which a criminal records check is required by this section, a responsible entity shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check of the applicant. If rules adopted under this section require an employee to undergo a criminal records check, a responsible entity shall request the superintendent to conduct a criminal records check of the employee at times specified in the rules as a condition of the responsible entity's continuing to employ the employee in a position for which a criminal records check is required by this section. If an applicant or employee does not present proof that the applicant or employee has been a resident of this state for the five-year period immediately prior to the date upon which the criminal records check is requested, the responsible entity shall request that the superintendent obtain information from the federal bureau of investigation as a part of the criminal records check. If the applicant or employee presents proof that the applicant or



employee has been a resident of this state for that five-year 68738  
period, the responsible entity may request that the superintendent 68739  
include information from the federal bureau of investigation in 68740  
the criminal records check. For purposes of this division, an 68741  
applicant or employee may provide proof of residency in this state 68742  
by presenting, with a notarized statement asserting that the 68743  
applicant or employee has been a resident of this state for that 68744  
five-year period, a valid driver's license, notification of 68745  
registration as an elector, a copy of an officially filed federal 68746  
or state tax form identifying the applicant's or employee's 68747  
permanent residence, or any other document the responsible entity 68748  
considers acceptable. 68749

(2) A responsible entity shall do all of the following: 68750

(a) Provide to each applicant and employee for whom a 68751  
criminal records check is required by this section a copy of the 68752  
form prescribed pursuant to division (C)(1) of section 109.572 of 68753  
the Revised Code and a standard impression sheet to obtain 68754  
fingerprint impressions prescribed pursuant to division (C)(2) of 68755  
section 109.572 of the Revised Code; 68756

(b) Obtain the completed form and standard impression sheet 68757  
from the applicant or employee; 68758

(c) Forward the completed form and standard impression sheet 68759  
to the superintendent at the time the criminal records check is 68760  
requested. 68761

(3) Any applicant or employee who receives pursuant to this 68762  
division a copy of the form prescribed pursuant to division (C)(1) 68763  
of section 109.572 of the Revised Code and a copy of the standard 68764  
impression sheet prescribed pursuant to division (C)(2) of that 68765  
section and who is requested to complete the form and provide a 68766  
set of the applicant's or employee's fingerprint impressions shall 68767  
complete the form or provide all the information necessary to 68768

complete the form and shall provide the standard impression sheet 68769  
with the impressions of the applicant's or employee's 68770  
fingerprints. 68771

(4) A responsible entity shall pay to the bureau of criminal 68772  
identification and investigation the fee prescribed pursuant to 68773  
division (C)(3) of section 109.572 of the Revised Code for each 68774  
criminal records check requested and conducted pursuant to this 68775  
section. 68776

(E) A responsible entity may request any other state or 68777  
federal agency to supply the responsible entity with a written 68778  
report regarding the criminal record of an applicant or employee. 68779  
If an employee holds an occupational or professional license or 68780  
other credentials, the responsible entity may request that the 68781  
state or federal agency that regulates the employee's occupation 68782  
or profession supply the responsible entity with a written report 68783  
of any information pertaining to the employee's criminal record 68784  
that the agency obtains in the course of conducting an 68785  
investigation or in the process of renewing the employee's license 68786  
or other credentials. The responsible entity may consider the 68787  
reports when determining whether to employ the applicant or to 68788  
continue to employ the employee. 68789

(F) As a condition of employing an applicant in a position 68790  
for which a criminal records check is required by this section and 68791  
that involves transporting individuals with developmental 68792  
disabilities or operating a responsible entity's vehicles for any 68793  
purpose, the responsible entity shall obtain the applicant's 68794  
driving record from the bureau of motor vehicles. If rules adopted 68795  
under this section require a responsible entity to obtain an 68796  
employee's driving record, the responsible entity shall obtain the 68797  
employee's driving record from the bureau at times specified in 68798  
the rules as a condition of continuing to employ the employee. The 68799  
responsible entity may consider the applicant's or employee's 68800

driving record when determining whether to employ the applicant or 68801  
to continue to employ the employee. 68802

(G) A responsible entity may employ an applicant 68803  
conditionally pending receipt of a report regarding the applicant 68804  
requested under this section. The responsible entity shall request 68805  
the report before employing the applicant conditionally. The 68806  
responsible entity shall terminate the applicant's employment if 68807  
it is determined from a report that the applicant failed to inform 68808  
the responsible entity that the applicant had been convicted of, 68809  
pleaded guilty to, or been found eligible for intervention in lieu 68810  
of conviction for a disqualifying offense. 68811

(H) A responsible entity may charge an applicant a fee for 68812  
costs the responsible entity incurs in obtaining a report 68813  
regarding the applicant under this section if the responsible 68814  
entity notifies the applicant of the amount of the fee at the time 68815  
of the applicant's initial application for employment and that, 68816  
unless the fee is paid, the responsible entity will not consider 68817  
the applicant for employment. The fee shall not exceed the amount 68818  
of the fee, if any, the responsible entity pays for the report. 68819

(I)(1) Any report obtained pursuant to this section is not a 68820  
public record for purposes of section 149.43 of the Revised Code 68821  
and shall not be made available to any person, other than the 68822  
following: 68823

(a) The applicant or employee who is the subject of the 68824  
report or the applicant's or employee's representative; 68825

(b) The responsible entity that requested the report or its 68826  
representative; 68827

(c) The department if a county board, provider, or 68828  
subcontractor is the responsible entity that requested the report 68829  
and the department requests the responsible entity to provide a 68830  
copy of the report to the department; 68831

(d) A county board if a provider or subcontractor is the responsible entity that requested the report and the county board requests the responsible entity to provide a copy of the report to the county board;

(e) Any court, hearing officer, or other necessary individual involved in a case dealing with any of the following:

(i) The denial of employment to the applicant or employee;

(ii) The denial, suspension, or revocation of a certificate under section 5123.166 or 5123.45 of the Revised Code;

(iii) A civil or criminal action regarding the medicaid program or a program the department administers.

(2) An applicant or employee for whom the responsible entity has obtained reports under this section may submit a written request to the responsible entity to have copies of the reports sent to any state agency, entity of local government, or private entity. The applicant or employee shall specify in the request the agencies or entities to which the copies are to be sent. On receiving the request, the responsible entity shall send copies of the reports to the agencies or entities specified.

(3) A responsible entity may request that a state agency, entity of local government, or private entity send copies to the responsible entity of any report regarding a records check or criminal records check that the agency or entity possesses, if the responsible entity obtains the written consent of the individual who is the subject of the report.

(4) A responsible entity shall provide each applicant and employee with a copy of any report obtained about the applicant or employee under this section.

(J) The director of developmental disabilities shall adopt rules in accordance with Chapter 119. of the Revised Code to

implement this section. 68862

(1) The rules may do the following: 68863

(a) Require employees to undergo criminal records checks 68864  
under this section; 68865

(b) Require responsible entities to obtain the driving 68866  
records of employees under this section; 68867

(c) If the rules require employees to undergo criminal 68868  
records checks, require responsible entities to obtain the driving 68869  
records of employees, or both, exempt one or more classes of 68870  
employees from the requirements. 68871

(2) The rules shall do ~~both~~ all of the following: 68872

(a) If the rules require employees to undergo criminal 68873  
records checks, require responsible entities to obtain the driving 68874  
records of employees, or both, specify the times at which the 68875  
criminal records checks are to be conducted and the driving 68876  
records are to be obtained; 68877

(b) Specify circumstances under which a responsible entity 68878  
may employ an applicant or employee who is found by a criminal 68879  
records check required by this section to have been convicted of, 68880  
pleaded guilty to, or been found eligible for intervention in lieu 68881  
of conviction for a disqualifying offense but meets standards in 68882  
regard to rehabilitation set by the director; 68883

(c) Require a responsible entity to request a criminal 68884  
records check under this section before employing an applicant 68885  
conditionally as permitted under division (G) of this section. 68886

**Sec. 5123.092.** (A) There is hereby established at each 68887  
institution and branch institution under the control of the 68888  
department of developmental disabilities a citizen's advisory 68889  
council ~~consisting~~. Each council shall consist of ~~thirteen~~ seven 68890  
members. ~~At least seven of the members shall be persons who are~~ 68891

~~not providers of services for persons with developmental~~ 68892  
~~disabilities. Each council shall include, including~~ parents or 68893  
other relatives of residents of institutions under the control of 68894  
the department, community leaders, professional persons in 68895  
relevant fields, and persons who have an interest in or knowledge 68896  
of developmental disabilities. The managing officer of the 68897  
institution shall be a nonvoting member of the council. 68898

(B) The director of developmental disabilities shall be the 68899  
appointing authority for the voting members of each citizen's 68900  
advisory council. Each time the term of a voting member expires, 68901  
the ~~remaining members of the council~~ managing officer of the 68902  
institution with which the council is associated shall recommend 68903  
to the director one or more persons to serve on the council. The 68904  
director may accept a nominee of the ~~council~~ managing officer or 68905  
reject the nominee or nominees. If the director rejects the 68906  
nominee or nominees, the ~~remaining members of the advisory council~~ 68907  
managing officer shall further recommend to the director one or 68908  
more other persons to serve on the ~~advisory~~ council. This 68909  
procedure shall continue until a member is appointed to the 68910  
~~advisory~~ council. 68911

~~Each advisory council shall elect from its appointed members~~ 68912  
~~a chairperson, vice chairperson, and a secretary to serve for~~ 68913  
~~terms of one year. Advisory council officers shall not serve for~~ 68914  
~~more than two consecutive terms in the same office. A majority of~~ 68915  
~~the advisory council members constitutes a quorum.~~ 68916

~~(C)~~ Terms of office shall be for three years, each term 68917  
ending on the same day of the same month of the year as did the 68918  
term which it succeeds. No member shall serve more than two 68919  
consecutive terms, except that any former member may be appointed 68920  
if one year or longer has elapsed since the member served two 68921  
consecutive terms. Each member shall hold office from the date of 68922

appointment until the end of the term for which the member was 68923  
appointed. Any vacancy shall be filled in the same manner in which 68924  
the original appointment was made, and the appointee to a vacancy 68925  
in an unexpired term shall serve the balance of the term of the 68926  
original appointee. Any member shall continue in office subsequent 68927  
to the expiration date of the member's term until the member's 68928  
successor takes office, or until a period of sixty days has 68929  
elapsed, whichever occurs first. 68930

(C) Each citizen's advisory council shall elect from its 68931  
appointed members a chairperson, vice-chairperson, and secretary. 68932  
A person elected to an office may serve in that position until the 68933  
person is no longer a member of the council. 68934

(D) Members of a citizen's advisory council shall be expected 68935  
to attend all meetings of the advisory council. ~~Unexcused absence 68936  
from two successive regularly scheduled meetings shall be 68937  
considered prima facie evidence of intent not to continue as a 68938  
member. The chairperson of the board shall, after a member has 68939  
been absent for two successive regularly scheduled meetings, 68940  
direct a letter to the member asking if the member wishes to 68941  
remain in membership. If an affirmative reply is received, the 68942  
member shall be retained as a member except that, if, after having 68943  
expressed a desire to remain a member, the member then misses a 68944  
third successive regularly scheduled meeting without being 68945  
excused, the chairperson shall terminate the member's membership. 68946  
A majority of the members constitutes a quorum. 68947~~

~~(E)~~ A citizen's advisory council shall meet six times 68948  
annually, or more frequently if three ~~council~~ members request the 68949  
chairperson to call a meeting. The council shall keep minutes of 68950  
each meeting and shall submit them to the managing officer of the 68951  
institution with which the council is associated ~~and the 68952  
department of developmental disabilities. 68953~~

~~(F)~~(E) Members of citizen's advisory councils shall receive 68954

no compensation for their services, except that they shall be 68955  
reimbursed for their actual and necessary expenses incurred in the 68956  
performance of their official duties by the institution with which 68957  
they are associated from funds allocated to it, provided that 68958  
reimbursement for those expenses shall not exceed limits imposed 68959  
upon the department of developmental disabilities by 68960  
administrative rules regulating travel within this state. 68961

~~(G)~~(F) The councils shall have reasonable access to all 68962  
patient treatment and living areas and records of the institution, 68963  
except those records of a strictly personal or confidential 68964  
nature. The councils shall have access to a patient's personal 68965  
records with the consent of the patient or the patient's legal 68966  
guardian or, if the patient is a minor, with the consent of the 68967  
parent or legal guardian of the patient. 68968

~~(H)~~(G) As used in this section, "branch institution" means a 68969  
facility that is located apart from an institution and is under 68970  
the control of the managing officer of the institution. 68971

**Sec. 5123.166.** (A) If good cause exists as specified in 68972  
division (B) of this section and determined in accordance with 68973  
procedures established in rules adopted under section 5123.1611 of 68974  
the Revised Code, the director of developmental disabilities may 68975  
issue an adjudication order requiring that one or more of the 68976  
following actions be taken against a person or government entity 68977  
seeking or holding a supported living certificate: 68978

(1) Refusal to issue or renew a supported living certificate; 68979

(2) Revocation of a supported living certificate; 68980

(3) Suspension of a supported living certificate holder's 68981  
authority to do ~~either or both~~ any of the following: 68982

(a) Continue to provide supported living to one or more 68983  
individuals ~~from one or more counties~~ who receive supported living 68984



from the certificate holder at the time the director takes the	68985
action;	68986
(b) Begin to provide supported living to one or more	68987
individuals <del>from one or more counties</del> who do not receive supported	68988
living from the certificate holder at the time the director takes	68989
the action;	68990
<u>(c) Expand or add supported living services to one or more</u>	68991
<u>individuals who receive supported living from the certificate</u>	68992
<u>holder at the time the director takes action.</u>	68993
(B) The following constitute good cause for taking action	68994
under division (A) of this section against a person or government	68995
entity seeking or holding a supported living certificate:	68996
(1) The person or government entity's failure to meet or	68997
continue to meet the applicable certification standards	68998
established in rules adopted under section 5123.1611 of the	68999
Revised Code;	69000
(2) The person or government entity violates section 5123.165	69001
of the Revised Code;	69002
(3) The person or government entity's failure to satisfy the	69003
requirements of section 5123.081 or 5123.52 of the Revised Code;	69004
(4) Misfeasance;	69005
(5) Malfeasance;	69006
(6) Nonfeasance;	69007
(7) Confirmed abuse or neglect;	69008
(8) Financial irresponsibility;	69009
(9) Other conduct the director determines is or would be	69010
injurious to individuals who receive or would receive supported	69011
living from the person or government entity.	69012
(C) Except as provided in division (D) of this section, the	69013

director shall issue an adjudication order under division (A) of 69014  
this section in accordance with Chapter 119. of the Revised Code. 69015

(D)(1) The director may issue an order requiring that action 69016  
specified in division (A)(3) of this section be taken before a 69017  
provider is provided notice and an opportunity for a hearing if 69018  
all of the following are the case: 69019

(a) The director determines such action is warranted by the 69020  
provider's failure to continue to meet the applicable 69021  
certification standards; 69022

(b) The director determines that the failure either 69023  
represents a pattern of serious noncompliance or creates a 69024  
substantial risk to the health or safety of an individual who 69025  
receives or would receive supported living from the provider; 69026

(c) If the order will suspend the provider's authority to 69027  
continue to provide supported living to an individual who receives 69028  
supported living from the provider at the time the director issues 69029  
the order, both of the following are the case: 69030

(i) The director makes the individual, or the individual's 69031  
guardian, aware of the director's determination under division 69032  
(D)(1)(b) of this section and the individual or guardian does not 69033  
select another provider. 69034

(ii) A county board of developmental disabilities has filed a 69035  
complaint with a probate court under section 5126.33 of the 69036  
Revised Code that includes facts describing the nature of abuse or 69037  
neglect that the individual has suffered due to the provider's 69038  
actions that are the basis for the director making the 69039  
determination under division (D)(1)(b) of this section and the 69040  
probate court does not issue an order authorizing the county board 69041  
to arrange services for the individual pursuant to an 69042  
individualized service plan developed for the individual under 69043  
section 5126.31 of the Revised Code. 69044

(2) If the director issues an order under division (D)(1) of this section, sections 119.091 to 119.13 of the Revised Code and all of the following apply:

(a) The director shall send the provider notice of the order by ~~registered~~ certified mail, return receipt requested, not later than twenty-four hours after issuing the order and shall include in the notice the reasons for the order, the citation to the law or rule directly involved, and a statement that the provider will be afforded a hearing if the provider requests it in writing within ten days of the time of receiving the notice.

(b) If the provider requests a hearing within the required time and the provider has provided the director the provider's current address, the director shall immediately set, and notify the provider of, the date, time, and place for the hearing. If the provider's written request for a hearing includes a request that the hearing be held not later than thirty days after the director receives the provider's timely request for the hearing, the date set for the hearing by the director shall be within thirty days.

~~(c) The date of the hearing shall be not later than thirty days after the director receives the provider's timely request for the hearing.~~

~~(d)~~(c) The hearing shall be conducted in accordance with section 119.09 of the Revised Code, except for all of the following:

(i) The hearing shall continue uninterrupted until its close, except for weekends, legal holidays, and other interruptions the provider and director agree to.

(ii) If the director appoints a referee or examiner to conduct the hearing, the referee or examiner, not later than ten days after the date the referee or examiner receives a transcript of the testimony and evidence presented at the hearing or, if the

referee or examiner does not receive the transcript or no such transcript is made, the date that the referee or examiner closes the record of the hearing, shall submit to the director a written report setting forth the referee or examiner's findings of fact and conclusions of law and a recommendation of the action the director should take.

(iii) The provider may, not later than five days after the date the director, in accordance with section 119.09 of the Revised Code, sends the provider or the provider's attorney or other representative of record a copy of the referee or examiner's report and recommendation, file with the director written objections to the report and recommendation.

(iv) The director shall approve, modify, or disapprove the referee or examiner's report and recommendation not earlier than six days, and not later than fifteen days, after the date the director, in accordance with section 119.09 of the Revised Code, sends a copy of the report and recommendation to the provider or the provider's attorney or other representative of record.

(3) The director may lift an order issued under division (D)(1) of this section even though a hearing regarding the order is occurring or pending if the director determines that the provider has taken action eliminating the good cause for issuing the order. The hearing shall proceed unless the provider withdraws the request for the hearing in a written letter to the director.

(4) The director shall lift an order issued under division (D)(1) of this section if both of the following are the case:

(a) The provider provides the director a plan of compliance the director determines is acceptable.

(b) The director determines that the provider has implemented the plan of compliance correctly.

Sec. 5123.1612. (A) The director of developmental 69106  
disabilities may issue a summary order suspending a supported 69107  
living certificate holder's authority to provide supported living 69108  
to one or more identified individuals if the director determines 69109  
that both of the following are the case: 69110

(1) The certificate holder's noncompliance with one or more 69111  
requirements of this chapter or the rules adopted under it causes 69112  
or presents an immediate danger of causing serious injury, harm, 69113  
impairment, or death to the individual or individuals; 69114

(2) The certificate holder does not remove the conditions 69115  
that caused or presented an immediate danger of causing serious 69116  
injury, harm, impairment, or death to the individual or 69117  
individuals before the order is issued. 69118

(B) An order issued under division (A) of this section 69119  
applies only to the individual or individuals the director 69120  
determines experienced or are in immediate danger of experiencing 69121  
serious injury, harm, impairment, or death. An order issued under 69122  
division (A) of this section takes immediate effect upon 69123  
notification to the certificate holder. The county board of 69124  
developmental disabilities for the county where the individual or 69125  
individuals reside shall arrange for an alternative method of 69126  
providing services to the individual or individuals until the 69127  
order is lifted under division (E) of this section. 69128

(C) The director shall notify, by telephone, the certificate 69129  
holder and the county board of developmental disabilities for the 69130  
county where the individual or individuals reside of the order 69131  
immediately after issuing it. The director also shall provide 69132  
written notice of the order by electronic or regular mail. Both 69133  
the telephone notice and the written notice to the certificate 69134  
holder shall inform the certificate holder of the right to request 69135  
a reconsideration of the order under division (D) of this section. 69136

(D) A certificate holder who is subject to an order issued 69137  
under division (A) of this section may request that the director 69138  
reconsider the order within twenty-four hours after receiving the 69139  
telephone notice under division (C) of this section. The director 69140  
shall reconsider the order within twenty-four hours after 69141  
receiving the request. At the certificate holder's option, the 69142  
reconsideration may be conducted by an in-person meeting, 69143  
telephone, or review of the certificate holder's written 69144  
submission that accompanies the request. The director shall issue 69145  
a decision on the reconsideration within twenty-four hours 69146  
following the conclusion of the meeting, telephone conversation, 69147  
or review of a written submission. 69148

(E) The director shall lift an order issued under division 69149  
(A) of this section if the director determines that the 69150  
certificate holder has removed the conditions that led to the 69151  
order and that the conditions will not recur. 69152

(F) An order issued under division (A) of this section does 69153  
not constitute an action against the holder of a supported living 69154  
certificate described in section 5123.166 of the Revised Code and 69155  
is not subject to that section or to Chapter 119. of the Revised 69156  
Code. 69157

(G) The director's issuance of an order under division (A) of 69158  
this section does not preclude the director from taking any other 69159  
action against the holder of a supported living certificate 69160  
described in section 5123.166 of the Revised Code. 69161

**Sec. 5123.193.** The director of developmental disabilities 69162  
shall include on the internet web site maintained by the 69163  
department of developmental disabilities a searchable database of 69164  
vacancies in licensed residential facilities. Each person or 69165  
government entity operating a licensed residential facility shall 69166  
provide current and accurate vacancy information to the department 69167

in accordance with procedures that the director shall establish. 69168

**Sec. 5123.691.** (A) As used in this section, "mental illness" 69169  
has the same meaning as in section 5122.01 of the Revised Code. 69170

(B) The managing officer of an institution, with the 69171  
concurrence of the chief program director, may admit into a 69172  
specialized treatment unit for minors a minor ages ten to 69173  
seventeen who is in behavior crisis and has serious behavioral 69174  
challenges if one of the following applies: 69175

(1) The minor has an intellectual disability. 69176

(2) The minor has autism spectrum disorder. 69177

(3) The minor has a dual diagnosis of an intellectual 69178  
disability and mental illness. 69179

(4) The minor has a dual diagnosis of autism spectrum 69180  
disorder and mental illness. 69181

(C)(1) The admission of a minor into a specialized treatment 69182  
unit shall be based upon the availability of beds at the 69183  
institution and the clinical treatment needs of the minor. 69184

(2) The department of developmental disabilities may 69185  
establish other criteria for admitting a minor into a specialized 69186  
treatment unit. 69187

(D) Before a minor may be admitted into a specialized 69188  
treatment unit, the minor's parent or legal guardian, the county 69189  
board of developmental disabilities, and the department shall 69190  
enter into a memorandum of understanding setting forth the roles 69191  
and responsibilities of each of the parties regarding the care and 69192  
treatment of the minor and specifying the duration of admission in 69193  
the specialized treatment unit. 69194

(E)(1) The initial duration of admission for a minor in a 69195  
specialized treatment unit shall not exceed one hundred eighty 69196

days. 69197

(2) The parent or legal guardian of a minor may petition the department to extend the duration of a minor's admission in a specialized treatment unit at least thirty days before the expiration of the minor's term of admission in the specialized treatment unit. The department, in its discretion, may grant or deny a petition for extended admission, but may not extend a minor's duration of admission in a specialized treatment unit beyond one year. 69198  
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(3) Upon the expiration of a minor's term of admission in a specialized treatment unit, the minor shall be returned to the care of the minor's parent or legal guardian. 69206  
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(F) The managing officer of an institution may discharge a minor from a specialized treatment unit in accordance with division (C) of section 5123.69 of the Revised Code. The uniform procedures of discharge established by rules adopted under division (G)(7) of section 5123.19 of the Revised Code shall not apply to the discharge of a minor from a specialized treatment unit. 69209  
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**Sec. 5124.15.** (A) Except as otherwise provided by section 5124.101 of the Revised Code, sections 5124.151 to 5124.154 of the Revised Code, and divisions (D) and (E) of this section, the total per medicaid day payment rate that the department of developmental disabilities shall pay to an ICF/IID provider for ICF/IID services the provider's ICF/IID provides during a fiscal year shall equal the following: 69216  
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(1) Until July 1, 2021, the greater of the total per medicaid day payment rates determined under divisions (B) and (C) of this section; 69223  
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(2) Beginning July 1, 2021, the total per medicaid day 69226



payment rate determined under division (B) of this section.	69227
(B) The total per medicaid day payment rate determined under this division is the sum of all of the following:	69228
(1) The per medicaid day capital component rate determined for the ICF/IID under section 5124.17 of the Revised Code;	69229
(2) The per medicaid day direct care costs component rate determined for the ICF/IID under section 5124.19 of the Revised Code;	69230
(3) The per medicaid day indirect care costs component rate determined for the ICF/IID under section 5124.21 of the Revised Code;	69231
(4) The per medicaid day other protected costs component rate determined for the ICF/IID under section 5124.23 of the Revised Code;	69232
(5) Until July 1, <del>2020</del> <u>2021</u> , a direct support personnel payment equal to three and four-hundredths per cent of the ICF/IID's desk-reviewed, actual, allowable, per medicaid day direct care costs from the applicable cost report year;	69233
(6) Beginning July 1, <del>2020</del> <u>2021</u> , the <u>sum of the following:</u>	69234
(a) <u>The per medicaid day quality incentive payment determined for the ICF/IID under section 5124.24 of the Revised Code;</u>	69235
(b) <u>A direct support personnel payment equal to two and four-hundredths per cent of the ICF/IID's desk-reviewed, actual, allowable, per medicaid day direct care costs from the applicable cost report year.</u>	69236
(C) The total per medicaid day payment rate determined under this division is the sum of all of the following:	69237
(1) The per medicaid day payment rate for capital costs determined for the ICF/IID under section 5124.171 of the Revised Code;	69238
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(2) The per medicaid day payment rate for direct care costs 69257  
determined for the ICF/IID under section 5124.195 of the Revised 69258  
Code; 69259

(3) The per medicaid day payment rate for indirect care costs 69260  
determined for the ICF/IID under section 5124.211 of the Revised 69261  
Code; 69262

(4) The per medicaid day payment rate for other protected 69263  
costs determined for the ICF/IID under section 5124.231 of the 69264  
Revised Code; 69265

(5) A direct support personnel payment equal to three and 69266  
four-hundredths per cent of the ICF/IID's desk-reviewed, actual, 69267  
allowable, per medicaid day direct care costs from the applicable 69268  
cost report year. 69269

(D) The total per medicaid day payment rate for the following 69270  
shall not exceed the average total per medicaid day payment rate 69271  
in effect on July 1, 2013, for developmental centers: 69272

(1) An ICF/IID that is in peer group 5-A for the purpose of 69273  
the total per medicaid day payment rate determined under division 69274  
(B) of this section; 69275

(2) An ICF/IID that is in peer group 3-B for the purpose of 69276  
the total per medicaid day payment rate determined under division 69277  
(C) of this section. 69278

(E) The department shall adjust the total per medicaid day 69279  
payment rate otherwise determined for an ICF/IID under divisions 69280  
(B) and (C) of this section as directed by the general assembly 69281  
through the enactment of law governing medicaid payments to 69282  
ICF/IID providers. 69283

(F)(1) In addition to paying an ICF/IID provider the total 69284  
per medicaid day payment rate determined for the provider's 69285  
ICF/IID under divisions (B), (C), (D), and (E) of this section for 69286

a fiscal year, the department, ~~in~~ may do either or both of the 69287  
following: 69288

(a) In accordance with section 5124.25 of the Revised Code, 69289  
~~may~~ pay the provider a rate add-on for ventilator-dependent 69290  
outlier ICF/IID services if the rate add-on is to be paid under 69291  
that section and the department approves the provider's 69292  
application for the rate add-on; 69293

(b) In accordance with section 5124.26 of the Revised Code, 69294  
pay the provider for outlier ICF/IID services the ICF/IID provides 69295  
to residents identified as needing intensive behavioral health 69296  
support services if the rate add-on is to be paid under that 69297  
section and the department approves the provider's application for 69298  
the rate add-on. The 69299

(2) The rate add-on is add-ons are not to be part of the 69300  
ICF/IID's total per medicaid day payment rate. 69301

**Sec. 5124.24.** (A) For fiscal year ~~2021~~ 2022 and each fiscal 69302  
year thereafter, the department of developmental disabilities 69303  
shall determine in accordance with division (C) of this section a 69304  
per medicaid day quality incentive payment for each ICF/IID that 69305  
earns for the fiscal year at least one point under division (B) of 69306  
this section. 69307

(B) Each fiscal year beginning with fiscal year ~~2021~~ 2022, 69308  
the department, in accordance with rules authorized by this 69309  
section, shall award to an ICF/IID points for ~~the following~~ 69310  
quality indicators the ICF/IID meets for the fiscal year; 69311

~~(1) The ICF/IID created and promoted diverse opportunities~~ 69312  
~~for its residents to participate in the broader community in the~~ 69313  
~~applicable cost report year.~~ 69314

~~(2) The ICF/IID offers its residents multiple opportunities~~ 69315  
~~for off site day programming activities, including~~ 69316

<del>resident specific activities.</del>	69317
<del>(3) All of the ICF/IID's residents who are least eighteen years of age and interested in employment have an identified place on the path to community employment specified in rules adopted under section 5123.022 of the Revised Code.</del>	69318 69319 69320 69321
<del>(4) The ICF/IID has an active advocacy group that is driven by its residents or fosters its residents' participation in a community wide group.</del>	69322 69323 69324
<del>(5) The ICF/IID meets both of the following standards:</del>	69325
<del>(a) The ICF/IID's bedrooms are designed and arranged to enhance privacy, promote personalization, and meet its residents' needs;.</del>	69326 69327 69328
<del>(b) The ICF/IID encourages residents to bring to the ICF/IID their own home and room decor.</del>	69329 69330
<del>(6) The ICF/IID has and follows a policy specifying how it seeks direction from its residents.</del>	69331 69332
<del>(7) The ICF/IID has a policy for doing both of the following:</del>	69333
<del>(a) Evaluating each hospital emergency department visit by its residents to identify precipitating factors that led to the visit;.</del>	69334 69335 69336
<del>(b) Developing a plan to mitigate any identified precipitating factors.</del>	69337 69338
<del>(8) The ICF/IID has adopted the recommendations for resident health screenings that the department publishes on its web site.</del>	69339 69340
<del>(9) Each month, the ICF/IID offers at least the number of wellness and fitness activities specified for this purpose in rules authorized by this section.</del>	69341 69342 69343
<del>(10) The number of the ICF/IID's staff who were trained in positive behavior support strategies, trauma informed care, and</del>	69344 69345

~~similar topics in the applicable cost report year is at least the number specified for this purpose in rules authorized by this section.~~

~~(11) Members of the ICF/IID's staff are involved in orienting and mentoring new staff.~~

~~(12) The ICF/IID's ratio of direct care staff to residents is at least the ratio specified for this purpose in rules authorized by this section.~~

~~(13) The ICF/IID's direct care staff retention percentage is at least the percentage specified for this purpose in rules authorized by this section. The quality indicators used under this division shall be based on the recommendations contained in the report submitted to the director of developmental disabilities by the ICF/IID quality indicators workgroup established by Section 261.230 of this act.~~

(C) An ICF/IID's per medicaid day quality incentive payment for a fiscal year shall be the product of the following:

(1) The relative weight point value for the fiscal year as determined under division (D) of this section;

(2) The number of points the ICF/IID was awarded under division ~~(C)~~ (B) of this section for the fiscal year.

(D) The relative weight point value for a fiscal year shall be determined as follows:

(1) For each ICF/IID, determine the product of the following:

(a) The number of inpatient days the ICF/IID had for the applicable cost report year;

(b) The number of points the ICF/IID was awarded under division ~~(C)~~ (B) of this section for the fiscal year.

(2) Determine the sum of all of the products determined under division (D)(1) of this section for the fiscal year;

(3) Determine the amount equal to ~~three and four hundredths~~ one per cent of the total desk-reviewed, actual, allowable direct care costs of all ICFs/IID for the applicable cost report year; 69376  
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(4) Divide the amount determined under division (D)(3) of this section by the sum determined under division (D)(2) of this section. 69379  
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(E) The director of developmental disabilities shall adopt rules under section 5124.03 of the Revised Code as necessary to implement this section, including rules that specify or establish all of the following: 69382  
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(1) The data needed for the department to determine whether an ICF/IID meets the quality indicators specified in division (B) of this section, the medium through which a report of the data is to be submitted to the department, and the date by which the report of the data must be submitted to the department; 69386  
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(2) Satisfactory evidence needed to determine that an ICF/IID has met the quality indicators; 69391  
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(3) The method by which ICFs/IID are to be awarded points under division (B) of this section and the number of points that each quality indicator is worth based on the quality indicator's relative importance compared to the other quality indicators. 69393  
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Sec. 5124.26. (A) Subject to division (D) of this section, the department of developmental disabilities may pay a medicaid rate add-on to an ICF/IID provider for outlier ICF/IID services the ICF/IID provides to residents identified as needing intensive behavioral support services, if the provider applies to the department to receive the rate add-on and the department approves the application. The department may approve a provider's application if both of the following apply: 69397  
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(1) The provider submits to the department a best practices 69405

protocol for providing outlier ICF/IID services under this section 69406  
and the department determines that the protocol is acceptable; 69407

(2) The provider meets all other eligibility requirements for 69408  
the rate add-on established in rules adopted under section 5124.03 69409  
of the Revised Code. 69410

(B) An ICF/IID that has been approved by the department to 69411  
provide outlier ICF/IID services under this section shall provide 69412  
the services in accordance with both of the following: 69413

(1) The best practices protocol described in division (A)(1) 69414  
of this section; 69415

(2) Requirements regarding the services established in rules 69416  
adopted under section 5124.03 of the Revised Code. 69417

(C) To qualify to receive outlier ICF/IID services from an 69418  
ICF/IID under this section, a resident of the ICF/IID must be a 69419  
medicaid recipient, be determined to need intensive behavioral 69420  
support services, and meet all other eligibility requirements 69421  
established in rules adopted under section 5124.03 of the Revised 69422  
Code. 69423

(D) The department shall negotiate with the department of 69424  
medicaid the amount of the medicaid payment rate add-on, if any, 69425  
to be paid under this section or the method by which that amount 69426  
is to be determined. 69427

**Sec. 5126.01.** As used in this chapter: 69428

(A) As used in this division, "adult" means an individual who 69429  
is eighteen years of age or over and not enrolled in a program or 69430  
service under Chapter 3323. of the Revised Code and an individual 69431  
sixteen or seventeen years of age who is eligible for adult 69432  
services under rules adopted by the director of developmental 69433  
disabilities pursuant to Chapter 119. of the Revised Code. 69434

(1) "Adult services" means services provided to an adult 69435

outside the home, except when they are provided within the home 69436  
according to an individual's assessed needs and identified in an 69437  
individual service plan, that support learning and assistance in 69438  
the area of self-care, sensory and motor development, 69439  
socialization, daily living skills, communication, community 69440  
living, social skills, or vocational skills. 69441

(2) "Adult services" includes all of the following: 69442

(a) Adult day habilitation services; 69443

(b) Employment services; 69444

(c) Educational experiences and training obtained through 69445  
entities and activities that are not expressly intended for 69446  
individuals with developmental disabilities, including trade 69447  
schools, vocational or technical schools, adult education, job 69448  
exploration and sampling, unpaid work experience in the community, 69449  
volunteer activities, and spectator sports. 69450

(B)(1) "Adult day habilitation services" means adult services 69451  
that do the following: 69452

(a) Provide access to and participation in typical activities 69453  
and functions of community life that are desired and chosen by the 69454  
general population, including such activities and functions as 69455  
opportunities to experience and participate in community 69456  
exploration, companionship with friends and peers, leisure 69457  
activities, hobbies, maintaining family contacts, community 69458  
events, and activities where individuals without disabilities are 69459  
involved; 69460

(b) Provide supports or a combination of training and 69461  
supports that afford an individual a wide variety of opportunities 69462  
to facilitate and build relationships and social supports in the 69463  
community. 69464

(2) "Adult day habilitation services" includes all of the 69465



following:	69466
(a) Personal care services needed to ensure an individual's ability to experience and participate in vocational services, educational services, community activities, and any other adult day habilitation services;	69467 69468 69469 69470
(b) Skilled services provided while receiving adult day habilitation services, including such skilled services as behavior management intervention, occupational therapy, speech and language therapy, physical therapy, and nursing services;	69471 69472 69473 69474
(c) Training and education in self-determination designed to help the individual do one or more of the following: develop self-advocacy skills, exercise the individual's civil rights, acquire skills that enable the individual to exercise control and responsibility over the services received, and acquire skills that enable the individual to become more independent, integrated, or productive in the community;	69475 69476 69477 69478 69479 69480 69481
(d) Recreational and leisure activities identified in the individual's service plan as therapeutic in nature or assistive in developing or maintaining social supports;	69482 69483 69484
(e) Transportation necessary to access adult day habilitation services;	69485 69486
(f) Habilitation management, as described in section 5126.14 of the Revised Code.	69487 69488
(3) "Adult day habilitation services" does not include activities that are components of the provision of residential services, family support services, or supported living services.	69489 69490 69491
(C) "Appointing authority" means the following:	69492
(1) In the case of a member of a county board of developmental disabilities appointed by, or to be appointed by, a board of county commissioners, the board of county commissioners;	69493 69494 69495

(2) In the case of a member of a county board appointed by, 69496  
or to be appointed by, a senior probate judge, the senior probate 69497  
judge. 69498

(D) "Community employment," "competitive employment," and 69499  
"integrated setting" have the same meanings as in section 5123.022 69500  
of the Revised Code. 69501

(E) "Supported employment services" means vocational 69502  
assessment, job training and coaching, job development and 69503  
placement, worksite accessibility, and other services related to 69504  
employment outside a sheltered workshop. "Supported employment 69505  
services" includes both of the following: 69506

(1) Job training resulting in the attainment of community 69507  
employment, supported work in a typical work environment, or 69508  
self-employment; 69509

(2) Support for ongoing community employment, supported work 69510  
at community-based sites, or self-employment. 69511

(F) "Developmental disability" means a severe, chronic 69512  
disability that is characterized by all of the following: 69513

(1) It is attributable to a mental or physical impairment or 69514  
a combination of mental and physical impairments, other than a 69515  
mental or physical impairment solely caused by mental illness as 69516  
defined in division (A) of section 5122.01 of the Revised Code; 69517

(2) It is manifested before age twenty-two; 69518

(3) It is likely to continue indefinitely; 69519

(4) It results in one of the following: 69520

(a) In the case of a person under age three, at least one 69521  
developmental delay, as defined in rules adopted under section 69522  
5123.011 of the Revised Code, or a diagnosed physical or mental 69523  
condition that has a high probability of resulting in a 69524  
developmental delay, as defined in those rules; 69525

(b) In the case of a person at least age three but under age six, at least two developmental delays, as defined in rules adopted under section 5123.011 of the Revised Code;

(c) In the case of a person age six or older, a substantial functional limitation in at least three of the following areas of major life activity, as appropriate for the person's age: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, and, if the person is at least age sixteen, capacity for economic self-sufficiency.

(5) It causes the person to need a combination and sequence of special, interdisciplinary, or other type of care, treatment, or provision of services for an extended period of time that is individually planned and coordinated for the person.

"Developmental disability" includes intellectual disability.

(G) "Early childhood services" means a planned program of habilitation designed to meet the needs of individuals with developmental disabilities who have not attained compulsory school age.

(H) "Employment services" means prevocational services or supported employment services.

(I)(1) "Environmental modifications" means the physical adaptations to an individual's home, specified in the individual's service plan, that are necessary to ensure the individual's health, safety, and welfare or that enable the individual to function with greater independence in the home, and without which the individual would require institutionalization.

(2) "Environmental modifications" includes such adaptations as installation of ramps and grab-bars, widening of doorways, modification of bathroom facilities, and installation of specialized electric and plumbing systems necessary to accommodate

the individual's medical equipment and supplies. 69557

(3) "Environmental modifications" does not include physical 69558  
adaptations or improvements to the home that are of general 69559  
utility or not of direct medical or remedial benefit to the 69560  
individual, including such adaptations or improvements as 69561  
carpeting, roof repair, and central air conditioning. 69562

(J) "Family support services" means the services provided 69563  
under a family support services program operated under section 69564  
5126.11 of the Revised Code. 69565

(K) "Habilitation" means the process by which the staff of 69566  
the facility or agency assists an individual with a developmental 69567  
disability in acquiring and maintaining those life skills that 69568  
enable the individual to cope more effectively with the demands of 69569  
the individual's own person and environment, and in raising the 69570  
level of the individual's personal, physical, mental, social, and 69571  
vocational efficiency. Habilitation includes, but is not limited 69572  
to, programs of formal, structured education and training. 69573

(L) "Home and community-based services" has the same meaning 69574  
as in section 5123.01 of the Revised Code. 69575

(M) "ICF/IID" ~~has~~ and "ICF/IID services" have the same 69576  
~~meaning~~ meanings as in section 5124.01 of the Revised Code. 69577

(N) "Immediate family" means parents, grandparents, brothers, 69578  
sisters, spouses, sons, daughters, aunts, uncles, mothers-in-law, 69579  
fathers-in-law, brothers-in-law, sisters-in-law, sons-in-law, and 69580  
daughters-in-law. 69581

(O) "Intellectual disability" means a mental impairment 69582  
manifested during the developmental period characterized by 69583  
significantly subaverage general intellectual functioning existing 69584  
concurrently with deficiencies in the effectiveness or degree with 69585  
which an individual meets the standards of personal independence 69586  
and social responsibility expected of the individual's age and 69587

cultural group. 69588

(P) "Medicaid case management services" means case management 69589  
services provided to an individual with a developmental disability 69590  
that the state medicaid plan requires. 69591

(Q) "Prevocational services" means services that provide 69592  
learning and work experiences, including volunteer work 69593  
experiences, from which an individual can develop general 69594  
strengths and skills that are not specific to a particular task or 69595  
job but contribute to employability in community employment, 69596  
supported work at community-based sites, or self-employment. 69597

(R) "Residential services" means services to individuals with 69598  
developmental disabilities to provide housing, food, clothing, 69599  
habilitation, staff support, and related support services 69600  
necessary for the health, safety, and welfare of the individuals 69601  
and the advancement of their quality of life. "Residential 69602  
services" includes program management, as described in section 69603  
5126.14 of the Revised Code. 69604

(S) "Resources" means available capital and other assets, 69605  
including moneys received from the federal, state, and local 69606  
governments, private grants, and donations; appropriately 69607  
qualified personnel; and appropriate capital facilities and 69608  
equipment. 69609

(T) "Senior probate judge" means the current probate judge of 69610  
a county who has served as probate judge of that county longer 69611  
than any of the other current probate judges of that county. If a 69612  
county has only one probate judge, "senior probate judge" means 69613  
that probate judge. 69614

(U) "Service and support administration" means the duties 69615  
performed by a service and support administrator pursuant to 69616  
section 5126.15 of the Revised Code. 69617

(V)(1) "Specialized medical, adaptive, and assistive 69618

equipment, supplies, and supports" means equipment, supplies, and 69619  
supports that enable an individual to increase the ability to 69620  
perform activities of daily living or to perceive, control, or 69621  
communicate within the environment. 69622

(2) "Specialized medical, adaptive, and assistive equipment, 69623  
supplies, and supports" includes the following: 69624

(a) Eating utensils, adaptive feeding dishes, plate guards, 69625  
mylatex straps, hand splints, reaches, feeder seats, adjustable 69626  
pointer sticks, interpreter services, telecommunication devices 69627  
for the deaf, computerized communications boards, other 69628  
communication devices, support animals, veterinary care for 69629  
support animals, adaptive beds, supine boards, prone boards, 69630  
wedges, sand bags, sidelayers, bolsters, adaptive electrical 69631  
switches, hand-held shower heads, air conditioners, humidifiers, 69632  
emergency response systems, folding shopping carts, vehicle lifts, 69633  
vehicle hand controls, other adaptations of vehicles for 69634  
accessibility, and repair of the equipment received. 69635

(b) Nondisposable items not covered by medicaid that are 69636  
intended to assist an individual in activities of daily living or 69637  
instrumental activities of daily living. 69638

(W) "Supportive home services" means a range of services to 69639  
families of individuals with developmental disabilities to develop 69640  
and maintain increased acceptance and understanding of such 69641  
persons, increased ability of family members to teach the person, 69642  
better coordination between school and home, skills in performing 69643  
specific therapeutic and management techniques, and ability to 69644  
cope with specific situations. 69645

(X)(1) "Supported living" means services provided for as long 69646  
as twenty-four hours a day to an individual with a developmental 69647  
disability through any public or private resources, including 69648  
moneys from the individual, that enhance the individual's 69649

reputation in community life and advance the individual's quality of life by doing the following: 69650  
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(a) Providing the support necessary to enable an individual to live in a residence of the individual's choice, with any number of individuals who are not disabled, or with not more than three individuals with developmental disabilities unless the individuals are related by blood or marriage; 69652  
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(b) Encouraging the individual's participation in the community; 69657  
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(c) Promoting the individual's rights and autonomy; 69659

(d) Assisting the individual in acquiring, retaining, and improving the skills and competence necessary to live successfully in the individual's residence. 69660  
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(2) "Supported living" includes the provision of all of the following: 69663  
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(a) Housing, food, clothing, habilitation, staff support, professional services, and any related support services necessary to ensure the health, safety, and welfare of the individual receiving the services; 69665  
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(b) A combination of lifelong or extended-duration supervision, training, and other services essential to daily living, including assessment and evaluation and assistance with the cost of training materials, transportation, fees, and supplies; 69669  
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(c) Personal care services and homemaker services; 69674

(d) Household maintenance that does not include modifications to the physical structure of the residence; 69675  
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(e) Respite care services; 69677

(f) Program management, as described in section 5126.14 of the Revised Code. 69678  
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Sec. 5126.042. (A) As used in this section, "~~Department~~ 69680  
department of developmental disabilities-administered medicaid 69681  
waiver component" means a medicaid waiver component administered 69682  
by the department of developmental disabilities pursuant to 69683  
section 5166.21 of the Revised Code. 69684

(B) If a county board of developmental disabilities 69685  
determines that available resources are not sufficient to meet the 69686  
needs of all individuals who request non-medicaid programs or 69687  
services, it shall establish one or more waiting lists for the 69688  
non-medicaid programs or services in accordance with its plan 69689  
developed under section 5126.04 of the Revised Code. The board may 69690  
establish priorities for making placements on its waiting lists 69691  
established under this division. Any such priorities shall be 69692  
consistent with the board's plan and applicable law. 69693

(C) If a county board determines that available resources are 69694  
insufficient to enroll in department of developmental 69695  
disabilities-administered medicaid waiver components all 69696  
individuals who are assessed as needing home and community-based 69697  
services and have requested those services, it shall establish a 69698  
waiting list for the services in accordance with rules adopted 69699  
under this section. Before placing an individual on a waiting list 69700  
established under this division, the board shall inform the 69701  
individual of the option to receive ICF/IID services, provide the 69702  
individual with the contact information for all ICFs/IID located 69703  
in the county the board serves and contiguous counties, and direct 69704  
the individual to the searchable database of vacancies in licensed 69705  
residential facilities included on the department's internet web 69706  
site pursuant to section 5123.193 of the Revised Code. 69707

(D) The director of developmental disabilities shall adopt 69708  
rules in accordance with Chapter 119. of the Revised Code 69709  
governing a county board's waiting list established under division 69710



(C) of this section, including rules that establish all of the following: 69711  
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(1) Procedures a county board is to follow to transition individuals from a waiting list the county board established under division (C) of this section before ~~the effective date of this amendment~~ September 29, 2017, to the waiting list the county board establishes under that division after that date; 69713  
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(2) Procedures by which a county board is to ensure that the due process rights of individuals placed on the county board's waiting list are observed; 69718  
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(3) Criteria a county board is to use to determine all of the following: 69721  
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(a) An individual's eligibility to be placed on the county board's waiting list; 69723  
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(b) The date an individual ~~was~~ who has been assessed as needing home and community-based services requests the services; 69725  
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(c) The order in which individuals on the county board's waiting list are to be offered enrollment in a department of developmental disabilities-administered medicaid waiver component; 69727  
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(d) The department of developmental disabilities-administered medicaid waiver component in which an individual on the county board's waiting list is to be offered enrollment. 69730  
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(4) Grounds for removing an individual from the county board's waiting list. 69733  
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(E) The director shall consult with all of the following when adopting rules under division (D) of this section: 69735  
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(1) Individuals with developmental disabilities; 69737

(2) Associations representing individuals with developmental disabilities and the families of such individuals; 69738  
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(3) Associations representing providers of services to individuals with developmental disabilities; 69740  
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(4) The Ohio association of county boards serving people with developmental disabilities. 69742  
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(F) The following shall take precedence over the applicable provisions of this section: 69744  
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(1) Medicaid rules and regulations; 69746

(2) Any specific requirements that may be contained within a medicaid state plan amendment or department of disabilities-administered medicaid waiver component with respect to which a county board has authority to provide services, programs, or supports. 69747  
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**Sec. 5126.046.** (A) Except as otherwise provided by 42 C.F.R. 431.51, an individual with a developmental disability who is eligible for home and community-based services has the right to obtain the services from any provider of the services that is qualified to furnish the services and is willing to furnish the services to the individual. A county board of developmental disabilities that has medicaid local administrative authority under division (A) of section 5126.055 of the Revised Code for home and community-based services and refuses to permit an individual to obtain home and community-based services from a qualified and willing provider shall provide the individual timely notice that the individual may appeal under section 5160.31 of the Revised Code. 69752  
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(B) Except as otherwise provided by 42 C.F.R. 431.51, an individual with a developmental disability who is eligible for ICF/IID services has the right to obtain the services from any provider that is qualified to furnish the services and is willing to furnish the services to the individual. 69765  
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(C) An individual with a developmental disability who is eligible for both home and community-based services and ICF/IID services has the right to choose whether to receive home and community-based services or ICF/IID services. 69770  
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(D) An individual with a developmental disability who is eligible for nonmedicaid residential services or nonmedicaid supported living has the right to obtain the services from any provider of the residential services or supported living that is qualified to furnish the residential services or supported living and is willing to furnish the residential services or supported living to the individual. 69774  
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~~(C) The department of developmental disabilities shall make available to the public on its internet web site an up-to-date list of all providers of home and community based services, nonmedicaid residential services, and nonmedicaid supported living. County boards shall assist individuals with developmental disabilities and the families of such individuals access the list on the department's internet web site.~~ 69781  
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~~(D)~~(E) The director of developmental disabilities shall adopt rules in accordance with Chapter 119. of the Revised Code governing the implementation of this section. The rules shall include procedures for individuals to choose their providers. 69788  
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**Sec. 5126.047.** (A) When an individual with a developmental disability or a person acting on such an individual's behalf contacts a county board of developmental disabilities about residential services, the county board shall inform the individual or person about the different types of programs and services offered as residential services, including both ICF/IID services and home and community-based services. When informing the individual or person about ICF/IID services and home and community-based services, the county board at a minimum shall do 69792  
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both of the following: 69801

(1) Provide the individual or person a copy of the written pamphlet developed by the department of developmental disabilities under section 5124.69 of the Revised Code; 69802  
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(2) Assist the individual or person in accessing the searchable database of vacancies in licensed residential facilities that the department of developmental disabilities includes on its internet web site pursuant to section 5123.193 of the Revised Code. 69805  
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(B) If an individual with a developmental disability or a person acting on such an individual's behalf contacts a county board to express interest in ICF/IID services, the county board shall provide the individual or person contact information for all ICFs/IID located in the county that the county board serves and contiguous counties. 69810  
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**Sec. 5126.053.** (A) Beginning April 1, 2020, and then annually thereafter on or before the first day of April each year, each county board of developmental disabilities shall submit to the department of developmental disabilities, in the format established pursuant to division (B) of this section, a five-year projection of revenues and expenditures. Each five-year projection shall be approved by the superintendent of the county board. 69816  
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The department shall review each five-year projection and may require a county board to do any of the following within the time frame specified by the department: 69823  
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(1) Submit additional information; 69826

(2) Permit employees or agents of the department to visit the county board to review documents and other records that are relevant to the department's review of the five-year projection; 69827  
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(3) Submit a revised five-year projection; 69830

(4) Complete any reasonable accounting action the director of developmental disabilities considers necessary in order to obtain an accurate five-year projection. 69831  
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(B) The department, in consultation with the Ohio association of county boards of developmental disabilities, shall establish guidelines for completing and formatting the five-year projection required by division (A) of this section. 69834  
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(C) In addition to reviewing a five-year projection submitted pursuant to division (A) of this section, the department, or an entity designated by or working under contract with the department, may conduct additional reviews as the department considers necessary to assess any county board's fiscal condition. The department shall provide prior notice to a county board of any planned review. 69838  
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The department may issue recommendations to discontinue or correct fiscal practices or budgetary conditions that prompted, or were discovered by, an additional review under this division. The superintendent of a county board shall respond in writing to any such recommendations within ninety days. 69845  
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(D) If a county board fails to submit a five-year projection to the department on or before the date specified in division (A) of this section, the superintendent of the county board shall submit to the department an explanation of the circumstances that prevented the timely submission. If the department finds the explanation to be sufficient, the department may grant an extension for the submission of the county board's five-year projection. If the department finds the explanation insufficient, or if no explanation is submitted, the department may do either of the following: 69850  
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(1) Conduct further reviews as necessary to complete the five-year projections at full cost to the county board; 69860  
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<u>(2) Revoke the certification of the superintendent.</u>	69862
<u>(E) If the department determines that a county board willfully provided erroneous, inaccurate, or incomplete data as part of its five-year projection submitted pursuant to division (A) of this section, the department may take action as provided under division (D)(1) or (2) of this section.</u>	69863 69864 69865 69866 69867
<b>Sec. 5126.054.</b> <del>(A) Each</del> <u>Annually, on or before the</u> <u>thirty-first day of December each year, each</u> county board of developmental disabilities shall, by resolution, develop a <del>three-calendar year</del> <u>and submit to the department of developmental</u> <u>disabilities an annual</u> plan that includes the following <del>three</del> components:	69868 69869 69870 69871 69872 69873
<del>(1) An assessment component that includes all of the</del> <del>following:</del>	69874 69875
<del>(a)(A)</del> <u>The number of individuals with developmental</u> disabilities residing in the county who <del>need the level of care</del> <del>provided by an ICF/IID, may seek home and community based</del> <del>services, and</del> are placed on the county board's waiting list established for the services pursuant to section 5126.042 of the Revised Code; the service needs of those individuals; and the projected annualized cost for services;	69876 69877 69878 69879 69880 69881 69882
<del>(b) The source of funds available to the county board to pay</del> <del>the nonfederal share of medicaid expenditures that the county</del> <del>board is required by sections 5126.059 and 5126.0510 of the</del> <del>Revised Code to pay;</del>	69883 69884 69885 69886
<del>(e)(B)</del> <u>The projected number of individuals to whom the board</u> <u>intends to provide home and community-based services based on</u> <u>available funding as projected in the board's annual five-year</u> <u>projection report submitted pursuant to section 5126.053 of the</u> <u>Revised Code;</u>	69887 69888 69889 69890 69891

(C) How the services are to be phased in over the period the plan covers, including how the county board will serve the individuals identified in divisions (A)(1) and (2) of this section; 69892  
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(D) Any other applicable information or conditions that the department of developmental disabilities requires as a condition of approving the component plan under section 5123.046 of the Revised Code. 69896  
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~~(2) A preliminary implementation component that specifies the number of individuals to be provided, during the first year that the plan is in effect, home and community based services pursuant to their placement on the county board's waiting list established for the services pursuant to section 5126.042 of the Revised Code and the types of home and community based services the individuals are to receive;~~ 69900  
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~~(3) A component that provides for the implementation of medicaid case management services and home and community based services for individuals who begin to receive the services on or after the date the plan is approved under section 5123.046 of the Revised Code. A county board shall include all of the following in the component:~~ 69907  
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~~(a) If the department of developmental disabilities or department of medicaid requires, an agreement to pay the nonfederal share of medicaid expenditures that the county board is required by sections 5126.059 and 5126.0510 of the Revised Code to pay;~~ 69913  
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~~(b) How the services are to be phased in over the period the plan covers, including how the county board will serve individuals placed on the county board's waiting list established for the services pursuant to section 5126.042 of the Revised Code;~~ 69918  
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~~(c) Any agreement or commitment regarding the county board's~~ 69922

~~funding of home and community based services that the county board  
has with the department at the time the county board develops the  
component;~~ 69923  
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~~(d) Assurances adequate to the department that the county  
board will comply with all of the following requirements:~~ 69926  
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~~(i) To provide the types of home and community based services  
specified in the preliminary implementation component required by  
division (A)(2) of this section to at least the number of  
individuals specified in that component;~~ 69928  
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~~(ii) To use any additional funds the county board receives  
for the services to improve the county board's resource  
capabilities for supporting such services available in the county  
at the time the component is developed and to expand the services  
to accommodate the unmet need for those services in the county;~~ 69932  
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~~(iii) To employ or contract with a business manager or enter  
into an agreement with another county board of developmental  
disabilities that employs or contracts with a business manager to  
have the business manager serve both county boards. No  
superintendent of a county board may serve as the county board's  
business manager.~~ 69937  
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~~(iv) To employ or contract with a medicaid services manager  
or enter into an agreement with another county board of  
developmental disabilities that employs or contracts with a  
medicaid services manager to have the medicaid services manager  
serve both county boards. No superintendent of a county board may  
serve as the county board's medicaid services manager.~~ 69943  
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~~(e) Programmatic and financial accountability measures and  
projected outcomes expected from the implementation of the plan;~~ 69949  
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~~(f) Any other applicable information or conditions that the  
department requires as a condition of approving the component  
under section 5123.046 of the Revised Code.~~ 69951  
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~~(B) A county board whose plan developed under division (A) of this section is approved by the department under section 5123.046 of the Revised Code shall update and renew the plan in accordance with a schedule the department shall develop.~~

**Sec. 5126.055.** (A) Except as provided in section 5126.056 of the Revised Code, a county board of developmental disabilities has medicaid local administrative authority to, and shall, do all of the following for an individual with a developmental disability who resides in the county that the county board serves and seeks or receives home and community-based services:

(1) Perform assessments and evaluations of the individual. As part of the assessment and evaluation process, all of the following apply:

(a) The county board shall make a recommendation to the department of developmental disabilities on whether the department should approve or deny the individual's application for the services, including on the basis of whether the individual needs the level of care an ICF/IID provides.

(b) If the individual's application is denied because of the county board's recommendation and the individual appeals pursuant to section 5160.31 of the Revised Code, the county board shall present, with the department of developmental disabilities or department of medicaid, whichever denies the application, the reasons for the recommendation and denial at the hearing.

(c) If the individual's application is approved, the county board shall recommend to the departments of developmental disabilities and medicaid the services that should be included in the individual service plan. If either department under section 5166.21 of the Revised Code approves, reduces, denies, or terminates a service included in the plan because of the county board's recommendation, the board shall present, with the

department that made the approval, reduction, denial, or 69986  
termination, the reasons for the recommendation and approval, 69987  
reduction, denial, or termination at a hearing held pursuant to an 69988  
appeal made under section 5160.31 of the Revised Code. 69989

(2) Perform any duties assigned to the county board in rules 69990  
adopted under section 5126.046 of the Revised Code regarding the 69991  
individual's right to choose a qualified and willing provider of 69992  
the services and, at a hearing held pursuant to an appeal made 69993  
under section 5160.31 of the Revised Code, present evidence of the 69994  
process for appropriate assistance in choosing providers; 69995

(3) If the county board is certified under section 5123.161 69996  
of the Revised Code to provide the services and agrees to provide 69997  
the services to the individual and the individual chooses the 69998  
county board to provide the services, furnish, in accordance with 69999  
the county board's medicaid provider agreement and for the 70000  
authorized reimbursement rate, the services the individual 70001  
requires; 70002

(4) Monitor the services provided to the individual and 70003  
ensure the individual's health, safety, and welfare. The 70004  
monitoring shall include quality assurance activities. If the 70005  
county board provides the services, the department of 70006  
developmental disabilities shall also monitor the services. 70007

(5) Develop, with the individual and the provider of the 70008  
individual's services, an effective individual service plan that 70009  
includes coordination of services, recommend that the departments 70010  
of developmental disabilities and medicaid approve the plan, and 70011  
implement the plan unless either department disapproves it. The 70012  
plan shall include a summary page, agreed to by the county board, 70013  
provider, and individual receiving services, that clearly outlines 70014  
the amount, duration, and scope of services to be provided under 70015  
the plan. 70016

(6) Have an investigative agent conduct investigations under section 5126.313 of the Revised Code that concern the individual; 70017  
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(7) Have a service and support administrator perform the duties under division (B)~~(9)~~(8) of section 5126.15 of the Revised Code that concern the individual. 70019  
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(B) A county board shall perform its medicaid local administrative authority under this section in accordance with all of the following: 70022  
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(1) The county board's plan that the department of developmental disabilities approves under section 5123.046 of the Revised Code; 70025  
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(2) All applicable federal and state laws; 70028

(3) All applicable policies of the departments of developmental disabilities and medicaid and the United States department of health and human services; 70029  
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(4) The department of medicaid's supervision under its authority as the single state medicaid agency; 70032  
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(5) The department of developmental disabilities' oversight. 70034

(C) The departments of developmental disabilities and medicaid shall communicate with and provide training to county boards regarding medicaid local administrative authority granted by this section. The communication and training shall include issues regarding audit protocols and other standards established by the United States department of health and human services that the departments determine appropriate for communication and training. County boards shall participate in the training. The departments shall assess the county board's compliance against uniform standards that the departments shall establish. 70035  
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(D) A county board may not delegate its medicaid local administrative authority granted under this section but may 70045  
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contract with a person or government entity, including a council 70047  
of governments, for assistance with its medicaid local 70048  
administrative authority. A county board that enters into such a 70049  
contract shall notify the director of developmental disabilities. 70050  
The notice shall include the tasks and responsibilities that the 70051  
contract gives to the person or government entity. The person or 70052  
government entity shall comply in full with all requirements to 70053  
which the county board is subject regarding the person or 70054  
government entity's tasks and responsibilities under the contract. 70055  
The county board remains ultimately responsible for the tasks and 70056  
responsibilities. 70057

(E) A county board that has medicaid local administrative 70058  
authority under this section shall, through the departments of 70059  
developmental disabilities and medicaid, reply to, and cooperate 70060  
in arranging compliance with, a program or fiscal audit or program 70061  
violation exception that a state or federal audit or review 70062  
discovers. The department of medicaid shall timely notify the 70063  
department of developmental disabilities and the county board of 70064  
any adverse findings. After receiving the notice, the county 70065  
board, in conjunction with the department of developmental 70066  
disabilities, shall cooperate fully with the department of 70067  
medicaid and timely prepare and send to the department a written 70068  
plan of correction or response to the adverse findings. The county 70069  
board is liable for any adverse findings that result from an 70070  
action it takes or fails to take in its implementation of medicaid 70071  
local administrative authority. 70072

(F) If the department of developmental disabilities or 70073  
department of medicaid determines that a county board's 70074  
implementation of its medicaid local administrative authority 70075  
under this section is deficient, the department that makes the 70076  
determination shall require that county board do the following: 70077

(1) If the deficiency affects the health, safety, or welfare 70078

of an individual with a developmental disability, correct the 70079  
deficiency within twenty-four hours; 70080

(2) If the deficiency does not affect the health, safety, or 70081  
welfare of an individual with a developmental disability, receive 70082  
technical assistance from the department or submit a plan of 70083  
correction to the department that is acceptable to the department 70084  
within sixty days and correct the deficiency within the time 70085  
required by the plan of correction. 70086

**Sec. 5126.056.** (A) The department of developmental 70087  
disabilities shall take action under division (B) of this section 70088  
against a county board of developmental disabilities if any of the 70089  
following are the case: 70090

(1) The county board fails to submit to the department all 70091  
the components of its ~~three-year~~ annual plan required by section 70092  
5126.054 of the Revised Code. 70093

(2) The department disapproves the county board's ~~three-year~~ 70094  
annual plan under section 5123.046 of the Revised Code. 70095

~~(3) The county board fails, as required by division (B) of 70096  
section 5126.054 of the Revised Code, to update and renew its 70097  
three-year plan in accordance with a schedule the department 70098  
develops under that section. 70099~~

~~(4) The county board fails to implement its initial or 70100  
renewed three-year annual plan approved by the department. 70101~~

~~(5)~~(4) The county board fails to correct a deficiency within 70102  
the time required by division (F) of section 5126.055 of the 70103  
Revised Code to the satisfaction of the department. 70104

~~(6)~~(5) The county board fails to submit an acceptable plan of 70105  
correction to the department within the time required by division 70106  
(F)(2) of section 5126.055 of the Revised Code. 70107

(B) If required by division (A) of this section to take 70108

action against a county board, the department shall issue an order 70109  
terminating the county board's medicaid local administrative 70110  
authority over all or part of home and community-based services, 70111  
medicaid case management services, or all or part of both of those 70112  
services. The department shall provide a copy of the order to the 70113  
board of county commissioners, senior probate judge, county 70114  
auditor, and president and superintendent of the county board. The 70115  
department shall specify in the order the medicaid local 70116  
administrative authority that the department is terminating, the 70117  
reason for the termination, and the county board's option and 70118  
responsibilities under this division. 70119

A county board whose medicaid local administrative authority 70120  
is terminated may, not later than thirty days after the department 70121  
issues the termination order, recommend to the department that 70122  
another county board that has not had any of its medicaid local 70123  
administrative authority terminated or another entity the 70124  
department approves administer the services for which the county 70125  
board's medicaid local administrative authority is terminated. The 70126  
department may contract with the other county board or entity to 70127  
administer the services. If the department enters into such a 70128  
contract, the county board shall adopt a resolution giving the 70129  
other county board or entity full medicaid local administrative 70130  
authority over the services that the other county board or entity 70131  
is to administer. The other county board or entity shall be known 70132  
as the contracting authority. 70133

If the department rejects the county board's recommendation 70134  
regarding a contracting authority, the county board may appeal the 70135  
rejection under section 5123.043 of the Revised Code. 70136

If the county board does not submit a recommendation to the 70137  
department regarding a contracting authority within the required 70138  
time or the department rejects the county board's recommendation 70139  
and the rejection is upheld pursuant to an appeal, if any, under 70140

section 5123.043 of the Revised Code, the department shall appoint 70141  
an administrative receiver to administer the services for which 70142  
the county board's medicaid local administrative authority is 70143  
terminated. To the extent necessary for the department to appoint 70144  
an administrative receiver, the department may utilize employees 70145  
of the department, management personnel from another county board, 70146  
or other individuals who are not employed by or affiliated with in 70147  
any manner a person that provides home and community-based 70148  
services or medicaid case management services pursuant to a 70149  
contract with any county board. The administrative receiver shall 70150  
assume full administrative responsibility for the county board's 70151  
services for which the county board's medicaid local 70152  
administrative authority is terminated. 70153

The contracting authority or administrative receiver shall 70154  
develop and submit to the department a plan of correction to 70155  
remediate the problems that caused the department to issue the 70156  
termination order. If, after reviewing the plan, the department 70157  
approves it, the contracting authority or administrative receiver 70158  
shall implement the plan. 70159

The county board shall transfer control of state and federal 70160  
funds it is otherwise eligible to receive for the services for 70161  
which the county board's medicaid local administrative authority 70162  
is terminated and funds the county board may use under division 70163  
(A) of section 5126.0511 of the Revised Code to pay the nonfederal 70164  
share of the services that the county board is required by 70165  
sections 5126.059 and 5126.0510 of the Revised Code to pay. The 70166  
county board shall transfer control of the funds to the 70167  
contracting authority or administrative receiver administering the 70168  
services. The amount the county board shall transfer shall be the 70169  
amount necessary for the contracting authority or administrative 70170  
receiver to fulfill its duties in administering the services, 70171  
including its duties to pay its personnel for time worked, travel, 70172

and related matters. If the county board fails to make the 70173  
transfer, the department may withhold the state and federal funds 70174  
from the county board and bring a mandamus action against the 70175  
county board in the court of common pleas of the county served by 70176  
the county board or in the Franklin county court of common pleas. 70177  
The mandamus action may not require that the county board transfer 70178  
any funds other than the funds the county board is required by 70179  
division (B) of this section to transfer. 70180

The contracting authority or administrative receiver has the 70181  
right to authorize the payment of bills in the same manner that 70182  
the county board may authorize payment of bills under this chapter 70183  
and section 319.16 of the Revised Code. 70184

**Sec. 5126.15.** (A) A county board of developmental 70185  
disabilities shall provide service and support administration to 70186  
each individual three years of age or older who is eligible for 70187  
service and support administration if the individual requests, or 70188  
a person on the individual's behalf requests, service and support 70189  
administration. A board shall provide service and support 70190  
administration to each individual receiving home and 70191  
community-based services. A board may provide, in accordance with 70192  
the service coordination requirements of 34 C.F.R. 303.23, service 70193  
and support administration to an individual under three years of 70194  
age eligible for early intervention services under 34 C.F.R. part 70195  
303. A board may provide service and support administration to an 70196  
individual who is not eligible for other services of the board. 70197  
Service and support administration shall be provided in accordance 70198  
with rules adopted under section 5126.08 of the Revised Code. 70199

A board may provide service and support administration by 70200  
directly employing service and support administrators or by 70201  
contracting with entities for the performance of service and 70202  
support administration. Individuals employed or under contract as 70203



service and support administrators shall not be in the same 70204  
collective bargaining unit as employees who perform duties that 70205  
are not administrative. 70206

A service and support administrator shall perform only the 70207  
duties specified in division (B) of this section. While employed 70208  
by or under contract with a board, a service and support 70209  
administrator shall neither be employed by or serve in a 70210  
decision-making or policy-making capacity for any other entity 70211  
that provides programs or services to individuals with 70212  
developmental disabilities nor provide programs or services to 70213  
individuals with ~~mental retardation or~~ developmental disabilities 70214  
through self-employment. 70215

(B) A service and support administrator shall do all of the 70216  
following: 70217

(1) Establish an individual's eligibility for the services of 70218  
the county board of developmental disabilities; 70219

(2) Assess individual needs for services; 70220

(3) Develop individual service plans with the active 70221  
participation of the individual to be served, other persons 70222  
selected by the individual, and, when applicable, the provider 70223  
selected by the individual, and recommend the plans for approval 70224  
by the department of developmental disabilities when services 70225  
included in the plans are funded through medicaid; 70226

(4) Establish budgets for services based on the individual's 70227  
assessed needs and preferred ways of meeting those needs; 70228

(5) Assist individuals in making selections from among the 70229  
providers they have chosen; 70230

(6) Ensure that services are effectively coordinated and 70231  
provided by appropriate providers; 70232

(7) Establish and implement an ongoing system of monitoring 70233

the implementation of individual service plans to achieve 70234  
consistent implementation and the desired outcomes for the 70235  
individual; 70236

~~(8) Perform quality assurance reviews as a distinct function 70237  
of service and support administration; 70238~~

~~(9) Incorporate the results of quality assurance reviews and 70239  
identified trends and patterns of unusual incidents and major 70240  
unusual incidents into amendments of an individual's service plan 70241  
for the purpose of improving and enhancing the quality and 70242  
appropriateness of services rendered to the individual. 70243~~

**Sec. 5139.87.** (A) The department of youth services shall 70244  
serve as the state agent for the administration of ~~all~~ federal 70245  
juvenile justice grants awarded to the state. 70246

(B) There ~~are~~ is hereby created in the state treasury the 70247  
~~federal~~ juvenile justice ~~programs funds and delinquency prevention~~  
fund. ~~A separate fund shall be established each federal fiscal~~ 70248  
~~year.~~ All federal grants and other moneys received for federal 70249  
juvenile programs shall be deposited into the ~~funds~~ fund. All 70250  
receipts deposited into the ~~funds~~ fund shall be used for federal 70251  
juvenile programs. All investment earnings on the cash balance in 70252  
~~a federal juvenile program~~ the fund shall be credited to ~~that the~~ 70253  
fund for the appropriate federal fiscal year. The department of 70254  
youth services shall maintain a financial activity report of each 70255  
individual grant within the fund, including any expenses or 70256  
revenues credited to those individual grants. 70257  
70258

~~(C) All rules, orders, and determinations of the office of 70259  
eriminal justice services regarding the administration of federal 70260  
juvenile justice grants that are in effect on the effective date 70261  
of this amendment shall continue in effect as rules, orders, and 70262  
determinations of the department of youth services. 70263~~

Sec. 5145.162. (A) There is hereby created the office of 70264  
enterprise development advisory board to advise and assist the 70265  
department of rehabilitation and correction with the creation of 70266  
training programs and jobs for inmates and releasees through 70267  
partnerships with private sector businesses. The board shall 70268  
consist of at least five appointed members and the staff 70269  
representative assigned by the correctional institution inspection 70270  
committee, who shall serve as an ex officio member. Each member 70271  
shall have experience in labor relations, marketing, business 70272  
management, or business. The members and chairperson shall be 70273  
appointed by the director of the department of rehabilitation and 70274  
correction. 70275

(B) Each member of the advisory board shall receive no 70276  
compensation but may be reimbursed for expenses actually and 70277  
necessarily incurred in the performance of official duties of the 70278  
board. Members of the board who are state employees shall be 70279  
reimbursed for expenses pursuant to travel rules promulgated by 70280  
the office of budget and management. 70281

(C) The advisory board shall adopt procedures for the conduct 70282  
of the board's meetings. The board shall meet at least once every 70283  
quarter, and otherwise shall meet at the call of the chairperson 70284  
or the director of the department of rehabilitation and 70285  
correction. Sixty per cent of the members shall constitute a 70286  
quorum. No transaction of the board's business shall be taken 70287  
without the concurrence of a quorum of the members. The board may 70288  
have committees with persons who are not members of the board but 70289  
whose experience and expertise is relevant and useful to the work 70290  
of the committee. 70291

(D) The advisory board shall have the following duties: 70292

(1) Solicit business proposals offering job training, 70293  
apprenticeship, education programs, and employment opportunities 70294

for inmates <del>and</del> , releasees, <u>and Ohio penal industries;</u>	70295
(2) Provide information and input to the office of enterprise development to support the job training and employment program of inmates and releasees and any additional, related duties as requested by the director of the department of rehabilitation and correction;	70296 70297 70298 70299 70300
(3) Recommend to the office of enterprise development any legislation, administrative rule, or department policy change that the board believes is necessary to implement the department's program;	70301 70302 70303 70304
(4) Promote public awareness of the office of enterprise development and the office's employment program;	70305 70306
(5) Familiarize itself and the public with avenues to access the office of enterprise development on employment program concerns;	70307 70308 70309
(6) Advocate for the needs and concerns of the office of enterprise development in local communities, counties, and the state;	70310 70311 70312
(7) Play an active role in the office of enterprise development's efforts to reduce recidivism in the state by doing all of the following:	70313 70314 70315
(a) Providing input and making recommendations for the office's consideration in monitoring employment program compliance and effectiveness;	70316 70317 70318
(b) Making suggestions on the appropriate priorities for the office's grant award criteria;	70319 70320
(c) Being a liaison between the office and constituents of the board's members;	70321 70322
(d) Working to develop constituent groups interested in employment program issues;	70323 70324

(8) Aid in the employment program development process by 70325  
playing a leadership role in professional associations by 70326  
discussing employment program issues. 70327

(E) The department of rehabilitation and correction shall 70328  
initially screen each proposal obtained under division (D)(1) of 70329  
this section to ensure that the proposal is a viable venture to 70330  
pursue. If the department determines that a proposal is a viable 70331  
venture to pursue, the department shall submit the proposal to the 70332  
board for objective review against established guidelines. The 70333  
board shall determine whether to recommend the implementation of 70334  
the program to the department. 70335

**Sec. 5149.38.** (A) In each ~~target county and in each~~ voluntary 70336  
county, subject to division (B) of this section and not later than 70337  
~~thirty days after the effective date of this section~~ October 29, 70338  
2017, a county commissioner representing the board of county 70339  
commissioners of the county, the administrative judge of the 70340  
general division of the court of common pleas of the county, the 70341  
sheriff of the county, and an official from any municipality 70342  
operating a local correctional facility in the county to which 70343  
courts of the county sentence offenders shall agree to, sign, and 70344  
submit to the department of rehabilitation and correction for its 70345  
approval a memorandum of understanding that does both of the 70346  
following: 70347

(1) Sets forth the plans by which the county will use grant 70348  
money provided to the county in state fiscal year 2018 and 70349  
succeeding state fiscal years under the targeting community 70350  
alternatives to prison (T-CAP) program. 70351

(2) Specifies the manner in which the county will address a 70352  
per diem reimbursement of local correctional facilities for 70353  
prisoners who serve a prison term in the facility pursuant to 70354  
division (B)(3)(c) of section 2929.34 of the Revised Code. The per 70355

diem reimbursement rate shall be the rate determined in division 70356  
(F)(1) of this section and shall be specified in the memorandum. 70357

(B) Two or more ~~target counties or~~ voluntary counties may 70358  
join together to jointly establish a memorandum of understanding 70359  
of the type described in division (A) of this section. Not later 70360  
than ~~thirty days after the effective date of this section~~ October 70361  
29, 2017, a county commissioner from each of the affiliating 70362  
~~target counties or~~ voluntary counties representing the county's 70363  
board of county commissioners, the administrative judge of the 70364  
general division of the court of common pleas of each affiliating 70365  
~~target county or~~ voluntary county, the sheriff of each affiliating 70366  
~~target county or~~ voluntary county, and an official from any 70367  
municipality operating a local correctional facility in the 70368  
affiliating ~~target counties and~~ voluntary counties to which courts 70369  
of the counties sentence offenders shall agree to, sign, and 70370  
submit to the department of rehabilitation and correction for its 70371  
approval the memorandum of understanding. The memorandum of 70372  
understanding shall set forth the plans by which, and specify the 70373  
manner in which, the affiliating counties will complete the tasks 70374  
identified in divisions (A)(1) and (2) of this section. 70375

(C) The department of rehabilitation and correction shall 70376  
adopt rules establishing standards for approval of memorandums of 70377  
understanding submitted to it under division (A) or (B) of this 70378  
section. The department shall review the memorandums of 70379  
understanding submitted to it and may require the county or 70380  
counties that submit a memorandum to modify the memorandum. The 70381  
director of rehabilitation and correction shall approve 70382  
memorandums of understanding submitted to it under division (A) or 70383  
(B) of this section that the director determines satisfy the 70384  
standards adopted by the department within thirty days after 70385  
receiving each memorandum submitted. 70386

(D) Any person responsible for agreeing to, signing, and 70387

submitting a memorandum of understanding under division (A) or (B) 70388  
of this section may delegate the person's authority to do so to an 70389  
employee of the agency, entity, or office served by the person. 70390

(E) The persons signing a memorandum of understanding under 70391  
division (A) or (B) of this section, or their successors in 70392  
office, may revise the memorandum as they determine necessary. Any 70393  
revision of the memorandum shall be signed by the parties 70394  
specified in division (A) or (B) of this section and submitted to 70395  
the department of rehabilitation and correction for its approval 70396  
under division (C) of this section within thirty days after the 70397  
beginning of the state fiscal year. 70398

(F)(1) In each county, ~~the sheriff shall determine the per~~ 70399  
~~diem costs for local correctional facilities in the county for the~~ 70400  
~~housing of prisoners who serve a term in the facility pursuant to~~ 70401  
~~division (B)(3)(c) of section 2929.34 of the Revised Code, as~~ 70402  
~~follows:~~ 70403

~~(a) In calendar year 2017, not later than the date on which~~ 70404  
~~the appropriate representatives of the county enter into a~~ 70405  
~~contract with the department of rehabilitation and correction~~ 70406  
~~under the targeting community alternatives to prison (T-CAP)~~ 70407  
~~program, the sheriff shall determine the per diem costs for each~~ 70408  
~~of the facilities for the housing in the facility of prisoners~~ 70409  
~~serving a prison term for a felony in calendar year 2016. The per~~ 70410  
~~diem cost so determined shall apply in calendar year 2017.~~ 70411

~~(b) Commencing~~ commencing in calendar year 2018, on or before 70412  
the first day of February of each calendar year the sheriff shall 70413  
determine the per diem costs for the preceding calendar year for 70414  
each of the local correctional facilities for the housing in the 70415  
facility of prisoners who serve a term in it pursuant to division 70416  
(B)(3)(c) of section 2929.34 of the Revised Code. The per diem 70417  
cost so determined shall apply in the calendar year in which the 70418  
determination is made. 70419

(2) For each county, the per diem cost determined under 70420  
division (F)(1) of this section that applies with respect to a 70421  
facility in a specified calendar year shall be the per diem rate 70422  
of reimbursement in that calendar year, under the targeting 70423  
community alternatives to prison (T-CAP) program, for prisoners 70424  
who serve a term in the facility pursuant to division (B)(3)(c) of 70425  
section 2929.34 of the Revised Code. 70426

(3) The per diem costs of housing determined under division 70427  
(F)(1) of this section for a facility shall be the actual costs of 70428  
housing the specified prisoners in the facility, on a per diem 70429  
basis. 70430

(G) As used in this section: 70431

(1) "Local correctional facility" means a facility of a type 70432  
described in division (C) or (D) of section 2929.34 of the Revised 70433  
Code. 70434

(2) ~~"Target county" and "voluntary"~~ "Voluntary county" have 70435  
has the same meanings as in section 2929.34 of the Revised Code. 70436

**Sec. 5160.01.** As used in this chapter: 70437

(A) "Assisted living program" has the same meaning as in 70438  
section 173.51 of the Revised Code. 70439

(B) "Dual eligible individual" has the same meaning as in the 70440  
"Social Security Act," section 1915(h)(2)(B), 42 U.S.C. 70441  
1396n(h)(2)(B). A dual eligible individual is a medicare-medicaid 70442  
enrollee (MME). 70443

~~(B)~~(C) "Exchange" has the same meaning as in 45 C.F.R. 70444  
155.20. 70445

~~(C)~~(D) "Federal financial participation" means the federal 70446  
government's share of expenditures made by an entity in 70447  
implementing a medical assistance program. 70448



~~(D)~~(E) "Medical assistance program" means all of the following: 70449

(1) The medicaid program; 70451

(2) The children's health insurance program; 70452

(3) The refugee medical assistance program; 70453

(4) Any other program that provides medical assistance and state statutes authorize the department of medicaid to administer. 70454  
70455

~~(E)~~(F) "Medical assistance recipient" means a recipient of a medical assistance program. To the extent appropriate in the context, "medical assistance recipient" includes an individual applying for a medical assistance program, a former medical assistance recipient, or both. 70456  
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70458  
70459  
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~~(F)~~(G) "Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code. 70461  
70462

(H) "Nursing facility" has the same meaning as in section 5165.01 of the Revised Code. 70463  
70464

~~(G)~~(I) "Refugee medical assistance program" means the program that the department of medicaid administers pursuant to section 5160.50 of the Revised Code. 70465  
70466  
70467

(J) "Residential care facility" has the same meaning as in section 3721.01 of the Revised Code. 70468  
70469

**Sec. 5160.48.** (A)(1) The medicaid director shall adopt rules under section 5160.02 of the Revised Code implementing sections 5160.45 to 5160.481 of the Revised Code and governing the custody, use, disclosure, and preservation of the information generated or received by the department of medicaid, county departments of job and family services, other state and county entities, contractors, grantees, private entities, or officials participating in the administration of medical assistance programs. ~~The~~ 70470  
70471  
70472  
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Subject to division (A)(2) of this section, the rules shall 70478  
be adopted in accordance with Chapter 119. of the Revised Code. 70479  
The rules may define who is an "authorized representative" for 70480  
purposes of sections 5160.45 and 5160.46 of the Revised Code. The 70481  
rules shall specify conditions and procedures for the release of 70482  
information, which may include both of the following: 70483

~~(1)~~(a) Permitting a provider of a service under a medical 70484  
assistance program limited access to information that is essential 70485  
for the provider to render the service or to bill for the service 70486  
rendered; 70487

~~(2)~~(b) Permitting a contractor, grantee, or other state or 70488  
county entity limited access to information that is essential for 70489  
the contractor, grantee, or entity to perform administrative or 70490  
other duties on behalf of the department or a county department. 70491

(2) In the case of a medical assistance recipient who is a 70492  
resident of a nursing facility or residential care facility, and 70493  
the facility participates in the assisted living program, a county 70494  
department of job and family services shall automatically 70495  
designate the nursing facility or residential care facility as the 70496  
recipient's primary authorized representative at the time of the 70497  
application for medical assistance. Both of the following apply to 70498  
a facility that is automatically designated as an authorized 70499  
representative pursuant to this division: 70500

(a) The facility shall be considered an authorized 70501  
representative for purposes of sections 5160.45 and 5160.46 of the 70502  
Revised Code and shall be subject to all rules regarding 70503  
authorized representatives that are adopted under division (A)(1) 70504  
of this section; 70505

(b) The facility may resign as an authorized representative. 70506

A medical assistance recipient may designate additional 70507  
authorized representatives in the manner provided for in rules. 70508

(B) The department of aging, when investigating a complaint 70509  
under section 173.20 of the Revised Code, shall be granted any 70510  
limited access permitted in the rules authorized by division 70511  
(A)(1)(a) of this section. 70512

A contractor, grantee, or entity given access to information 70513  
pursuant to the rules authorized by division (A)(2)(1)(b) of this 70514  
section is bound by the director's rules. Disclosure of the 70515  
information by the contractor, grantee, or entity in a manner not 70516  
authorized by the rules is a violation of section 5160.45 of the 70517  
Revised Code. 70518

**Sec. 5162.01.** (A) As used in the Revised Code: 70519

(1) "Medicaid" and "medicaid program" mean the program of 70520  
medical assistance established by Title XIX of the "Social 70521  
Security Act," 42 U.S.C. 1396 et seq., including any medical 70522  
assistance provided under the medicaid state plan or a federal 70523  
medicaid waiver granted by the United States secretary of health 70524  
and human services. 70525

(2) "Medicare" and "medicare program" mean the federal health 70526  
insurance program established by Title XVIII of the "Social 70527  
Security Act," 42 U.S.C. 1395 et seq. 70528

(B) As used in this chapter: 70529

(1) ~~"Dual eligible individual" has the same meaning as in~~ 70530  
~~section 5160.01 of the Revised Code.~~ 70531

~~(2) "Exchange" has the same meaning as in 45 C.F.R. 155.20.~~ 70532

~~(3)(2) "Expansion eligibility group" has the same meaning as~~ 70533  
~~in section 5163.01 of the Revised Code.~~ 70534

(3) "Federal financial participation" has the same meaning as 70535  
in section 5160.01 of the Revised Code. 70536

~~(4)(4) "Federal poverty line" means the official poverty line~~ 70537

defined by the United States office of management and budget based 70538  
on the most recent data available from the United States bureau of 70539  
the census and revised by the United States secretary of health 70540  
and human services pursuant to the "Omnibus Budget Reconciliation 70541  
Act of 1981," section 673(2), 42 U.S.C. 9902(2). 70542

~~(5)~~(5) "Healthcheck" has the same meaning as in section 70543  
5164.01 of the Revised Code. 70544

~~(6)~~(6) "Healthy start component" means the component of the 70545  
medicaid program that covers pregnant women and children and is 70546  
identified in rules adopted under section 5162.02 of the Revised 70547  
Code as the healthy start component. 70548

~~(7)~~(7) "Home and community-based services" means services 70549  
provided under a home and community-based services medicaid waiver 70550  
component. 70551

~~(8)~~(8) "Home and community-based services medicaid waiver 70552  
component" has the same meaning as in section 5166.01 of the 70553  
Revised Code. 70554

~~(9)~~(9) "ICF/IID" has the same meaning as in section 5124.01 70555  
of the Revised Code. 70556

~~(10)~~(10) "Individualized education program" has the same 70557  
meaning as in section 3323.011 of the Revised Code. 70558

~~(11)~~(11) "Medicaid managed care organization" has the same 70559  
meaning as in section 5167.01 of the Revised Code. 70560

~~(12)~~(12) "Medicaid MCO plan" has the same meaning as in 70561  
section 5167.01 of the Revised Code. 70562

(13) "Medicaid provider" has the same meaning as in section 70563  
5164.01 of the Revised Code. 70564

~~(13)~~(14) "Medicaid services" has the same meaning as in 70565  
section 5164.01 of the Revised Code. 70566

~~(14)~~(15) "Medicaid waiver component" has the same meaning as 70567

in section 5166.01 of the Revised Code; 70568

~~(15)~~(16) "Nursing facility" and "nursing facility services" 70569  
have the same meanings as in section 5165.01 of the Revised Code. 70570

~~(16)~~(17) "Ordering or referring only provider" means a 70571  
medicaid provider who orders, prescribes, refers, or certifies a 70572  
service or item reported on a claim for medicaid payment but does 70573  
not bill for medicaid services. 70574

~~(17)~~(18) "Political subdivision" means a municipal 70575  
corporation, township, county, school district, or other body 70576  
corporate and politic responsible for governmental activities only 70577  
in a geographical area smaller than that of the state. 70578

~~(18)~~(19) "Prescribed drug" has the same meaning as in section 70579  
5164.01 of the Revised Code. 70580

~~(19)~~(20) "Provider agreement" has the same meaning as in 70581  
section 5164.01 of the Revised Code. 70582

~~(20)~~(21) "Qualified medicaid school provider" means the board 70583  
of education of a city, local, or exempted village school 70584  
district, the governing board of an educational service center, 70585  
the governing authority of a community school established under 70586  
Chapter 3314. of the Revised Code, the state school for the deaf, 70587  
and the state school for the blind to which both of the following 70588  
apply: 70589

(a) It holds a valid provider agreement. 70590

(b) It meets all other conditions for participation in the 70591  
medicaid school component of the medicaid program established in 70592  
rules authorized by section 5162.364 of the Revised Code. 70593

~~(21)~~(22) "State agency" means every organized body, office, 70594  
or agency, other than the department of medicaid, established by 70595  
the laws of the state for the exercise of any function of state 70596  
government. 70597

~~(22)~~(23) "Vendor offset" means a reduction of a medicaid 70598  
payment to a medicaid provider to correct a previous, incorrect 70599  
medicaid payment to that provider. 70600

**Sec. 5162.12.** (A) The medicaid director shall enter into a 70601  
contract with one or more persons to receive and process, on the 70602  
director's behalf, requests for medicaid recipient or claims 70603  
payment data, data from reports of audits conducted under section 70604  
5165.109 of the Revised Code, or extracts or analyses of any of 70605  
the foregoing data made by persons who intend to use the items 70606  
prepared pursuant to the requests for commercial or academic 70607  
purposes. 70608

(B) At a minimum, a contract entered into under this section 70609  
shall do both of the following: 70610

(1) Authorize the contracting person to engage in the 70611  
activities described in division (A) of this section for 70612  
compensation, which must be stated as a percentage of the fees 70613  
paid by persons who are provided the items; 70614

(2) Require the contracting person to charge for an item 70615  
prepared pursuant to a request a fee in an amount equal to one 70616  
hundred two per cent of the cost the department of medicaid incurs 70617  
in making the data used to prepare the item available to the 70618  
contracting person. 70619

(C) Except as required by federal or state law and subject to 70620  
division (E) of this section, both of the following conditions 70621  
apply with respect to a request for data described in division (A) 70622  
of this section: 70623

(1) The request shall be made through a person who has 70624  
entered into a contract with the medicaid director under this 70625  
section. 70626

(2) An item prepared pursuant to the request may be provided 70627

to the department of medicaid and is confidential and not subject 70628  
to disclosure under section 149.43 or 1347.08 of the Revised Code. 70629

(D) The medicaid director shall use fees the director 70630  
receives pursuant to a contract entered into under this section to 70631  
pay obligations specified in contracts entered under this section. 70632  
Any money remaining after the obligations are paid shall be 70633  
deposited in the health care/medicaid support and recoveries fund 70634  
created under section 5162.52 of the Revised Code. 70635

(E) This section does not apply to requests for medicaid 70636  
recipient or claims payment data, data from reports of audits 70637  
conducted under section 5165.109 of the Revised Code, or extracts 70638  
or analyses of any of the foregoing data that are for any of the 70639  
following purposes: 70640

(1) Treatment of medicaid recipients; 70641

(2) Payment of medicaid claims; 70642

(3) Establishment or management of medicaid third party 70643  
liability pursuant to sections 5160.35 to 5160.43 of the Revised 70644  
Code; 70645

(4) Compliance with the terms of an agreement the medicaid 70646  
director enters into for purposes of administering the medicaid 70647  
program; 70648

~~(5) Compliance with an operating protocol the executive 70649  
director of the office of health transformation or the executive 70650  
director's designee adopts under division (D) of section 191.06 of 70651  
the Revised Code. 70652~~

**Sec. 5162.137.** The department of medicaid shall develop 70653  
findings based on the quarterly reports provided to the department 70654  
by pharmacy benefit managers under section 5167.243 of the Revised 70655  
Code. The department shall complete a report detailing the 70656  
findings not later than sixty days after receiving each quarterly 70657

report. The report shall be submitted to the general assembly in 70658  
accordance with section 101.68 of the Revised Code. On request, 70659  
the department also shall testify about its findings before either 70660  
chamber of the general assembly or the joint medicaid oversight 70661  
committee. The department shall keep as confidential any document 70662  
or information marked "confidential" or "proprietary" and shall 70663  
redact any information as necessary before it becomes public, 70664  
except that the department may share the document or information 70665  
with other state agencies or entities. 70666

Sec. 5162.138. At the end of each year that the shared 70667  
savings program established under section 5167.35 of the Revised 70668  
Code is operated, the department of medicaid shall complete a 70669  
report detailing the department's findings and recommendations 70670  
regarding the program for that year. The department shall submit 70671  
the reports to the governor and, in accordance with section 101.68 70672  
of the Revised Code, the general assembly. 70673

Sec. 5162.139. At the end of each year that the quality 70674  
incentive program established under section 5167.36 of the Revised 70675  
Code is operated, the department of medicaid shall complete a 70676  
report detailing the department's findings and recommendations 70677  
regarding the program for that year. The department shall submit 70678  
the reports to the governor and, in accordance with section 101.68 70679  
of the Revised Code, the general assembly. 70680

Sec. 5162.1310. (A) The department of medicaid shall 70681  
periodically evaluate the success that members of the expansion 70682  
eligibility group have with the following: 70683

(1) Obtaining employer-sponsored health insurance coverage; 70684

(2) Improving health conditions that would otherwise prevent 70685  
or inhibit stable employment; 70686



(3) Improving the conditions of their employment, including duration and hours of employment. 70687  
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(B) For the purpose of aiding the department's evaluations under this section, medicaid managed care organizations shall collect and submit to the department relevant data about members of the expansion eligibility group who are enrolled in the organizations' medicaid MCO plans. The department may request that a medicaid managed care organization collect and submit to the department additional data the department needs for the evaluation. 70689  
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(C) The department shall complete a report for each evaluation conducted under this section. The director shall provide a copy of the report to the general assembly and joint medicaid oversight committee. The copy to the general assembly shall be provided in accordance with section 101.68 of the Revised Code. 70697  
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**Sec. 5162.364.** The medicaid director shall adopt rules under section 5162.02 of the Revised Code as necessary to implement the medicaid school component of the medicaid program, including rules that establish or specify all of the following: 70703  
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(A) Conditions a board of education of a city, local, or exempted school district, a governing board of an educational service center, governing authority of a community school established under Chapter 3314. of the Revised Code, the state school for the deaf, and the state school for the blind must meet to participate in the component; 70707  
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(B) Services the component covers; 70713

(C) Payment rates for the services the component covers. 70714

The rules shall be adopted in accordance with Chapter 119. of the Revised Code. 70715  
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**Sec. 5162.52.** (A) The health care/medicaid support and recoveries fund is hereby created in the state treasury. All of the following shall be credited to the fund:

(1) Except as otherwise provided by statute or as authorized by the controlling board, the nonfederal share of all medicaid-related revenues, collections, and recoveries;

(2) Federal reimbursement received for payment adjustments made pursuant to section 1923 of the "Social Security Act," ~~section 1923,~~ 42 U.S.C. 1396r-4, under the medicaid program to state mental health hospitals maintained and operated by the department of mental health and addiction services under division (A) of section 5119.14 of the Revised Code;

(3) Revenues the department of medicaid receives from another state agency for medicaid services pursuant to an interagency agreement;

(4) The money the department of medicaid receives in a fiscal year for performing eligibility verification services necessary for compliance with the independent, certified audit requirement of 42 C.F.R. 455.304;

(5) The nonfederal share of all rebates paid by drug manufacturers to the department of medicaid in accordance with a rebate agreement required by section 1927 of the "Social Security Act," ~~section 1927,~~ 42 U.S.C. 1396r-8;

(6) The nonfederal share of all supplemental rebates paid by drug manufacturers to the department of medicaid in accordance with the supplemental drug rebate program established under section 5164.755 of the Revised Code;

(7) Amounts deposited into the fund pursuant to sections 5162.12, 5162.40, and 5162.41 of the Revised Code;

(8) The application fees charged to providers under section

5164.31 of the Revised Code;	70747
(9) The fines collected under section 5165.1010 of the Revised Code;	70748 70749
(10) Amounts from assessments on hospitals under section 5168.06 of the Revised Code and intergovernmental transfers by governmental hospitals under section 5168.07 of the Revised Code that are deposited into the fund in accordance with the law.	70750 70751 70752 70753
(B) The department of medicaid shall use money credited to the health care/medicaid support and recoveries fund to pay for <del>medicaid</del> <u>all of the following:</u>	70754 70755 70756
(1) <u>Medicaid services and costs;</u>	70757
(2) <u>Costs</u> associated with the administration of the medicaid program;	70758 70759
(3) <u>Programs that serve youth involved with multiple government agencies;</u>	70760 70761
(4) <u>Innovative programs that the department has statutory authority to implement and that promote access to health care or help achieve long-term cost savings to the state.</u>	70762 70763 70764
<u>Sec. 5162.72. The medicaid director shall implement within the medicaid program strategies that address social determinants of health, including employment, housing, transportation, food, interpersonal safety, and toxic stress.</u>	70765 70766 70767 70768
<b>Sec. 5164.01.</b> As used in this chapter:	70769
(A) "Adjudication" has the same meaning as in section 119.01 of the Revised Code.	70770 70771
(B) "Behavioral health redesign" means <del>proposals developed in a collaborative effort by the office of health transformation, department of medicaid, and department of mental health and</del>	70772 70773 70774

~~addiction services to make~~ revisions to the medicaid program's coverage of community behavioral health services beginning July 1, 2017, including revisions that update medicaid billing codes and payment rates for community behavioral health services.

(C) "Clean claim" has the same meaning as in 42 C.F.R. 447.45(b).

(D) "Community behavioral health services" means both of the following:

(1) Alcohol and drug addiction services provided by a community addiction services provider, as defined in section 5119.01 of the Revised Code;

(2) Mental health services provided by a community mental health services provider, as defined in section 5119.01 of the Revised Code.

(E) "Early and periodic screening, diagnostic, and treatment services" has the same meaning as in the "Social Security Act," section 1905(r), 42 U.S.C. 1396d(r).

(F) "Federal financial participation" has the same meaning as in section 5160.01 of the Revised Code.

(G) "Federal poverty line" has the same meaning as in section 5162.01 of the Revised Code.

(H) "Healthcheck" means the component of the medicaid program that provides early and periodic screening, diagnostic, and treatment services.

(I) "Home and community-based services medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code.

(J) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.

(K) "ICDS participant" means a dual eligible individual who

participates in the integrated care delivery system. 70805

(L) "ICF/IID" has the same meaning as in section 5124.01 of 70806  
the Revised Code. 70807

(M) "Integrated care delivery system" and "ICDS" mean the 70808  
demonstration project authorized by section 5164.91 of the Revised 70809  
Code. 70810

(N) "Mandatory services" means the health care services and 70811  
items that must be covered by the medicaid state plan as a 70812  
condition of the state receiving federal financial participation 70813  
for the medicaid program. 70814

(O) "Medicaid managed care organization" has the same meaning 70815  
as in section 5167.01 of the Revised Code. 70816

(P) "Medicaid provider" means a person or government entity 70817  
with a valid provider agreement to provide medicaid services to 70818  
medicaid recipients. To the extent appropriate in the context, 70819  
"medicaid provider" includes a person or government entity 70820  
applying for a provider agreement, a former medicaid provider, or 70821  
both. 70822

(Q) "Medicaid services" means either or both of the 70823  
following: 70824

(1) Mandatory services; 70825

(2) Optional services that the medicaid program covers. 70826

(R) "Nursing facility" has the same meaning as in section 70827  
5165.01 of the Revised Code. 70828

(S) "Optional services" means the health care services and 70829  
items that may be covered by the medicaid state plan or a federal 70830  
medicaid waiver and for which the medicaid program receives 70831  
federal financial participation. 70832

(T) "Prescribed drug" has the same meaning as in 42 C.F.R. 70833  
440.120. 70834

(U) "Provider agreement" means an agreement to which all of the following apply:

(1) It is between a medicaid provider and the department of medicaid;

(2) It provides for the medicaid provider to provide medicaid services to medicaid recipients;

(3) It complies with 42 C.F.R. 431.107(b).

(V) "State plan home and community-based services" means home and community-based services that, as authorized by section 1915(i) of the "Social Security Act," 42 U.S.C. 1396n(i), may be covered by the medicaid program pursuant to an amendment to the medicaid state plan.

(W) "Terminal distributor of dangerous drugs" has the same meaning as in section 4729.01 of the Revised Code.

**Sec. 5164.342.** (A) As used in this section:

"Applicant" means a person who is under final consideration for employment with a waiver agency in a full-time, part-time, or temporary position that involves providing home and community-based services.

"Community-based long-term care provider" means a provider as defined in section 173.39 of the Revised Code.

"Community-based long-term care subcontractor" means a subcontractor as defined in section 173.38 of the Revised Code.

"Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

"Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code.

"Employee" means a person employed by a waiver agency in a

full-time, part-time, or temporary position that involves 70864  
providing home and community-based services. 70865

"Waiver agency" means a person or government entity that 70866  
provides home and community-based services under a home and 70867  
community-based services medicaid waiver component administered by 70868  
the department of medicaid, other than such a person or government 70869  
entity that is certified under the medicare program. "Waiver 70870  
agency" does not mean an independent provider as defined in 70871  
section 5164.341 of the Revised Code. 70872

(B) This section does not apply to any individual who is 70873  
subject to a database review or criminal records check under 70874  
section 3701.881 of the Revised Code. If a waiver agency also is a 70875  
community-based long-term care provider or community-based 70876  
long-term care subcontractor, the waiver agency may provide for 70877  
any of its applicants and employees who are not subject to 70878  
database reviews and criminal records checks under section 173.38 70879  
of the Revised Code to undergo database reviews and criminal 70880  
records checks in accordance with that section ~~173.38 of the~~ 70881  
~~Revised Code~~ rather than this section. 70882

(C) No waiver agency shall employ an applicant or continue to 70883  
employ an employee in a position that involves providing home and 70884  
community-based services if any of the following apply: 70885

(1) A review of the databases listed in division (E) of this 70886  
section reveals any of the following: 70887

(a) That the applicant or employee is included in one or more 70888  
of the databases listed in divisions (E)(1) to (5) of this 70889  
section; 70890

(b) That there is in the state nurse aide registry 70891  
established under section 3721.32 of the Revised Code a statement 70892  
detailing findings by the director of health that the applicant or 70893  
employee abused, neglected, or exploited a long-term care facility 70894

or residential care facility resident or misappropriated property 70895  
of such a resident; 70896

(c) That the applicant or employee is included in one or more 70897  
of the databases, if any, specified in rules authorized by this 70898  
section and the rules prohibit the waiver agency from employing an 70899  
applicant or continuing to employ an employee included in such a 70900  
database in a position that involves providing home and 70901  
community-based services. 70902

(2) After the applicant or employee is given the information 70903  
and notification required by divisions (F)(2)(a) and (b) of this 70904  
section, the applicant or employee fails to do either of the 70905  
following: 70906

(a) Access, complete, or forward to the superintendent of the 70907  
bureau of criminal identification and investigation the form 70908  
prescribed to division (C)(1) of section 109.572 of the Revised 70909  
Code or the standard impression sheet prescribed pursuant to 70910  
division (C)(2) of that section; 70911

(b) Instruct the superintendent to submit the completed 70912  
report of the criminal records check required by this section 70913  
directly to the chief administrator of the waiver agency. 70914

(3) Except as provided in rules authorized by this section, 70915  
the applicant or employee is found by a criminal records check 70916  
required by this section to have been convicted of or have pleaded 70917  
guilty to a disqualifying offense, regardless of the date of the 70918  
conviction or date of entry of the guilty plea. 70919

(D) At the time of each applicant's initial application for 70920  
employment in a position that involves providing home and 70921  
community-based services, the chief administrator of a waiver 70922  
agency shall inform the applicant of both of the following: 70923

(1) That a review of the databases listed in division (E) of 70924  
this section will be conducted to determine whether the waiver 70925



agency is prohibited by division (C)(1) of this section from 70926  
employing the applicant in the position; 70927

(2) That, unless the database review reveals that the 70928  
applicant may not be employed in the position, a criminal records 70929  
check of the applicant will be conducted and the applicant is 70930  
required to provide a set of the applicant's fingerprint 70931  
impressions as part of the criminal records check. 70932

(E) As a condition of employing any applicant in a position 70933  
that involves providing home and community-based services, the 70934  
chief administrator of a waiver agency shall conduct a database 70935  
review of the applicant in accordance with rules authorized by 70936  
this section. If rules authorized by this section so require, the 70937  
chief administrator of a waiver agency shall conduct a database 70938  
review of an employee in accordance with the rules as a condition 70939  
of continuing to employ the employee in a position that involves 70940  
providing home and community-based services. A database review 70941  
shall determine whether the applicant or employee is included in 70942  
any of the following: 70943

(1) The excluded parties list system that is maintained by 70944  
the United States general services administration pursuant to 70945  
subpart 9.4 of the federal acquisition regulation and available at 70946  
the federal web site known as the system for award management; 70947

(2) The list of excluded individuals and entities maintained 70948  
by the office of inspector general in the United States department 70949  
of health and human services pursuant to the "Social Security 70950  
Act," sections 1128 and 1156, 42 U.S.C. 1320a-7 and 1320c-5; 70951

(3) The registry of developmental disabilities employees 70952  
established under section 5123.52 of the Revised Code; 70953

(4) The internet-based sex offender and child-victim offender 70954  
database established under division (A)(11) of section 2950.13 of 70955  
the Revised Code; 70956

(5) The internet-based database of inmates established under section 5120.66 of the Revised Code; 70957  
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(6) The state nurse aide registry established under section 3721.32 of the Revised Code; 70959  
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(7) Any other database, if any, specified in rules authorized by this section. 70961  
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(F)(1) As a condition of employing any applicant in a position that involves providing home and community-based services, the chief administrator of a waiver agency shall require the applicant to request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check of the applicant. If rules authorized by this section so require, the chief administrator of a waiver agency shall require an employee to request that the superintendent conduct a criminal records check of the employee at times specified in the rules as a condition of continuing to employ the employee in a position that involves providing home and community-based services. However, a criminal records check is not required for an applicant or employee if the waiver agency is prohibited by division (C)(1) of this section from employing the applicant or continuing to employ the employee in a position that involves providing home and community-based services. If an applicant or employee for whom a criminal records check request is required by this section does not present proof of having been a resident of this state for the five-year period immediately prior to the date the criminal records check is requested or provide evidence that within that five-year period the superintendent has requested information about the applicant or employee from the federal bureau of investigation in a criminal records check, the chief administrator shall require the applicant or employee to request that the superintendent obtain information from the federal bureau of investigation as part of the criminal records 70963  
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check. Even if an applicant or employee for whom a criminal  
records check request is required by this section presents proof  
of having been a resident of this state for the five-year period,  
the chief administrator may require the applicant or employee to  
request that the superintendent include information from the  
federal bureau of investigation in the criminal records check.

(2) The chief administrator shall provide the following to  
each applicant and employee for whom a criminal records check is  
required by this section:

(a) Information about accessing, completing, and forwarding  
to the superintendent of the bureau of criminal identification and  
investigation the form prescribed pursuant to division (C)(1) of  
section 109.572 of the Revised Code and the standard impression  
sheet prescribed pursuant to division (C)(2) of that section;

(b) Written notification that the applicant or employee is to  
instruct the superintendent to submit the completed report of the  
criminal records check directly to the chief administrator.

(3) A waiver agency shall pay to the bureau of criminal  
identification and investigation the fee prescribed pursuant to  
division (C)(3) of section 109.572 of the Revised Code for any  
criminal records check required by this section. However, a waiver  
agency may require an applicant to pay to the bureau the fee for a  
criminal records check of the applicant. If the waiver agency pays  
the fee for an applicant, it may charge the applicant a fee not  
exceeding the amount the waiver agency pays to the bureau under  
this section if the waiver agency notifies the applicant at the  
time of initial application for employment of the amount of the  
fee and that, unless the fee is paid, the applicant will not be  
considered for employment.

(G)(1) A waiver agency may employ conditionally an applicant  
for whom a criminal records check is required by this section

prior to obtaining the results of the criminal records check if 71020  
both of the following apply: 71021

(a) The waiver agency is not prohibited by division (C)(1) of 71022  
this section from employing the applicant in a position that 71023  
involves providing home and community-based services. 71024

(b) The chief administrator of the waiver agency requires the 71025  
applicant to request a criminal records check regarding the 71026  
applicant in accordance with division (F)(1) of this section not 71027  
later than five business days after the applicant begins 71028  
conditional employment. 71029

(2) A waiver agency that employs an applicant conditionally 71030  
under division (G)(1) of this section shall terminate the 71031  
applicant's employment if the results of the criminal records 71032  
check, other than the results of any request for information from 71033  
the federal bureau of investigation, are not obtained within the 71034  
period ending sixty days after the date the request for the 71035  
criminal records check is made. Regardless of when the results of 71036  
the criminal records check are obtained, if the results indicate 71037  
that the applicant has been convicted of or has pleaded guilty to 71038  
a disqualifying offense, the waiver agency shall terminate the 71039  
applicant's employment unless circumstances specified in rules 71040  
authorized by this section exist that permit the waiver agency to 71041  
employ the applicant and the waiver agency chooses to employ the 71042  
applicant. 71043

(H) The report of any criminal records check conducted 71044  
pursuant to a request made under this section is not a public 71045  
record for the purposes of section 149.43 of the Revised Code and 71046  
shall not be made available to any person other than the 71047  
following: 71048

(1) The applicant or employee who is the subject of the 71049  
criminal records check or the representative of the applicant or 71050

employee; 71051

(2) The chief administrator of the waiver agency that 71052  
requires the applicant or employee to request the criminal records 71053  
check or the administrator's representative; 71054

(3) The medicaid director and the staff of the department who 71055  
are involved in the administration of the medicaid program; 71056

(4) The director of aging or the director's designee if the 71057  
waiver agency also is a community-based long-term care provider or 71058  
community-based long-term care subcontractor; 71059

(5) An individual receiving or deciding whether to receive 71060  
home and community-based services from the subject of the criminal 71061  
records check; 71062

(6) A court, hearing officer, or other necessary individual 71063  
involved in a case dealing with any of the following: 71064

(a) A denial of employment of the applicant or employee; 71065

(b) Employment or unemployment benefits of the applicant or 71066  
employee; 71067

(c) A civil or criminal action regarding the medicaid 71068  
program. 71069

(I) The medicaid director shall adopt rules under section 71070  
5164.02 of the Revised Code to implement this section. 71071

(1) The rules may do the following: 71072

(a) Require employees to undergo database reviews and 71073  
criminal records checks under this section; 71074

(b) If the rules require employees to undergo database 71075  
reviews and criminal records checks under this section, exempt one 71076  
or more classes of employees from the requirements; 71077

(c) For the purpose of division (E)(7) of this section, 71078  
specify other databases that are to be checked as part of a 71079

database review conducted under this section. 71080

(2) The rules shall specify all of the following: 71081

(a) The procedures for conducting a database review under 71082  
this section; 71083

(b) If the rules require employees to undergo database 71084  
reviews and criminal records checks under this section, the times 71085  
at which the database reviews and criminal records checks are to 71086  
be conducted; 71087

(c) If the rules specify other databases to be checked as 71088  
part of a database review, the circumstances under which a waiver 71089  
agency is prohibited from employing an applicant or continuing to 71090  
employ an employee who is found by the database review to be 71091  
included in one or more of those databases; 71092

(d) The circumstances under which a waiver agency may employ 71093  
an applicant or employee who is found by a criminal records check 71094  
required by this section to have been convicted of or have pleaded 71095  
guilty to a disqualifying offense. 71096

(J) The amendments made by H.B. 487 of the 129th general 71097  
assembly to this section do not preclude the department of 71098  
medicaid from taking action against a person for failure to comply 71099  
with former division (H) of this section as that division existed 71100  
on the day preceding January 1, 2013. 71101

**Sec. 5164.36.** (A) As used in this section: 71102

(1) "Credible allegation of fraud" has the same meaning as in 71103  
42 C.F.R. 455.2, except that for purposes of this section any 71104  
reference in that regulation to the "state" or the "state medicaid 71105  
agency" means the department of medicaid. 71106

(2) "Disqualifying indictment" means an indictment of a 71107  
medicaid provider or its officer, authorized agent, associate, 71108  
manager, employee, or, if the provider is a noninstitutional 71109

provider, its owner, if either of the following applies: 71110

(a) The indictment charges the person with committing an act to which both of the following apply: 71111

(i) The act would be a felony or misdemeanor under the laws of this state or the jurisdiction within which the act occurred. 71112

(ii) The act relates to or results from furnishing or billing for medicaid services under the medicaid program or relates to or results from performing management or administrative services relating to furnishing medicaid services under the medicaid program. 71113  
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(b) If the medicaid provider is an independent provider, the indictment charges the person with committing an act that would constitute a disqualifying offense. 71120  
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(3) "Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code. 71123  
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(4) "Independent provider" has the same meaning as in section 5164.341 of the Revised Code. 71126  
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(5) "Noninstitutional medicaid provider" means any person or entity with a provider agreement other than a hospital, nursing facility, or ICF/IID. 71128  
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(6) "Owner" has the same meaning as in section 5164.37 of the Revised Code means any person having at least five per cent ownership in a noninstitutional medicaid provider. 71131  
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(B)(1) Except as provided in division (C) of this section and in rules authorized by this section, ~~on determining there is a credible allegation of fraud for which an investigation is pending under the medicaid program against a medicaid provider,~~ the department of medicaid shall suspend the provider agreement held by ~~the~~ a medicaid provider on determining either of the following: 71134  
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(a) There is a credible allegation of fraud against any of 71140  
the following for which an investigation is pending under the 71141  
medicaid program: 71142

(i) The medicaid provider; 71143

(ii) The medicaid provider's owner, officer, authorized 71144  
agent, associate, manager, or employee. 71145

(b) A disqualifying indictment has been issued against any of 71146  
the following: 71147

(i) The medicaid provider; 71148

(ii) The medicaid provider's officer, authorized agent, 71149  
associate, manager, or employee; 71150

(iii) If the medicaid provider is a noninstitutional 71151  
provider, its owner. Subject 71152

(2) Subject to division (C) of this section, the department 71153  
shall also ~~terminate~~ suspend all medicaid payments to ~~the a~~ 71154  
medicaid provider for services rendered, regardless of the date 71155  
that the services are rendered, when the department suspends the 71156  
provider's provider agreement under this section. 71157

~~(2)(a)~~(3) The suspension of a provider agreement shall 71158  
continue in effect until either of the following ~~is the case~~ 71159  
occurs: 71160

~~(i) The~~ (a) If the suspension is the result of a credible 71161  
allegation of fraud, the department or a prosecuting authority 71162  
determines that there is insufficient evidence of fraud by the 71163  
medicaid provider; 71164

~~(ii) The~~ (b) Regardless of whether the suspension is the 71165  
result of a credible allegation of fraud or a disqualifying 71166  
indictment, the proceedings in any related criminal case are 71167  
completed through dismissal of the indictment or through 71168  
conviction, entry of a guilty plea, or finding of not guilty. 71169



~~(b) If or, if~~ the department commences a process to terminate 71170  
the suspended provider agreement, ~~the suspension shall also~~ 71171  
~~continue in effect until~~ the termination process is concluded. 71172

~~(3)(4)(a)~~ When subject to a suspension provider agreement is 71173  
suspended under this section, ~~a medicaid provider, owner, officer,~~ 71174  
~~authorized agent, associate, manager, or employee shall not own~~ 71175  
none of the following shall take, during the period of the 71176  
suspension, any of the actions specified in division (B)(4)(b) of 71177  
this section: 71178

(i) The medicaid provider; 71179

(ii) If the suspension is the result of an action taken by an 71180  
officer, authorized agent, associate, manager, or employee of the 71181  
medicaid provider, that person; 71182

(iii) If the medicaid provider is a noninstitutional provider 71183  
and the suspension is the result of an action taken by the owner 71184  
of the provider, the owner. 71185

(b) The following are the actions that persons specified in 71186  
division (B)(4)(a) of this section cannot take during the 71187  
suspension of a provider agreement: 71188

(i) Own services provided, or provide services, to any other 71189  
medicaid provider or risk contractor ~~or arrange;~~ 71190

(ii) Arrange for, render to, or order services to any other 71191  
medicaid provider or risk contractor ~~or arrange;~~ 71192

(iii) Arrange for, render to, or order services for medicaid 71193  
recipients ~~during the period of suspension. During the period of~~ 71194  
~~suspension, the provider, owner, officer, authorized agent,~~ 71195  
~~associate, manager, or employee shall not receive;~~ 71196

(iv) Receive direct payments under the medicaid program or 71197  
indirect payments of medicaid funds in the form of salary, shared 71198  
fees, contracts, kickbacks, or rebates from or through any other 71199

medicaid provider or risk contractor. 71200

(C) The department shall not suspend a provider agreement or 71201  
~~terminate~~ medicaid payments under division (B) of this section if 71202  
the medicaid provider or, if the provider is a noninstitutional 71203  
provider, the owner can demonstrate through the submission of 71204  
written evidence that the provider or owner did not directly or 71205  
indirectly sanction the action of its authorized agent, associate, 71206  
manager, or employee that resulted in the credible allegation of 71207  
fraud or disqualifying indictment. 71208

~~(D) The termination of medicaid payment under division (B) of~~ 71209  
~~this section applies only to payments for medicaid services~~ 71210  
~~rendered subsequent to the date on which the notice required by~~ 71211  
~~division (E) of this section is sent. Claims for payment of~~ 71212  
~~medicaid services rendered by the medicaid provider prior to the~~ 71213  
~~issuance of the notice may be subject to prepayment review~~ 71214  
~~procedures whereby the department reviews claims to determine~~ 71215  
~~whether they are supported by sufficient documentation, are in~~ 71216  
~~compliance with state and federal statutes and rules, and are~~ 71217  
~~otherwise complete.~~ 71218

~~(E)~~ After suspending a provider agreement under division (B) 71219  
of this section, the department shall, ~~as specified in 42 C.F.R.~~ 71220  
~~455.23(b),~~ send notice of the suspension to the affected medicaid 71221  
provider or, if the provider is a noninstitutional provider, the 71222  
owner in accordance with the following ~~timeframes~~ time frames: 71223

(1) Not later than five days after the suspension, unless a 71224  
law enforcement agency makes a written request to temporarily 71225  
delay the notice; 71226

(2) If a law enforcement agency makes a written request to 71227  
temporarily delay the notice, not later than thirty days after the 71228  
suspension occurs subject to the conditions specified in division 71229  
~~(F)~~(E) of this section. 71230

~~(F)~~(E) A written request for a temporary delay described in 71231  
division ~~(E)~~(D)(2) of this section may be renewed in writing by a 71232  
law enforcement agency not more than two times except that under 71233  
no circumstances shall the notice be issued more than ninety days 71234  
after the suspension occurs. 71235

~~(G)~~(F) The notice required by division ~~(E)~~(D) of this section 71236  
shall do all of the following: 71237

(1) State that payments are being suspended in accordance 71238  
with this section and 42 C.F.R. 455.23; 71239

(2) Set forth the general allegations related to the nature 71240  
of the conduct leading to the suspension, except that it is not 71241  
necessary to disclose any specific information concerning an 71242  
ongoing investigation; 71243

(3) State that the suspension continues to be in effect until 71244  
either of the ~~following is the case:~~ 71245

~~(a) The department or a prosecuting authority determines that 71246  
there is insufficient evidence of fraud by the provider;~~ 71247

~~(b) The proceedings in any related criminal case are 71248  
completed through dismissal of the indictment or through 71249  
conviction, entry of a guilty plea, or finding of not guilty and, 71250  
if the department commences a process to terminate the suspended 71251  
provider agreement, until the termination process is concluded. 71252  
circumstances specified in division (B)(3) of this section occur; 71253~~

(4) Specify, if applicable, the type or types of medicaid 71254  
claims or business units of the medicaid provider that are 71255  
affected by the suspension; 71256

(5) Inform the medicaid provider or owner of the opportunity 71257  
to submit to the department, not later than thirty days after 71258  
receiving the notice, a request for reconsideration of the 71259  
suspension in accordance with division ~~(H)~~(G) of this section. 71260

~~(H)~~(G)(1) Pursuant to the procedure specified in division 71261  
~~(H)~~(G)(2) of this section, a medicaid provider ~~or owner~~ subject to 71262  
a suspension under this section or, if the provider is a 71263  
noninstitutional provider, the owner may request a reconsideration 71264  
of the suspension. The request shall be made not later than thirty 71265  
days after receipt of a notice required by division ~~(E)~~(D) of this 71266  
section. The reconsideration is not subject to an adjudication 71267  
hearing pursuant to Chapter 119. of the Revised Code. 71268

(2) In requesting a reconsideration, the medicaid provider or 71269  
owner shall submit written information and documents to the 71270  
department. The information and documents may pertain to any of 71271  
the following issues: 71272

(a) Whether the determination to suspend the provider 71273  
agreement was based on a mistake of fact, other than the validity 71274  
of an indictment in a related criminal case. 71275

(b) If there has been an indictment in a related criminal 71276  
case, whether ~~any offense charged in~~ the indictment ~~resulted from~~ 71277  
~~an offense specified in division (E) of section 5164.37 of the~~ 71278  
~~Revised Code~~ is a disqualifying indictment. 71279

(c) Whether the provider or owner can demonstrate that the 71280  
provider or owner did not directly or indirectly sanction the 71281  
action of its authorized agent, associate, manager, or employee 71282  
that resulted in the suspension under this section or an 71283  
indictment in a related criminal case. 71284

~~(I)~~(H) The department shall review the information and 71285  
documents submitted in a request made under division ~~(H)~~(G) of 71286  
this section for reconsideration of a suspension. After the 71287  
review, the suspension may be affirmed, reversed, or modified, in 71288  
whole or in part. The department shall notify the affected 71289  
provider or owner of the results of the review. The review and 71290  
notification of its results shall be completed not later than 71291

forty-five days after receiving the information and documents 71292  
submitted in a request for reconsideration. 71293

~~(J)~~(I) Rules adopted under section 5164.02 of the Revised 71294  
Code may specify circumstances under which the department would 71295  
not suspend a provider agreement pursuant to this section. 71296

Sec. 5164.37. (A) The department of medicaid may suspend a 71297  
medicaid provider's provider agreement without prior notice if the 71298  
department has evidence that the provider presents a danger of 71299  
immediate and serious harm to the health, safety, or welfare of 71300  
medicaid recipients. The department also shall suspend all 71301  
medicaid payments to the medicaid provider for services rendered, 71302  
regardless of the date that the services were rendered, when the 71303  
department suspends the provider agreement under this section. 71304

(B) If the department suspends a medicaid provider's provider 71305  
agreement under this section, the department shall do both of the 71306  
following: 71307

(1) Not later than five days after suspending the provider 71308  
agreement, notify the medicaid provider of the suspension; 71309

(2) Not later than ten business days after suspending the 71310  
provider agreement, notify the medicaid provider that the 71311  
department intends to terminate the provider agreement. 71312

(C) The notice that the department provides to a medicaid 71313  
provider under division (B)(2) of this section shall include the 71314  
allegation that the provider presents a danger of immediate and 71315  
serious harm to the health, safety, or welfare of medicaid 71316  
recipients. It may also include other grounds for terminating the 71317  
provider agreement. Section 5164.38 of the Revised Code applies to 71318  
the termination of the provider agreement. 71319

(D) The suspension of a medicaid provider's provider 71320  
agreement and medicaid payments shall cease at the earliest of the 71321

<u>following:</u>	71322
<u>(1) The department's failure to provide a notice required by division (B) of this section by the time specified in that division;</u>	71323 71324 71325
<u>(2) The department rescinds its notice to terminate the provider agreement.</u>	71326 71327
<u>(3) The department issues an order regarding the termination of the provider agreement pursuant to an adjudication conducted in accordance with Chapter 119. of the Revised Code.</u>	71328 71329 71330
<u>(E) This section does not limit the department's authority to suspend or terminate a provider agreement or medicaid payments to a medicaid provider under any other provision of the Revised Code.</u>	71331 71332 71333
<b>Sec. 5164.38.</b> (A) As used in this section:	71334
(1) "Party" has the same meaning as in division (G) of section 119.01 of the Revised Code.	71335 71336
(2) "Revalidate" means to approve a medicaid provider's continued enrollment as a medicaid provider in accordance with the revalidation process established in rules authorized by section 5164.32 of the Revised Code.	71337 71338 71339 71340
(B) This section does not apply to either of the following:	71341
(1) Any action taken or decision made by the department of medicaid with respect to entering into or refusing to enter into a contract with a managed care organization pursuant to section 5167.10 of the Revised Code;	71342 71343 71344 71345
(2) Any action taken by the department under division (D)(2) of section 5124.60, division (D)(1) or (2) of section 5124.61, or sections 5165.60 to 5165.89 of the Revised Code.	71346 71347 71348
(C) Except as provided in division (E) of this section and section 5164.58 of the Revised Code, the department shall do any	71349 71350

of the following by issuing an order pursuant to an adjudication 71351  
conducted in accordance with Chapter 119. of the Revised Code: 71352

(1) Refuse to enter into a provider agreement with a medicaid 71353  
provider; 71354

(2) Refuse to revalidate a medicaid provider's provider 71355  
agreement; 71356

(3) Suspend or terminate a medicaid provider's provider 71357  
agreement; 71358

(4) Take any action based upon a final fiscal audit of a 71359  
medicaid provider. 71360

(D) Any party who is adversely affected by the issuance of an 71361  
adjudication order under division (C) of this section may appeal 71362  
to the court of common pleas of Franklin county in accordance with 71363  
section 119.12 of the Revised Code. 71364

(E) The department is not required to comply with division 71365  
(C)(1), (2), or (3) of this section whenever any of the following 71366  
occur: 71367

(1) The terms of a provider agreement require the medicaid 71368  
provider to hold a license, permit, or certificate or maintain a 71369  
certification issued by an official, board, commission, 71370  
department, division, bureau, or other agency of state or federal 71371  
government other than the department of medicaid, and the license, 71372  
permit, certificate, or certification has been denied, revoked, 71373  
not renewed, suspended, or otherwise limited. 71374

(2) The terms of a provider agreement require the medicaid 71375  
provider to hold a license, permit, or certificate or maintain 71376  
certification issued by an official, board, commission, 71377  
department, division, bureau, or other agency of state or federal 71378  
government other than the department of medicaid, and the provider 71379  
has not obtained the license, permit, certificate, or 71380

certification. 71381

(3) The medicaid provider's application for a provider 71382  
agreement is denied, or the provider's provider agreement is 71383  
terminated or not revalidated, because of or pursuant to any of 71384  
the following: 71385

(a) The termination, refusal to renew, or denial of a 71386  
license, permit, certificate, or certification by an official, 71387  
board, commission, department, division, bureau, or other agency 71388  
of this state other than the department of medicaid, 71389  
notwithstanding the fact that the provider may hold a license, 71390  
permit, certificate, or certification from an official, board, 71391  
commission, department, division, bureau, or other agency of 71392  
another state; 71393

(b) Division (D) or (E) of section 5164.35 of the Revised 71394  
Code; 71395

(c) The provider's termination, suspension, or exclusion from 71396  
the medicare program or from another state's medicaid program and, 71397  
in either case, the termination, suspension, or exclusion is 71398  
binding on the provider's participation in the medicaid program in 71399  
this state; 71400

(d) The provider's pleading guilty to or being convicted of a 71401  
criminal activity materially related to either the medicare or 71402  
medicaid program; 71403

(e) The provider or its owner, officer, authorized agent, 71404  
associate, manager, or employee having been convicted of one of 71405  
the offenses that caused the provider's provider agreement to be 71406  
suspended pursuant to section 5164.36 of the Revised Code; 71407

(f) The provider's failure to provide the department the 71408  
national provider identifier assigned the provider by the national 71409  
provider system pursuant to 45 C.F.R. 162.408. 71410



(4) The medicaid provider's application for a provider agreement is denied, or the provider's provider agreement is terminated or suspended, as a result of action by the United States department of health and human services and that action is binding on the provider's medicaid participation.

~~(5) Pursuant to either section 5164.36 or 5164.37 of the Revised Code, the~~ The medicaid provider's provider agreement ~~is~~ and medicaid payments to the provider are suspended ~~and payments to the provider are suspended pending indictment of the provider under section 5164.36 or 5164.37 of the Revised Code.~~

(6) The medicaid provider's application for a provider agreement is denied because the provider's application was not complete;

(7) The medicaid provider's provider agreement is converted under section 5164.32 of the Revised Code from a provider agreement that is not time-limited to a provider agreement that is time-limited.

(8) Unless the medicaid provider is a nursing facility or ICF/IID, the provider's provider agreement is not revalidated pursuant to division (B)(1) of section 5164.32 of the Revised Code.

(9) The medicaid provider's provider agreement is suspended, terminated, or not revalidated because of either of the following:

(a) Any reason authorized or required by one or more of the following: 42 C.F.R. 455.106, 455.23, 455.416, 455.434, or 455.450;

(b) The provider has not billed or otherwise submitted a medicaid claim for two years or longer.

(F) In the case of a medicaid provider described in division (E)(3)(f), (6), (7), or (9)(b) of this section, the department may

take its action by sending a notice explaining the action to the 71441  
provider. The notice shall be sent to the medicaid provider's 71442  
address on record with the department. The notice may be sent by 71443  
regular mail. 71444

(G) The department may withhold payments for medicaid 71445  
services rendered by a medicaid provider during the pendency of 71446  
proceedings initiated under division (C)(1), (2), or (3) of this 71447  
section. If the proceedings are initiated under division (C)(4) of 71448  
this section, the department may withhold payments only to the 71449  
extent that they equal amounts determined in a final fiscal audit 71450  
as being due the state. This division does not apply if the 71451  
department fails to comply with section 119.07 of the Revised 71452  
Code, requests a continuance of the hearing, or does not issue a 71453  
decision within thirty days after the hearing is completed. This 71454  
division does not apply to nursing facilities and ICFs/IID. 71455

Sec. 5164.65. The medicaid program shall comply with Chapter 71456  
3962. of the Revised Code as if it were a health plan issuer. This 71457  
requirement extends to medicaid managed care organizations. 71458

**Sec. 5164.7510.** (A) There is hereby established the pharmacy 71459  
and therapeutics committee of the department of medicaid. The 71460  
committee shall assist the department with developing and 71461  
maintaining a preferred drug list for the medicaid program. 71462

The committee shall review and recommend to the medicaid 71463  
director the drugs that should be included on the preferred drug 71464  
list. The recommendations shall be made based on the evaluation of 71465  
competent evidence regarding the relative safety, efficacy, and 71466  
effectiveness of prescribed drugs within a class or classes of 71467  
prescribed drugs. 71468

(B) The committee shall consist of ten members and shall be 71469  
appointed by the medicaid director. The director shall seek 71470

recommendations for membership from relevant professional 71471  
organizations. A candidate for membership recommended by a 71472  
professional organization shall have professional experience 71473  
working with medicaid recipients. 71474

The membership of the committee shall include: 71475

(1) Three pharmacists licensed under Chapter 4729. of the 71476  
Revised Code; 71477

(2) Two doctors of medicine and two doctors of osteopathy who 71478  
hold ~~certificates to practice~~ licenses issued under Chapter 4731. 71479  
of the Revised Code, one of whom is a family practice physician; 71480

(3) A registered nurse licensed under Chapter 4723. of the 71481  
Revised Code; 71482

(4) A pharmacologist who has a doctoral degree; 71483

(5) A psychiatrist who holds a ~~certificate~~ license to 71484  
practice medicine and surgery or osteopathic medicine and surgery 71485  
issued under Chapter 4731. of the Revised Code and specializes in 71486  
psychiatry. 71487

(C) The committee shall elect from among its members a 71488  
chairperson. Five committee members constitute a quorum. 71489

The committee shall establish guidelines necessary for the 71490  
committee's operation. 71491

The committee may establish one or more subcommittees to 71492  
investigate and analyze issues consistent with the duties of the 71493  
committee under this section. The subcommittees may submit 71494  
proposals regarding the issues to the committee and the committee 71495  
may adopt, reject, or modify the proposals. 71496

A vote by a majority of a quorum is necessary to make 71497  
recommendations to the director. In the case of a tie, the 71498  
chairperson shall decide the outcome. 71499

(D) The director shall act on the committee's recommendations 71500

not later than thirty days after the recommendation is posted on 71501  
the department's web site under division (F) of this section. If 71502  
the director does not accept a recommendation of the committee, 71503  
the director shall present the basis for this determination not 71504  
later than fourteen days after making the determination or at the 71505  
next scheduled meeting of the committee, whichever is sooner. 71506

(E) An interested party may request, and shall be permitted, 71507  
to make a presentation or submit written materials to the 71508  
committee during a committee meeting. The presentation or other 71509  
materials shall be relevant to an issue under consideration by the 71510  
committee and any written material, including a transcript of 71511  
testimony to be given on the day of the meeting, may be submitted 71512  
to the committee in advance of the meeting. 71513

(F) The department shall post the following on the 71514  
department's web site: 71515

(1) Guidelines established by the committee under division 71516  
(C) of this section; 71517

(2) A detailed committee agenda not later than fourteen days 71518  
prior to the date of a regularly scheduled meeting and not later 71519  
than seventy-two hours prior to the date of a special meeting 71520  
called by the committee; 71521

(3) Committee recommendations not later than seven days after 71522  
the meeting at which the recommendation was approved; 71523

(4) The director's final determination as to the 71524  
recommendations made by the committee under this section. 71525

Sec. 5164.7515. (A) Not later than July 1, 2020, the medicaid 71526  
director shall establish an annual benchmark for prescribed drug 71527  
spending growth under the medicaid program. If the director 71528  
determines that prescribed drug spending in a given year is 71529  
projected to exceed the benchmark for that year, the director 71530

shall identify specific prescribed drugs that significantly 71531  
contribute to exceeding the benchmark. 71532

(B) For a prescribed drug identified by the director under 71533  
division (A) of this section, the director shall determine if 71534  
there is a current supplemental rebate for that drug between the 71535  
drug's manufacturer and the department or its designee. If there 71536  
is a current supplemental rebate for the drug, the director may 71537  
renegotiate the supplemental rebate agreement. If there is not a 71538  
supplemental rebate for the drug, the director shall evaluate 71539  
whether to pursue a supplemental rebate agreement for the drug 71540  
with the drug manufacturer. In making that evaluation, the 71541  
director may consider any of the following: 71542

(1) The prescribed drug's actual cost to the state; 71543

(2) Whether the drug's manufacturer is providing significant 71544  
discounts or rebates for other prescribed drugs under the medicaid 71545  
program; 71546

(3) Any other information the director considers relevant. 71547

(C)(1) If the director determines that a prescribed drug 71548  
rebate agreement renegotiation is warranted under division (B) of 71549  
this section, the director shall establish a target rebate amount. 71550  
In determining the target rebate amount, the director may consider 71551  
any of the following: 71552

(a) Publicly available information relevant to pricing the 71553  
prescribed drug; 71554

(b) Information the department has that is relevant to the 71555  
pricing of the drug; 71556

(c) Information relating to value-based pricing of the drug 71557  
for medicaid recipients; 71558

(d) The seriousness and prevalence of the conditions for 71559  
which the drug is prescribed; 71560

<u>(e) The drug's volume of use among medicaid recipients;</u>	71561
<u>(f) The effectiveness of the drug in treating conditions for which it is prescribed or improving a patient's health, quality of life, or overall health outcomes;</u>	71562 71563 71564
<u>(g) The likelihood that use of the drug will reduce the need for other medical care, including hospitalization;</u>	71565 71566
<u>(h) The average wholesale price, wholesale acquisition cost, and retail price of the drug, and the cost of the drug under the medicaid program, not including any rebates received for the drug under the program;</u>	71567 71568 71569 71570
<u>(i) In the case of generic drugs, the number of manufacturers that produce the drug;</u>	71571 71572
<u>(j) Whether there are pharmaceutical equivalents to the drug;</u>	71573
<u>(k) Any other information the director considers relevant.</u>	71574
<u>(2) In negotiating a new rebate agreement under division (B) of this section, the director shall seek to negotiate an amount that is equal to the target rebate amount under division (C)(1) of this section. The director shall not enter into a rebate agreement that is less than sixty per cent of the target rebate amount. If no rebate agreement is established or renegotiated under this section, the director may consider removing the drug from the medicaid program's preferred drug list and imposing a prior authorization requirement on the drug in accordance with section 5160.34 of the Revised Code.</u>	71575 71576 71577 71578 71579 71580 71581 71582 71583 71584
<u>(D) The director shall publish a list of the prescribed drugs it identifies as being responsible for increasing spending above the annual benchmark for prescribed drug spending growth.</u>	71585 71586 71587
<u>Sec. 5164.912. The medicaid director shall select from among universally accepted claim forms used in the United States a standardized claim form for each type of medicaid provider that</u>	71588 71589 71590

provides medicaid services under the integrated care delivery system. The director shall create standardized claim codes to be used on the standardized claim forms. Each medicaid provider and medicaid provider's designee that bills for medicaid services provided under the integrated care delivery system shall use the appropriate standardized claim form and standardized claim codes.

Any claim for a medicaid service provided under the integrated care delivery system shall be considered a clean claim and paid by the department or its designee not later than thirty calendar days from the date the claim is submitted if the claim is properly submitted using the appropriate standardized claim form and standardized claim codes and the medicaid services for which the claim is submitted are medically necessary and otherwise allowable under the integrated care delivery system. If the department or its designee fails to pay the claim within thirty-five calendar days from the date the claim is so submitted, the department or its designee shall pay interest on the claim equal to one per cent per month calculated from the expiration of the thirty-five-calendar-day period.

**Sec. 5165.15.** Except as otherwise provided by sections 5165.151 to 5165.157 and 5165.34 of the Revised Code, the total per medicaid day payment rate that the department of medicaid shall pay a nursing facility provider for nursing facility services the provider's nursing facility provides during a state fiscal year shall be determined as follows:

(A) Determine the sum of all of the following:

(1) The per medicaid day payment rate for ancillary and support costs determined for the nursing facility under section 5165.16 of the Revised Code;

(2) The per medicaid day payment rate for capital costs

determined for the nursing facility under section 5165.17 of the Revised Code; 71621  
71622

(3) The per medicaid day payment rate for direct care costs determined for the nursing facility under section 5165.19 of the Revised Code; 71623  
71624  
71625

(4) The per medicaid day payment rate for tax costs determined for the nursing facility under section 5165.21 of the Revised Code; 71626  
71627  
71628

(5) If the nursing facility qualifies as a critical access nursing facility, the nursing facility's critical access incentive payment paid under section 5165.23 of the Revised Code. 71629  
71630  
71631

(B) To the sum determined under division (A) of this section, add the following: 71632  
71633

~~(1) For state fiscal years 2018 and 2019, sixteen dollars and forty-four cents;~~ 71634  
71635

~~(2) For state fiscal year 2020 and, except as provided in division (B)(3) of this section, each state fiscal year thereafter, the sum of the following:~~ 71636  
71637  
71638

~~(a) The amount specified or determined for the purpose of division (B) of this section for the immediately preceding state fiscal year;~~ 71639  
71640  
71641

~~(b) The difference between the following:~~ 71642

~~(i) The medicare skilled nursing facility market basket index determined for the federal fiscal year that begins during the state fiscal year immediately preceding the state fiscal year for which the determination is being made under division (B) of this section;~~ 71643  
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71645  
71646  
71647

~~(ii) The budget reduction adjustment factor for the state fiscal year for which the determination is being made under division (B) of this section.~~ 71648  
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~~(3) For the first state fiscal year in a group of consecutive state fiscal years for which a rebasing is conducted after state fiscal year 2020, the amount specified or determined for the purpose of division (B) of this section for the immediately preceding state fiscal year .~~

(C) From the sum determined under division (B) of this section, subtract one dollar and seventy-nine cents.

(D) To the difference determined under division (C) of this section, add the per medicaid day quality payment rate determined for the nursing facility under section 5165.25 of the Revised Code.

(E) To the sum determined under division (D) of this section, add, for the second half of state fiscal year 2020 and all of each state fiscal year thereafter, the per medicaid day quality incentive payment rate determined for the nursing facility under section 5165.26 of the Revised Code.

**Sec. 5165.152.** The total per medicaid day payment rate determined under section 5165.15 of the Revised Code shall not be paid for nursing facility services provided to low resource utilization residents. Instead, the total rate for such nursing facility services shall be ~~the following:~~

~~(A) One one hundred fifteen dollars per medicaid day if the department of medicaid is satisfied that the nursing facility's provider is cooperating with the long term care ombudsman program in efforts to help the nursing facility's low resource utilization residents receive the services that are most appropriate for such residents' level of care needs;~~

~~(B) Ninety one dollars and seventy cents per medicaid day if division (A) of this section does not apply to the nursing facility.~~

**Sec. 5165.21.** The department of medicaid shall determine each nursing facility's per medicaid day payment rate for tax costs. The rate for tax costs determined under this division for a nursing facility shall be used for subsequent years until the department conducts a rebasing. To determine a nursing facility's rate for tax costs, the department shall ~~do both of the following:~~

~~(A) Divide divide the nursing facility's desk-reviewed, actual, allowable tax costs paid for the applicable calendar year by the number of inpatient days the nursing facility would have had if its occupancy rate had been one hundred per cent during the applicable calendar year;~~

~~(B) For state fiscal year 2020 and each state fiscal year thereafter (other than the first state fiscal year in a group of consecutive state fiscal years for which a rebasing is conducted), adjust the amount calculated under division (A) of this section using the difference between the following:~~

~~(1) The medicare skilled nursing facility market basket index determined for the federal fiscal year that begins during the state fiscal year immediately preceding the state fiscal year for which the adjustment is being made under division (B) of this section;~~

~~(2) The budget reduction adjustment factor for the state fiscal year for which the adjustment is being made under division (B) of this section.~~

**Sec. 5165.25.** (A) As used in this section:

(1) "Long-stay resident" means an individual who has resided in a nursing facility for at least one hundred one days.

(2) "Measurement period" means the ~~following:~~

~~(a) For state fiscal year 2017, the period beginning July 1,~~

2015, and ending December 31, 2015; 71710

~~(b) For each subsequent state fiscal year, the calendar year~~ 71711  
immediately preceding the calendar year in which ~~the~~ a state 71712  
fiscal year begins. 71713

(3) "Nurse aide" has the same meaning as in section 3721.21 71714  
of the Revised Code. 71715

(4) "Short-stay resident" means a nursing facility resident 71716  
who is not a long-stay resident. 71717

(B)(1) Using all of the funds made available for a state 71718  
fiscal year by the rate reductions under division (C) of section 71719  
5165.15 of the Revised Code, the department of medicaid shall 71720  
determine a per medicaid day quality payment rate to be paid for 71721  
that state fiscal year to each nursing facility that meets at 71722  
least one of the quality indicators specified in division (B)(2) 71723  
of this section ~~for the measurement period~~. The largest quality 71724  
payment rate for a state fiscal year shall be paid to nursing 71725  
facilities that meet all of the quality indicators ~~for the~~ 71726  
~~measurement period~~. 71727

(2) The following are the quality indicators to be used for 71728  
the purpose of division (B)(1) of this section: 71729

(a) Not more than the target percentage of the nursing 71730  
facility's short-stay residents had new or worsened pressure 71731  
ulcers for the measurement period. 71732

(b) Not more than the target percentage of long-stay 71733  
residents at high risk for pressure ulcers had pressure ulcers for 71734  
the measurement period. 71735

(c) Not more than the target percentage of the nursing 71736  
facility's short-stay residents newly received an antipsychotic 71737  
medication for the measurement period. 71738

(d) Not more than the target percentage of the nursing 71739

facility's long-stay residents received an antipsychotic medication for the measurement period. 71740  
71741

(e) Not more than the target percentage of the nursing facility's long-stay residents had an unplanned weight loss for the measurement period. 71742  
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(f) The nursing facility's employee retention rate is at least the target rate for the measurement period. 71745  
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(g) The nursing facility ~~utilized the nursing home version of the preferences for everyday living inventory for all of its residents~~ obtained at least the target score on the following: 71747  
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71749

(i) For an even-numbered state fiscal year, the department of aging's most recently published resident satisfaction survey conducted pursuant to section 173.47 of the Revised Code; 71750  
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71752

(ii) For an odd-numbered state fiscal year, the department of aging's most recently published family satisfaction survey conducted pursuant to section 173.47 of the Revised Code. 71753  
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71755

(3) The department shall specify the target percentage for the purpose of divisions (B)(2)(a) to (e) of this section at the fortieth percentile of nursing facilities that have data for the quality indicators. The department also shall specify the target rate for the purpose of division (B)(2)(f) of this section and the target score for the purpose of division (B)(2)(g) of this section. In ~~determining whether a nursing facility meets the quality indicators specified in divisions (B)(2)(c) and (d) of this section, the department shall exclude from consideration the following:~~ 71756  
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~~(a) In the case of the quality indicator specified in division (B)(2)(c) of this section, all of the nursing facility's short stay residents who newly received an antipsychotic medication in conjunction with hospice care;~~ 71766  
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71768  
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~~(b) In the case of the quality indicator specified in  
division (B)(2)(d) of this section, all of the nursing facility's  
long stay residents who received antipsychotic medication in  
conjunction with hospice care.~~

(C) If a nursing facility undergoes a change of operator during a state fiscal year, the per medicaid day quality payment rate to be paid to the entering operator for nursing facility services that the nursing facility provides during the period beginning on the effective date of the change of operator and ending on the last day of the state fiscal year shall be the same amount as the per medicaid day quality payment rate that was in effect on the day immediately preceding the effective date of the change of operator and paid to the nursing facility's exiting operator. For the immediately following state fiscal year, the per medicaid day quality payment rate shall be ~~the following:~~

~~(1) If the effective date of the change of operator is on or before the first day of October of the calendar year immediately preceding the state fiscal year, the amount determined for the nursing facility in accordance with division (B) of this section for the state fiscal year;~~

~~(2) If the effective date of the change of operator is after the first day of October of the calendar year immediately preceding the state fiscal year, the mean per medicaid day quality payment rate for all nursing facilities for the state fiscal year.~~

**Sec. 5165.26.** (A) As used in this section:

(1) "Base rate" means the portion of a nursing facility's total per medicaid day payment rate determined under divisions (A) and (B) of section 5165.15 of the Revised Code.

(2) "CMS" means the United States centers for medicare and medicaid services.

(3) "Long-stay resident" and "measurement period" have the same meanings as in section 5165.25 of the Revised Code. 71800  
71801

(B) For the second half of state fiscal year 2020 and all of each state fiscal year thereafter, and subject to divisions (D) and (E) of this section, the department of medicaid shall determine each nursing facility's per medicaid day quality incentive payment rate as follows: 71802  
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(1) Determine the sum of the quality scores determined under division (C) of this section for all nursing facilities. 71807  
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(2) Determine the average quality score by dividing the sum determined under division (B)(1) of this section by the number of nursing facilities for which a quality score was determined. 71809  
71810  
71811

(3) Determine the following: 71812

(a) For the second half of state fiscal year 2020, the sum of the total number of medicaid days for the second half of calendar year 2018 for all nursing facilities for which a quality score was determined; 71813  
71814  
71815  
71816

(b) For all of state fiscal year 2021 and each state fiscal year thereafter, the sum of the total number of medicaid days for the measurement period applicable to the state fiscal year for all nursing facilities for which a quality score was determined. 71817  
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71819  
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(4) Multiply the average quality score determined under division (B)(2) of this section by the sum determined under division (B)(3) of this section. 71821  
71822  
71823

(5) Determine the value per quality point by determining the quotient of the following: 71824  
71825

(a) The following: 71826

(i) For the second half of state fiscal year 2020, the sum determined under division (E)(1)(b) of this section; 71827  
71828

(ii) For all of state fiscal year 2021 and each state fiscal 71829

year thereafter, the sum determined under division (E)(2)(b) of this section. 71830  
71831

(b) The product determined under division (B)(4) of this section. 71832  
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(6) Multiply the value per quality point determined under division (B)(5) of this section by the nursing facility's quality score determined under division (C) of this section. 71834  
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(C)(1) Except as provided in divisions (C)(2) and (3) of this section, a nursing facility's quality score for a state fiscal year shall be the sum of the total number of points that CMS assigned to the nursing facility under CMS's nursing facility five-star quality rating system for the following quality metrics: 71837  
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(a) The percentage of the nursing facility's long-stay residents at high risk for pressure ulcers who had pressure ulcers during the measurement period; 71842  
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71844

(b) The percentage of the nursing facility's long-stay residents who had a urinary tract infection during the measurement period; 71845  
71846  
71847

(c) The percentage of the nursing facility's long-stay residents whose ability to move independently worsened during the measurement period; 71848  
71849  
71850

(d) The percentage of the nursing facility's long-stay residents who had a catheter inserted and left in their bladder during the measurement period. 71851  
71852  
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(2) In determining a nursing facility's quality score for a state fiscal year, the department shall make the following adjustment to the number of points that CMS assigned to the nursing facility for each of the quality metrics specified in division (C)(1) of this section: 71854  
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71856  
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(a) Unless division (C)(2)(b) of this section applies, divide 71859

the number of the nursing facility's points for the quality metric 71860  
by twenty. 71861

(b) If CMS assigned the nursing facility to the lowest 71862  
percentile for the quality metric, reduce the number of the 71863  
nursing facility's points for the quality metric to zero. 71864

(3) A nursing facility's quality score shall be zero for a 71865  
state fiscal year if it is not to receive a quality incentive 71866  
payment for that state fiscal year because of division (D) of this 71867  
section. 71868

(D)(1) Except as provided in division (D)(2) of this section, 71869  
a nursing facility shall not receive a quality incentive payment 71870  
for a state fiscal year, other than the second half of state 71871  
fiscal year 2020, if the nursing facility's licensed occupancy 71872  
percentage is less than eighty per cent. 71873

(2) Division (D)(1) of this section does not apply to a 71874  
nursing facility for a state fiscal year if either of the 71875  
following apply: 71876

(a) The nursing facility has a quality score under division 71877  
(C) of this section for the state fiscal year of at least fifteen 71878  
points; 71879

(b) Either of the following occurred less than four years 71880  
before the first day of the state fiscal year: 71881

(i) The nursing facility was initially certified for 71882  
participation in the medicaid program. 71883

(ii) The nursing facility underwent a renovation during which 71884  
the nursing facility temporarily removed one or more of its 71885  
licensed beds from service. 71886

(3) A nursing facility's licensed occupancy percentage for a 71887  
state fiscal year shall be determined as follows: 71888

(a) Multiply the nursing facility's licensed capacity on the 71889



last day of the measurement period applicable to the state fiscal year by the number of days in that measurement period; 71890  
71891

(b) Divide the number of the nursing facility's inpatient days for the measurement period applicable to the state fiscal year by the product determined under division (D)(3)(a) of this section. 71892  
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(E) The total amount to be spent on quality incentive payments for a state fiscal year shall be the following: 71896  
71897

(1) For the second half of state fiscal year 2020, the amount determined as follows: 71898  
71899

(a) Determine the following amount for each nursing facility, including those that do not receive a quality incentive payment because of division (D) of this section: 71900  
71901  
71902

(i) The amount that is two and four-tenths per cent of the nursing facility's base rate for nursing facility services provided on January 1, 2020; 71903  
71904  
71905

(ii) Multiply the amount determined under division (E)(1)(a)(i) of this section by the number of the nursing facility's medicaid days for the second half of calendar year 2018. 71906  
71907  
71908  
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(b) Determine the sum of the products determined under division (E)(1)(a)(ii) of this section for all nursing facilities for which the product was determined for the second half of state fiscal year 2020. 71910  
71911  
71912  
71913

(2) For all of state fiscal year 2021 and each state fiscal year thereafter, the amount determined as follows: 71914  
71915

(a) Determine the following amount for each nursing facility, including those that do not receive a quality incentive payment because of division (D) of this section: 71916  
71917  
71918

(i) The amount that is two and four-tenths per cent of the 71919

nursing facility's base rate for nursing facility services 71920  
provided on the first day of the state fiscal year; 71921

(ii) Add the amount determined under division (E)(2)(a)(i) of 71922  
this section to the nursing facility's base rate for nursing 71923  
facility services provided on the first day of the state fiscal 71924  
year; 71925

(iii) Multiply the sum determined under division 71926  
(E)(2)(a)(ii) of this section by the medicare skilled nursing 71927  
facility market basket index for federal fiscal year 2020; 71928

(iv) Determine the sum of the amounts determined under 71929  
divisions (E)(2)(a)(i) and (iii) of this section; 71930

(v) Multiply the sum determined under division (E)(2)(a)(iv) 71931  
of this section by the number of the nursing facility's medicaid 71932  
days for the measurement period applicable to the state fiscal 71933  
year. 71934

(b) Determine the sum of the products determined under 71935  
division (E)(2)(a)(v) of this section for all nursing facilities 71936  
for which the product was determined for the state fiscal year. 71937

**Sec. 5165.361.** It is the general assembly's intent to specify 71938  
in statute the factor to be used for state fiscal year 2020 and 71939  
each state fiscal year thereafter (other than the first state 71940  
fiscal year in a group of consecutive state fiscal years for which 71941  
a rebasing is conducted) as the budget reduction adjustment factor 71942  
for the purpose of sections ~~5165.15~~, 5165.16, 5165.17, and 71943  
5165.19, ~~and 5165.21~~ of the Revised Code. The budget reduction 71944  
adjustment factor to be used for a state fiscal year shall not 71945  
exceed the medicare skilled nursing facility market basket index 71946  
determined for the federal fiscal year that begins during the 71947  
state fiscal year immediately preceding the state fiscal year for 71948  
which the budget reduction adjustment factor is being used. If the 71949

general assembly fails to specify in statute the factor to be used 71950  
for a state fiscal year as the budget reduction adjustment factor, 71951  
the budget reduction adjustment factor shall be zero. 71952

**Sec. 5166.01.** As used in this chapter: 71953

"209(b) option" means the option described in section 1902(f) 71954  
of the "Social Security Act," 42 U.S.C. 1396a(f), under which the 71955  
medicaid program's eligibility requirements for aged, blind, and 71956  
disabled individuals are more restrictive than the eligibility 71957  
requirements for the supplemental security income program. 71958

"Administrative agency" means, with respect to a home and 71959  
community-based services medicaid waiver component, the department 71960  
of medicaid or, if a state agency or political subdivision 71961  
contracts with the department under section 5162.35 of the Revised 71962  
Code to administer the component, that state agency or political 71963  
subdivision. 71964

"Care management system" ~~means the system established under~~ 71965  
has the same meaning as in section 5167.03 5167.01 of the Revised 71966  
Code. 71967

"Dual eligible individual" has the same meaning as in section 71968  
5160.01 of the Revised Code. 71969

"Enrollee" has the same meaning as in section 5167.01 of the 71970  
Revised Code. 71971

"Expansion eligibility group" has the same meaning as in 71972  
section 5163.01 of the Revised Code. 71973

"Federal poverty line" has the same meaning as in section 71974  
5162.01 of the Revised Code. 71975

"Home and community-based services medicaid waiver component" 71976  
means a medicaid waiver component under which home and 71977  
community-based services are provided as an alternative to 71978

hospital services, nursing facility services, or ICF/IID services.	71979
"Hospital" has the same meaning as in section 3727.01 of the Revised Code.	71980 71981
"Hospital long-term care unit" has the same meaning as in section 5168.40 of the Revised Code.	71982 71983
"ICDS participant" has the same meaning as in section 5164.01 of the Revised Code.	71984 71985
"ICF/IID" and "ICF/IID services" have the same meanings as in section 5124.01 of the Revised Code.	71986 71987
"Integrated care delivery system" and "ICDS" have the same meanings as in section 5164.01 of the Revised Code.	71988 71989
"Level of care determination" means a determination of whether an individual needs the level of care provided by a hospital, nursing facility, or ICF/IID and whether the individual, if determined to need that level of care, would receive hospital services, nursing facility services, or ICF/IID services if not for a home and community-based services medicaid waiver component.	71990 71991 71992 71993 71994 71995
"Medicaid buy-in for workers with disabilities program" has the same meaning as in section 5163.01 of the Revised Code.	71996 71997
<u>"Medicaid MCO plan" has the same meaning as in section 5167.01 of the Revised Code.</u>	71998 71999
"Medicaid provider" has the same meaning as in section 5164.01 of the Revised Code.	72000 72001
"Medicaid services" has the same meaning as in section 5164.01 of the Revised Code.	72002 72003
"Medicaid waiver component" means a component of the medicaid program authorized by a waiver granted by the United States department of health and human services under the "Social Security Act," section 1115 or 1915, 42 U.S.C. 1315 or 1396n. "Medicaid waiver component" does not include a <u>the</u> care management system	72004 72005 72006 72007 72008

~~established under section 5167.03 of the Revised Code.~~ 72009

"Medically fragile child" means an individual who is under 72010  
eighteen years of age, has intensive health care needs, and is 72011  
considered blind or disabled under section 1614(a)(2) or (3) of 72012  
the "Social Security Act," 42 U.S.C. 1382c(a)(2) or (3). 72013

"Medicare skilled nursing facility market basket index" has 72014  
the same meaning as in section 5165.01 of the Revised Code. 72015

"Nursing facility" and "nursing facility services" have the 72016  
same meanings as in section 5165.01 of the Revised Code. 72017

"Ohio home care waiver program" means the home and 72018  
community-based services medicaid waiver component that is known 72019  
as Ohio home care and was created pursuant to section 5166.11 of 72020  
the Revised Code. 72021

"Provider agreement" has the same meaning as in section 72022  
5164.01 of the Revised Code. 72023

"Residential treatment facility" means a residential facility 72024  
licensed by the department of mental health and addiction services 72025  
under section 5119.34 of the Revised Code, or an institution 72026  
certified by the department of job and family services under 72027  
section 5103.03 of the Revised Code, that serves children and 72028  
either has more than sixteen beds or is part of a campus of 72029  
multiple facilities or institutions that, combined, have a total 72030  
of more than sixteen beds. 72031

"Skilled nursing facility" has the same meaning as in section 72032  
5165.01 of the Revised Code. 72033

"Unified long-term services and support medicaid waiver 72034  
component" means the medicaid waiver component authorized by 72035  
section 5166.14 of the Revised Code. 72036

**Sec. 5166.04.** The following requirements apply to each home 72037  
and community-based services medicaid waiver component: 72038

(A) Only an individual who qualifies for a component shall 72039  
receive that component's medicaid services. 72040

(B) A level of care determination shall be made as part of 72041  
the process of determining whether an individual qualifies for a 72042  
component and shall be made each year after the initial 72043  
determination if, during such a subsequent year, the 72044  
administrative agency determines there is a reasonable indication 72045  
that the individual's needs have changed. 72046

(C) A written plan of care or individual service plan based 72047  
on an individual assessment of the medicaid services that an 72048  
individual needs to avoid needing admission to a hospital, nursing 72049  
facility, or ICF/IID shall be created for each individual 72050  
determined eligible for a component. 72051

(D) Each individual determined eligible for a component shall 72052  
receive that component's medicaid services in accordance with the 72053  
individual's level of care determination and written plan of care 72054  
or individual service plan. 72055

(E) No individual may receive medicaid services under a 72056  
component while the individual is a hospital inpatient or resident 72057  
of a skilled nursing facility, nursing facility, or ICF/IID. 72058

(F) No individual may receive prevocational, educational, or 72059  
supported employment services under a component if the individual 72060  
is eligible for such services that are funded with federal funds 72061  
provided under 29 U.S.C. 730 or the "Individuals with Disabilities 72062  
Education Act," 111 Stat. 37 (1997), 20 U.S.C. 1400, as amended. 72063

(G) Safeguards shall be taken to protect the health and 72064  
welfare of individuals receiving medicaid services under a 72065  
component, including safeguards established in rules adopted under 72066  
section 5166.02 of the Revised Code and safeguards established by 72067  
licensing and certification requirements that are applicable to 72068  
the providers of that component's medicaid services. 72069

(H) No medicaid services may be provided under a component by a provider that is subject to standards that the "Social Security Act," section 1616(e)(1), 42 U.S.C. 1382e(e)(1), requires be established if the provider fails to comply with the standards applicable to the provider.

(I) Individuals determined to be eligible for a component, or such individuals' representatives, shall be informed of that component's medicaid services, including any choices that the individual or representative may make regarding the component's medicaid services, and given the choice of either receiving medicaid services under that component or, as appropriate, hospital services, nursing facility services, or ICF/IID services.

(J) No individual shall lose eligibility for services under a component, or have the services reduced or otherwise disrupted, on the basis that the individual also receives services under the medicaid buy-in for workers with disabilities program.

(K) No individual shall lose eligibility for services under a component, or have the services reduced or otherwise disrupted, on the basis that the individual's income or resources increase to an amount above the eligibility limit for the component if the individual is participating in the medicaid buy-in for workers with disabilities program and the amount of the individual's income or resources does not exceed the eligibility limit for the medicaid buy-in for workers with disabilities program.

(L) No individual receiving services under a component shall be required to pay any cost sharing expenses for the services for any period during which the individual also participates in the medicaid buy-in for workers with disabilities program.

(M) If a component covers home-delivered meals, both of the following shall apply:

(1) The format in which the meals are delivered to an

individual and the frequency of the deliveries shall be consistent 72101  
with the individual's needs as specified in the individual's 72102  
written plan of care or individual service plan; 72103

(2) The individual who delivers the meals shall not leave the 72104  
meals with the individual to whom they are delivered unless the 72105  
individuals meet face-to-face at the time of the delivery. 72106

**Sec. 5166.09.** (A) Each state fiscal year beginning with state 72107  
fiscal year 2022, the medicaid payment rate for personal care 72108  
services provided under a home and community-based services 72109  
medicaid waiver component that is an alternative to nursing 72110  
facility services shall be increased by the difference between the 72111  
following: 72112

(1) The medicare skilled nursing facility market basket index 72113  
determined for the federal fiscal year that begins during the 72114  
state fiscal year immediately preceding the state fiscal year for 72115  
which the determination is being made under this division; 72116

(2) The budget reduction adjustment factor for the state 72117  
fiscal year for which the determination is being made under this 72118  
division. 72119

(B) The budget reduction adjustment factor for a state fiscal 72120  
year shall be the same as the budget reduction adjustment factor 72121  
that, pursuant to section 5165.361 of the Revised Code, is used 72122  
for that state fiscal year for the purpose of determining the 72123  
medicaid payment rate for nursing facility services. 72124

**Sec. 5166.22.** (A) Subject to division (B) of this section, 72125  
when the department of developmental disabilities allocates 72126  
enrollment numbers to a county board of developmental disabilities 72127  
for home and community-based services specified in division (A)(1) 72128  
of section 5166.20 of the Revised Code and provided under any of 72129  
the medicaid waiver components that the department administers 72130



under section 5166.21 of the Revised Code, the department shall 72131  
consider ~~all~~ both of the following: 72132

(1) The number of individuals with developmental disabilities 72133  
placed on the county board's waiting list established for the 72134  
services pursuant to section 5126.042 of the Revised Code; 72135

~~(2) The implementation component required by division (A)(3)~~ 72136  
~~of section 5126.054 of the Revised Code of the county board's plan~~ 72137  
~~approved under section 5123.046 of the Revised Code;~~ 72138

~~(3)~~ Anything else the department considers necessary to 72139  
enable the county board to provide the services to individuals 72140  
placed on the county board's waiting list established for the 72141  
services pursuant to section 5126.042 of the Revised Code. 72142

(B) Division (A) of this section applies to home and 72143  
community-based services provided under the medicaid waiver 72144  
component known as the transitions developmental disabilities 72145  
waiver only to the extent, if any, provided by the contract 72146  
required by section 5166.21 of the Revised Code regarding the 72147  
component. 72148

Sec. 5166.43. The medicaid director shall establish a 72149  
medicaid waiver component under which medicaid MCO plans may cover 72150  
any service or product that would have a beneficial effect on the 72151  
health of enrollees and, because of the beneficial effect, is 72152  
likely to reduce the per recipient per month costs under the plan 72153  
by the end of the first three years that the service or product is 72154  
covered. 72155

Sec. 5166.50. (A) The medicaid director shall request that 72156  
the United States secretary of health and human services enter 72157  
into an enforceable agreement with the director that provides for 72158  
no federal financial participation to be withheld due to any of 72159

the following: 72160

(1) Implementation of sections 5167.35 and 5167.36 of the Revised Code; 72161  
72162

(2) For the purpose of section 5167.10 of the Revised Code, enrollment of individuals designated for participation in the care management system pursuant to section 5167.03 of the Revised Code in medicaid managed care organizations that are regional networks consisting of hospitals. 72163  
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72165  
72166  
72167

(B) Unless the agreement specified in division (A) of this section is in effect: 72168  
72169

(1) Sections 5167.35 and 5167.36 of the Revised Code shall not be implemented. 72170  
72171

(2) For the purpose of section 5167.10 of the Revised Code, the department shall not enroll individuals designated for participation in the care management system pursuant to section 5167.03 of the Revised Code in medicaid managed care organizations that are regional networks consisting of hospitals. 72172  
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**Sec. 5167.01.** As used in this chapter: 72177

(A) "Affiliated company" means an entity, including a third-party payer or specialty pharmacy, with common ownership, members of a board of directors, or managers, or that is a parent company, subsidiary company, jointly held company, or holding company with respect to the other entity. 72178  
72179  
72180  
72181  
72182

(B) "Care management system" means the system established under section 5167.03 of the Revised Code. 72183  
72184

(C) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code. 72185  
72186

~~(B)~~(D) "Dual eligible individual" has the same meaning as in section 5160.01 of the Revised Code. 72187  
72188

~~(C)~~(E) "Emergency services" has the same meaning as in the 72189  
"Social Security Act," section 1932(b)(2), 42 U.S.C. 72190  
1396u-2(b)(2). 72191

~~(D)~~(F) "Enrollee" means a medicaid recipient who participates 72192  
in the care management system and enrolls in a medicaid MCO plan. 72193

(G) "ICDS participant" has the same meaning as in section 72194  
5164.01 of the Revised Code. 72195

~~(E)~~(H) "Medicaid managed care organization" means a managed 72196  
care organization under contract with the department of medicaid 72197  
pursuant to section 5167.10 of the Revised Code. 72198

~~(F)~~(I) "Medicaid MCO plan" means a plan that a medicaid 72199  
managed care organization, pursuant to its contract with the 72200  
department of medicaid under section 5167.10 of the Revised Code, 72201  
makes available to medicaid recipients participating in the care 72202  
management system. 72203

(J) "Medicaid waiver component" has the same meaning as in 72204  
section 5166.01 of the Revised Code. 72205

~~(G)~~(K) "Network provider" has the same meaning as in 42 72206  
C.F.R. 438.2. 72207

(L) "Nursing facility services" has the same meaning as in 72208  
section 5165.01 of the Revised Code. 72209

(M) "Part B drug" means a drug or biological described in 72210  
section 1842(o)(1)(C) of the "Social Security Act," 42 U.S.C. 72211  
1395u(o)(1)(C). 72212

~~(H)~~(N) "Pharmacy benefit manager" has the same meaning as in 72213  
section 3959.01 of the Revised Code. 72214

(O) "Practice of pharmacy" has the same meaning as in section 72215  
4729.01 of the Revised Code. 72216

(P) "Prescribed drug" has the same meaning as in section 72217  
5164.01 of the Revised Code. 72218

(O) "Prior authorization requirement" has the same meaning as 72219  
in section 5160.34 of the Revised Code. 72220

~~(I)~~(R) "Provider" means any person or government entity that 72221  
furnishes services to a medicaid recipient enrolled in a medicaid 72222  
~~managed care organization~~ MCO plan, regardless of whether the 72223  
person or entity has a provider agreement. 72224

~~(J)~~(S) "Provider agreement" has the same meaning as in 72225  
section 5164.01 of the Revised Code. 72226

(T) "State pharmacy benefit manager" means the pharmacy 72227  
benefit manager selected by and under contract with the medicaid 72228  
director under section 5167.24 of the Revised Code. 72229

(U) "Third-party administrator" means any person who adjusts 72230  
or settles claims on behalf of an insuring entity in connection 72231  
with life, dental, health, prescription drugs, or disability 72232  
insurance or self-insurance programs and includes a pharmacy 72233  
benefit manager. 72234

**Sec. 5167.03.** As part of the medicaid program, the department 72235  
of medicaid shall establish a care management system. The 72236  
department shall implement the system in some or all counties. 72237

The department shall designate the medicaid recipients who 72238  
are required or permitted to participate in the care management 72239  
system. Those who shall be required to participate in the system 72240  
include medicaid recipients who receive cognitive behavioral 72241  
therapy as described in division (A)(2) of section 5167.16 of the 72242  
Revised Code. Except as provided in section 5166.406 of the 72243  
Revised Code, no medicaid recipient participating in the healthy 72244  
Ohio program established under section 5166.40 of the Revised Code 72245  
shall participate in the system. 72246

The general assembly's authorization through the enactment of 72247  
legislation is needed before home and community-based services 72248

available under a medicaid waiver component or nursing facility 72249  
services are included in the care management system, except that 72250  
ICDS participants may be required or permitted to obtain such 72251  
services under the system. Medicaid recipients who receive such 72252  
services may be designated for voluntary or mandatory 72253  
participation in the system in order to receive other health care 72254  
services included in the system. 72255

The department may require or permit participants in the care 72256  
management system to ~~obtain~~ do either or both of the following: 72257

(A) Obtain health care services from providers designated by 72258  
the department. ~~The department may require or permit participants~~ 72259  
~~to obtain health care services through medicaid managed care~~ 72260  
~~organizations;~~ 72261

(B) Enroll in a medicaid MCO plan. 72262

**Sec. 5167.04.** The department of medicaid shall include 72263  
alcohol, drug addiction, and mental health services covered by 72264  
medicaid in the care management system ~~established under section~~ 72265  
~~5167.03 of the Revised Code. The services shall not be included in~~ 72266  
~~the system before July 1, 2018.~~ 72267

**Sec. 5167.05.** The department of medicaid may include 72268  
prescribed drugs covered by the medicaid program in the care 72269  
management system. 72270

**Sec. 5167.121 5167.051.** If the medicaid program covers the 72271  
pharmacist services described in section 5164.14 of the Revised 72272  
Code, the department of medicaid may ~~require a medicaid managed~~ 72273  
~~care organization to provide coverage of the pharmacist services~~ 72274  
~~to the same extent when the services are provided to a medicaid~~ 72275  
~~recipient who is enrolled in the organization as a part of~~ include 72276  
the services in the care management system ~~established under~~ 72277

~~section 5167.03 of the Revised Code.~~ 72278

**Sec. 5167.10.** ~~(A) The department of medicaid may enter into~~ 72279  
~~contracts with managed care organizations, including health~~ 72280  
~~insuring corporations, under which the organizations are~~ 72281  
~~authorized to provide, or arrange for the provision of, health~~ 72282  
~~care services to medicaid recipients who are required or permitted~~ 72283  
~~to obtain health care services through managed care organizations~~ 72284  
~~as part of participate in the care management system established~~ 72285  
~~under section 5167.03 of the Revised Code.~~ 72286

~~(B)(1) Subject to division (B)(2)(a) of this section, the~~ 72287  
~~department or its actuary shall base the hospital inpatient~~ 72288  
~~capital payment portion of the payment made to managed care~~ 72289  
~~organizations on data for services provided to all recipients~~ 72290  
~~enrolled in managed care organizations with which the department~~ 72291  
~~contracts, as reported by hospitals on relevant cost reports~~ 72292  
~~submitted pursuant to rules adopted under section 5167.02 of the~~ 72293  
~~Revised Code.~~ 72294

~~(2)(a) The hospital inpatient capital payment portion of the~~ 72295  
~~payment made to medicaid managed care organizations shall not~~ 72296  
~~exceed any maximum rate established by the department pursuant to~~ 72297  
~~rules adopted under this section.~~ 72298

~~(b) If a maximum rate is established, a medicaid managed care~~ 72299  
~~organization shall not compensate hospitals for inpatient capital~~ 72300  
~~costs in an amount that exceeds that rate.~~ 72301

~~(C) The department of medicaid shall allow a medicaid managed~~ 72302  
~~care organization to use providers to render care upon completion~~ 72303  
~~of the medicaid managed care organization's credentialing process.~~ 72304  
The managed care organizations with which the department may enter 72305  
into contracts include both of the following: 72306

(A) Health insuring corporations; 72307

(B) Subject to section 5166.50 of the Revised Code, regional networks consisting of hospitals that accept a capitated payment from the department that is not more than ninety per cent of the lowest capitated payment made to a medicaid managed care organization that is a health insuring corporation. 72308  
72309  
72310  
72311  
72312

**Sec. 5167.101.** (A) Subject to division (B) of this section, the department of medicaid or its actuary shall base the hospital inpatient capital payment portion of the payment made to a medicaid managed care organization on data for services provided to all of the organization's enrollees, as reported by hospitals on relevant cost reports submitted pursuant to rules adopted under section 5167.02 of the Revised Code. 72313  
72314  
72315  
72316  
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72318  
72319

(B) The hospital inpatient capital payment portion of the payment made to medicaid managed care organizations shall not exceed any maximum rate established in rules adopted under section 5167.02 of the Revised Code. 72320  
72321  
72322  
72323

If a maximum rate is established, a medicaid managed care organization shall not compensate hospitals for inpatient capital costs in an amount that exceeds that rate. 72324  
72325  
72326

**Sec. 5167.102.** The department of medicaid shall allow a medicaid managed care organization to use providers to render care to the organization's enrollees upon completion of the organization's credentialing process. 72327  
72328  
72329  
72330

**Sec. 5167.103.** In addition to the managed care performance payment program created under section 5167.30 of the Revised Code, the department of medicaid shall establish performance metrics that will be used to evaluate and compare how medicaid managed care organizations perform under the contracts entered into under section 5167.10 of the Revised Code. The performance metrics may include financial incentives and penalties. 72331  
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The department shall make available on its internet web site 72338  
the metrics the department uses to determine how well medicaid 72339  
managed care organizations perform. The department shall update 72340  
its internet web site each quarter to reflect any changes it makes 72341  
to the metrics. 72342

**Sec. 5167.105.** If a medicaid managed care organization 72343  
establishes a payment rate for a service covered by its medicaid 72344  
MCO plan that is greater than the payment rate for the service 72345  
under the fee-for-service component of the medicaid program, the 72346  
organization shall require any provider of the service that seeks 72347  
to be part of the organization's provider panel available to the 72348  
organization's enrollees to enter into a value-based contract with 72349  
the organization. 72350

**Sec. 5167.106.** A medicaid managed care organization shall not 72351  
permit a provider to be part of the organization's provider panel 72352  
available to the organization's enrollees unless the provider 72353  
assures the organization that the provider, once a member of the 72354  
provider panel, will, in accordance with section 3962.05 of the 72355  
Revised Code, provide to the organization the information 72356  
specified in that section if the provider chooses to have the 72357  
organization provide to the organization's enrollees the 72358  
reasonable, good faith cost estimate described in section 3962.04 72359  
of the Revised Code. 72360

**Sec. 5167.107.** (A) This section applies to a capitation rate 72361  
adjustment for medicaid managed care organizations if both of the 72362  
following are the case: 72363

(1) The adjustment would increase the capitation rate for a 72364  
period of time to an amount exceeding the amount that the 72365  
capitation rate otherwise would be for that period according to 72366  
the contracts that have been entered into under section 5167.10 of 72367



the Revised Code and are in effect at the time the adjustment 72368  
would be applied. 72369

(2) The total cost of the adjustment to the medicaid program 72370  
would exceed \$50,000,000. 72371

(B) The department of medicaid shall not implement a 72372  
capitation rate adjustment to which this section applies unless 72373  
both of the following are the case: 72374

(1) The department seeks approval for the adjustment from the 72375  
joint medicaid oversight committee and the committee approves the 72376  
adjustment. 72377

(2) After receiving approval for the adjustment from the 72378  
joint medicaid oversight committee, the department seeks approval 72379  
for the appropriations needed for the adjustment from the 72380  
controlling board and the controlling board approves the 72381  
appropriations. 72382

(C) The approval required by this section for a capitation 72383  
rate adjustment is in addition to the federal approval required by 72384  
section 5162.07 of the Revised Code. 72385

~~Sec. 5167.11. When contracting under section 5167.10 of the~~ 72386  
~~Revised Code with a health insuring corporation that holds a~~ 72387  
~~certificate of authority under Chapter 1751. of the Revised Code,~~ 72388  
~~the department of medicaid~~ Each medicaid managed care organization 72389  
~~shall require the health insuring corporation to provide a~~ 72390  
~~grievance process for medicaid recipients~~ the organization's 72391  
enrollees in accordance with 42 C.F.R. 438, subpart F. 72392

~~Sec. 5167.12. (A) When contracting under section 5167.10 of~~ 72393  
~~the Revised Code with a managed care organization that is a health~~ 72394  
~~insuring corporation, the department of medicaid shall require the~~ 72395  
~~health insuring corporation to provide coverage of prescribed~~ 72396  
~~drugs for medicaid recipients enrolled in the health insuring~~ 72397

~~corporation. In providing the required coverage, the health~~ 72398  
~~insuring corporation may use If prescribed drugs are included in~~ 72399  
~~the care management system:~~ 72400

(A) Medicaid MCO plans may include strategies for the 72401  
management of drug utilization, but any such strategies are 72402  
subject to the limitations and requirements of this section and 72403  
the ~~department's~~ approval of the department of medicaid. 72404

~~The department~~ A medicaid MCO plan shall not ~~permit a~~ 72405  
~~health insuring corporation to~~ impose a prior authorization 72406  
requirement in the case of a drug to which all of the following 72407  
apply: 72408

(1) The drug is an antidepressant or antipsychotic. 72409

(2) The drug is administered or dispensed in a standard 72410  
tablet or capsule form, except that in the case of an 72411  
antipsychotic, the drug also may be administered or dispensed in a 72412  
long-acting injectable form. 72413

(3) The drug is prescribed by any of the following: 72414

(a) A physician ~~who is allowed by whom~~ the ~~health insuring~~ 72415  
~~corporation~~ medicaid managed care organization that offers the 72416  
plan allows to provide care as a psychiatrist through its 72417  
credentialing process, ~~as described in division (C) of section~~ 72418  
~~5167.10 of the Revised Code;~~ 72419

(b) A psychiatrist who is practicing at a location on behalf 72420  
of a community mental health services provider whose mental health 72421  
services are certified by the department of mental health and 72422  
addiction services under section 5119.36 of the Revised Code; 72423

(c) A certified nurse practitioner, as defined in section 72424  
4723.01 of the Revised Code, who is certified in psychiatric 72425  
mental health by a national certifying organization approved by 72426  
the board of nursing under section 4723.46 of the Revised Code; 72427

(d) A clinical nurse specialist, as defined in section 72428  
4723.01 of the Revised Code, who is certified in psychiatric 72429  
mental health by a national certifying organization approved by 72430  
the board of nursing under section 4723.46 of the Revised Code. 72431

(4) The drug is prescribed for a use that is indicated on the 72432  
drug's labeling, as approved by the federal food and drug 72433  
administration. 72434

(C) ~~Subject to division (E) of this section, the~~ The 72435  
department shall authorize a ~~health insuring corporation~~ medicaid 72436  
MCO plan to ~~develop and implement~~ include a pharmacy utilization 72437  
management program under which prior authorization through the 72438  
program is established as a condition of obtaining a controlled 72439  
substance pursuant to a prescription. 72440

(D) ~~The department shall require a health insuring~~ 72441  
~~corporation to~~ Each medicaid managed care organization and 72442  
medicaid MCO plan shall comply with sections 5164.091, 5164.7511, 72443  
5164.7512, and 5164.7514 of the Revised Code, as if the ~~health~~ 72444  
~~insuring corporation~~ organization were the department and the plan 72445  
were the medicaid program. 72446

**Sec. 5167.122.** (A) The state pharmacy benefit manager shall, 72447  
on request from the department of medicaid, disclose to the 72448  
department all sources of payment it receives for prescribed 72449  
drugs, including any financial benefits such as drug rebates, 72450  
discounts, credits, clawbacks, fees, grants, chargebacks, 72451  
reimbursements, or other payments related to services provided for 72452  
the medicaid managed care organization. 72453

(B) Each medicaid managed care organization shall disclose to 72454  
the department of medicaid in the format specified by the 72455  
department the organization's administrative costs associated with 72456  
providing pharmacy services under the care management system. 72457

~~Sec. 5167.13. Each contract the department of medicaid enters~~ 72458  
~~into with a managed care organization under section 5167.10 of the~~ 72459  
~~Revised Code shall require the medicaid managed care organization~~ 72460  
~~to shall~~ implement a coordinated services program for ~~medicaid~~ 72461  
~~recipients enrolled in the organization~~ organization's enrollees 72462  
who are found to have obtained prescribed drugs under the medicaid 72463  
program at a frequency or in an amount that is not medically 72464  
necessary. The program shall be implemented in a manner that is 72465  
consistent with section 1915(a)(2) of the "Social Security Act," 72466  
~~section 1915(a)(2),~~ 42 U.S.C. 1396n(a)(2), and 42 C.F.R. 72467  
431.54(e). 72468

~~Sec. 5167.14. Each contract the department of medicaid enters~~ 72469  
~~into with a medicaid managed care organization under section~~ 72470  
~~5167.10 of the Revised Code shall require the managed care~~ 72471  
~~organization to~~ enter into a data security agreement with the 72472  
state board of pharmacy governing the managed care organization's 72473  
use of the board's drug database established and maintained under 72474  
section 4729.75 of the Revised Code. 72475

This section does not apply if the board no longer maintains 72476  
the drug database. 72477

~~Sec. 5167.17. When contracting under section 5167.10 of the~~ 72478  
~~Revised Code with a Each medicaid managed care organization that~~ 72479  
~~is a health insuring corporation, the department of medicaid shall~~ 72480  
~~require the health insuring corporation to~~ provide enhanced care 72481  
management services for pregnant women and women capable of 72482  
becoming pregnant in the communities specified in rules adopted 72483  
under section 3701.142 of the Revised Code. The ~~contract shall~~ 72484  
~~specify that the services are to~~ shall be provided in a manner 72485  
intended to decrease the incidence of prematurity, low birth 72486  
weight, and infant mortality, as well as improve the overall 72487

health status of women capable of becoming pregnant for the 72488  
purpose of ensuring optimal future birth outcomes. 72489

**Sec. 5167.171.** ~~When contracting with a Each medicaid managed~~ 72490  
~~care organization that is a health insuring corporation, the~~ 72491  
~~department of medicaid shall require the organization, if the~~ 72492  
organization requires practitioners to obtain prior approval 72493  
before administering progesterone to the organization's enrollees 72494  
who are pregnant medicaid recipients enrolled in the organization, 72495  
~~to~~ use a uniform prior approval form for progesterone that is not 72496  
more than one page. 72497

**Sec. 5167.172.** ~~When contracting with a Each medicaid managed~~ 72498  
~~care organization that is a health insuring corporation, the~~ 72499  
~~department of medicaid shall require the organization to~~ 72500  
promote the use of technology-based resources, such as mobile telephone or 72501  
text messaging applications, that offer tips on having a healthy 72502  
pregnancy and healthy baby to ~~medicaid recipients~~ the 72503  
organization's enrollees who are ~~enrolled in the organization and~~ 72504  
~~are~~ pregnant or have an infant who is less than one year of age. 72505

**Sec. 5167.173.** (A) As used in this section: 72506

(1) "Board of health" means the board of health of a city or 72507  
general health district or the authority having the duties of a 72508  
board of health under section 3709.05 of the Revised Code. 72509

(2) "Certified community health worker" has the same meaning 72510  
as in section 4723.01 of the Revised Code. 72511

(3) "Community health worker services" means the services 72512  
described in section 4723.81 of the Revised Code. 72513

(4) "Public health nurse" means a registered nurse employed 72514  
or contracted by a board of health. 72515

(5) "Qualified community hub" means a central clearinghouse 72516

for a network of community care coordination agencies that meets 72517  
all of the following criteria: 72518

(a) Demonstrates to the director of health that it uses an 72519  
evidenced-based, pay-for-performance community care coordination 72520  
model (endorsed by the federal agency for healthcare research and 72521  
quality, the national institutes of health, and the centers for 72522  
medicare and medicaid services or their successors) or uses 72523  
certified community health workers or public health nurses to 72524  
connect at-risk individuals to health, housing, transportation, 72525  
employment, education, and other social services; 72526

(b) Is a board of health or demonstrates to the director of 72527  
health that it has achieved, or is engaged in achieving, 72528  
certification from a national hub certification program; 72529

(c) Has a plan, approved by the medicaid director, specifying 72530  
how the board of health or community hub ensures that children 72531  
served by it receive appropriate developmental screenings as 72532  
specified in the publication titled "Bright Futures: Guidelines 72533  
for Health Supervision of Infants, Children, and Adolescents," 72534  
available from the American academy of pediatrics, as well as 72535  
appropriate early and periodic screening, diagnostic, and 72536  
treatment services. 72537

(B) ~~When contracting with a Each medicaid managed care 72538  
organization that is a health insuring corporation, the department 72539  
of medicaid shall require the organization to provide to a 72540  
~~medicaid recipient~~ an enrollee who meets the criteria in division 72541  
(C) of this section, or arrange for the ~~medicaid recipient~~ 72542  
enrollee to receive, both of the following services provided by a 72543  
certified community health worker or public health nurse, as 72544  
applicable, who is employed by, or works under a contract with, a 72545  
qualified community hub: 72546~~

(1) Community health worker services or services provided by 72547

a public health nurse; 72548

(2) Other services that are not community health worker 72549  
services or services provided by a public health nurse but are 72550  
performed for the purpose of ensuring that the ~~medicaid recipient~~ 72551  
enrollee is linked to employment services, housing, educational 72552  
services, social services, or medically necessary physical and 72553  
behavioral health services. 72554

(C) ~~A medicaid recipient~~ An enrollee qualifies to receive the 72555  
services specified in division (B) of this section if the ~~medicaid~~ 72556  
~~recipient~~ enrollee is pregnant or capable of becoming pregnant, 72557  
resides in a community served by a qualified community hub, and 72558  
has been recommended to receive the services by a physician, 72559  
public health nurse, or another licensed health professional 72560  
specified in rules adopted under division (D) of this section, ~~and~~ 72561  
~~is enrolled in the medicaid managed care organization providing or~~ 72562  
~~arranging for the services.~~ 72563

(D) The medicaid director shall adopt rules under section 72564  
5167.02 of the Revised Code specifying the licensed health 72565  
professionals, in addition to physicians and public health nurses, 72566  
who may recommend that ~~a medicaid recipient~~ an enrollee receive 72567  
the services specified in division (B) of this section. 72568

**Sec. 5167.18.** Each ~~contract the department of medicaid enters~~ 72569  
~~into with a~~ medicaid managed care organization ~~under section~~ 72570  
~~5167.10 of the Revised Code shall require the managed care~~ 72571  
~~organization to~~ comply with federal and state efforts to identify 72572  
fraud, waste, and abuse in the medicaid program. 72573

**Sec. 5167.20.** (A) Except as provided in division (B) of this 72574  
section, when a ~~participant in the care management system~~ 72575  
~~established under this chapter is enrolled in a~~ medicaid managed 72576  
care organization ~~and the organization refers the participant~~ an 72577

enrollee to receive services, other than emergency services 72578  
provided on or after January 1, 2007, at a hospital that 72579  
participates in the medicaid program but is not under contract 72580  
with the organization, the hospital shall provide the service for 72581  
which the referral was made and shall accept from the 72582  
organization, as payment in full, ~~the~~ an amount ~~derived from~~ equal 72583  
to ninety per cent of the payment rate used by the department of 72584  
medicaid to pay other hospitals of the same type for providing the 72585  
same service to a medicaid recipient who is not enrolled in a 72586  
medicaid ~~managed care organization~~ MCO plan. 72587

(B) A hospital is not subject to division (A) of this section 72588  
if all of the following are the case: 72589

(1) The hospital is located in a county in which participants 72590  
in the care management system are required before January 1, 2006, 72591  
to be enrolled in a medicaid ~~managed care organization that is a~~ 72592  
~~health insuring corporation~~ MCO plan; 72593

(2) The hospital has entered into a contract before January 72594  
1, 2006, with at least one health insuring corporation serving the 72595  
participants specified in division (B)(1) of this section; 72596

(3) The hospital remains under contract with at least one 72597  
health insuring corporation serving participants in the care 72598  
management system who are required to be enrolled in a ~~health~~ 72599  
~~insuring corporation~~ medicaid MCO plan. 72600

(C) The medicaid director shall adopt rules under section 72601  
5167.02 of the Revised Code specifying the circumstances under 72602  
which a medicaid managed care organization is permitted to refer a 72603  
~~participant in the care management system~~ an enrollee to a 72604  
hospital that is not under contract with the organization. 72605

**Sec. 5167.201.** When a ~~participant in the care management~~ 72606  
~~system established under this chapter is enrolled in a~~ medicaid 72607



managed care ~~organization and~~ organization's enrollee receives 72608  
emergency services on or after January 1, 2007, from a provider 72609  
that is not under contract with the organization, the provider 72610  
shall accept from the organization, as payment in full, not more 72611  
than the amounts (less any payments for indirect costs of medical 72612  
education and direct costs of graduate medical education) that the 72613  
provider could collect if the ~~participant~~ enrollee received 72614  
medicaid other than through enrollment in a ~~managed care~~  
~~organization~~ medicaid MCO plan. 72615  
72616

An agreement entered into by a ~~participant~~ an enrollee, a 72617  
~~participant's~~ an enrollee's parent, or a ~~participant's~~ an 72618  
enrollee's legal guardian that requires payment for emergency 72619  
services in violation of this section is void and unenforceable. 72620

Sec. 5167.22. When a medicaid managed care organization seeks 72621  
to recoup an overpayment made to a provider, it shall provide the 72622  
provider all of the details of the recoupment, including all of 72623  
the following information: 72624

(A) The name, address, and medicaid identification number of 72625  
the enrollee to whom the services were provided; 72626

(B) The date or dates that the services were provided; 72627

(C) The reason for the recoupment; 72628

(D) The method by which the provider may contest the proposed 72629  
recoupment. 72630

Sec. 5167.221. The department of medicaid shall assess the 72631  
efforts of medicaid managed care organizations to recoup 72632  
overpayments made to providers who are network providers and 72633  
providers who are not network providers. The assessments shall 72634  
examine the amount of time recoupment efforts take starting from 72635  
the time providers receive final payment and ending when the 72636  
recoupment effort is completed. Each medicaid managed care 72637

organization shall submit to the department information regarding 72638  
such recoupment efforts that the department needs to perform the 72639  
assessments. The department shall specify what information is so 72640  
needed. Following the assessments, the department shall include in 72641  
the contracts entered into with medicaid managed care 72642  
organizations under section 5167.10 of the Revised Code terms the 72643  
department determines are reasonable to establish limits on such 72644  
recoupment efforts. The terms shall include exceptions for cases 72645  
of fraud and other types of deception. 72646

**Sec. 5167.24.** (A) If the department of medicaid includes 72647  
prescribed drugs in the care management system as authorized under 72648  
section 5167.05 of the Revised Code, the medicaid director, 72649  
through a procurement process, shall select a third-party 72650  
administrator to serve as the single pharmacy benefit manager used 72651  
by medicaid managed care organizations under the care management 72652  
system. The state pharmacy benefit manager shall be responsible 72653  
for processing all pharmacy claims under the care management 72654  
system. The department of medicaid is responsible for enforcing 72655  
the contract after the procurement process. 72656

(B) As part of the procurement process, the director shall do 72657  
all of the following: 72658

(1) Accept applications from entities seeking to become the 72659  
state pharmacy benefit manager; 72660

(2) Establish eligibility criteria an entity must meet in 72661  
order to become the state pharmacy benefit manager; 72662

(3) Select and contract with a single state pharmacy benefit 72663  
manager; 72664

(4) Develop a master contract to be used by the director when 72665  
contracting with the state pharmacy benefit manager, which shall 72666  
prohibit the state pharmacy benefit manager from requiring a 72667

medicaid recipient to obtain a specialty drug from a specialty pharmacy owned or otherwise associated with the state pharmacy benefit manager. 72668  
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(C) A prospective state pharmacy benefit manager shall disclose to the director all of the following during the procurement process: 72671  
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(1) Any activity, policy, practice, contract or arrangement of the state pharmacy benefit manager that may directly or indirectly present any conflict of interest with the pharmacy benefit manager's relationship with or obligation to the department or a medicaid managed care organization; 72674  
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(2) All common ownership, members of a board of directors, managers, or other control of the pharmacy benefit manager (or any of the pharmacy benefit manager's affiliated companies) with any of the following: 72679  
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72682

(a) A medicaid managed care organization and its affiliated companies; 72683  
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(b) An entity that contracts on behalf of a pharmacy or any pharmacy services administration organization and its affiliated companies; 72685  
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(c) A drug wholesaler or distributor and its affiliated companies; 72688  
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(d) A third-party payer and its affiliated companies; 72690

(e) A pharmacy and its affiliated companies. 72691

(3) Any direct or indirect fees, charges, or any kind of assessments imposed by the pharmacy benefit manager on pharmacies licensed in this state with which the pharmacy benefit manager shares common ownership, management, or control; or that are owned, managed, or controlled by any of the pharmacy benefit manager's affiliated companies; 72692  
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<u>(4) Any direct or indirect fees, charges, or any kind of</u>	72698
<u>assessments imposed by the pharmacy benefit manager on pharmacies</u>	72699
<u>licensed in this state that operate more than eleven locations;</u>	72700
<u>(5) Any direct or indirect fees, charges, or any kind of</u>	72701
<u>assessments imposed by the pharmacy benefit manager on pharmacies</u>	72702
<u>licensed in this state that operate eleven or fewer locations.</u>	72703
<u>(6) Any financial terms and arrangements between the pharmacy</u>	72704
<u>benefit manager and a prescription drug manufacturer or labeler,</u>	72705
<u>including formulary management, drug substitution programs,</u>	72706
<u>educational support claims processing, or data sales fees.</u>	72707
<u>(D) The director shall select a provisional state pharmacy</u>	72708
<u>benefit manager not later than July 1, 2020.</u>	72709
<u>(1) Once a provisional state pharmacy benefit manager has</u>	72710
<u>been selected, full implementation of the entity as the state</u>	72711
<u>pharmacy benefit manager shall be subject to that entity's</u>	72712
<u>demonstrated ability to fulfill the duties and obligations of the</u>	72713
<u>state pharmacy benefit manager as illustrated through a readiness</u>	72714
<u>review process established by the director. Any entity failing to</u>	72715
<u>complete the readiness review process shall be deemed as having</u>	72716
<u>not met the criteria of the review process. The selected entity</u>	72717
<u>shall not enter into contracts with the department or medicaid</u>	72718
<u>managed care organizations as the state pharmacy benefit manager</u>	72719
<u>before the date on which the entity has satisfactorily completed</u>	72720
<u>the readiness review process.</u>	72721
<u>(2) If the director determines that, for reasons beyond the</u>	72722
<u>director's control, selection of a provisional state pharmacy</u>	72723
<u>benefit manager cannot occur before July 1, 2020, the director</u>	72724
<u>shall notify the joint medicaid oversight committee of the reasons</u>	72725
<u>for the delay and identify the steps the director is taking to</u>	72726
<u>complete the selection as expeditiously as possible.</u>	72727
<u>(E) The director shall review the state pharmacy benefit</u>	72728

manager contract every six months and shall effect any changes by 72729  
contract amendment or renewal. 72730

(F) Every four years, the director shall reprocure the state 72731  
pharmacy benefit manager contract under division (B) of this 72732  
section. 72733

(G) The affiliated companies of the state pharmacy benefit 72734  
manager selected under this section may conduct pharmacy benefit 72735  
manager business in their own names with medicaid managed care 72736  
organizations. 72737

**Sec. 5167.241.** (A)(1) Medicaid managed care organizations 72738  
shall use the state pharmacy benefit manager selected under 72739  
section 5167.24 of the Revised Code pursuant to the terms of the 72740  
master contract entered into under that section. The state 72741  
pharmacy benefit manager shall be responsible for processing all 72742  
pharmacy claims under the care management system. 72743

(2) All contracts between the state pharmacy benefit manager 72744  
and a medicaid managed care organization shall specify that all 72745  
pharmacy claims information shared between the parties is 72746  
confidential and proprietary. 72747

(B)(1) The medicaid director shall determine the rate the 72748  
state pharmacy benefit manager is paid for its services. All 72749  
payments relating to claims adjudication shall be made to the 72750  
state pharmacy benefit manager from a medicaid managed care 72751  
organization. All payments relating to other administrative 72752  
matters, such as formulary management and prescribed drug 72753  
supplemental rebate negotiation, shall be made to the state 72754  
pharmacy benefit manager directly from the department. 72755

All payment arrangements between the department of medicaid, 72756  
medicaid managed care organizations, and the state pharmacy 72757  
benefit manager shall comply with state and federal statutes, 72758

regulations adopted by the centers for medicare and medicaid services, and any other agreement between the department and the centers for medicare and medicaid services. The director may change a payment arrangement in order to comply with state and federal statutes, regulations adopted by the centers for medicare and medicaid services, or any other agreement between the department and the centers for medicare and medicaid services.

(2) The director shall establish a dispensing fee to be paid to the pharmacy for each prescribed drug it dispenses under the care management system.

(C) Notwithstanding division (A) of this section, a medicaid managed care organization may contract directly with a pharmacy regarding the practice of pharmacy.

**Sec. 5167.242.** (A) In consultation with the medicaid director, the state pharmacy benefit manager shall develop a medicaid prescribed drug formulary that it will use when administering prescribed drug benefits on behalf of a medicaid managed care organization under the care management system. At minimum, the medicaid prescribed drug formulary shall list prescribed drugs and shall specify the per unit price for each drug. The formulary price is the total price ceiling, including any supplemental rebates or discounts received for the prescribed drug. The formulary shall not become effective until the medicaid director approves it.

(B) The state pharmacy benefit manager shall disclose immediately and in writing to the department of medicaid any changes to the medicaid prescribed drug formulary. The medicaid director may disapprove any changes to the formulary.

(C) The state pharmacy benefit manager shall not make any payment for a prescribed drug included in the medicaid prescribed drug formulary in an amount that exceeds the per unit price for

the drug as described in division (A) of this section. 72790

(D) In developing the medicaid prescribed drug formulary 72791  
under this section in consultation with the director, the state 72792  
pharmacy benefit manager shall negotiate prices for and price each 72793  
prescribed drug at the lowest price that also maximizes the health 72794  
of medicaid recipients and promotes the efficiency of the medicaid 72795  
program. 72796

**Sec. 5167.243.** (A) The state pharmacy benefit manager shall 72797  
provide to the medicaid director a written quarterly report 72798  
containing the following information from the immediately 72799  
preceding quarter: 72800

(1) The prices that the state pharmacy benefit manager 72801  
negotiated for prescribed drugs under the care management system. 72802  
The price must include any rebates the state pharmacy benefit 72803  
manager received from the drug manufacturer; 72804

(2) The prices the state pharmacy benefit manager paid to 72805  
pharmacies for prescribed drugs; 72806

(3) Any rebate amounts the state pharmacy benefit manager 72807  
passed on to individual pharmacies; 72808

(4) The percentage of savings in drug prices that are passed 72809  
on to participants in the care management system; 72810

(5) The information described in division (C) of section 72811  
5167.24 of the Revised Code; 72812

(6) Any other information required by the director. 72813

(B) The director may ask the state pharmacy benefit manager 72814  
to provide additional information as necessary and shall collect 72815  
other clinical data from the state pharmacy benefit manager as the 72816  
director sees fit. 72817

(C) At the time of contract execution, renewal, or 72818

modification, the department shall modify the reporting 72819  
requirements under its medicaid managed care organization 72820  
contracts as necessary to meet the requirements of this section. 72821

Sec. 5167.244. No person shall violate the terms of the 72822  
master state pharmacy benefit manager contract under section 72823  
5167.24 of the Revised Code or section 5167.241 or 5167.242 of the 72824  
Revised Code. Whoever violates those sections is subject to a 72825  
civil penalty in an amount to be determined by the medicaid 72826  
director. 72827

Sec. 5167.245. The medicaid director shall establish an 72828  
appeals process by which pharmacies may appeal to the department 72829  
of medicaid any disputes relating to the maximum allowable cost 72830  
set by the state pharmacy benefit manager for a prescribed drug. 72831  
All pharmacies participating in the care management system shall 72832  
use the appeals process to resolve any disputes relating to the 72833  
maximum allowable cost set by the state pharmacy benefit manager. 72834

Sec. 5167.246. The medicaid director shall adopt rules under 72835  
section 5167.02 of the Revised Code as necessary to implement and 72836  
enforce sections 5167.24 to 5167.245 of the Revised Code, 72837  
including rules that do all of the following: 72838

(A) Specify the information that must be disclosed to the 72839  
director by the state pharmacy benefit manager under section 72840  
5167.243 of the Revised Code; 72841

(B) Establish the amount of the civil penalties under section 72842  
5167.244 of the Revised Code; 72843

(C) Adjust the capitation payments to medicaid managed care 72844  
organizations as necessary as a result of the state pharmacy 72845  
benefit manager processing all pharmacy claims under the care 72846  
management system as provided under section 5167.241 of the 72847



<u>Revised Code;</u>	72848
<u>(D) Prohibit the state pharmacy benefit manager from</u>	72849
<u>requiring a medicaid recipient to obtain a specialty drug from a</u>	72850
<u>specialty pharmacy owned or otherwise associated with the state</u>	72851
<u>pharmacy benefit manager;</u>	72852
<u>(E) Define "specialty drug" and "specialty pharmacy" for the</u>	72853
<u>purpose of division (D) of this section;</u>	72854
<u>(F) Establish a dispensing fee to be paid to the state</u>	72855
<u>pharmacy benefit manager for claims adjudication, as authorized</u>	72856
<u>under division (B)(2) of section 5167.241 of the Revised Code;</u>	72857
<u>(G) Specify procedures for conducting the appeals process</u>	72858
<u>established under section 5167.245 of the Revised Code.</u>	72859
<b>Sec. 5167.26.</b> For the purpose of determining the amount the	72860
department of medicaid pays hospitals under section 5168.09 of the	72861
Revised Code and the amount of disproportionate share hospital	72862
payments paid by the medicare program pursuant to <u>section 1915 of</u>	72863
the "Social Security Act," <del>section 1915,</del> 42 U.S.C. 1396n, a	72864
medicaid managed care organization shall keep detailed records for	72865
each hospital with which it contracts, including records regarding	72866
the cost to the hospital of providing hospital services for the	72867
organization, payments made by the organization to the hospital	72868
for the services, utilization of hospital services by <del>medicaid</del>	72869
<del>recipients enrolled in the organization</del> <u>organization's enrollees,</u>	72870
and other utilization data required by the department.	72871
<b>Sec. 5167.29.</b> (A) <u>As used in this section:</u>	72872
<u>(1) "Covered health care" means a health care product,</u>	72873
<u>service, or procedure covered by a medicaid MCO plan.</u>	72874
<u>(2) "Emergency service" has the same meaning as in section</u>	72875
<u>1753.28 of the Revised Code.</u>	72876

(3) "High quality and efficient participating provider" means 72877  
a participating provider to which both of the following apply: 72878

(a) The provider has a high rating under division (C) of this 72879  
section. 72880

(b) The cost to a medicaid managed care organization for 72881  
covered health care the provider furnishes to an enrollee is less 72882  
than the cost the organization would have incurred if the enrollee 72883  
had obtained the covered health care from another participating 72884  
provider with which the enrollee initially scheduled an 72885  
appointment for the covered health care. 72886

(4) "Participating provider" means a provider who is a member 72887  
of a medicaid managed care organization's provider panel. 72888

(B) Each medicaid managed care organization shall establish 72889  
and implement a program that incentivizes enrollees to obtain 72890  
covered health care from high quality and efficient participating 72891  
providers. The incentives shall be in the form of points awarded 72892  
to enrollees under division (E) of this section which the 72893  
organization shall enable the enrollees to redeem for merchandise 72894  
available through the organization's internet web site. 72895

(C) As part of the program instituted under this section, a 72896  
medicaid managed care organization shall do both of the following: 72897

(1) Rate participating providers based on quality metrics. 72898  
The quality metrics for hospitals shall be the measures used for 72899  
the medicare hospital value-based purchasing program. The 72900  
department of medicaid shall establish the quality metrics for 72901  
other types of providers. In rating participating providers, an 72902  
organization shall award providers between one and five stars 72903  
based on the providers' scores on the quality metrics. 72904

(2) Establish on the organization's internet web site a 72905  
system under which enrollees rate and provide comments about 72906  
participating providers after appointments with the providers. The 72907

system shall be similar to internet web sites that enable 72908  
consumers to rate and provide comments about commercial products. 72909  
The organization shall encourage enrollees to use the system after 72910  
each appointment with a participating provider. The system shall 72911  
enable all enrollees to see the ratings and comments that other 72912  
enrollees have made for each participating provider. 72913

(D) A medicaid managed care organization shall provide an 72914  
enrollee all of the following before any covered health care, 72915  
other than an emergency service, is furnished to the enrollee by a 72916  
participating provider with which the enrollee has scheduled an 72917  
appointment for the covered health care: 72918

(1) A reasonable, good faith cost estimate for the covered 72919  
health care described in section 3962.04 of the Revised Code, 72920  
regardless of whether the provider also provides the cost estimate 72921  
to the enrollee or the enrollee's representative; 72922

(2) The provider's quality rating under division (C)(1) of 72923  
this section and average enrollee rating under division (C)(2) of 72924  
this section; 72925

(3) The address of the organization's internet web site at 72926  
which the enrollee may access the enrollee rating system 72927  
established under division (C)(2) of this section so that the 72928  
enrollee can read the ratings and comments made by other enrollees 72929  
about the provider and other participating providers; 72930

(4) A list of high quality and efficient participating 72931  
providers who could furnish the covered health care to the 72932  
enrollee and the providers' quality ratings under division (C)(1) 72933  
of this section and average enrollee ratings under division (C)(2) 72934  
of this section. 72935

(E)(1) Subject to division (E)(2) of this section, a medicaid 72936  
managed care organization shall award points to an enrollee if the 72937  
enrollee cancels an appointment for covered health care with a 72938

participating provider that is not a high quality and efficient participating provider and instead obtains the covered health care from a high quality and efficient participating provider. The number of points awarded shall be sufficient to incentivize the enrollee to cancel the initial appointment and obtain the covered health care from the high quality and efficient participating provider. 72939  
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(2) A medicaid managed care organization shall monitor enrollees' behavior under the program to thwart abuse of the program. An enrollee found to have abused or attempted to abuse the program shall not be awarded points. 72946  
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(F) The department of medicaid shall monitor each medicaid managed care organization as the organization establishes and implements the program under this section and determine the effectiveness of each organization's program. 72950  
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**Sec. 5167.35.** (A) As used in this section: 72954

(1) "Mandatory services" has the same meaning as in section 5164.01 of the Revised Code. 72955  
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(2) "Optional services" has the same meaning as in section 5164.01 of the Revised Code. 72957  
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(3) "Specified states" means the following states: Illinois, Indiana, Michigan, Ohio, Pennsylvania, and West Virginia. 72959  
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(B) This section is subject to section 5166.50 of the Revised Code. 72961  
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(C) The department of medicaid shall establish the shared savings bonus program. Under the program, the department shall, subject to division (D) of this section, do both of the following before the beginning of each fiscal year: 72963  
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72965  
72966

(1) Determine the average of the per recipient capitated payment rate, not including any shared savings bonus received 72967  
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under division (D) of this section, for each medicaid managed care organization for the three fiscal years immediately preceding the fiscal year for which the determination is made; 72969  
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(2) Determine the average per recipient cost to the medicaid programs in the specified states for the eligibility groups that are designated for participation in the care management system pursuant to section 5167.03 of the Revised Code for the three fiscal years immediately preceding the fiscal year for which the determination is made. 72972  
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(D) In making the determinations under divisions (C)(1) and (2) of this section, the department shall include only the costs for mandatory services and the costs for those optional services that are covered by the medicaid program in this state and the medicaid programs in all of the specified states. 72978  
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(E)(1) Subject to division (E)(3) of this section, the amount of a medicaid managed care organization's shared savings bonus for a fiscal year shall be determined as follows: 72983  
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(a) Subtract the organization's three-year average determined under division (C)(1) of this section for the fiscal year from the three-year average determined under division (C)(2) of this section for the fiscal year; 72986  
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72989

(b) Subject to division (E)(2) of this section, subtract the organization's three-year average determined under division (C)(1) of this section for the fiscal year from the organization's initial three-year average determined under that division; 72990  
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(c) Determine the sum of the differences determined under divisions (E)(1)(a) and (b) of this section; 72994  
72995

(d) Multiply the sum determined under division (E)(1)(c) of this section by twenty per cent. 72996  
72997

(2) The amount determined under division (E)(1)(b) of this 72998

section for a medicaid managed care organization for the first 72999  
fiscal year that the determination is made for the organization 73000  
shall be zero. 73001

(3) If the amount determined under division (E)(1)(c) of this 73002  
section for a medicaid managed care organization for the first or 73003  
second fiscal year for which the determination is made is a 73004  
negative number, the organization's shared savings bonus for that 73005  
fiscal year shall be zero. If the amount determined under that 73006  
division for a medicaid managed care organization for the third or 73007  
a subsequent fiscal year for which the determination is made is a 73008  
negative number, the department shall terminate the organization's 73009  
contract with the department and enter into a contract with 73010  
another managed care organization under section 5167.10 of the 73011  
Revised Code. The effective date of the contract termination shall 73012  
be the same as the effective date of the contract with the other 73013  
managed care organization so as to avoid a disruption in medicaid 73014  
recipients' access to services under the care management system. 73015

**Sec. 5167.36. (A) As used in this section:** 73016

(1) "Assignment share percentage" means the percentage of 73017  
medicaid recipients who are randomly assigned to enroll in a 73018  
particular participating MCO's medicaid MCO plan under division 73019  
(D) of this section. 73020

(2) "Participating MCO" means a medicaid managed care 73021  
organization participating in the quality incentive program 73022  
established under this section. 73023

(B) This section is subject to section 5166.50 of the Revised 73024  
Code. 73025

(C) The department of medicaid shall establish the quality 73026  
incentive program. Under the program, if a medicaid recipient 73027  
participating in the care management system does not select a 73028

medicaid MCO plan in which to enroll, the department shall 73029  
randomly assign the recipient to enroll in a medicaid MCO plan 73030  
offered by one of the participating MCOs. The number of recipients 73031  
randomly assigned to enroll in each participating MCO's medicaid 73032  
MCO plan shall be determined in accordance with that participating 73033  
MCO's assignment share percentage calculated under division (D) of 73034  
this section for the year the enrollment takes place. 73035

All of the following shall participate in the quality 73036  
incentive program: 73037

(1) Each medicaid managed care organization that has a 73038  
contract under section 5167.10 of the Revised Code on the 73039  
effective date of this section; 73040

(2) Other managed care organizations that become medicaid 73041  
managed care organizations after the effective date of this 73042  
section and are selected by the department. 73043

(D)(1) During the first calendar year that the quality 73044  
incentive program is operated, the assignment share percentage 73045  
shall be the same for all of the participating MCOs. Each year 73046  
thereafter, each participating MCO shall be ranked according to 73047  
the number of points it is awarded under division (E) of this 73048  
section, and each participating MCO's assignment share percentage 73049  
shall be adjusted as follows: 73050

(a) The assignment share percentage of the participating MCO 73051  
ranked at the top shall be increased by twenty-five per cent. 73052

(b) The assignment share percentage of the participating MCO 73053  
ranked at the bottom shall be decreased by twenty-five per cent. 73054

(c) The assignment share percentage of all of the other 73055  
participating MCOs shall be increased or decreased in a 73056  
corresponding, linear, and proportional manner based on their 73057  
ranks. 73058

(2) If a medicaid managed care organization becomes a participating MCO after the other participating MCOs' assignment share percentages have been assigned, the department shall do both of the following: 73059  
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73061  
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(a) Assign to the new participating MCO an initial assignment share percentage which shall be the percentage determined by dividing one hundred by the total number of participating MCOs; 73063  
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73065

(b) Adjust the assignment share percentages of all of the other participating MCOs proportionally. 73066  
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(E)(1) The department shall award points annually to each participating MCO based on health and quality metrics taken from the previous calendar year. Subject to divisions (E)(2) and (3) of this section, the department shall determine how points are awarded to participating MCOs. The number of points awarded to a participating MCO based on quality metrics shall not be more than twenty per cent of the total number of points awarded to the participating MCO. 73068  
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(2) The health metrics used to determine the number of points awarded to a participating MCO shall include the following health measurements for the group of medicaid recipients who have been randomly assigned under division (C) of this section to enroll in a medicaid MCO plan offered by the participating MCO: 73076  
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73078  
73079  
73080

(a) Smoking rate; 73081

(b) Infant mortality rate; 73082

(c) Hemoglobin a1c levels; 73083

(d) Obesity rate; 73084

(e) Incidence of relapse of alcohol or drug addiction; 73085

(f) Health measurements developed by the department in consultation with groups representing individuals with developmental disabilities. 73086  
73087  
73088



(3) The quality metrics used to determine the number of points awarded to a participating MCO shall include the following quality measurements as measured through a survey established by the department: 73089  
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73091  
73092

(a) How promptly the participating MCO pays claims for services rendered to enrollees; 73093  
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(b) The participating MCO's responsiveness to provider and enrollee requests; 73095  
73096

(c) Provider user satisfaction; 73097

(d) The effectiveness of the participating MCO's program established under section 5167.29 of the Revised Code; 73098  
73099

(e) Any other measurements the department considers appropriate. 73100  
73101

(4) The department shall publish each participating MCO's point totals annually and provide the information to medicaid recipients before they enroll in a medicaid MCO plan. 73102  
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73104

(F) If, for the second or a subsequent calendar year that the quality incentive program is operated, a participating MCO's assignment share percentage is decreased under division (D)(1) of this section to an amount that is equal to or less than fifty per cent of its assignment share percentage for the first calendar year that the program is operated, the department shall terminate the participating MCO's participation in the program. 73105  
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(G) A participating MCO shall not treat medicaid recipients who are randomly assigned to enroll in the participating MCO's medicaid MCO plan under division (C) of this section differently than how the participating MCO treats medicaid recipients who select the plan on their own. 73112  
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**Sec. 5167.41.** The department of medicaid may disenroll some or all medicaid recipients ~~enrolled in~~ from a medicaid MCO plan 73117  
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offered by a medicaid managed care organization if the department 73119  
proposes to terminate or not to renew the contract entered into 73120  
under section 5167.10 of the Revised Code and determines that the 73121  
recipients' access to medically necessary services is jeopardized 73122  
by the proposal to terminate or not to renew the contract. The 73123  
disenrollment is not subject to Chapter 119. of the Revised Code, 73124  
but the medicaid managed care organization may request a 73125  
reconsideration of the disenrollment. Reconsiderations shall be 73126  
requested and conducted in accordance with rules the medicaid 73127  
director shall adopt under section 5167.02 of the Revised Code. 73128  
The request for, or conduct of, a reconsideration regarding a 73129  
proposed disenrollment shall not delay the disenrollment. 73130

**Sec. 5168.03.** The requirements of sections 5168.06 to 5168.09 73131  
of the Revised Code apply only as long as the United States ~~health~~ 73132  
~~care financing administration~~ centers for medicare and medicaid 73133  
services determines that the assessment imposed under section 73134  
5168.06 of the Revised Code is a permissible health care-related 73135  
tax pursuant to the "Social Security Act," section 1903(w), 42 73136  
U.S.C. 1396b(w). Whenever the department of medicaid is informed 73137  
that the assessment is an impermissible health care-related tax, 73138  
the department shall promptly refund to each hospital the amount 73139  
of money currently in the hospital care assurance program fund 73140  
created by section 5168.11 of the Revised Code that has been paid 73141  
by the hospital under section 5168.06 or 5168.07 of the Revised 73142  
Code, plus any investment earnings on that amount. 73143

73144

**Sec. 5168.05.** (A) Except as provided in division (C) of this 73145  
section, each hospital, on or before the first day of July of each 73146  
year or at a later date approved by the medicaid director, shall 73147  
submit to the department of medicaid a financial statement for the 73148

preceding calendar year that accurately reflects the income, 73149  
expenses, assets, liabilities, and net worth of the hospital, and 73150  
accompanying notes. A hospital that has a fiscal year different 73151  
from the calendar year shall file its financial statement within 73152  
one hundred eighty days of the end of its fiscal year or at a 73153  
later date approved by the director. The financial statement shall 73154  
be prepared by an independent certified public accountant and 73155  
reflect an official audit report prepared in a manner consistent 73156  
with generally accepted accounting principles. The financial 73157  
statement shall, to the extent that the hospital has sufficient 73158  
financial records, show bad debt and charity care separately from 73159  
courtesy care and contractual allowances. 73160

(B) Except as provided in division (C) of this section, each 73161  
hospital, within one hundred eighty days after the end of the 73162  
hospital's cost reporting period, shall submit to the department a 73163  
cost report in a format prescribed in rules adopted under section 73164  
5168.02 of the Revised Code. The department shall grant a hospital 73165  
an extension of the one hundred eighty day period if the ~~health~~ 73166  
~~care financing administration of the United States department of~~ 73167  
~~health and human~~ centers for medicare and medicaid services 73168  
extends the date by which the hospital must submit its cost report 73169  
for the hospital's cost reporting period. 73170

(C) The director may adopt rules under section 5168.02 of the 73171  
Revised Code specifying financial information that must be 73172  
submitted by hospitals for which no financial statement or cost 73173  
report is available. The rules shall specify deadlines for 73174  
submitting the information. Each such hospital shall submit the 73175  
information specified in the rules not later than the deadline 73176  
specified in the rules. 73177

**Sec. 5168.06.** (A) For the purpose of distributing funds to 73178  
hospitals under the medicaid program pursuant to sections 5168.01 73179

to 5168.14 of the Revised Code and depositing funds into the 73180  
health care/medicaid support and recoveries fund created under 73181  
section 5162.52 of the Revised Code, there is hereby imposed an 73182  
assessment on all hospitals. Each hospital's assessment shall be 73183  
based on total facility costs. All hospitals shall be assessed 73184  
according to the rate or rates established each program year in 73185  
rules adopted under section 5168.02 of the Revised Code. The 73186  
department shall assess all hospitals uniformly and in a manner 73187  
consistent with federal statutes and regulations. During any 73188  
program year, the department shall not assess any hospital more 73189  
than two per cent of the hospital's total facility costs. 73190

The department shall establish an assessment rate or rates 73191  
each program year that will do both of the following: 73192

(1) Yield funds that, when combined with intergovernmental 73193  
transfers and federal matching funds, will produce a program of 73194  
sufficient size to pay a substantial portion of the indigent care 73195  
provided by hospitals; 73196

(2) Yield funds that, when combined with intergovernmental 73197  
transfers and federal matching funds, will produce amounts for 73198  
distribution to disproportionate share hospitals that do not 73199  
exceed, in the aggregate, the limits prescribed by the United 73200  
States ~~health care financing administration~~ centers for medicare  
and medicaid services under the "Social Security Act," section 73201  
1923(f), 42 U.S.C. 1396r-4(f). 73202  
73203

(B)(1) Except as provided in division (B)(3) of this section, 73204  
each hospital shall pay its assessment in periodic installments in 73205  
accordance with a schedule established in rules adopted under 73206  
section 5168.02 of the Revised Code. 73207

(2) The installments shall be equal in amount, unless either 73208  
of the following applies: 73209

(a) The department makes adjustments during a program year 73210

under division (D) of section 5168.08 of the Revised Code in the 73211  
total amount of hospitals' assessments; 73212

(b) The medicaid director determines that adjustments in the 73213  
amounts of installments are necessary for the administration of 73214  
sections 5168.01 to 5168.14 of the Revised Code and that unequal 73215  
installments will not create cash flow difficulties for hospitals. 73216

(3) The director may adopt rules under section 5168.02 of the 73217  
Revised Code establishing alternate schedules for hospitals to pay 73218  
assessments under this section in order to reduce hospitals' cash 73219  
flow difficulties. 73220

**Sec. 5168.07.** (A) The department of medicaid may require 73221  
governmental hospitals to make intergovernmental transfers each 73222  
program year for the purpose of distributing funds to hospitals 73223  
under the medicaid program pursuant to sections 5168.01 to 5168.14 73224  
of the Revised Code and depositing funds into the health 73225  
care/medicaid support and recoveries fund created under section 73226  
5162.52 of the Revised Code. The department shall not require 73227  
transfers in an amount that, when combined with hospital 73228  
assessments paid under section 5168.06 of the Revised Code and 73229  
federal matching funds, produce amounts for distribution to 73230  
disproportionate share hospitals that, in the aggregate, exceed 73231  
limits prescribed by the United States ~~health care financing~~ 73232  
~~administration~~ centers for medicare and medicaid services under 73233  
the "Social Security Act," section 1923(f), 42 U.S.C. 1396r-4(f). 73234

(B) Before or during each program year, the department shall 73235  
notify each governmental hospital of the amount of the 73236  
intergovernmental transfer it is required to make during the 73237  
program year. Each governmental hospital shall make 73238  
intergovernmental transfers as required by the department under 73239  
this section in periodic installments, executed by electronic fund 73240  
transfer, in accordance with a schedule established in rules 73241

adopted under section 5168.02 of the Revised Code. 73242

**Sec. 5168.08.** (A) Before or during each program year, the 73243  
department of medicaid shall mail to each hospital by certified 73244  
mail, return receipt requested, the preliminary determination of 73245  
the amount that the hospital is assessed under section 5168.06 of 73246  
the Revised Code during the program year. The preliminary 73247  
determination of a hospital's assessment shall be calculated for a 73248  
cost-reporting period that is specified in rules adopted under 73249  
section 5168.02 of the Revised Code. 73250

The department shall consult with hospitals each year when 73251  
determining the date on which it will mail the preliminary 73252  
determinations in order to minimize hospitals' cash flow 73253  
difficulties. 73254

If no hospital submits a request for reconsideration under 73255  
division (B) of this section, the preliminary determination 73256  
constitutes the final reconciliation of each hospital's assessment 73257  
under section 5168.06 of the Revised Code. The final 73258  
reconciliation is subject to adjustments under division (D) of 73259  
this section. 73260

(B) Not later than fourteen days after the preliminary 73261  
determinations are mailed, any hospital may submit to the 73262  
department a written request to reconsider the preliminary 73263  
determinations. The request shall be accompanied by written 73264  
materials setting forth the basis for the reconsideration. If one 73265  
or more hospitals submit a request, the department shall hold a 73266  
public hearing not later than thirty days after the preliminary 73267  
determinations are mailed to reconsider the preliminary 73268  
determinations. The department shall mail to each hospital a 73269  
written notice of the date, time, and place of the hearing at 73270  
least ten days prior to the hearing. On the basis of the evidence 73271  
submitted to the department or presented at the public hearing, 73272

the department shall reconsider and may adjust the preliminary 73273  
determinations. The result of the reconsideration is the final 73274  
reconciliation of the hospital's assessment under section 5168.06 73275  
of the Revised Code. The final reconciliation is subject to 73276  
adjustments under division (D) of this section. 73277

(C) The department shall mail to each hospital a written 73278  
notice of its assessment for the program year under the final 73279  
reconciliation. A hospital may appeal the final reconciliation of 73280  
its assessment to the court of common pleas of Franklin county. 73281  
While a judicial appeal is pending, the hospital shall pay, in 73282  
accordance with the schedules required by division (B) of section 73283  
5168.06 of the Revised Code, any amount of its assessment that is 73284  
not in dispute into the hospital care assurance program fund 73285  
created in section 5168.11 of the Revised Code. 73286

(D) In the course of any program year, the department may 73287  
adjust the assessment rate or rates established in rules pursuant 73288  
to section 5168.06 of the Revised Code or adjust the amounts of 73289  
intergovernmental transfers required under section 5168.07 of the 73290  
Revised Code and, as a result of the adjustment, adjust each 73291  
hospital's assessment and intergovernmental transfer, to reflect 73292  
refinements made by the United States ~~health care financing~~ 73293  
~~administration~~ centers for medicare and medicaid services during 73294  
that program year to the limits it prescribed under the "Social 73295  
Security Act," section 1923(f), 42 U.S.C. 1396r-4(f). When 73296  
adjusted, the assessment rate or rates must comply with division 73297  
(A) of section 5168.06 of the Revised Code. An adjusted 73298  
intergovernmental transfer must comply with division (A) of 73299  
section 5168.07 of the Revised Code. The department shall notify 73300  
hospitals of adjustments made under this division and adjust for 73301  
the remainder of the program year the installments paid by 73302  
hospitals under sections 5168.06 and 5168.07 of the Revised Code 73303  
in accordance with rules adopted under section 5168.02 of the 73304

Revised Code. 73305

**Sec. 5168.60.** As used in sections 5168.60 to 5168.71 of the Revised Code: 73306  
73307

(A) "Franchise permit fee rate" means the following: 73308

(1) For fiscal year ~~2016~~ 2020, ~~eighteen~~ twenty-three dollars and ~~seven~~ ninety-five cents; 73309  
73310

(2) For fiscal year ~~2017~~ 2021 and each fiscal year thereafter, ~~eighteen~~ twenty-four dollars and ~~two~~ eighty-nine cents. 73311  
73312  
73313

(B) "Indirect guarantee percentage" means the percentage specified in the "Social Security Act," section 1903(w)(4)(C)(ii), 42 U.S.C. 1396b(w)(4)(C)(ii), that is to be used in determining whether a class of providers is indirectly held harmless for any portion of the costs of a broad-based health-care-related tax. If the indirect guarantee percentage changes during a fiscal year, the indirect guarantee percentage is the following: 73314  
73315  
73316  
73317  
73318  
73319  
73320

(1) For the part of the fiscal year before the change takes effect, the percentage in effect before the change; 73321  
73322

(2) For the part of the fiscal year beginning with the date the indirect guarantee percentage changes, the new percentage. 73323  
73324

(C) "ICF/IID" has the same meaning as in section 5124.01 of the Revised Code. 73325  
73326

(D) Except as provided in division (B) of section 5168.62 of the Revised Code, "inpatient days" has the same meaning as in section 5124.01 of the Revised Code. 73327  
73328  
73329

(E) "Medicaid-certified capacity" has the same meaning as in section 5124.01 of the Revised Code. 73330  
73331

~~(E)~~(F) "Provider agreement" has the same meaning as in section 5124.01 of the Revised Code. 73332  
73333



Sec. 5168.61. The department of developmental disabilities shall do all of the following:

(A) Subject to section 5168.64 of the Revised Code and divisions (B) and (C) of this section and for the purposes specified in section 5168.69 of the Revised Code, quarterly assess ~~for each fiscal year~~ each ICF/IID a franchise permit fee equal to the product of the following:

~~(1) The franchise permit fee rate multiplied by the product of the following:~~

~~(1);~~

~~(2) The number of the ICF/IID's ~~medicaid certified capacity~~ on the first day of May of the calendar year in which the assessment is determined pursuant to division (A) of section 5168.63 of the Revised Code;~~

~~(2) The number of days in the fiscal year inpatient days for the quarter as determined using the monthly reports submitted to the department under section 5168.62 of the Revised Code.~~

(B) If the total amount of the franchise permit fee assessed under division (A) of this section for a fiscal year exceeds the indirect guarantee percentage of the actual net patient revenue for all ICFs/IID for that fiscal year and seventy-five per cent or more of the total number of ICFs/IID receive enhanced medicaid payments or other state payments equal to seventy-five per cent or more of their total franchise permit fee assessments, do both of the following:

(1) Recalculate the assessments under division (A) of this section using a per ~~bed per~~ inpatient day rate equal to the indirect guarantee percentage of actual net patient revenue for all ICFs/IID for that fiscal year;

(2) Refund the difference between the total amount of the

franchise permit fee assessed for that fiscal year under division 73364  
(A) of this section and the amount recalculated under division 73365  
(B)(1) of this section as a credit against the assessments imposed 73366  
under division (A) of this section for the quarters of the 73367  
subsequent fiscal year. 73368

(C) If the United States secretary of health and human 73369  
services determines that the franchise permit fee established by 73370  
sections 5168.60 to 5168.71 of the Revised Code would be an 73371  
impermissible health care-related tax under section 1903(w) of the 73372  
"Social Security Act," ~~section 1903(w)~~, 42 U.S.C. 1396b(w), take 73373  
all necessary actions to cease implementation of those sections in 73374  
accordance with rules adopted under section 5168.71 of the Revised 73375  
Code. 73376

**Sec. 5168.62.** (A) Each ICF/IID shall submit to the department 73377  
of developmental disabilities a monthly report containing the 73378  
number of the ICF/IID's inpatient days for that month. A report is 73379  
due not later than fifteen days after the last day of the month 73380  
for which it is submitted. Reports shall be submitted to the 73381  
department in a manner the department shall prescribe. The 73382  
department may review the data included in a report for accuracy. 73383

(B) If an ICF/IID fails to submit a report for a month, the 73385  
number of its inpatient days for that month shall be the product 73386  
of the following: 73387

(1) The ICF/IID's medicaid-certified capacity; 73388

(2) The number of days in the month. 73389

**Sec. 5168.63.** (A) Not later than the fifteenth last day of 73390  
~~August~~ of each year October, January, April, and July, the 73391  
department of developmental disabilities shall ~~determine the~~ 73392  
~~annual franchise permit fee for each ICF/IID in accordance with~~ 73393

~~section 5168.61 of the Revised Code.~~ 73394

~~(B) Not later than the first day of September of each year,~~ 73395  
~~the department shall~~ notify, electronically or by United States 73396  
postal service, each ICF/IID of the amount of the quarterly 73397  
franchise permit fee the ICF/IID has been assessed under section 73398  
5168.61 of the Revised Code. 73399

~~(C)~~(B) Subject to section 5168.64 of the Revised Code, each 73400  
ICF/IID shall pay its quarterly franchise permit fee under section 73401  
5168.61 of the Revised Code to the department ~~in quarterly~~ 73402  
~~installment payments~~ not later than forty-five days after the last 73403  
day of each ~~September, December, March, and June~~ October, January, 73404  
April, and July. 73405

**Sec. 5168.64.** ~~(A)~~ If the operator of an ICF/IID converts, 73406  
pursuant to section 5124.60 or 5124.61 of the Revised Code, all of 73407  
the ICF/IID's beds to providing home and community-based services 73408  
and the operator's provider agreement for the ICF/IID is 73409  
terminated as a consequence, the department of developmental 73410  
disabilities shall terminate the ICF/IID's franchise permit fee 73411  
effective on the first day of the quarter immediately following 73412  
the quarter in which the conversion takes place. 73413

~~(B)(1) If, during the period beginning on the first day of~~ 73414  
~~May of a calendar year and ending on the first day of January of~~ 73415  
~~the immediately following calendar year, the operator of an~~ 73416  
~~ICF/IID converts, pursuant to section 5124.60 or 5164.61 of the~~ 73417  
~~Revised Code, some but not all of the ICF/IID's beds to providing~~ 73418  
~~home and community based services and the ICF/IID's~~ 73419  
~~medicaid certified capacity is reduced as a consequence, the~~ 73420  
~~department shall redetermine the ICF/IID's franchise permit fee~~ 73421  
~~for the second half of the fiscal year for which the fee is~~ 73422  
~~assessed. To redetermine the ICF/IID's franchise permit fee, the~~ 73423  
~~department shall multiply the franchise permit fee rate by the~~ 73424

~~product of the following:~~ 73425

~~(a) The ICF/IID's medicaid certified capacity as of the date  
the conversion takes effect;~~ 73426  
73427

~~(b) The number of days in the second half of the fiscal year  
for which the redetermination is made.~~ 73428  
73429

~~(2) The ICF/IID shall pay its franchise permit fee as  
redetermined under division (B)(1) of this section in installment  
payments not later than forty five days after the last day of  
March and June of the fiscal year for which the redetermination is  
made.~~ 73430  
73431  
73432  
73433  
73434

**Sec. 5168.75.** As used in sections 5168.75 to 5168.86 of the 73435  
Revised Code: 73436

(A) "Basic health care services" means all of the services 73437  
listed in division (A)(1) of section 1751.01 of the Revised Code. 73438

(B) "Care management system" ~~means the system established~~ 73439  
~~under~~ has the same meaning as in section ~~5167.03~~ 5167.01 of the 73440  
Revised Code. 73441

(C) "Dual eligible individual" has the same meaning as in 73442  
section 5160.01 of the Revised Code. 73443

(D) "Franchise fee" means the fee imposed on health insuring 73444  
corporation plans under section 5168.76 of the Revised Code. 73445

(E) "Health insuring corporation" has the same meaning as in 73446  
section 1751.01 of the Revised Code, except it does not mean a 73447  
corporation that, pursuant to a policy, contract, certificate, or 73448  
agreement, pays for, reimburses, or provides, delivers, arranges 73449  
for, or otherwise makes available, only supplemental health care 73450  
services or only specialty health care services. 73451

(F) "Health insuring corporation plan" means a policy, 73452  
contract, certificate, or agreement of a health insuring 73453

corporation under which the corporation pays for, reimburses, 73454  
provides, delivers, arranges for, or otherwise makes available 73455  
basic health care services. "Health insuring corporation plan" 73456  
does not mean any of the following: 73457

(1) A policy, contract, certificate, or agreement under which 73458  
a health insuring corporation pays for, reimburses, provides, 73459  
delivers, arranges for, or otherwise makes available only 73460  
supplemental health care services or only specialty health care 73461  
services; 73462

(2) An approved health benefits plan described in 5 U.S.C. 73463  
8903 or 8903a, if imposing the franchise fee on the plan would 73464  
violate 5 U.S.C. 8909(f); 73465

(3) A medicare advantage plan authorized by Part C of Title 73466  
XVIII of the "Social Security Act," 42 U.S.C. 1395w-21 et seq. 73467

(G) "Indirect guarantee percentage" means the percentage 73468  
specified in section 1903(w)(4)(C)(ii) of the "Social Security 73469  
Act," 42 U.S.C. 1396b(w)(4)(C)(ii), that is to be used in 73470  
determining whether a health care class is indirectly held 73471  
harmless for any portion of the costs of a broad-based 73472  
health-care-related tax. If the indirect guarantee percentage 73473  
changes during a fiscal year, the indirect guarantee percentage is 73474  
the following: 73475

(1) For the part of the fiscal year before the change takes 73476  
effect, the percentage in effect before the change; 73477

(2) For the part of the fiscal year beginning with the date 73478  
the indirect guarantee percentage changes, the new percentage. 73479

(H) "Medicaid managed care organization" has the same meaning 73480  
as in section 5167.01 of the Revised Code. 73481

(I) "Medicaid provider" has the same meaning as in section 73482  
5164.01 of the Revised Code. 73483

(J) "Ohio medicaid member month" means a month in which a medicaid recipient residing in this state is enrolled in a health insuring corporation plan.

(K) "Other Ohio member month" means a month in which a resident of this state who is not a medicaid recipient is enrolled in a health insuring corporation plan.

(L) "Rate year" means the fiscal year for which a franchise fee is imposed.

**Sec. 5501.20.** (A) As used in this section:

(1) "Career professional service" means that part of the competitive classified service that consists of employees of the department of transportation who, regardless of job classification, meet both of the following qualifications:

(a) They are supervisors, professional employees who are not in a collective bargaining unit, confidential employees, or management level employees, all as defined in section 4117.01 of the Revised Code.

(b) They exercise authority that is not merely routine or clerical in nature and report only to a higher level unclassified employee or employee in the career professional service.

(2) "Demoted" means that an employee is placed in a position where the employee's wage rate equals, or is not more than twenty per cent less than, the employee's wage rate immediately prior to demotion or where the employee's job responsibilities are reduced, or both.

(3) "Employee in the career professional service with restoration rights" means an employee in the career professional service who has been in the classified civil service for at least two years and who has a cumulative total of at least ten years of continuous service with the department of transportation.

~~(B) Not later than the first day of July of each odd numbered year, the director of transportation shall adopt a rule in accordance with section 111.15 of the Revised Code that establishes a business plan for the department of transportation that states the department's mission, business objectives, and strategies and that establishes a procedure by which employees in the career professional service will be held accountable for their performance. The director shall adopt a rule that establishes a business plan for the department only once in each two years. Within sixty days after the effective date of a rule that establishes a business plan for the department, the The director shall adopt a rule in accordance with section 111.15 of the Revised Code that identifies specific positions within the department of transportation that are included in the career professional service. The director may amend the rule that identifies the specific positions included in the career professional service whenever the director determines necessary. Any rule adopted under this division is subject to review and invalidation by the joint committee on agency rule review as provided in division (D) of section 111.15 of the Revised Code. The director shall provide a copy of any rule adopted under this division to the director of budget and management.~~

~~Except as otherwise provided in this section, an An employee in the career professional service is subject to the provisions of Chapter 124. of the Revised Code that govern employees in the classified civil service.~~

~~(C) After an employee is appointed to a position in the career professional service, the employee's direct supervisor shall provide the employee appointed to that position with a written performance action plan that describes the department's expectations for that employee in fulfilling the mission, business objectives, and strategies stated in the department's business~~

~~plan. No sooner than four months after being appointed to a~~ 73546  
~~position in the career professional service, an employee appointed~~ 73547  
~~to that position shall receive a written performance review based~~ 73548  
~~on the employee's fulfillment of the mission, business objectives,~~ 73549  
~~and strategies stated in the department's business plan. After the~~ 73550  
~~initial performance review, the An employee in the career~~ 73551  
~~professional service shall receive a written performance review at~~ 73552  
least once each year or as often as the director considers 73553  
necessary. The department shall give an employee whose performance 73554  
is unsatisfactory an opportunity to improve performance for a 73555  
period of at least six months, by means of a written ~~corrective~~ 73556  
~~action~~ performance improvement plan, before the department takes 73557  
any disciplinary action under this section ~~or section 124.34 of~~ 73558  
~~the Revised Code. The department shall base its performance review~~ 73559  
~~forms on its business plan.~~ 73560

(D) An employee in the career professional service may be 73561  
suspended, demoted, or removed ~~because of performance that hinders~~ 73562  
~~or restricts the fulfillment of the department's business plan~~ 73563  
pursuant to division (C) of this section or for disciplinary 73564  
reasons under section 124.34 or 124.57 of the Revised Code. An 73565  
employee in the career professional service may appeal only the 73566  
employee's removal to the state personnel board of review. An 73567  
employee in the career professional service may appeal a demotion 73568  
or a suspension of more than three days pursuant to rules the 73569  
director adopts in accordance with section 111.15 of the Revised 73570  
Code. 73571

(E) An employee in the career professional service with 73572  
restoration rights has restoration rights if demoted because of 73573  
performance ~~that hinders or restricts fulfillment of the mission,~~ 73574  
~~business objectives, or strategies stated in the department's~~ 73575  
~~business plan~~, but not if involuntarily demoted or removed for any 73576  
of the reasons described in section 124.34 or for a violation of 73577



section 124.57 of the Revised Code. The director shall demote an 73578  
employee who has restoration rights of that nature to a position 73579  
in the classified service that in the director's judgment is 73580  
similar in nature to the position the employee held immediately 73581  
prior to being appointed to the position in the career 73582  
professional service. The director shall assign to an employee who 73583  
is demoted to a position in the classified service as provided in 73584  
this division a wage rate that equals, or that is not more than 73585  
twenty per cent less than, the wage rate assigned to the employee 73586  
in the career professional service immediately prior to the 73587  
employee's demotion. 73588

Sec. 5501.91. (A) As used in this section, "port authority" 73589  
means a port authority created under Chapter 4582. of the Revised 73590  
Code. 73591

(B) There is hereby established the Ohio maritime assistance 73592  
program, which the department of transportation shall administer. 73593  
Under the program, a port authority may apply to the department 73594  
for a grant to be used as prescribed in division (D) of this 73595  
section. In order to be eligible for a grant under this section, a 73596  
port authority is required to meet either of the following 73597  
requirements: 73598

(1) At the time of application for a grant, the port 73599  
authority owns an active marine cargo terminal located on the 73600  
shore of Lake Erie or the Ohio river or on a Lake Erie tributary. 73601

(2) At the time of application for a grant, the port 73602  
authority is located in a federally qualified opportunity zone and 73603  
the federally qualified opportunity zone has an active marine 73604  
cargo terminal with a stevedoring operation that is located on the 73605  
shore of Lake Erie or the Ohio river. 73606

(C)(1) Every applicant for a grant shall submit with its 73607  
application a written business justification for the investment 73608

that indicates the operational and market need for the project in 73609  
a form the director of transportation shall prescribe. 73610

(2) The department shall evaluate all grant applications 73611  
according to the following criteria: 73612

(a) The degree to which the proposed project will increase 73613  
the efficiency or capacity of maritime cargo terminal operations; 73614

(b) Whether the project will result in the handling of new 73615  
types of cargo or an increase in cargo volume; 73616

(c) Whether the project will meet an identified supply chain 73617  
need or benefit Ohio firms that export goods to foreign markets, 73618  
or import goods to Ohio for use in manufacturing or for 73619  
value-added distribution; 73620

(d) Any other criteria the director determines to be 73621  
appropriate. 73622

(3) If a grant application does not meet the criteria 73623  
specified in divisions (C)(2)(b) and (c) of this section, an 73624  
applicant is not eligible for a grant under this section. 73625

(D) A port authority shall use a grant awarded under this 73626  
section only for any of the following purposes: 73627

(1) Land acquisition and site development for marine cargo 73628  
terminal and associated uses, including demolition and 73629  
environmental remediation; 73630

(2) Construction of wharves, quay walls, bulkheads, jetties, 73631  
revetments, breakwaters, shipping channels, dredge disposal 73632  
facilities, projects for the beneficial use of dredge material, 73633  
and other structures and improvements directly related to maritime 73634  
commerce and harbor infrastructure; 73635

(3) Construction and repair of warehouses, transit sheds, 73636  
railroad tracks, roadways, gates and gatehouses, fencing, bridges, 73637  
offices, shipyards, and other improvements needed for marine cargo 73638

terminal and associated uses, including shipyards; 73639

(4) Acquisition of cargo handling equipment, including mobile 73640  
shore cranes, stationary cranes, tow motors, fork lifts, yard 73641  
tractors, craneways, conveyor and bulk material handling 73642  
equipment, and all types of ship loading and unloading equipment; 73643

(5) Planning and design services and other services 73644  
associated with construction. 73645

(E) A port authority shall pay a matching amount of at least 73646  
one dollar for each grant dollar received for the proposed 73647  
project. 73648

(F) The director of transportation, in accordance with 73649  
Chapter 119. of the Revised Code, shall adopt rules governing the 73650  
program established under this section, including the grant 73651  
application, evaluation, award processes, and how the grant money 73652  
may be spent by a port authority. 73653

**Sec. 5502.63.** (A) The division of criminal justice services 73654  
in the department of public safety shall prepare a poster and a 73655  
brochure that describe safe firearms practices. The poster and 73656  
brochure shall contain typeface that is at least one-quarter inch 73657  
tall. The division shall furnish copies of the poster and brochure 73658  
free of charge to each federally licensed firearms dealer in this 73659  
state. 73660

As used in this division, "federally licensed firearms 73661  
dealer" means an importer, manufacturer, or dealer having a 73662  
license to deal in destructive devices or their ammunition, issued 73663  
and in effect pursuant to the federal "Gun Control Act of 1968," 73664  
82 Stat. 1213, 18 U.S.C. 923 et seq., and any amendments or 73665  
additions to that act or reenactments of that act. 73666

(B)(1) The division of criminal justice services shall create 73667  
a poster that provides information regarding the national human 73668

trafficking resource center hotline. The poster shall be no 73669  
smaller than eight and one-half inches by eleven inches in size 73670  
and shall include a statement in substantially the following form: 73671

"If you or someone you know is being forced to engage in any 73672  
activity and cannot leave - whether it is commercial sex, 73673  
housework, farm work, or any other activity - call the National 73674  
Human Trafficking Resource Center Hotline at 1-888-373-7888 to 73675  
access help and services. 73676

Victims of human trafficking are protected under U.S. and 73677  
Ohio law. 73678

The toll-free Hotline is: 73679

- Available 24 hours a day, 7 days a week 73680
- Operated by a non-profit, non-governmental organization 73681
- Anonymous & confidential 73682
- Accessible in 170 languages 73683
- Able to provide help, referral to services, training, 73684  
and general information." 73685

The statement shall appear on each poster in English, 73686  
Spanish, and, for each county, any other language required for 73687  
voting materials in that county under section 1973aa-1a of the 73688  
"Voting Rights Act of 1965," 79 Stat. 437, 42 U.S.C. 1973, as 73689  
amended. In addition to the national human trafficking resource 73690  
center hotline, the statement may contain any additional hotlines 73691  
regarding human trafficking for access to help and services. 73692

(2) The division shall make the poster available for print on 73693  
its public web site and shall make the poster available to and 73694  
encourage its display at each of the following places: 73695

(a) A highway truck stop; 73696

(b) A hotel, as defined in section 3731.01 of the Revised 73697

Code;	73698
(c) An adult entertainment establishment, as defined in section 2907.39 of the Revised Code;	73699 73700
(d) A beauty salon, as defined in section 4713.01 of the Revised Code;	73701 73702
(e) An agricultural labor camp, as defined in section 3733.41 of the Revised Code;	73703 73704
(f) A hospital or urgent care center;	73705
(g) Any place where there is occurring a contest for the championship of a division, conference, or league of a professional athletic association or of a national collegiate athletic association division I intercollegiate sport or where there is occurring an athletic competition at which cash prizes are awarded to individuals or teams;	73706 73707 73708 73709 73710 73711
(h) Any establishment operating as a massage parlor, massage spa, alternative health clinic, or similar entity by persons who do not hold a valid <del>certificate</del> <u>license</u> from the state medical board to practice massage therapy under Chapter 4731. of the Revised Code;	73712 73713 73714 73715 73716
(i) A fair.	73717
(3) As used in this section:	73718
(a) "Fair" means the annual exposition conducted by any county or independent agricultural society or the Ohio expositions commission.	73719 73720 73721
(b) "Highway truck stop" means a gas station with a sign that is visible from a highway, as defined in section 5501.01 of the Revised Code, that offers amenities to commercial vehicles.	73722 73723 73724
<b>Sec. 5513.06.</b> (A) The director of transportation may debar a vendor from consideration for contract awards upon a finding based	73725 73726

upon a reasonable belief that the vendor has done any of the 73727  
following: 73728

(1) Abused the solicitation process by repeatedly withdrawing 73729  
bids before purchase orders or contracts are issued or failing to 73730  
accept orders based upon firm bids; 73731

(2) Failed to substantially perform a contract according to 73732  
its terms, conditions, and specifications within specified time 73733  
limits; 73734

(3) Failed to cooperate in monitoring contract performance by 73735  
refusing to provide information or documents required in a 73736  
contract, failed to respond and correct matters related to 73737  
complaints to the vendor, or accumulated repeated justified 73738  
complaints regarding performance of a contract; 73739

(4) Attempted to influence a public employee to breach 73740  
ethical conduct standards; 73741

(5) Colluded with other bidders to restrain competition by 73742  
any means; 73743

(6) Been convicted of a criminal offense related to the 73744  
application for or performance of any public or private contract, 73745  
including, but not limited to, embezzlement, theft, forgery, 73746  
bribery, falsification or destruction of records, receiving stolen 73747  
property, and any other offense that directly reflects on the 73748  
vendor's business integrity; 73749

(7) Been convicted under state or federal antitrust laws; 73750

(8) Deliberately or willfully submitted false or misleading 73751  
information in connection with the application for or performance 73752  
of a public contract; 73753

(9) Has been debarred by a state agency, another state, or by 73754  
any agency or department of the federal government; 73755

(10) Violated any other responsible business practice or 73756

performed in an unsatisfactory manner as determined by the 73757  
director. 73758

(B) When the director reasonably believes that grounds for 73759  
debarment exist, the director shall send the vendor a notice of 73760  
proposed debarment. If the vendor is a partnership, association, 73761  
or corporation, the director also may debar from consideration for 73762  
contract awards any partner of the partnership, or the officers 73763  
and directors of the association or corporation, being debarred. 73764  
When the director reasonably believes that grounds for debarment 73765  
exist, the director shall send the individual involved a notice of 73766  
proposed debarment. A notice of proposed debarment shall indicate 73767  
the grounds for the debarment of the vendor or individual and the 73768  
procedure for requesting a hearing. The notice and hearing shall 73769  
be in accordance with Chapter 119. of the Revised Code. If the 73770  
vendor or individual does not respond with a request for a hearing 73771  
in the manner specified in Chapter 119. of the Revised Code, the 73772  
director shall issue the debarment decision without a hearing and 73773  
shall notify the vendor or individual of the decision by certified 73774  
mail, return receipt requested. The debarment period may be of any 73775  
length determined by the director and the director may modify or 73776  
rescind the debarment at any time. During the period of debarment, 73777  
the director shall not include on a bidder list or consider for a 73778  
contract award any partnership, association, or corporation 73779  
affiliated with a debarred individual. After the debarment period 73780  
expires, the vendor or individual, and any partnership, 73781  
association, or corporation affiliated with the individual, may 73782  
reapply for inclusion on bidder lists through the regular 73783  
application process if such entity or individual is not otherwise 73784  
debarred. 73785

**Sec. 5525.03. (A)** All prospective bidders other than 73786  
environmental remediators and specialty contractors for which 73787  
there are no classes of work provided for in the rules adopted by 73788

the director of transportation shall apply for qualification on 73789  
forms prescribed and furnished by the director. The application 73790  
shall be accompanied by a certificate of compliance with 73791  
affirmative action programs issued pursuant to section 9.47 of the 73792  
Revised Code and dated no earlier than one hundred eighty days 73793  
~~prior to~~ before the date fixed for the opening of bids for a 73794  
particular project. ~~The~~ 73795

(B) The director shall act upon an application for 73796  
qualification within thirty days after it is presented to the 73797  
director. Upon the receipt of any application for qualification, 73798  
the director shall examine the application to determine whether 73799  
the applicant is competent and responsible and possesses the 73800  
financial resources required by section 5525.04 of the Revised 73801  
Code. If the applicant is found to possess the qualifications 73802  
prescribed by sections 5525.02 to 5525.09 of the Revised Code and 73803  
by rules adopted by the director, including a certificate of 73804  
compliance with affirmative action programs, a certificate of 73805  
qualification shall be issued to the applicant, which shall be 73806  
valid for the period of one year or such shorter period of time as 73807  
the director prescribes, unless revoked by the director for cause 73808  
as defined by rules adopted by the director under section 5525.05 73809  
of the Revised Code. ~~The~~ 73810

(C) The certificate of qualification shall contain a 73811  
statement fixing the aggregate amount of work, for any or all 73812  
owners, that the applicant may have under construction and 73813  
uncompleted at any one time and may contain a statement limiting 73814  
such bidder to the submission of bids upon a certain class of 73815  
work. Subject to any restriction as to amount or class of work 73816  
therein contained, the certificate of qualification shall 73817  
authorize its holder to bid on all work on which bids are taken by 73818  
the department of transportation during the period of time therein 73819  
specified. ~~An~~ 73820



(D) An applicant who has received a certificate of 73821  
qualification and desires to amend the certificate by the dollar 73822  
amount or by the classes of work may submit to the director such 73823  
documentation as the director considers appropriate. The director 73824  
shall review the documentation submitted by the applicant and, 73825  
within fifteen days, shall either amend the certificate of 73826  
qualification or deny the request. If the director denies the 73827  
request to amend the certificate, the applicant may appeal that 73828  
decision to the ~~director's request~~ director's prequalification 73829  
review board in accordance with section 5525.07 of the Revised 73830  
Code. Two or more persons, partnerships, or corporations may bid 73831  
jointly on any one project, but only on condition that prior to 73832  
the time bids are taken on the project the bidders make a joint 73833  
application for qualification and obtain a joint certificate 73834  
qualification. 73835

(E) The director may debar from participating in future 73836  
contracts with the department any bidding company as well as any 73837  
partner of a partnership, or the officers and directors of an 73838  
association or corporation if the certificate of qualification of 73839  
the company, partnership, association, or corporation is revoked 73840  
or not renewed by the director. When the director reasonably 73841  
believes that grounds for revocation and debarment exist, the 73842  
director shall send the bidding company and any individual 73843  
involved a notice of proposed revocation and debarment indicating 73844  
the grounds for such action as established in rules adopted by the 73845  
director under section 5525.05 of the Revised Code and the 73846  
procedure for requesting a hearing. The notice and hearing shall 73847  
be in accordance with Chapter 119. of the Revised Code. If the 73848  
bidding company or individual does not respond with a request for 73849  
a hearing in the manner specified in Chapter 119. of the Revised 73850  
Code, the director shall revoke the certificate and issue the 73851  
debarment decision without a hearing and shall notify the bidding 73852  
company or individual of the decision by certified mail, return 73853

receipt requested. The 73854

(F) The debarment period may be of any length determined by 73855  
the director and the director may modify or rescind the debarment 73856  
at any time. During the period of debarment, the director shall 73857  
not issue a certificate of qualification for any company, 73858  
partnership, association, or corporation affiliated with a 73859  
debarred individual. After the debarment period expires, the 73860  
bidding company or individual, and any partnership, association, 73861  
or corporation affiliated with the individual may make an 73862  
application for qualification if such entity or individual is not 73863  
otherwise debarred. 73864

**Sec. 5534.152.** The bridge spanning ~~the Tuscarawas river~~ state 73865  
route number twenty-one, located in ~~the municipal corporation of~~ 73866  
~~Canal-Fulton~~ Lawrence township in Stark county and being a part of 73867  
the highway known as state route ninety-three, shall be known as 73868  
"Lance Corporal Michael Stangelo, USMC, Memorial Bridge." 73869

The director of transportation may erect suitable markers 73871  
upon the bridge or its approaches indicating its name. 73872

**Sec. 5537.07.** (A) When the cost to the Ohio turnpike and 73873  
infrastructure commission under any contract with a person other 73874  
than a governmental agency involves an expenditure of more than 73875  
fifty thousand dollars, the commission shall make a written 73876  
contract with the lowest responsive and responsible bidder, in 73877  
accordance with section 9.312 of the Revised Code, after 73878  
advertisement, in accordance with section 7.16 of the Revised 73879  
Code, for not less than two consecutive weeks in a newspaper of 73880  
general circulation ~~in Franklin county,~~ and in such other 73881  
publications as the commission determines, ~~which.~~ The notice shall 73882  
state the general character of the work and the general character 73883

of the materials to be furnished, the place where plans and 73884  
specifications therefor may be examined, and the time and place of 73885  
receiving bids. The commission may require that the cost estimate 73886  
for the construction, demolition, alteration, repair, improvement, 73887  
renovation, or reconstruction of roadways and bridges for which 73888  
the commission is required to receive bids be kept confidential 73889  
and remain confidential until after all bids for the public 73890  
improvement have been received or the deadline for receiving bids 73891  
has passed. Thereafter, and before opening the bids submitted for 73892  
the roadways and bridges, the commission shall make the cost 73893  
estimate public knowledge by reading the cost estimate in a public 73894  
place. The commission may reject any and all bids. The 73895  
requirements of this division do not apply to contracts for the 73896  
acquisition of real property or compensation for professional or 73897  
other personal services. 73898

(B) Each bid for a contract for construction, demolition, 73899  
alteration, repair, improvement, renovation, or reconstruction 73900  
shall contain the full name of every person interested in it and 73901  
shall meet the requirements of section 153.54 of the Revised Code. 73902

(C) Other than for a contract referred to in division (B) of 73903  
this section, each bid for a contract that involves an expenditure 73904  
in excess of ~~one~~ five hundred ~~fifty~~ thousand dollars or any 73905  
contract with a service facility operator shall contain the full 73906  
name of every person interested in it and shall be accompanied by 73907  
a sufficient bond or certified check on a solvent bank that if the 73908  
bid is accepted a contract will be entered into and the 73909  
performance of its proposal secured. 73910

(D) Other than a contract referred to in division (B) of this 73911  
section, a bond with good and sufficient surety, in a form as 73912  
prescribed and approved by the commission, shall be required of 73913  
every contractor awarded a contract that involves an expenditure 73914  
in excess of ~~one~~ five hundred ~~fifty~~ thousand dollars or any 73915

contract with a service facility operator. The bond shall be in an amount equal to at least fifty per cent of the contract price and shall be conditioned upon the faithful performance of the contract.

(E)(1) Notwithstanding any other provisions of this section, the commission may establish a program to expedite special turnpike projects by combining the design and construction elements of any public improvement project into a single contract. The commission shall prepare and distribute a scope of work document upon which the bidders shall base their bids. At a minimum, bidders shall meet the requirements of section 4733.161 of the Revised Code. Except in regard to those requirements relating to providing plans, the commission shall award contracts following the requirements set forth in divisions (A), (B), (C), and (D) of this section.

(2) Notwithstanding any other provision of this section or any other provision of the Revised Code to the contrary, the commission may use a value-based selection process when selecting a contractor to perform a project that contains both design and construction elements in a single contract under this division.

(F) Other than for a contract referred to in division (B) or (E) of this section, and notwithstanding any other provision of the Revised Code to the contrary, the commission may enter into a written contract after submission of competitive proposals when the commission determines that competitive bidding is not practical or advantageous to the commission. The commission may conduct discussions with anyone that submits a competitive proposal when that proposal might be selected to ensure that the person understands and is responsive to the requirements of the project. The commission may award the contract to the person that submits the best proposal, as determined by the commission. The commission shall consider multiple factors in awarding a contract

under this division, including price and the evaluation criteria 73948  
set forth in the request for competitive proposals. 73949

(G) The commission may contract for the purchase of 73950  
equipment, materials, and services without public advertisement in 73951  
any of the following circumstances: 73952

(1) The construction of a temporary bridge; 73953

(2) The making of temporary emergency repairs to a highway or 73954  
bridge when necessary because of a storm, flood, landslide, or 73955  
other natural disaster; 73956

(3) While responding to circumstances created by an 73957  
extraordinary emergency, as determined by the commission. 73958

**Sec. 5537.13.** (A) Subject to division (C)(1) of this section 73959  
and section 5537.26 of the Revised Code, the Ohio turnpike and 73960  
infrastructure commission may fix, revise, charge, and collect 73961  
tolls for each turnpike project, and contract in the manner 73962  
provided by this section with any person desiring the use of any 73963  
part thereof, including the right-of-way adjoining the paved 73964  
portion, for placing thereon telephone, electric light, or power 73965  
lines, service facilities, or for any other purpose, and fix the 73966  
terms, conditions, rents, and rates of charge for such use, 73967  
provided that no toll, charge, or rental may be made by the 73968  
commission for placing in, on, along, over, or under the turnpike 73969  
project, equipment or public utility facilities that are necessary 73970  
to serve service facilities or to interconnect any public utility 73971  
facilities. 73972

(B) Contracts for the operation of service facilities shall 73973  
be made in writing. Such contracts, except contracts with state 73974  
agencies or other governmental agencies, shall be made with the 73975  
bidder whose bid is determined by the commission to be the best 73976  
bid received, after advertisement, in accordance with section 7.16 73977

of the Revised Code, for two consecutive weeks in a newspaper of 73978  
general circulation in ~~Franklin county~~, and in other publications 73979  
that the commission determines. The notice shall state the general 73980  
character of the service facilities operation proposed, the place 73981  
where plans and specifications may be examined, and the time and 73982  
place of receiving bids. Bids shall contain the full name of each 73983  
person interested in them, and shall be in such form as the 73984  
commission requires. The commission may reject any and all bids. 73985  
All contracts for service facilities shall be preserved in the 73986  
principal office of the commission. 73987

(C)(1) Except as necessary to comply with covenants in bond 73988  
proceedings in existence before July 1, 2013, for calendar years 73989  
2013 through 2023, the commission shall not increase the toll 73990  
rates for any class of passenger vehicle as fixed on ~~the effective~~ 73991  
~~date of this amendment~~ July 1, 2013, when both of the following 73992  
apply: 73993

(a) The tolls are collected and remitted in accordance with a 73994  
multi-jurisdiction electronic toll collection agreement; and 73995

(b) The distance traveled is thirty miles or less. 73996

(2) Subject to division (C)(1) of this section, tolls shall 73997  
be so fixed and adjusted as to provide funds at least sufficient 73998  
with other revenues of the Ohio turnpike system, if any, to pay: 73999

(a) The cost of maintaining, improving, repairing, 74000  
constructing, and operating the Ohio turnpike system and its 74001  
different parts and sections, and to create and maintain any 74002  
reserves for those purposes; 74003

(b) Any unpaid bond service charges on outstanding bonds 74004  
payable from pledged revenues as such charges become due and 74005  
payable, and to create and maintain any reserves for that purpose. 74006

(D) Toll is not subject to supervision, approval, or 74007  
regulation by any state agency other than the turnpike and 74008

infrastructure commission. 74009

(E) Revenues derived from each turnpike project shall be 74010  
first applied to pay the cost of maintenance, improvement, repair, 74011  
and operation and to provide any reserves therefor that are 74012  
provided for in the bond proceedings authorizing the issuance of 74013  
those outstanding bonds, and otherwise as provided by the 74014  
commission. The bond proceedings also shall provide, subject to 74015  
the provisions of any other applicable bond proceedings, for the 74016  
pledge of all, or such part as the commission may determine of the 74017  
pledged revenues and the applicable special fund or funds to the 74018  
payment of the bond service charges, which pledge may be made to 74019  
secure the bonds senior or subordinate to or on a parity with 74020  
bonds theretofore or thereafter issued, if and to the extent 74021  
provided in the bond proceedings. The pledge shall be valid and 74022  
binding from the time the pledge is made; the revenues and the 74023  
pledged revenues thereafter received by the commission immediately 74024  
shall be subject to the lien of the pledge without any physical 74025  
delivery thereof or further act, and the lien of the pledge shall 74026  
be valid and binding as against all parties having claims of any 74027  
kind in tort, contract, or otherwise against the commission, 74028  
whether or not those parties have notice thereof. The bond 74029  
proceedings by which a pledge is created need not be filed or 74030  
recorded except in the records of the commission. The use and 74031  
disposition of moneys to the credit of a bond service fund shall 74032  
be subject to the applicable bond proceedings. 74033

(F) The proceeds of bonds issued for the payment of the costs 74034  
of infrastructure projects, net of the payment of all financing 74035  
expenses and deposits into debt service reserves or other special 74036  
funds as may be required in the applicable bond proceedings, shall 74037  
be deposited to the infrastructure fund or funds and shall be 74038  
exclusively used to pay the cost of infrastructure projects 74039  
approved by the commission, except that income earned by the 74040

infrastructure fund may be used by the commission towards the 74041  
payment of bond service charges. 74042

**Sec. 5537.17.** (A) Each turnpike project open to traffic shall 74043  
be maintained and kept in good condition and repair by the Ohio 74044  
turnpike and infrastructure commission. The Ohio turnpike system 74045  
shall be policed and operated by a force of police, toll 74046  
collectors, and other employees and agents that the commission 74047  
employs or contracts for. 74048

(B) All public or private property damaged or destroyed in 74049  
carrying out the powers granted by this chapter shall be restored 74050  
or repaired and placed in its original condition, as nearly as 74051  
practicable, or adequate compensation or consideration made 74052  
therefor out of moneys provided under this chapter. 74053

(C) All governmental agencies may lease, lend, grant, or 74054  
convey to the commission at its request, upon terms that the 74055  
proper authorities of the governmental agencies consider 74056  
reasonable and fair and without the necessity for an 74057  
advertisement, order of court, or other action or formality, other 74058  
than the regular and formal action of the authorities concerned, 74059  
any property that is necessary or convenient to the effectuation 74060  
of the purposes of the commission, including public roads and 74061  
other property already devoted to public use. 74062

(D) Each bridge constituting part of a turnpike project shall 74063  
be inspected at least once each year by a professional engineer 74064  
employed or retained by the commission. 74065

(E) ~~On or before the first day of July in each year, the 74066  
commission shall make an annual report of its activities for the 74067  
preceding calendar year to the governor and the general assembly. 74068  
Each such report shall set forth a complete operating and 74069  
financial statement covering the commission's operations and 74070  
funding of any turnpike projects and infrastructure projects 74071~~



~~during the year.~~ The commission shall cause an audit of its books 74072  
and accounts to be made at least once each year by certified 74073  
public accountants approved by the auditor of state, and the cost 74074  
thereof may be treated as a part of the cost of operations of the 74075  
commission. ~~The~~ Additionally, the auditor of state, at least once 74076  
a every other year ~~and without previous notice to the commission,~~ 74077  
shall audit the accounts and transactions of the commission. On or 74078  
before the first day of July in each year, the commission shall 74079  
submit a comprehensive annual financial report containing its 74080  
audited financial statements for the preceding calendar year to 74081  
the governor, the general assembly, and the director of budget and 74082  
management. Each such report shall set forth a complete operating 74083  
and financial statement covering the commission's operations and 74084  
funding of any turnpike projects and infrastructure projects 74085  
during the year. 74086

(F) The commission shall submit a copy of its ~~annual audit by~~ 74087  
~~the auditor of state and~~ its proposed annual budget for each 74088  
calendar or fiscal year to the governor, the presiding officers of 74089  
each house of the general assembly, the director of budget and 74090  
management, and the legislative service commission no later than 74091  
the first day of that calendar or fiscal year. 74092

(G) Upon request of the chairperson of the appropriate 74093  
standing committee or subcommittee of the senate and house of 74094  
representatives that is primarily responsible for considering 74095  
transportation budget matters, the commission shall appear at 74096  
least one time before each committee or subcommittee during the 74097  
period when that committee or subcommittee is considering the 74098  
biennial appropriations for the department of transportation and 74099  
shall provide testimony outlining its budgetary results for the 74100  
last two calendar years, including a comparison of budget and 74101  
actual revenue and expenditure amounts. The commission also shall 74102  
address its current budget and long-term capital plan. 74103

(H) Not more than sixty nor less than thirty days before 74104  
adopting its annual budget, the commission shall submit a copy of 74105  
its proposed annual budget to the governor, the presiding officers 74106  
of each house of the general assembly, the director of budget and 74107  
management, and the legislative service commission. The office of 74108  
budget and management shall review the proposed budget and may 74109  
provide recommendations to the commission for its consideration. 74110

**Sec. 5703.05.** All powers, duties, and functions of the 74111  
department of taxation are vested in and shall be performed by the 74112  
tax commissioner, which powers, duties, and functions shall 74113  
include, but shall not be limited to, the following: 74114

(A) Prescribing all blank forms which the department is 74115  
authorized to prescribe, and to provide such forms and distribute 74116  
the same as required by law and the rules of the department. 74117

(B) Exercising the authority provided by law, including 74118  
orders from bankruptcy courts, relative to remitting or refunding 74119  
taxes or assessments, including penalties and interest thereon, 74120  
illegally or erroneously assessed or collected, or for any other 74121  
reason overpaid, and in addition, the commissioner may on written 74122  
application of any person, firm, or corporation claiming to have 74123  
overpaid to the treasurer of state at any time within five years 74124  
prior to the making of such application any tax payable under any 74125  
law which the department of taxation is required to administer 74126  
which does not contain any provision for refund, or on the 74127  
commissioner's own motion investigate the facts and make in 74128  
triplicate a written statement of the commissioner's findings, 74129  
and, if the commissioner finds that there has been an overpayment, 74130  
issue in triplicate a certificate of abatement payable to the 74131  
taxpayer, the taxpayer's assigns, or legal representative which 74132  
shows the amount of the overpayment and the kind of tax overpaid. 74133  
One copy of such statement shall be entered on the journal of the 74134

commissioner, one shall be certified to the attorney general, and 74135  
one certified copy shall be delivered to the taxpayer. All copies 74136  
of the certificate of abatement shall be transmitted to the 74137  
attorney general, and if the attorney general finds it to be 74138  
correct the attorney general shall so certify on each copy, and 74139  
deliver one copy to the taxpayer, one copy to the commissioner, 74140  
and the third copy to the treasurer of state. Except as provided 74141  
in section 5725.08 of the Revised Code, the taxpayer's copy of any 74142  
certificates of abatement may be tendered by the payee or 74143  
transferee thereof to the treasurer of state, or to the 74144  
commissioner on behalf of the treasurer, as payment, to the extent 74145  
of the amount thereof, of any tax payable to the treasurer of 74146  
state. 74147

(C) Exercising the authority provided by law relative to 74148  
consenting to the compromise and settlement of tax claims; 74149

(D) Exercising the authority provided by law relative to the 74150  
use of alternative tax bases by taxpayers in the making of 74151  
personal property tax returns; 74152

(E) Exercising the authority provided by law relative to 74153  
authorizing the prepayment of taxes on retail sales of tangible 74154  
personal property or on the storage, use, or consumption of 74155  
personal property, and waiving the collection of such taxes from 74156  
the consumers; 74157

(F) Exercising the authority provided by law to revoke 74158  
licenses; 74159

(G) Maintaining a continuous study of the practical operation 74160  
of all taxation and revenue laws of the state, the manner in which 74161  
and extent to which such laws provide revenues for the support of 74162  
the state and its political subdivisions, the probable effect upon 74163  
such revenue of possible changes in existing laws, and the 74164  
possible enactment of measures providing for other forms of 74165

taxation. For this purpose the commissioner may establish and 74166  
maintain a division of research and statistics, and may appoint 74167  
necessary employees who shall be in the unclassified civil 74168  
service; the results of such study shall be available to the 74169  
members of the general assembly and the public. 74170

(H) Making all tax assessments, valuations, findings, 74171  
determinations, computations, and orders the department of 74172  
taxation is by law authorized and required to make and, pursuant 74173  
to time limitations provided by law, on the commissioner's own 74174  
motion, reviewing, redetermining, or correcting any tax 74175  
assessments, valuations, findings, determinations, computations, 74176  
or orders the commissioner has made, but the commissioner shall 74177  
not review, redetermine, or correct any tax assessment, valuation, 74178  
finding, determination, computation, or order which the 74179  
commissioner has made as to which an appeal or application for 74180  
rehearing, review, redetermination, or correction has been filed 74181  
with the board of tax appeals, unless such appeal or application 74182  
is withdrawn by the appellant or applicant or dismissed; 74183

(I) Appointing not more than five deputy tax commissioners, 74184  
who, under such regulations as the rules of the department of 74185  
taxation prescribe, may act for the commissioner in the 74186  
performance of such duties as the commissioner prescribes in the 74187  
administration of the laws which the commissioner is authorized 74188  
and required to administer, and who shall serve in the 74189  
unclassified civil service at the pleasure of the commissioner, 74190  
but if a person who holds a position in the classified service is 74191  
appointed, it shall not affect the civil service status of such 74192  
person. The commissioner may designate not more than two of the 74193  
deputy commissioners to act as commissioner in case of the 74194  
absence, disability, or recusal of the commissioner or vacancy in 74195  
the office of commissioner. The commissioner may adopt rules 74196  
relating to the order of precedence of such designated deputy 74197

commissioners and to their assumption and administration of the 74198  
office of commissioner. 74199

(J) Appointing and prescribing the duties of all other 74200  
employees of the department of taxation necessary in the 74201  
performance of the work of the department which the tax 74202  
commissioner is by law authorized and required to perform, and 74203  
creating such divisions or sections of employees as, in the 74204  
commissioner's judgment, is proper; 74205

(K) Organizing the work of the department, which the 74206  
commissioner is by law authorized and required to perform, so 74207  
that, in the commissioner's judgment, an efficient and economical 74208  
administration of the laws will result; 74209

(L) Maintaining a journal, which is open to public 74210  
inspection, in which the tax commissioner shall keep a record of 74211  
all final determinations of the commissioner; 74212

(M) Adopting and promulgating, in the manner provided by 74213  
section 5703.14 of the Revised Code, all rules of the department, 74214  
~~including rules for the administration of sections 3517.16,~~ 74215  
~~3517.17, and 5747.081 of the Revised Code;~~ 74216

(N) Destroying any or all returns or assessment certificates 74217  
in the manner authorized by law; 74218

(O) Adopting rules, in accordance with division (B) of 74219  
section 325.31 of the Revised Code, governing the expenditure of 74220  
moneys from the real estate assessment fund under that division; 74221

(P) Informing taxpayers in a timely manner to resolve credit 74222  
account balances as required by section 5703.77 of the Revised 74223  
Code. 74224

**Sec. 5703.21.** (A) Except as provided in divisions (B) and (C) 74225  
of this section, no agent of the department of taxation, except in 74226  
the agent's report to the department or when called on to testify 74227

in any court or proceeding, shall divulge any information acquired 74228  
by the agent as to the transactions, property, or business of any 74229  
person while acting or claiming to act under orders of the 74230  
department. Whoever violates this provision shall thereafter be 74231  
disqualified from acting as an officer or employee or in any other 74232  
capacity under appointment or employment of the department. 74233

74234

(B)(1) For purposes of an audit pursuant to section 117.15 of 74235  
the Revised Code, or an audit of the department pursuant to 74236  
Chapter 117. of the Revised Code, or an audit, pursuant to that 74237  
chapter, the objective of which is to express an opinion on a 74238  
financial report or statement prepared or issued pursuant to 74239  
division (A)(7) or (9) of section 126.21 of the Revised Code, the 74240  
officers and employees of the auditor of state charged with 74241  
conducting the audit shall have access to and the right to examine 74242  
any state tax returns and state tax return information in the 74243  
possession of the department to the extent that the access and 74244  
examination are necessary for purposes of the audit. Any 74245  
information acquired as the result of that access and examination 74246  
shall not be divulged for any purpose other than as required for 74247  
the audit or unless the officers and employees are required to 74248  
testify in a court or proceeding under compulsion of legal 74249  
process. Whoever violates this provision shall thereafter be 74250  
disqualified from acting as an officer or employee or in any other 74251  
capacity under appointment or employment of the auditor of state. 74252

(2) For purposes of an internal audit pursuant to section 74253  
126.45 of the Revised Code, the officers and employees of the 74254  
office of internal audit in the office of budget and management 74255  
charged with directing the internal audit shall have access to and 74256  
the right to examine any state tax returns and state tax return 74257  
information in the possession of the department to the extent that 74258  
the access and examination are necessary for purposes of the 74259

internal audit. Any information acquired as the result of that 74260  
access and examination shall not be divulged for any purpose other 74261  
than as required for the internal audit or unless the officers and 74262  
employees are required to testify in a court or proceeding under 74263  
compulsion of legal process. Whoever violates this provision shall 74264  
thereafter be disqualified from acting as an officer or employee 74265  
or in any other capacity under appointment or employment of the 74266  
office of internal audit. 74267

(3) As provided by section 6103(d)(2) of the Internal Revenue 74268  
Code, any federal tax returns or federal tax information that the 74269  
department has acquired from the internal revenue service, through 74270  
federal and state statutory authority, may be disclosed to the 74271  
auditor of state or the office of internal audit solely for 74272  
purposes of an audit of the department. 74273

(4) For purposes of Chapter 3739. of the Revised Code, an 74274  
agent of the department of taxation may share information with the 74275  
division of state fire marshal that the agent finds during the 74276  
course of an investigation. 74277

(C) Division (A) of this section does not prohibit any of the 74278  
following: 74279

(1) Divulging information contained in applications, 74280  
complaints, and related documents filed with the department under 74281  
section 5715.27 of the Revised Code or in applications filed with 74282  
the department under section 5715.39 of the Revised Code; 74283

(2) Providing information to the office of child support 74284  
within the department of job and family services pursuant to 74285  
section 3125.43 of the Revised Code; 74286

(3) Disclosing to the motor vehicle repair board any 74287  
information in the possession of the department that is necessary 74288  
for the board to verify the existence of an applicant's valid 74289  
vendor's license and current state tax identification number under 74290

section 4775.07 of the Revised Code;	74291
(4) Providing information to the administrator of workers' compensation pursuant to sections 4123.271 and 4123.591 of the Revised Code;	74292 74293 74294
(5) Providing to the attorney general information the department obtains under division (J) of section 1346.01 of the Revised Code;	74295 74296 74297
(6) Permitting properly authorized officers, employees, or agents of a municipal corporation from inspecting reports or information pursuant to section 718.84 of the Revised Code or rules adopted under section 5745.16 of the Revised Code;	74298 74299 74300 74301
(7) Providing information regarding the name, account number, or business address of a holder of a vendor's license issued pursuant to section 5739.17 of the Revised Code, a holder of a direct payment permit issued pursuant to section 5739.031 of the Revised Code, or a seller having a use tax account maintained pursuant to section 5741.17 of the Revised Code, or information regarding the active or inactive status of a vendor's license, direct payment permit, or seller's use tax account;	74302 74303 74304 74305 74306 74307 74308 74309
(8) Releasing invoices or invoice information furnished under section 4301.433 of the Revised Code pursuant to that section;	74310 74311
(9) Providing to a county auditor notices or documents concerning or affecting the taxable value of property in the county auditor's county. Unless authorized by law to disclose documents so provided, the county auditor shall not disclose such documents;	74312 74313 74314 74315 74316
(10) Providing to a county auditor sales or use tax return or audit information under section 333.06 of the Revised Code;	74317 74318
(11) Subject to section 4301.441 of the Revised Code, disclosing to the appropriate state agency information in the	74319 74320



possession of the department of taxation that is necessary to 74321  
verify a permit holder's gallonage or noncompliance with taxes 74322  
levied under Chapter 4301. or 4305. of the Revised Code; 74323

(12) Disclosing to the department of natural resources 74324  
information in the possession of the department of taxation that 74325  
is necessary for the department of taxation to verify the 74326  
taxpayer's compliance with section 5749.02 of the Revised Code or 74327  
to allow the department of natural resources to enforce Chapter 74328  
1509. of the Revised Code; 74329

(13) Disclosing to the department of job and family services, 74330  
industrial commission, and bureau of workers' compensation 74331  
information in the possession of the department of taxation solely 74332  
for the purpose of identifying employers that misclassify 74333  
employees as independent contractors or that fail to properly 74334  
report and pay employer tax liabilities. The department of 74335  
taxation shall disclose only such information that is necessary to 74336  
verify employer compliance with law administered by those 74337  
agencies. 74338

(14) Disclosing to the Ohio casino control commission 74339  
information in the possession of the department of taxation that 74340  
is necessary to verify a casino operator's compliance with section 74341  
5747.063 or 5753.02 of the Revised Code and sections related 74342  
thereto; 74343

(15) Disclosing to the state lottery commission information 74344  
in the possession of the department of taxation that is necessary 74345  
to verify a lottery sales agent's compliance with section 5747.064 74346  
of the Revised Code. 74347

(16) Disclosing to the development services agency 74348  
information in the possession of the department of taxation that 74349  
is necessary to ensure compliance with the laws of this state 74350  
governing taxation and to verify information reported to the 74351

development services agency for the purpose of evaluating 74352  
potential tax credits, grants, or loans. Such information shall 74353  
not include information received from the internal revenue service 74354  
the disclosure of which is prohibited by section 6103 of the 74355  
Internal Revenue Code. No officer, employee, or agent of the 74356  
development services agency shall disclose any information 74357  
provided to the development services agency by the department of 74358  
taxation under division (C)(16) of this section except when 74359  
disclosure of the information is necessary for, and made solely 74360  
for the purpose of facilitating, the evaluation of potential tax 74361  
credits, grants, or loans. 74362

(17) Disclosing to the department of insurance information in 74363  
the possession of the department of taxation that is necessary to 74364  
ensure a taxpayer's compliance with the requirements with any tax 74365  
credit administered by the development services agency and claimed 74366  
by the taxpayer against any tax administered by the superintendent 74367  
of insurance. No officer, employee, or agent of the department of 74368  
insurance shall disclose any information provided to the 74369  
department of insurance by the department of taxation under 74370  
division (C)(17) of this section. 74371

(18) Disclosing to the division of liquor control information 74372  
in the possession of the department of taxation that is necessary 74373  
for the division and department to comply with the requirements of 74374  
sections 4303.26 and 4303.271 of the Revised Code+. 74375

(19) Disclosing to the department of education, upon that 74376  
department's request, information in the possession of the 74377  
department of taxation that is necessary only to verify whether 74378  
the family income of a student applying for or receiving a 74379  
scholarship under the educational choice scholarship pilot program 74380  
is equal to, less than, or greater than the income thresholds 74381  
prescribed by section 3310.02 or 3310.032 of the Revised Code. The 74382  
department of education shall provide sufficient information about 74383

the student and the student's family to enable the department of 74384  
taxation to make the verification. 74385

Sec. 5703.263. (A)(1) "Tax return preparer" means any person 74386  
other than an accountant or an attorney that operates a business 74387  
that prepares, or directly or indirectly employs another person to 74388  
prepare, for a taxpayer a tax return or application for refund in 74389  
exchange for compensation or remuneration from the taxpayer or the 74390  
taxpayer's related member. The preparation of a substantial 74391  
portion of a tax return or application for refund shall be 74392  
considered to be the same as the preparation of the return or 74393  
application for refund. "Tax return preparer" does not include an 74394  
individual who performs only one or more of the following 74395  
activities: 74396

(a) Furnishes typing, reproducing, or other mechanical 74397  
assistance; 74398

(b) Prepares an application for refund or a return on behalf 74399  
of an employer by whom the individual is regularly and 74400  
continuously employed, or on behalf of an officer or employee of 74401  
that employer; 74402

(c) Prepares as a fiduciary an application for refund or a 74403  
return; 74404

(d) Prepares an application for refund or a return for a 74405  
taxpayer in response to a notice of deficiency issued to the 74406  
taxpayer or the taxpayer's related member, or in response to a 74407  
waiver of restriction after the commencement of an audit of the 74408  
taxpayer or the taxpayer's related member. 74409

(2) "Related member" has the same meaning as in section 74410  
5733.042 of the Revised Code. 74411

(3) "Accountant" means any of the following: 74412

(a) An individual who holds both a CPA certificate and an 74413

<u>Ohio permit or Ohio registration issued by the accountancy board</u>	74414
<u>under section 4701.10 of the Revised Code;</u>	74415
<u>(b) An individual who holds a foreign certificate;</u>	74416
<u>(c) An individual who is employed by a public accounting firm</u>	74417
<u>with respect to any return prepared under the supervision of an</u>	74418
<u>individual described in division (A)(3)(a) or (b) of this section,</u>	74419
<u>regardless of whether the public accounting firm is required to</u>	74420
<u>register with the accountancy board under section 4701.04 of the</u>	74421
<u>Revised Code.</u>	74422
<u>(4) "CPA certificate" and "foreign certificate" have the same</u>	74423
<u>meanings as in section 4701.01 of the Revised Code.</u>	74424
<u>(5) "Attorney" means an individual who has been admitted to</u>	74425
<u>the bar by order of the supreme court in compliance with its</u>	74426
<u>prescribed and published rules, is permitted to practice as an</u>	74427
<u>attorney and counselor at law in this state under Chapter 4705. of</u>	74428
<u>the Revised Code, and is not currently suspended or removed from</u>	74429
<u>such practice under that chapter.</u>	74430
<u>(6) A tax return preparer engages in "prohibited conduct" if</u>	74431
<u>the preparer does any of the following:</u>	74432
<u>(a) Prepares any return or application for refund that</u>	74433
<u>includes an understatement of a taxpayer's tax liability due to an</u>	74434
<u>unreasonable position or due to willful or reckless conduct. For</u>	74435
<u>the purposes of this division, "unreasonable position" and</u>	74436
<u>"willful or reckless conduct" have the meanings as used in section</u>	74437
<u>6694 of the Internal Revenue Code.</u>	74438
<u>(b) When required under any provision of Title LVII of the</u>	74439
<u>Revised Code, the preparer fails to do any of the following:</u>	74440
<u>(i) Provide copies of a return or application for refund;</u>	74441
<u>(ii) Provide the preparer's signature or federal preparer tax</u>	74442
<u>identification number on a return or application for refund;</u>	74443

<u>(iii) Retain copies of the preparer's records;</u>	74444
<u>(iv) Provide any information or documents requested by the tax commissioner;</u>	74445 74446
<u>(v) Act diligently in determining a taxpayer's eligibility for tax credits, deductions, or exemptions.</u>	74447 74448
<u>(c) Negotiates a check or other negotiable instrument issued to a taxpayer by the department of taxation without the permission of the taxpayer;</u>	74449 74450 74451
<u>(d) Engages in any conduct subject to criminal penalties under Title LVII of the Revised Code;</u>	74452 74453
<u>(e) Misrepresents the preparer's eligibility to file returns or applications for refund on behalf of taxpayers, or otherwise misrepresents the preparer's experience or education;</u>	74454 74455 74456
<u>(f) Guarantees the payment of any tax refund or the allowance of any tax credit, deduction, or exemption;</u>	74457 74458
<u>(g) Engages in any other fraudulent or deceptive conduct that substantially interferes with the proper administration of any provision of Title LVII of the Revised Code.</u>	74459 74460 74461
<u>(7) "State" means a state of the United States, the District of Columbia, the commonwealth of Puerto Rico, or any territory or possession of the United States.</u>	74462 74463 74464
<u>(B) When a tax return preparer engages in prohibited conduct, the commissioner, may do either or both of the following:</u>	74465 74466
<u>(1) If the commissioner has previously warned the tax return preparer in writing of the consequences of continuing to engage in prohibited conduct, impose a penalty not exceeding one hundred dollars per instance of prohibited conduct;</u>	74467 74468 74469 74470
<u>(2) Regardless of whether the commissioner has previously warned the tax return preparer, request that the attorney general apply to a court of competent jurisdiction for an injunction to</u>	74471 74472 74473

restrain the preparer from further engaging in the prohibited 74474  
conduct. The court may take either of the following actions: 74475

(a) If the court finds that injunctive relief is appropriate 74476  
to prevent the recurrence of the prohibited conduct, the court 74477  
shall issue an injunction against the preparer enjoining the 74478  
preparer from engaging in such conduct. 74479

(b) If the court finds that the preparer has continually or 74480  
repeatedly engaged in prohibited conduct, and that enjoining the 74481  
preparer solely from engaging in such conduct would not be 74482  
sufficient to prevent the preparer's interference with the proper 74483  
administration of any provision of Title LVII of the Revised Code, 74484  
the court may issue an injunction against the preparer enjoining 74485  
the preparer from acting as a tax return preparer in this state. 74486

If a tax return preparer has been enjoined from preparing tax 74487  
returns or applications for refunds by a federal court or by 74488  
another state court in the five years preceding the date on which 74489  
an injunction is requested under this section, that prior 74490  
injunction shall be sufficient to establish a prima facie case for 74491  
the issuance of an injunction under division (B)(2) of this 74492  
section. 74493

(C) The commissioner may require a tax return preparer to 74494  
include the preparer's name and federal preparer tax 74495  
identification number when filing any return or application for 74496  
refund. If a tax return preparer fails to include this information 74497  
when required to do so by the commissioner, or if the information 74498  
provided is false, inaccurate, or incomplete, the commissioner may 74499  
impose a penalty of fifty dollars for each such failure, provided 74500  
that the maximum penalty imposed on a preparer under this division 74501  
in a calendar year shall not exceed twenty-five thousand dollars. 74502

(D) The penalties imposed under divisions (B)(1) and (C) of 74503  
this section may be assessed and collected in the same manner as 74504

assessments made under Chapter 3769., 4305., 5727., 5728., 5733., 74505  
5735., 5736., 5739., 5743., 5745., 5747., 5749., 5751., or 5753., 74506  
section 718.90, or sections 3734.90 to 3734.9014 of the Revised 74507  
Code. The commissioner may abate all or a portion of any penalty 74508  
imposed under this section upon the showing of good cause by the 74509  
tax return preparer. 74510

**Sec. 5705.21.** (A) At any time, the board of education of any 74511  
city, local, exempted village, cooperative education, or joint 74512  
vocational school district, by a vote of two-thirds of all its 74513  
members, may declare by resolution that the amount of taxes that 74514  
may be raised within the ten-mill limitation by levies on the 74515  
current tax duplicate will be insufficient to provide an adequate 74516  
amount for the necessary requirements of the school district, that 74517  
it is necessary to levy a tax in excess of such limitation for one 74518  
of the purposes specified in division (A), (D), (F), (H), or (DD) 74519  
of section 5705.19 of the Revised Code, for general permanent 74520  
improvements, for the purpose of operating a cultural center, for 74521  
the purpose of providing for school safety and security, or for 74522  
the purpose of providing education technology, and that the 74523  
question of such additional tax levy shall be submitted to the 74524  
electors of the school district at a special election on a day to 74525  
be specified in the resolution. In the case of a qualifying 74526  
library levy for the support of a library association or private 74527  
corporation, the question shall be submitted to the electors of 74528  
the association library district. If the resolution states that 74529  
the levy is for the purpose of operating a cultural center, the 74530  
ballot shall state that the levy is "for the purpose of operating 74531  
the..... (name of cultural center)." 74532

As used in this division, "cultural center" means a 74533  
freestanding building, separate from a public school building, 74534  
that is open to the public for educational, musical, artistic, and 74535  
cultural purposes; "education technology" means, but is not 74536

limited to, computer hardware, equipment, materials, and 74537  
accessories, equipment used for two-way audio or video, and 74538  
software; "general permanent improvements" means permanent 74539  
improvements without regard to the limitation of division (F) of 74540  
section 5705.19 of the Revised Code that the improvements be a 74541  
specific improvement or a class of improvements that may be 74542  
included in a single bond issue; and "providing for school safety 74543  
and security" includes but is not limited to providing for 74544  
permanent improvements to provide or enhance security, employment 74545  
of or contracting for the services of safety personnel, providing 74546  
mental health services and counseling, or providing training in 74547  
safety and security practices and responses. 74548

A resolution adopted under this division shall be confined to 74549  
a single purpose and shall specify the amount of the increase in 74550  
rate that it is necessary to levy, the purpose of the levy, and 74551  
the number of years during which the increase in rate shall be in 74552  
effect. The number of years may be any number not exceeding five 74553  
or, if the levy is for current expenses of the district or for 74554  
general permanent improvements, for a continuing period of time. 74555

(B)(1) The board of education of a qualifying school 74556  
district, by resolution, may declare that it is necessary to levy 74557  
a tax in excess of the ten-mill limitation for the purpose of 74558  
paying the current expenses of partnering community schools and, 74559  
if any of the levy proceeds are so allocated, of the district. A 74560  
qualifying school district that is not a municipal school district 74561  
may allocate all of the levy proceeds to partnering community 74562  
schools. A municipal school district shall allocate a portion of 74563  
the levy proceeds to the current expenses of the district. The 74564  
resolution shall declare that the question of the additional tax 74565  
levy shall be submitted to the electors of the school district at 74566  
a special election on a day to be specified in the resolution. The 74567  
resolution shall state the purpose of the levy, the rate of the 74568



tax expressed in mills per dollar of taxable value, the number of 74569  
such mills to be levied for the current expenses of the partnering 74570  
community schools and the number of such mills, if any, to be 74571  
levied for the current expenses of the school district, the number 74572  
of years the tax will be levied, and the first year the tax will 74573  
be levied. The number of years the tax may be levied may be any 74574  
number not exceeding ten years, or for a continuing period of 74575  
time. 74576

The levy of a tax for the current expenses of a partnering 74577  
community school under this section and the distribution of 74578  
proceeds from the tax by a qualifying school district to 74579  
partnering community schools is hereby determined to be a proper 74580  
public purpose. 74581

(2)(a) If any portion of the levy proceeds are to be 74582  
allocated to the current expenses of the qualifying school 74583  
district, the form of the ballot at an election held pursuant to 74584  
division (B) of this section shall be as follows: 74585

"Shall a levy be imposed by the..... (insert the name of 74586  
the qualifying school district) for the purpose of current 74587  
expenses of the school district and of partnering community 74588  
schools at a rate not exceeding..... (insert the number of mills) 74589  
mills for each one dollar of valuation, of which..... (insert the 74590  
number of mills to be allocated to partnering community schools) 74591  
mills is to be allocated to partnering community schools), which 74592  
amounts to..... (insert the rate expressed in dollars and cents) 74593  
for each one hundred dollars of valuation, for..... (insert the 74594  
number of years the levy is to be imposed, or that it will be 74595  
levied for a continuing period of time), beginning..... (insert 74596  
first year the tax is to be levied), which will first be payable 74597  
in calendar year..... (insert the first calendar year in which 74598  
the tax would be payable)? 74599

	FOR THE TAX LEVY
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74600

	AGAINST THE TAX LEVY	"
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(b) If all of the levy proceeds are to be allocated to the current expenses of partnering community schools, the form of the ballot shall be as follows:

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"Shall a levy be imposed by the..... (insert the name of the qualifying school district) for the purpose of current expenses of partnering community schools at a rate not exceeding..... (insert the number of mills) mills for each one dollar of valuation which amounts to..... (insert the rate expressed in dollars and cents) for each one hundred dollars of valuation, for..... (insert the number of years the levy is to be imposed, or that it will be levied for a continuing period of time), beginning..... (insert first year the tax is to be levied), which will first be payable in calendar year..... (insert the first calendar year in which the tax would be payable)?

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	FOR THE TAX LEVY	
	AGAINST THE TAX LEVY	"

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(3) Upon each receipt of a tax distribution by the qualifying school district, the board of education shall credit the portion allocated to partnering community schools to the partnering community schools fund. All income from the investment of money in the partnering community schools fund shall be credited to that fund.

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(a) If the qualifying school district is a municipal school district, the board of education shall distribute the partnering community schools amount among the then qualifying community schools not more than forty-five days after the school district receives and deposits each tax distribution. From each tax distribution, each such partnering community school shall receive a portion of the partnering community schools amount in the proportion that the number of its resident students bears to the

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aggregate number of resident students of all such partnering  
community schools as of the date of receipt and deposit of the tax  
distribution. 74633  
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(b) If the qualifying school district is not a municipal  
school district, the board of education may distribute all or a  
portion of the amount in the partnering community schools fund  
during a fiscal year to partnering community schools on or before  
the first day of June of the preceding fiscal year. Each such  
partnering community school shall receive a portion of the amount  
distributed by the board from the partnering community schools  
fund during the fiscal year in the proportion that the number of  
its resident students bears to the aggregate number of resident  
students of all such partnering community schools as of the date  
the school district received and deposited the most recent tax  
distribution. On or before the fifteenth day of June of each  
fiscal year, the board of education shall announce an estimated  
allocation to partnering community schools for the ensuing fiscal  
year. The board is not required to allocate to partnering  
community schools the entire partnering community schools amount  
in the fiscal year in which a tax distribution is received and  
deposited in the partnering community schools fund. The estimated  
allocation shall be published on the web site of the school  
district and expressed as a dollar amount per resident student.  
The actual allocation to community schools in a fiscal year need  
not conform to the estimate published by the school district so  
long if the estimate was made in good faith. 74636  
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Distributions by a school district under division (B)(3)(b)  
of this section shall be made in accordance with distribution  
agreements entered into by the board of education and each  
partnering community school eligible for distributions under this  
division. The distribution agreements shall be certified to the  
department of education each fiscal year before the thirtieth day  
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of July. Each agreement shall provide for at least three 74665  
distributions by the school district to the partnering community 74666  
school during the fiscal year and shall require the initial 74667  
distribution be made on or before the thirtieth day of July. 74668

(c) For the purposes of division (B) of this section, the 74669  
number of resident students shall be the number of such students 74670  
reported under section 3317.03 of the Revised Code and established 74671  
by the department of education as of the date of receipt and 74672  
deposit of the tax distribution. 74673

(4) To the extent an agreement whereby the qualifying school 74674  
district and a community school endorse each other's programs is 74675  
necessary for the community school to qualify as a partnering 74676  
community school under division (B)(6)(b) of this section, the 74677  
board of education of the school district shall certify to the 74678  
department of education the agreement along with the determination 74679  
that such agreement satisfies the requirements of that division. 74680  
The board's determination is conclusive. 74681

(5) For the purposes of Chapter 3317. of the Revised Code or 74682  
other laws referring to the "taxes charged and payable" for a 74683  
school district, the taxes charged and payable for a qualifying 74684  
school district that levies a tax under division (B) of this 74685  
section includes only the taxes charged and payable under that 74686  
levy for the current expenses of the school district, and does not 74687  
include the taxes charged and payable for the current expenses of 74688  
partnering community schools. The taxes charged and payable for 74689  
the current expenses of partnering community schools shall not 74690  
affect the calculation of "state education aid" as defined in 74691  
section 5751.20 of the Revised Code. 74692

(6) As used in division (B) of this section: 74693

(a) "Qualifying school district" means a municipal school 74694  
district, as defined in section 3311.71 of the Revised Code or a 74695

school district that contains within its territory a partnering  
community school. 74696  
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(b) "Partnering community school" means a community school 74698  
established under Chapter 3314. of the Revised Code that is 74699  
located within the territory of the qualifying school district and 74700  
meets one of the following criteria: 74701

(i) If the qualifying school district is a municipal school 74702  
district, the community school is sponsored by the district or is 74703  
a party to an agreement with the district whereby the district and 74704  
the community school endorse each other's programs; 74705

(ii) If the qualifying school district is not a municipal 74706  
school district, the community school is sponsored by a sponsor 74707  
that was rated as "exemplary" in the ratings most recently 74708  
published under section 3314.016 of the Revised Code before the 74709  
resolution proposing the levy is certified to the board of 74710  
elections. 74711

(c) "Partnering community schools amount" means the product 74712  
obtained, as of the receipt and deposit of the tax distribution, 74713  
by multiplying the amount of a tax distribution by a fraction, the 74714  
numerator of which is the number of mills per dollar of taxable 74715  
value of the property tax to be allocated to partnering community 74716  
schools, and the denominator of which is the total number of mills 74717  
per dollar of taxable value authorized by the electors in the 74718  
election held under division (B) of this section, each as set 74719  
forth in the resolution levying the tax. If the resolution 74720  
allocates all of the levy proceeds to partnering community 74721  
schools, the "partnering schools amount" equals the amount of the 74722  
tax distribution. 74723

(d) "Partnering community schools fund" means a separate fund 74724  
established by the board of education of a qualifying school 74725  
district for the deposit of partnering community school amounts 74726

under this section. 74727

(e) "Resident student" means a student enrolled in a 74728  
partnering community school who is entitled to attend school in 74729  
the qualifying school district under section 3313.64 or 3313.65 of 74730  
the Revised Code. 74731

(f) "Tax distribution" means a distribution of proceeds of 74732  
the tax authorized by division (B) of this section under section 74733  
321.24 of the Revised Code and distributions that are attributable 74734  
to that tax under sections 323.156 and 4503.068 of the Revised 74735  
Code or other applicable law. 74736

(C) A resolution adopted under this section shall specify the 74737  
date of holding the election, which shall not be earlier than 74738  
ninety days after the adoption and certification of the resolution 74739  
and which shall be consistent with the requirements of section 74740  
3501.01 of the Revised Code. 74741

A resolution adopted under this section may propose to renew 74742  
one or more existing levies imposed under division (A) or (B) of 74743  
this section or to increase or decrease a single levy imposed 74744  
under either such division. 74745

If the board of education imposes one or more existing levies 74746  
for the purpose specified in division (F) of section 5705.19 of 74747  
the Revised Code, the resolution may propose to renew one or more 74748  
of those existing levies, or to increase or decrease a single such 74749  
existing levy, for the purpose of general permanent improvements. 74750

If the resolution proposes to renew two or more existing 74751  
levies, the levies shall be levied for the same purpose. The 74752  
resolution shall identify those levies and the rates at which they 74753  
are levied. The resolution also shall specify that the existing 74754  
levies shall not be extended on the tax lists after the year 74755  
preceding the year in which the renewal levy is first imposed, 74756  
regardless of the years for which those levies originally were 74757

authorized to be levied. 74758

If the resolution proposes to renew an existing levy imposed 74759  
under division (B) of this section, the rates allocated to the 74760  
qualifying school district and to partnering community schools 74761  
each may be increased or decreased or remain the same, and the 74762  
total rate may be increased, decreased, or remain the same. The 74763  
resolution and notice of election shall specify the number of the 74764  
mills to be levied for the current expenses of the partnering 74765  
community schools and the number of the mills, if any, to be 74766  
levied for the current expenses of the qualifying school district. 74767

A resolution adopted under this section shall go into 74768  
immediate effect upon its passage, and no publication of the 74769  
resolution shall be necessary other than that provided for in the 74770  
notice of election. A copy of the resolution shall immediately 74771  
after its passing be certified to the board of elections of the 74772  
proper county in the manner provided by section 5705.25 of the 74773  
Revised Code. That section shall govern the arrangements for the 74774  
submission of such question and other matters concerning the 74775  
election to which that section refers, including publication of 74776  
notice of the election, except that the election shall be held on 74777  
the date specified in the resolution. In the case of a resolution 74778  
adopted under division (B) of this section, the publication of 74779  
notice of that election shall state the number of the mills, if 74780  
any, to be levied for the current expenses of partnering community 74781  
schools and the number of the mills to be levied for the current 74782  
expenses of the qualifying school district. If a majority of the 74783  
electors voting on the question so submitted in an election vote 74784  
in favor of the levy, the board of education may make the 74785  
necessary levy within the school district or, in the case of a 74786  
qualifying library levy for the support of a library association 74787  
or private corporation, within the association library district, 74788  
at the additional rate, or at any lesser rate in excess of the 74789

ten-mill limitation on the tax list, for the purpose stated in the 74790  
resolution. A levy for a continuing period of time may be reduced 74791  
pursuant to section 5705.261 of the Revised Code. The tax levy 74792  
shall be included in the next tax budget that is certified to the 74793  
county budget commission. 74794

(D)(1) After the approval of a levy on the current tax list 74795  
and duplicate for current expenses, for recreational purposes, for 74796  
community centers provided for in section 755.16 of the Revised 74797  
Code, or for a public library of the district under division (A) 74798  
of this section, and prior to the time when the first tax 74799  
collection from the levy can be made, the board of education may 74800  
anticipate a fraction of the proceeds of the levy and issue 74801  
anticipation notes in a principal amount not exceeding fifty per 74802  
cent of the total estimated proceeds of the levy to be collected 74803  
during the first year of the levy. 74804

(2) After the approval of a levy for general permanent 74805  
improvements for a specified number of years or for permanent 74806  
improvements having the purpose specified in division (F) of 74807  
section 5705.19 of the Revised Code, the board of education may 74808  
anticipate a fraction of the proceeds of the levy and issue 74809  
anticipation notes in a principal amount not exceeding fifty per 74810  
cent of the total estimated proceeds of the levy remaining to be 74811  
collected in each year over a period of five years after the 74812  
issuance of the notes. 74813

The notes shall be issued as provided in section 133.24 of 74814  
the Revised Code, shall have principal payments during each year 74815  
after the year of their issuance over a period not to exceed five 74816  
years, and may have a principal payment in the year of their 74817  
issuance. 74818

(3) After approval of a levy for general permanent 74819  
improvements for a continuing period of time, the board of 74820  
education may anticipate a fraction of the proceeds of the levy 74821



and issue anticipation notes in a principal amount not exceeding 74822  
fifty per cent of the total estimated proceeds of the levy to be 74823  
collected in each year over a specified period of years, not 74824  
exceeding ten, after the issuance of the notes. 74825

The notes shall be issued as provided in section 133.24 of 74826  
the Revised Code, shall have principal payments during each year 74827  
after the year of their issuance over a period not to exceed ten 74828  
years, and may have a principal payment in the year of their 74829  
issuance. 74830

(4) After the approval of a levy on the current tax list and 74831  
duplicate under division (B) of this section, and prior to the 74832  
time when the first tax collection from the levy can be made, the 74833  
board of education may anticipate a fraction of the proceeds of 74834  
the levy for the current expenses of the school district and issue 74835  
anticipation notes in a principal amount not exceeding fifty per 74836  
cent of the estimated proceeds of the levy to be collected during 74837  
the first year of the levy and allocated to the school district. 74838  
The portion of the levy proceeds to be allocated to partnering 74839  
community schools under that division shall not be included in the 74840  
estimated proceeds anticipated under this division and shall not 74841  
be used to pay debt charges on any anticipation notes. 74842

The notes shall be issued as provided in section 133.24 of 74843  
the Revised Code, shall have principal payments during each year 74844  
after the year of their issuance over a period not to exceed five 74845  
years, and may have a principal payment in the year of their 74846  
issuance. 74847

(E) The submission of questions to the electors under this 74848  
section is subject to the limitation on the number of election 74849  
dates established by section 5705.214 of the Revised Code. 74850

(F) The board of education of any school district that levies 74851  
a tax under this section for the purpose of providing for school 74852

safety and security may report to the department of education how 74853  
the district is using revenue from that tax. 74854

The board of education of any school district that proposes 74855  
to levy a tax for the purpose of providing for school safety and 74856  
security may share the proceeds of the tax with chartered 74857  
nonpublic schools, as defined by section 3310.01 of the Revised 74858  
Code, that are located in the territory of the school district as 74859  
provided in this division. The resolution levying the tax and the 74860  
form of the ballot shall state that proceeds from the levy are to 74861  
be shared with chartered nonpublic schools and shall state the 74862  
percentage of the proceeds that is to be shared with those 74863  
schools. 74864

If a percentage of the proceeds of such a tax are to be 74865  
shared with chartered nonpublic schools under this division, such 74866  
proceeds shall be shared with all chartered nonpublic schools 74867  
located in the territory of the school district. Of the percentage 74868  
of the proceeds to be shared with chartered nonpublic schools, 74869  
each such school shall receive an amount that bears the same 74870  
proportion of that percentage that the number of resident students 74871  
attending that school bears to the total number of resident 74872  
students attending all such schools in the territory of the school 74873  
district. For the purposes of this section, a resident student is 74874  
a student enrolled in a chartered nonpublic school located in the 74875  
territory of the school district who is entitled to attend school 74876  
in the school district under section 3313.64 or 3313.65 of the 74877  
Revised Code. 74878

All proceeds of the levy shall be credited to a fund of the 74879  
school district created for that purpose, and the board of 74880  
education shall pay each chartered nonpublic school its share of 74881  
the proceeds from that fund not less frequently than once after 74882  
each settlement of taxes under divisions (A) and (C) of section 74883  
321.24 of the Revised Code. Any chartered nonpublic school 74884

receiving payments under this section shall use all of such 74885  
payments only for providing for school safety and security. 74886

**Sec. 5705.222.** (A) At any time the board of county 74887  
commissioners of any county by a majority vote of the full 74888  
membership may declare by resolution and certify to the board of 74889  
elections of the county that the amount of taxes which may be 74890  
raised within the ten-mill limitation by levies on the current tax 74891  
duplicate will be insufficient to provide the necessary 74892  
requirements of the county board of developmental disabilities 74893  
established pursuant to Chapter 5126. of the Revised Code and that 74894  
it is necessary to levy a tax in excess of such limitation for the 74895  
operation of community programs and services authorized by county 74896  
boards of developmental disabilities, for the acquisition, 74897  
construction, renovation, financing, maintenance, and operation of 74898  
developmental disabilities facilities, or for both of such 74899  
purposes. 74900

The resolution shall conform to section 5705.19 of the 74901  
Revised Code, except that the increased rate may be in effect for 74902  
any number of years not exceeding ten or for a continuing period 74903  
of time. 74904

The resolution shall be certified and submitted in the manner 74905  
provided in section 5705.25 of the Revised Code, except that it 74906  
may be placed on the ballot in any election, and shall be 74907  
certified to the board of elections not less than ninety days 74908  
before the election at which it will be voted upon. 74909

If the majority of the electors voting on a levy for the 74910  
support of the programs and services of the county board of 74911  
developmental disabilities vote in favor of the levy, the board of 74912  
county commissioners may levy a tax within the county at the 74913  
additional rate outside the ten-mill limitation during the 74914  
specified or continuing period, for the purpose stated in the 74915

resolution. 74916

The county board of developmental disabilities, within its 74917  
budget and with the approval of the board of county commissioners 74918  
through annual appropriations, shall use the proceeds of a levy 74919  
approved under this section or division (L) of section 5705.19 of 74920  
the Revised Code solely for the purposes authorized by that 74921  
section or division. 74922

A board of county commissioners that levies a tax under this 74923  
section or for the purpose authorized by division (L) of section 74924  
5705.19 of the Revised Code, by a majority vote of the full 74925  
membership, may adopt a resolution to renew such a levy, or renew 74926  
two or more such levies as a single ballot question, in the manner 74927  
provided by section 5705.25 of the Revised Code for the renewal of 74928  
existing levies. The purpose of the renewal levy may be for any of 74929  
the purposes authorized for a levy imposed under this section or 74930  
division (L) of section 5705.19 of the Revised Code. The term of 74931  
the renewal levy may be for any number of years not exceeding ten 74932  
or for a continuing period of time. 74933

(B) When electors have approved a tax levy under this 74934  
section, the county commissioners may anticipate a fraction of the 74935  
proceeds of the levy and issue anticipation notes in accordance 74936  
with section 5705.191 or 5705.193 of the Revised Code. 74937

(C) The county auditor, upon receipt of a resolution from the 74938  
county board of developmental disabilities, shall establish a 74939  
capital improvements account or a reserve balance account, or 74940  
both, as specified in the resolution. The capital improvements 74941  
account shall be a contingency account for the necessary 74942  
acquisition, replacement, renovation, or construction of 74943  
facilities and movable and fixed equipment. Upon the request of 74944  
the county board of developmental disabilities, moneys not needed 74945  
to pay for current expenses may be appropriated to this account, 74946  
in amounts such that this account does not exceed twenty-five per 74947

cent of the replacement value of all capital facilities and 74948  
equipment currently used by the county board of developmental 74949  
disabilities for developmental disabilities programs and services. 74950  
Other moneys available for current capital expenses from federal, 74951  
state, or local sources may also be appropriated to this account. 74952

The reserve balance account shall contain those moneys that 74953  
are not needed to pay for current operating expenses and not 74954  
deposited in the capital improvements account but that will be 74955  
needed to pay for operating expenses in the future. Upon the 74956  
request of a county board of developmental disabilities, the board 74957  
of county commissioners may appropriate ~~moneys~~ county funds, 74958  
including funds from federal and state sources, to the reserve 74959  
balance account. 74960

The total balance in a reserve balance account shall not 74961  
exceed forty per cent of the county board of developmental 74962  
disabilities' expenditures for all services in the preceding 74963  
calendar year. 74964

Amounts in a capital improvements account or reserve balance 74965  
account that are not in excess of the limitations prescribed in 74966  
this division shall be considered reasonable and shall not be 74967  
taken into consideration by the county budget commission when 74968  
determining whether to reduce the taxing authority of a county 74969  
under section 5705.32 of the Revised Code. 74970

**Sec. 5705.322.** In determining whether to reduce the taxing 74971  
authority of a county under section 5705.32 of the Revised Code in 74972  
connection with the balance of a county developmental disabilities 74973  
general fund, the county budget commission shall take into 74974  
consideration the five-year projection of revenues and 74975  
expenditures prepared by the county board of developmental 74976  
disabilities pursuant to section 5126.053 of the Revised Code. 74977

Before making such a determination, the commission shall hold 74978

a hearing solely on the question of whether to reduce the taxing authority of the county in connection with the balance of that fund. The commission shall publish notice of the hearing in a newspaper of general circulation in the county once a week for two consecutive weeks or as provided in section 7.16 of the Revised Code. The second publication shall be not less than ten nor more than thirty days before the date of the hearing, and the notice shall include the date, time, place, and subject of the hearing, and a statement that a determination to reduce the taxing authority of the county may result in a decrease in revenue available to the county board of developmental disabilities.

Upon publishing the notice, the commission shall notify the board of county commissioners or board of developmental disabilities of the date, time, place, and subject of the hearing. Any board entitled to notice under this division may designate an officer or employee of such board to whom the commission shall deliver the notice.

The commission shall permit representatives of the county that established the fund to appear at such hearing and explain the financial needs of the county board of developmental disabilities.

**Sec. 5709.084.** Real and personal property comprising a convention center that is constructed or, in the case of personal property, acquired, after January 1, 2010, are exempt from taxation if the convention center is located in a county having a population, when construction of the convention center commences, of more than one million two hundred thousand according to the most recent federal decennial census, and if the convention center, or the land upon which the convention center is situated, is owned or leased by the county. For the purposes of this section, construction of the convention center commences upon the

earlier of issuance of debt to finance all or a portion of the 75010  
convention center, demolition of existing structures on the site, 75011  
or grading of the site in preparation for construction. 75012

Real and personal property comprising a convention center 75013  
owned by the largest city in a county having a population greater 75014  
than seven hundred thousand but less than nine hundred thousand 75015  
according to the most recent federal decennial census is exempt 75016  
from taxation, regardless of whether the property is leased to or 75017  
otherwise operated or managed by a person other than the city. 75018

Real and personal property comprising a convention center or 75019  
arena owned by a convention facilities authority in a county 75020  
having a population greater than ~~one million~~ seven hundred fifty 75021  
thousand according to the most recent federal decennial census is 75022  
exempt from taxation, regardless of whether the property is leased 75023  
to or otherwise operated or managed by a person other than the 75024  
convention facilities authority, notwithstanding section 351.12 of 75025  
the Revised Code. 75026

Real and personal property comprising a convention center or 75027  
arena owned by the largest city in a county having a population 75028  
greater than two hundred thirty-five thousand but less than three 75029  
hundred thousand according to the most recent federal decennial 75030  
census at the time of the construction of the convention center or 75031  
arena is exempt from taxation, regardless of whether the property 75032  
is leased to or otherwise operated or managed by a person other 75033  
than the city. 75034

Real and personal property comprising a convention center or 75035  
arena owned by the city in which the convention center or arena is 75036  
located, and located in a county having a population greater than 75037  
five hundred thousand but less than six hundred thousand according 75038  
to the most recent federal decennial census at the time of the 75039  
construction of the convention center or arena, is exempt from 75040

taxation, regardless of whether the property is leased to or 75041  
otherwise operated or managed by a person other than the city. 75042

As used in this section, "convention center" and "arena" have 75043  
the same meanings as in section 307.695 of the Revised Code. 75044

**Sec. 5709.17.** The following property shall be exempted from 75045  
taxation: 75046

(A) Real estate held or occupied by an association or 75047  
corporation, organized or incorporated under the laws of this 75048  
state relative to soldiers' memorial associations or monumental 75049  
building associations and that, in the opinion of the trustees, 75050  
directors, or managers thereof, is necessary and proper to carry 75051  
out the object intended for such association or corporation; 75052

(B) Real estate and tangible personal property held or 75053  
occupied by a qualifying veterans' organization and used primarily 75054  
for meetings and administration of the qualifying veterans' 75055  
organization or for providing, on a not-for-profit basis, programs 75056  
and supportive services to past or present members of the armed 75057  
forces of the United States and their families, except real estate 75058  
held by such an organization for the production of rental income 75059  
in excess of thirty-six thousand dollars in a tax year, before 75060  
accounting for any cost or expense incurred in the production of 75061  
such income. For the purposes of this division, rental income 75062  
includes only income arising directly from renting the real estate 75063  
to others for consideration, but does not include income arising 75064  
from renting the real estate to a qualifying veterans' 75065  
organization. 75066

As used in this division, "qualifying veterans' organization" 75067  
means an organization that is incorporated under the laws of this 75068  
state or the United States and that meets either of the following 75069  
requirements: 75070



(1) The organization qualifies for exemption from taxation under section 501(c)(19) or 501(c)(23) of the Internal Revenue Code. 75071  
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(2) The organization meets the criteria for exemption under section 501(c)(19) of the Internal Revenue Code and regulations adopted pursuant thereto, but is exempt from taxation under section 501(c)(4) of the Internal Revenue Code. 75074  
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(C) Tangible personal property held by a corporation chartered under 112 Stat. 1335, 36 U.S.C. 40701, described in section 501(c)(3) of the Internal Revenue Code, and exempt from taxation under section 501(a) of the Internal Revenue Code shall be exempt from taxation if it is property obtained as described in 112 Stat. 1335-1341, 36 U.S.C.A. Chapter 407. 75078  
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(D) Real estate held or occupied by a fraternal organization and used primarily for meetings of and the administration of the fraternal organization or for providing, on a not-for-profit basis, educational or health services, except real estate held by such an organization for the production of rental income in excess of thirty-six thousand dollars in a tax year before accounting for any cost or expense incurred in the production of such income. For the purposes of this division, rental income includes only income arising directly from renting the real estate to others for consideration, but does not include income arising from renting the real estate to any fraternal organization for use primarily for meetings of and the administration of such fraternal organization or for providing, on a not-for-profit basis, educational or health services. As used in this division, ~~"rental income" has the same meaning as in division (B) of this section,~~ ~~and~~ "fraternal organization" means a domestic fraternal society, order, or association operating under the lodge, council, or grange system that qualifies for exemption from taxation under section 501(c)(5), 501(c)(8), or 501(c)(10) of the "Internal 75084  
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Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended; 75103  
that provides financial support for charitable purposes, as 75104  
defined in division (B)(12) of section 5739.02 of the Revised 75105  
Code; and that operates under a state governing body that has been 75106  
operating in this state for at least eighty-five years. 75107

**Sec. 5709.40.** (A) As used in this section: 75108

(1) "Blighted area" and "impacted city" have the same 75109  
meanings as in section 1728.01 of the Revised Code. 75110

(2) "Business day" means a day of the week excluding 75111  
Saturday, Sunday, and a legal holiday as defined under section 75112  
1.14 of the Revised Code. 75113

(3) "Housing renovation" means a project carried out for 75114  
residential purposes. 75115

(4) "Improvement" means the increase in the assessed value of 75116  
any real property that would first appear on the tax list and 75117  
duplicate of real and public utility property after the effective 75118  
date of an ordinance adopted under this section were it not for 75119  
the exemption granted by that ordinance. 75120

(5) "Incentive district" means an area not more than three 75121  
hundred acres in size enclosed by a continuous boundary in which a 75122  
project is being, or will be, undertaken and having one or more of 75123  
the following distress characteristics: 75124

(a) At least fifty-one per cent of the residents of the 75125  
district have incomes of less than eighty per cent of the median 75126  
income of residents of the political subdivision in which the 75127  
district is located, as determined in the same manner specified 75128  
under section 119(b) of the "Housing and Community Development Act 75129  
of 1974," 88 Stat. 633, 42 U.S.C. 5318, as amended; 75130

(b) The average rate of unemployment in the district during 75131  
the most recent twelve-month period for which data are available 75132

is equal to at least one hundred fifty per cent of the average 75133  
rate of unemployment for this state for the same period. 75134

(c) At least twenty per cent of the people residing in the 75135  
district live at or below the poverty level as defined in the 75136  
federal Housing and Community Development Act of 1974, 42 U.S.C. 75137  
5301, as amended, and regulations adopted pursuant to that act. 75138

(d) The district is a blighted area. 75139

(e) The district is in a situational distress area as 75140  
designated by the director of development services under division 75141  
(F) of section 122.23 of the Revised Code. 75142

(f) As certified by the engineer for the political 75143  
subdivision, the public infrastructure serving the district is 75144  
inadequate to meet the development needs of the district as 75145  
evidenced by a written economic development plan or urban renewal 75146  
plan for the district that has been adopted by the legislative 75147  
authority of the subdivision. 75148

(g) The district is comprised entirely of unimproved land 75149  
that is located in a distressed area as defined in section 122.23 75150  
of the Revised Code. 75151

(6) "Overlay" means an area of not more than three hundred 75152  
acres that is a square, or that is a rectangle having two longer 75153  
sides that are not more than twice the length of the two shorter 75154  
sides, that the legislative authority of a municipal corporation 75155  
delineates on a map of a proposed incentive district. 75156

(7) "Project" means development activities undertaken on one 75157  
or more parcels, including, but not limited to, construction, 75158  
expansion, and alteration of buildings or structures, demolition, 75159  
remediation, and site development, and any building or structure 75160  
that results from those activities. 75161

(8) "Public infrastructure improvement" includes, but is not 75162

limited to, public roads and highways; water and sewer lines; the 75163  
continued maintenance of those public roads and highways and water 75164  
and sewer lines; environmental remediation; land acquisition, 75165  
including acquisition in aid of industry, commerce, distribution, 75166  
or research; demolition, including demolition on private property 75167  
when determined to be necessary for economic development purposes; 75168  
stormwater and flood remediation projects, including such projects 75169  
on private property when determined to be necessary for public 75170  
health, safety, and welfare; the provision of gas, electric, and 75171  
communications service facilities, including the provision of gas 75172  
or electric service facilities owned by nongovernmental entities 75173  
when such improvements are determined to be necessary for economic 75174  
development purposes; and the enhancement of public waterways 75175  
through improvements that allow for greater public access. 75176

(B) The legislative authority of a municipal corporation, by 75177  
ordinance, may declare improvements to certain parcels of real 75178  
property located in the municipal corporation to be a public 75179  
purpose. Improvements with respect to a parcel that is used or to 75180  
be used for residential purposes may be declared a public purpose 75181  
under this division only if the parcel is located in a blighted 75182  
area of an impacted city. For this purpose, "parcel that is used 75183  
or to be used for residential purposes" means a parcel that, as 75184  
improved, is used or to be used for purposes that would cause the 75185  
tax commissioner to classify the parcel as residential property in 75186  
accordance with rules adopted by the commissioner under section 75187  
5713.041 of the Revised Code. Except ~~with the approval as~~ 75188  
otherwise provided under division (D) of this section ~~of the board~~ 75189  
~~of education of each city, local, or exempted village school~~ 75190  
~~district within which the improvements are located~~ or section 75191  
5709.51 of the Revised Code, not more than seventy-five per cent 75192  
of an improvement thus declared to be a public purpose may be 75193  
exempted from real property taxation for a period of not more than 75194  
ten years. The ordinance shall specify the percentage of the 75195

improvement to be exempted from taxation and the life of the 75196  
exemption. 75197

An ordinance adopted or amended under this division shall 75198  
designate the specific public infrastructure improvements made, to 75199  
be made, or in the process of being made by the municipal 75200  
corporation that directly benefit, or that once made will directly 75201  
benefit, the parcels for which improvements are declared to be a 75202  
public purpose. The service payments provided for in section 75203  
5709.42 of the Revised Code shall be used to finance the public 75204  
infrastructure improvements designated in the ordinance, for the 75205  
purpose described in division (D)(1) of this section or as 75206  
provided in section 5709.43 of the Revised Code. 75207

(C)(1) The legislative authority of a municipal corporation 75208  
may adopt an ordinance creating an incentive district and 75209  
declaring improvements to parcels within the district to be a 75210  
public purpose and, except as provided in division (C)(2) of this 75211  
section, exempt from taxation as provided in this section, but no 75212  
legislative authority of a municipal corporation that has a 75213  
population that exceeds twenty-five thousand, as shown by the most 75214  
recent federal decennial census, shall adopt an ordinance that 75215  
creates an incentive district if the sum of the taxable value of 75216  
real property in the proposed district for the preceding tax year 75217  
and the taxable value of all real property in the municipal 75218  
corporation that would have been taxable in the preceding year 75219  
were it not for the fact that the property was in an existing 75220  
incentive district and therefore exempt from taxation exceeds 75221  
twenty-five per cent of the taxable value of real property in the 75222  
municipal corporation for the preceding tax year. The ordinance 75223  
shall delineate the boundary of the proposed district and 75224  
specifically identify each parcel within the district. A proposed 75225  
district may not include any parcel that is or has been exempted 75226  
from taxation under division (B) of this section or that is or has 75227

been within another district created under this division. An 75228  
ordinance may create more than one such district, and more than 75229  
one ordinance may be adopted under division (C)(1) of this 75230  
section. 75231

(2)(a) Not later than thirty days prior to adopting an 75232  
ordinance under division (C)(1) of this section, if the municipal 75233  
corporation intends to apply for exemptions from taxation under 75234  
section 5709.911 of the Revised Code on behalf of owners of real 75235  
property located within the proposed incentive district, the 75236  
legislative authority of the municipal corporation shall conduct a 75237  
public hearing on the proposed ordinance. Not later than thirty 75238  
days prior to the public hearing, the legislative authority shall 75239  
give notice of the public hearing and the proposed ordinance by 75240  
first class mail to every real property owner whose property is 75241  
located within the boundaries of the proposed incentive district 75242  
that is the subject of the proposed ordinance. The notice shall 75243  
include a map of the proposed incentive district on which the 75244  
legislative authority of the municipal corporation shall have 75245  
delineated an overlay. The notice shall inform the property owner 75246  
of the owner's right to exclude the owner's property from the 75247  
incentive district if the owner's entire parcel of property will 75248  
not be located within the overlay, by submitting a written 75249  
response in accordance with division (C)(2)(b) of this section. 75250  
The notice also shall include information detailing the required 75251  
contents of the response, the address to which the response may be 75252  
mailed, and the deadline for submitting the response. 75253

(b) Any owner of real property located within the boundaries 75254  
of an incentive district proposed under division (C)(1) of this 75255  
section whose entire parcel of property is not located within the 75256  
overlay may exclude the property from the proposed incentive 75257  
district by submitting a written response to the legislative 75258  
authority of the municipal corporation not later than forty-five 75259

days after the postmark date on the notice required under division 75260  
(C)(2)(a) of this section. The response shall be sent by first 75261  
class mail or delivered in person at a public hearing held by the 75262  
legislative authority under division (C)(2)(a) of this section. 75263  
The response shall conform to any content requirements that may be 75264  
established by the municipal corporation and included in the 75265  
notice provided under division (C)(2)(a) of this section. In the 75266  
response, property owners may identify a parcel by street address, 75267  
by the manner in which it is identified in the ordinance, or by 75268  
other means allowing the identity of the parcel to be ascertained. 75269

(c) Before adopting an ordinance under division (C)(1) of 75270  
this section, the legislative authority of a municipal corporation 75271  
shall amend the ordinance to exclude any parcel located wholly or 75272  
partly outside the overlay for which a written response has been 75273  
submitted under division (C)(2)(b) of this section. A municipal 75274  
corporation shall not apply for exemptions from taxation under 75275  
section 5709.911 of the Revised Code for any such parcel, and 75276  
service payments may not be required from the owner of the parcel. 75277  
Improvements to a parcel excluded from an incentive district under 75278  
this division may be exempted from taxation under division (B) of 75279  
this section pursuant to an ordinance adopted under that division 75280  
or under any other section of the Revised Code under which the 75281  
parcel qualifies. 75282

(3)(a) An ordinance adopted under division (C)(1) of this 75283  
section shall specify the life of the incentive district and the 75284  
percentage of the improvements to be exempted, shall designate the 75285  
public infrastructure improvements made, to be made, or in the 75286  
process of being made, that benefit or serve, or, once made, will 75287  
benefit or serve parcels in the district. The ordinance also shall 75288  
identify one or more specific projects being, or to be, undertaken 75289  
in the district that place additional demand on the public 75290  
infrastructure improvements designated in the ordinance. The 75291

project identified may, but need not be, the project under 75292  
division (C)(3)(b) of this section that places real property in 75293  
use for commercial or industrial purposes. Except as otherwise 75294  
permitted under that division, the service payments provided for 75295  
in section 5709.42 of the Revised Code shall be used to finance 75296  
the designated public infrastructure improvements, for the purpose 75297  
described in division (D)(1), (E), or (F) of this section, or as 75298  
provided in section 5709.43 of the Revised Code. 75299

An ordinance adopted under division (C)(1) of this section on 75300  
or after March 30, 2006, shall not designate police or fire 75301  
equipment as public infrastructure improvements, and no service 75302  
payment provided for in section 5709.42 of the Revised Code and 75303  
received by the municipal corporation under the ordinance shall be 75304  
used for police or fire equipment. 75305

(b) An ordinance adopted under division (C)(1) of this 75306  
section may authorize the use of service payments provided for in 75307  
section 5709.42 of the Revised Code for the purpose of housing 75308  
renovations within the incentive district, provided that the 75309  
ordinance also designates public infrastructure improvements that 75310  
benefit or serve the district, and that a project within the 75311  
district places real property in use for commercial or industrial 75312  
purposes. Service payments may be used to finance or support 75313  
loans, deferred loans, and grants to persons for the purpose of 75314  
housing renovations within the district. The ordinance shall 75315  
designate the parcels within the district that are eligible for 75316  
housing renovation. The ordinance shall state separately the 75317  
amounts or the percentages of the expected aggregate service 75318  
payments that are designated for each public infrastructure 75319  
improvement and for the general purpose of housing renovations. 75320

(4) Except with the approval of the board of education of 75321  
each city, local, or exempted village school district within the 75322  
territory of which the incentive district is or will be located, 75323



and subject to division (E) of this section, the life of an 75324  
incentive district shall not exceed ten years, and the percentage 75325  
of improvements to be exempted shall not exceed seventy-five per 75326  
cent. With approval of the board of education, the life of a 75327  
district may be not more than thirty years, and the percentage of 75328  
improvements to be exempted may be not more than one hundred per 75329  
cent. The approval of a board of education shall be obtained in 75330  
the manner provided in division (D) of this section. 75331

(D)(1) If the ordinance declaring improvements to a parcel to 75332  
be a public purpose or creating an incentive district specifies 75333  
that payments in lieu of taxes provided for in section 5709.42 of 75334  
the Revised Code shall be paid to the city, local, or exempted 75335  
village, and joint vocational school district in which the parcel 75336  
or incentive district is located in the amount of the taxes that 75337  
would have been payable to the school district if the improvements 75338  
had not been exempted from taxation, the percentage of the 75339  
improvement that may be exempted from taxation may exceed 75340  
seventy-five per cent, and the exemption may be granted for up to 75341  
thirty years, without the approval of the board of education as 75342  
otherwise required under division (D)(2) of this section. 75343

(2) Improvements with respect to a parcel may be exempted 75344  
from taxation under division (B) of this section, and improvements 75345  
to parcels within an incentive district may be exempted from 75346  
taxation under division (C) of this section, for up to ten years 75347  
or, with the approval under this paragraph of the board of 75348  
education of the city, local, or exempted village school district 75349  
within which the parcel or district is located, for up to thirty 75350  
years. The percentage of the improvement exempted from taxation 75351  
may, with such approval, exceed seventy-five per cent, but shall 75352  
not exceed one hundred per cent. Not later than forty-five 75353  
business days prior to adopting an ordinance under this section 75354  
declaring improvements to be a public purpose that is subject to 75355

approval by a board of education under this division, the 75356  
legislative authority shall deliver to the board of education a 75357  
notice stating its intent to adopt an ordinance making that 75358  
declaration. The notice regarding improvements with respect to a 75359  
parcel under division (B) of this section shall identify the 75360  
parcels for which improvements are to be exempted from taxation, 75361  
provide an estimate of the true value in money of the 75362  
improvements, specify the period for which the improvements would 75363  
be exempted from taxation and the percentage of the improvement 75364  
that would be exempted, and indicate the date on which the 75365  
legislative authority intends to adopt the ordinance. The notice 75366  
regarding improvements to parcels within an incentive district 75367  
under division (C) of this section shall delineate the boundaries 75368  
of the district, specifically identify each parcel within the 75369  
district, identify each anticipated improvement in the district, 75370  
provide an estimate of the true value in money of each such 75371  
improvement, specify the life of the district and the percentage 75372  
of improvements that would be exempted, and indicate the date on 75373  
which the legislative authority intends to adopt the ordinance. 75374  
The board of education, by resolution adopted by a majority of the 75375  
board, may approve the exemption for the period or for the 75376  
exemption percentage specified in the notice; may disapprove the 75377  
exemption for the number of years in excess of ten, may disapprove 75378  
the exemption for the percentage of the improvement to be exempted 75379  
in excess of seventy-five per cent, or both; or may approve the 75380  
exemption on the condition that the legislative authority and the 75381  
board negotiate an agreement providing for compensation to the 75382  
school district equal in value to a percentage of the amount of 75383  
taxes exempted in the eleventh and subsequent years of the 75384  
exemption period or, in the case of exemption percentages in 75385  
excess of seventy-five per cent, compensation equal in value to a 75386  
percentage of the taxes that would be payable on the portion of 75387  
the improvement in excess of seventy-five per cent were that 75388

portion to be subject to taxation, or other mutually agreeable 75389  
compensation. If an agreement is negotiated between the 75390  
legislative authority and the board to compensate the school 75391  
district for all or part of the taxes exempted, including 75392  
agreements for payments in lieu of taxes under section 5709.42 of 75393  
the Revised Code, the legislative authority shall compensate the 75394  
joint vocational school district within which the parcel or 75395  
district is located at the same rate and under the same terms 75396  
received by the city, local, or exempted village school district. 75397

(3) The board of education shall certify its resolution to 75398  
the legislative authority not later than fourteen days prior to 75399  
the date the legislative authority intends to adopt the ordinance 75400  
as indicated in the notice. If the board of education and the 75401  
legislative authority negotiate a mutually acceptable compensation 75402  
agreement, the ordinance may declare the improvements a public 75403  
purpose for the number of years specified in the ordinance or, in 75404  
the case of exemption percentages in excess of seventy-five per 75405  
cent, for the exemption percentage specified in the ordinance. In 75406  
either case, if the board and the legislative authority fail to 75407  
negotiate a mutually acceptable compensation agreement, the 75408  
ordinance may declare the improvements a public purpose for not 75409  
more than ten years, and shall not exempt more than seventy-five 75410  
per cent of the improvements from taxation. If the board fails to 75411  
certify a resolution to the legislative authority within the time 75412  
prescribed by this division, the legislative authority thereupon 75413  
may adopt the ordinance and may declare the improvements a public 75414  
purpose for up to thirty years, or, in the case of exemption 75415  
percentages proposed in excess of seventy-five per cent, for the 75416  
exemption percentage specified in the ordinance. The legislative 75417  
authority may adopt the ordinance at any time after the board of 75418  
education certifies its resolution approving the exemption to the 75419  
legislative authority, or, if the board approves the exemption on 75420  
the condition that a mutually acceptable compensation agreement be 75421

negotiated, at any time after the compensation agreement is agreed 75422  
to by the board and the legislative authority. 75423

(4) If a board of education has adopted a resolution waiving 75424  
its right to approve exemptions from taxation under this section 75425  
and the resolution remains in effect, approval of exemptions by 75426  
the board is not required under division (D) of this section. If a 75427  
board of education has adopted a resolution allowing a legislative 75428  
authority to deliver the notice required under division (D) of 75429  
this section fewer than forty-five business days prior to the 75430  
legislative authority's adoption of the ordinance, the legislative 75431  
authority shall deliver the notice to the board not later than the 75432  
number of days prior to such adoption as prescribed by the board 75433  
in its resolution. If a board of education adopts a resolution 75434  
waiving its right to approve agreements or shortening the 75435  
notification period, the board shall certify a copy of the 75436  
resolution to the legislative authority. If the board of education 75437  
rescinds such a resolution, it shall certify notice of the 75438  
rescission to the legislative authority. 75439

(5) If the legislative authority is not required by division 75440  
(D) of this section to notify the board of education of the 75441  
legislative authority's intent to declare improvements to be a 75442  
public purpose, the legislative authority shall comply with the 75443  
notice requirements imposed under section 5709.83 of the Revised 75444  
Code, unless the board has adopted a resolution under that section 75445  
waiving its right to receive such a notice. 75446

(6) Nothing in division (D) of this section prohibits the 75447  
legislative authority of a municipal corporation from amending the 75448  
ordinance or resolution under section 5709.51 of the Revised Code 75449  
to extend the term of the exemption. 75450

(E)(1) If a proposed ordinance under division (C)(1) of this 75451  
section exempts improvements with respect to a parcel within an 75452  
incentive district for more than ten years, or the percentage of 75453

the improvement exempted from taxation exceeds seventy-five per 75454  
cent, not later than forty-five business days prior to adopting 75455  
the ordinance the legislative authority of the municipal 75456  
corporation shall deliver to the board of county commissioners of 75457  
the county within which the incentive district will be located a 75458  
notice that states its intent to adopt an ordinance creating an 75459  
incentive district. The notice shall include a copy of the 75460  
proposed ordinance, identify the parcels for which improvements 75461  
are to be exempted from taxation, provide an estimate of the true 75462  
value in money of the improvements, specify the period of time for 75463  
which the improvements would be exempted from taxation, specify 75464  
the percentage of the improvements that would be exempted from 75465  
taxation, and indicate the date on which the legislative authority 75466  
intends to adopt the ordinance. 75467

(2) The board of county commissioners, by resolution adopted 75468  
by a majority of the board, may object to the exemption for the 75469  
number of years in excess of ten, may object to the exemption for 75470  
the percentage of the improvement to be exempted in excess of 75471  
seventy-five per cent, or both. If the board of county 75472  
commissioners objects, the board may negotiate a mutually 75473  
acceptable compensation agreement with the legislative authority. 75474  
In no case shall the compensation provided to the board exceed the 75475  
property taxes forgone due to the exemption. If the board of 75476  
county commissioners objects, and the board and legislative 75477  
authority fail to negotiate a mutually acceptable compensation 75478  
agreement, the ordinance adopted under division (C)(1) of this 75479  
section shall provide to the board compensation in the eleventh 75480  
and subsequent years of the exemption period equal in value to not 75481  
more than fifty per cent of the taxes that would be payable to the 75482  
county or, if the board's objection includes an objection to an 75483  
exemption percentage in excess of seventy-five per cent, 75484  
compensation equal in value to not more than fifty per cent of the 75485  
taxes that would be payable to the county, on the portion of the 75486

improvement in excess of seventy-five per cent, were that portion 75487  
to be subject to taxation. The board of county commissioners shall 75488  
certify its resolution to the legislative authority not later than 75489  
thirty days after receipt of the notice. 75490

(3) If the board of county commissioners does not object or 75491  
fails to certify its resolution objecting to an exemption within 75492  
thirty days after receipt of the notice, the legislative authority 75493  
may adopt the ordinance, and no compensation shall be provided to 75494  
the board of county commissioners. If the board timely certifies 75495  
its resolution objecting to the ordinance, the legislative 75496  
authority may adopt the ordinance at any time after a mutually 75497  
acceptable compensation agreement is agreed to by the board and 75498  
the legislative authority, or, if no compensation agreement is 75499  
negotiated, at any time after the legislative authority agrees in 75500  
the proposed ordinance to provide compensation to the board of 75501  
fifty per cent of the taxes that would be payable to the county in 75502  
the eleventh and subsequent years of the exemption period or on 75503  
the portion of the improvement in excess of seventy-five per cent, 75504  
were that portion to be subject to taxation. 75505

(F) Service payments in lieu of taxes that are attributable 75506  
to any amount by which the effective tax rate of either a renewal 75507  
levy with an increase or a replacement levy exceeds the effective 75508  
tax rate of the levy renewed or replaced, or that are attributable 75509  
to an additional levy, for a levy authorized by the voters for any 75510  
of the following purposes on or after January 1, 2006, and which 75511  
are provided pursuant to an ordinance creating an incentive 75512  
district under division (C)(1) of this section that is adopted on 75513  
or after January 1, 2006, or a later date as specified in this 75514  
division, shall be distributed to the appropriate taxing authority 75515  
as required under division (C) of section 5709.42 of the Revised 75516  
Code in an amount equal to the amount of taxes from that 75517  
additional levy or from the increase in the effective tax rate of 75518

such renewal or replacement levy that would have been payable to 75519  
that taxing authority from the following levies were it not for 75520  
the exemption authorized under division (C) of this section: 75521

(1) A tax levied under division (L) of section 5705.19 or 75522  
section 5705.191 or 5705.222 of the Revised Code for community 75523  
developmental disabilities programs and services pursuant to 75524  
Chapter 5126. of the Revised Code; 75525

(2) A tax levied under division (Y) of section 5705.19 of the 75526  
Revised Code for providing or maintaining senior citizens services 75527  
or facilities; 75528

(3) A tax levied under section 5705.22 of the Revised Code 75529  
for county hospitals; 75530

(4) A tax levied by a joint-county district or by a county 75531  
under section 5705.19, 5705.191, or 5705.221 of the Revised Code 75532  
for alcohol, drug addiction, and mental health services or 75533  
facilities; 75534

(5) A tax levied under section 5705.23 of the Revised Code 75535  
for library purposes; 75536

(6) A tax levied under section 5705.24 of the Revised Code 75537  
for the support of children services and the placement and care of 75538  
children; 75539

(7) A tax levied under division (Z) of section 5705.19 of the 75540  
Revised Code for the provision and maintenance of zoological park 75541  
services and facilities under section 307.76 of the Revised Code; 75542

(8) A tax levied under section 511.27 or division (H) of 75543  
section 5705.19 of the Revised Code for the support of township 75544  
park districts; 75545

(9) A tax levied under division (A), (F), or (H) of section 75546  
5705.19 of the Revised Code for parks and recreational purposes of 75547  
a joint recreation district organized pursuant to division (B) of 75548

section 755.14 of the Revised Code; 75549

(10) A tax levied under section 1545.20 or 1545.21 of the 75550  
Revised Code for park district purposes; 75551

(11) A tax levied under section 5705.191 of the Revised Code 75552  
for the purpose of making appropriations for public assistance; 75553  
human or social services; public relief; public welfare; public 75554  
health and hospitalization; and support of general hospitals; 75555

(12) A tax levied under section 3709.29 of the Revised Code 75556  
for a general health district program. 75557

(13) A tax levied by a township under section 505.39, 75558  
division (I) of section 5705.19, or division (JJ) of section 75559  
5705.19 of the Revised Code to the extent the proceeds are used 75560  
for the purposes described in division (I) of that section, for 75561  
the purpose of funding fire, emergency medical, and ambulance 75562  
services as described in that section and those divisions. 75563  
Division (F)(13) of this section applies only if the township 75564  
levying the tax provides fire, emergency medical, or ambulance 75565  
services in the incentive district, and only to incentive 75566  
districts created by an ordinance adopted on or after the 75567  
effective date of the amendment of this section by H.B. 69 of the 75568  
132nd general assembly, March 23, 2018. The board of township 75569  
trustees may, by resolution, waive the application of this 75570  
division or negotiate with the municipal corporation that created 75571  
the district for a lesser amount of payments in lieu of taxes. 75572

(G) An exemption from taxation granted under this section 75573  
commences with the tax year specified in the ordinance so long as 75574  
the year specified in the ordinance commences after the effective 75575  
date of the ordinance. If the ordinance specifies a year 75576  
commencing before the effective date of the resolution or 75577  
specifies no year whatsoever, the exemption commences with the tax 75578  
year in which an exempted improvement first appears on the tax 75579



list and duplicate of real and public utility property and that 75580  
commences after the effective date of the ordinance. In lieu of 75581  
stating a specific year, the ordinance may provide that the 75582  
exemption commences in the tax year in which the value of an 75583  
improvement exceeds a specified amount or in which the 75584  
construction of one or more improvements is completed, provided 75585  
that such tax year commences after the effective date of the 75586  
ordinance. With respect to the exemption of improvements to 75587  
parcels under division (B) of this section, the ordinance may 75588  
allow for the exemption to commence in different tax years on a 75589  
parcel-by-parcel basis, with a separate exemption term specified 75590  
for each parcel. 75591

Except as otherwise provided in this division or section 75592  
5709.51 of the Revised Code, the exemption ends on the date 75593  
specified in the ordinance as the date the improvement ceases to 75594  
be a public purpose or the incentive district expires, or ends on 75595  
the date on which the public infrastructure improvements and 75596  
housing renovations are paid in full from the municipal public 75597  
improvement tax increment equivalent fund established under 75598  
division (A) of section 5709.43 of the Revised Code, whichever 75599  
occurs first. The exemption of an improvement with respect to a 75600  
parcel or within an incentive district may end on a later date, as 75601  
specified in the ordinance, if the legislative authority and the 75602  
board of education of the city, local, or exempted village school 75603  
district within which the parcel or district is located have 75604  
entered into a compensation agreement under section 5709.82 of the 75605  
Revised Code with respect to the improvement, and the board of 75606  
education has approved the term of the exemption under division 75607  
(D)(2) of this section, but in no case shall the improvement be 75608  
exempted from taxation for more than thirty years. Exemptions 75609  
shall be claimed and allowed in the same manner as in the case of 75610  
other real property exemptions. If an exemption status changes 75611  
during a year, the procedure for the apportionment of the taxes 75612

for that year is the same as in the case of other changes in tax 75613  
exemption status during the year. 75614

(H) Additional municipal financing of public infrastructure 75615  
improvements and housing renovations may be provided by any 75616  
methods that the municipal corporation may otherwise use for 75617  
financing such improvements or renovations. If the municipal 75618  
corporation issues bonds or notes to finance the public 75619  
infrastructure improvements and housing renovations and pledges 75620  
money from the municipal public improvement tax increment 75621  
equivalent fund to pay the interest on and principal of the bonds 75622  
or notes, the bonds or notes are not subject to Chapter 133. of 75623  
the Revised Code. 75624

(I) The municipal corporation, not later than fifteen days 75625  
after the adoption of an ordinance under this section, shall 75626  
submit to the director of development services a copy of the 75627  
ordinance. On or before the thirty-first day of March of each 75628  
year, the municipal corporation shall submit a status report to 75629  
the director of development services. The report shall indicate, 75630  
in the manner prescribed by the director, the progress of the 75631  
project during each year that an exemption remains in effect, 75632  
including a summary of the receipts from service payments in lieu 75633  
of taxes; expenditures of money from the funds created under 75634  
section 5709.43 of the Revised Code; a description of the public 75635  
infrastructure improvements and housing renovations financed with 75636  
such expenditures; and a quantitative summary of changes in 75637  
employment and private investment resulting from each project. 75638

(J) Nothing in this section shall be construed to prohibit a 75639  
legislative authority from declaring to be a public purpose 75640  
improvements with respect to more than one parcel. 75641

(K) If a parcel is located in a new community district in 75642  
which the new community authority imposes a community development 75643  
charge on the basis of rentals received from leases of real 75644

property as described in division (L)(2) of section 349.01 of the Revised Code, the parcel may not be exempted from taxation under this section.

**Sec. 5709.41.** (A) As used in this section:

(1) "Business day" means a day of the week excluding Saturday, Sunday, and a legal holiday as defined under section 1.14 of the Revised Code.

(2) "Improvement" means the increase in assessed value of any parcel of property subsequent to the acquisition of the parcel by a municipal corporation engaged in urban redevelopment.

(B) The legislative authority of a municipal corporation, by ordinance, may declare to be a public purpose any improvement to a parcel of real property if both of the following apply:

(1) The municipal corporation held fee title to the parcel prior to the adoption of the ordinance;

(2) The parcel is leased, or the fee of the parcel is conveyed, to any person either before or after adoption of the ordinance.

Improvements used or to be used for residential purposes may be declared a public purpose under this section only if the parcel is located in a blighted area of an impacted city as those terms are defined in section 1728.01 of the Revised Code. For this purpose, "parcel that is used or to be used for residential purposes" means a parcel that, as improved, is used or to be used for purposes that would cause the tax commissioner to classify the parcel as residential property in accordance with rules adopted by the commissioner under section 5713.041 of the Revised Code.

(C) Except as otherwise provided in division (C)(1), (2), or (3) of this section, not more than seventy-five per cent of an improvement thus declared to be a public purpose may be exempted

from real property taxation. The ordinance shall specify the 75675  
percentage of the improvement to be exempted from taxation. If a 75676  
parcel is located in a new community district in which the new 75677  
community authority imposes a community development charge on the 75678  
basis of rentals received from leases of real property as 75679  
described in division (L)(2) of section 349.01 of the Revised 75680  
Code, the parcel may not be exempted from taxation under this 75681  
section. 75682

(1) If the ordinance declaring improvements to a parcel to be 75683  
a public purpose specifies that payments in lieu of taxes provided 75684  
for in section 5709.42 of the Revised Code shall be paid to the 75685  
city, local, or exempted village school district in which the 75686  
parcel is located in the amount of the taxes that would have been 75687  
payable to the school district if the improvements had not been 75688  
exempted from taxation, the percentage of the improvement that may 75689  
be exempted from taxation may exceed seventy-five per cent, and 75690  
the exemption may be granted for up to thirty years, without the 75691  
approval of the board of education as otherwise required under 75692  
division (C)(2) of this section. 75693

(2) Improvements may be exempted from taxation for up to ten 75694  
years or, with the approval of the board of education of the city, 75695  
local, or exempted village school district within the territory of 75696  
which the improvements are or will be located, for up to thirty 75697  
years. The percentage of the improvement exempted from taxation 75698  
may, with such approval, exceed seventy-five per cent, but shall 75699  
not exceed one hundred per cent. Not later than forty-five 75700  
business days prior to adopting an ordinance under this section, 75701  
the legislative authority shall deliver to the board of education 75702  
a notice stating its intent to declare improvements to be a public 75703  
purpose under this section. The notice shall describe the parcel 75704  
and the improvements, provide an estimate of the true value in 75705  
money of the improvements, specify the period for which the 75706

improvements would be exempted from taxation and the percentage of 75707  
the improvements that would be exempted, and indicate the date on 75708  
which the legislative authority intends to adopt the ordinance. 75709  
The board of education, by resolution adopted by a majority of the 75710  
board, may approve the exemption for the period or for the 75711  
exemption percentage specified in the notice, may disapprove the 75712  
exemption for the number of years in excess of ten, may disapprove 75713  
the exemption for the percentage of the improvements to be 75714  
exempted in excess of seventy-five per cent, or both, or may 75715  
approve the exemption on the condition that the legislative 75716  
authority and the board negotiate an agreement providing for 75717  
compensation to the school district equal in value to a percentage 75718  
of the amount of taxes exempted in the eleventh and subsequent 75719  
years of the exemption period, or, in the case of exemption 75720  
percentages in excess of seventy-five per cent, compensation equal 75721  
in value to a percentage of the taxes that would be payable on the 75722  
portion of the improvement in excess of seventy-five per cent were 75723  
that portion to be subject to taxation. The board of education 75724  
shall certify its resolution to the legislative authority not 75725  
later than fourteen days prior to the date the legislative 75726  
authority intends to adopt the ordinance as indicated in the 75727  
notice. If the board of education approves the exemption on the 75728  
condition that a compensation agreement be negotiated, the board 75729  
in its resolution shall propose a compensation percentage. If the 75730  
board of education and the legislative authority negotiate a 75731  
mutually acceptable compensation agreement, the ordinance may 75732  
declare the improvements a public purpose for the number of years 75733  
specified in the ordinance or, in the case of exemption 75734  
percentages in excess of seventy-five per cent, for the exemption 75735  
percentage specified in the ordinance. In either case, if the 75736  
board and the legislative authority fail to negotiate a mutually 75737  
acceptable compensation agreement, the ordinance may declare the 75738  
improvements a public purpose for not more than ten years, but 75739

shall not exempt more than seventy-five per cent of the 75740  
improvements from taxation. If the board fails to certify a 75741  
resolution to the legislative authority within the time prescribed 75742  
by this division, the legislative authority thereupon may adopt 75743  
the ordinance and may declare the improvements a public purpose 75744  
for up to thirty years. The legislative authority may adopt the 75745  
ordinance at any time after the board of education certifies its 75746  
resolution approving the exemption to the legislative authority, 75747  
or, if the board approves the exemption on the condition that a 75748  
mutually acceptable compensation agreement be negotiated, at any 75749  
time after the compensation agreement is agreed to by the board 75750  
and the legislative authority. If a mutually acceptable 75751  
compensation agreement is negotiated between the legislative 75752  
authority and the board, including agreements for payments in lieu 75753  
of taxes under section 5709.42 of the Revised Code, the 75754  
legislative authority shall compensate the joint vocational school 75755  
district within the territory of which the improvements are or 75756  
will be located at the same rate and under the same terms received 75757  
by the city, local, or exempted village school district. 75758

(3) If a board of education has adopted a resolution waiving 75759  
its right to approve exemptions from taxation and the resolution 75760  
remains in effect, approval of exemptions by the board is not 75761  
required under this division. If a board of education has adopted 75762  
a resolution allowing a legislative authority to deliver the 75763  
notice required under this division fewer than forty-five business 75764  
days prior to the legislative authority's adoption of the 75765  
ordinance, the legislative authority shall deliver the notice to 75766  
the board not later than the number of days prior to such adoption 75767  
as prescribed by the board in its resolution. If a board of 75768  
education adopts a resolution waiving its right to approve 75769  
exemptions or shortening the notification period, the board shall 75770  
certify a copy of the resolution to the legislative authority. If 75771  
the board of education rescinds such a resolution, it shall 75772

certify notice of the rescission to the legislative authority. 75773

(4) If the legislative authority is not required by division 75774  
(C)(1), (2), or (3) of this section to notify the board of 75775  
education of the legislative authority's intent to declare 75776  
improvements to be a public purpose, the legislative authority 75777  
shall comply with the notice requirements imposed under section 75778  
5709.83 of the Revised Code, unless the board has adopted a 75779  
resolution under that section waiving its right to receive such a 75780  
notice. 75781

(5) Nothing in division (C) of this section prohibits the 75782  
legislative authority of a municipal corporation from amending the 75783  
ordinance or resolution under section 5709.51 of the Revised Code 75784  
to extend the term of the exemption. 75785

(D) The exemption commences on the effective date of the 75786  
ordinance and ends on the date specified in the ordinance as the 75787  
date the improvement ceases to be a public purpose. The exemption 75788  
shall be claimed and allowed in the same or a similar manner as in 75789  
the case of other real property exemptions. If an exemption status 75790  
changes during a tax year, the procedure for the apportionment of 75791  
the taxes for that year is the same as in the case of other 75792  
changes in tax exemption status during the year. 75793

(E) A municipal corporation, not later than fifteen days 75794  
after the adoption of an ordinance granting a tax exemption under 75795  
this section, shall submit to the director of development services 75796  
a copy of the ordinance. On or before the thirty-first day of 75797  
March each year, the municipal corporation shall submit a status 75798  
report to the director of development outlining the progress of 75799  
the project during each year that the exemption remains in effect. 75800

Sec. 5709.51. (A) The legislative authority of a municipal 75801  
corporation, a board of township trustees, or a board of county 75802  
commissioners may amend an ordinance or resolution adopted in 75803

accordance with division (B) of section 5709.40, section 5709.41, 75804  
division (B) of section 5709.73, or division (A) of section 75805  
5709.78 of the Revised Code, as applicable, to extend the 75806  
exemption from taxation of improvements to the parcel or parcels 75807  
designated in the ordinance or resolution for an additional period 75808  
of not more than thirty years if all of the following conditions 75809  
are met: 75810

(1) The service payments made pursuant to section 5709.42, 75811  
5709.74, or 5709.79 of the Revised Code by the owner or owners of 75812  
the parcel or parcels designated in the ordinance or resolution 75813  
exceeded one million five hundred thousand dollars in the calendar 75814  
year preceding the adoption of the amendment. 75815

(2) The service payments described in division (A)(1) of this 75816  
section did not exceed one million five hundred thousand dollars 75817  
in any calendar year before the calendar year immediately 75818  
preceding the adoption of the amendment. This condition applies 75819  
only to amendments adopted under this section on or after January 75820  
1, 2021. 75821

(3) The amendment extending the exemption provides for 75822  
compensation to the city, local, or exempted village school 75823  
district in which the parcel or parcels are located equal in value 75824  
to the amount of taxes that would be payable to the school 75825  
district if the improvements had not been exempted from taxation 75826  
for the additional period. 75827

(B) Not later than fifteen days after amending an ordinance 75828  
or resolution under this section, the legislative authority of the 75829  
municipal corporation, board of township trustees, or board of 75830  
county commissioners shall send a copy of the amendment to the 75831  
director of development services. 75832

Sec. 5709.54. (A) As used in this section: 75833



(1) "Pre-residential development property" means a subdivided parcel of unimproved real property on which construction of one or more residential buildings is planned but has not yet commenced. The construction of streets, sidewalks, curbs, or driveways or the installation of water, sewer, or other utility lines on a subdivided parcel does not cause construction of a residential building to commence for purposes of division (A)(1) or (B) of this section. 75834  
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(2) "Residential building" means a building or structure any part of which is to be used as a dwelling. 75842  
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(3) "Unexempted value" means, for any subdivided parcel, one of the following: 75844  
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(a) Except as provided in division (A)(3)(b) of this section, the nonagricultural taxable value of the original property for the tax year preceding the tax year the subdivided property first appears on the tax list as a subdivided parcel multiplied by a fraction, the numerator of which is the true value in money of the subdivided parcel for the tax year the subdivided parcel first appears on the tax list and the denominator of which is the true value in money of all subdivided parcels subdivided from that original parcel for that tax year. 75846  
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(b) If a subdivided parcel exempted under this section is itself subdivided, the "unexempted value" of the newly subdivided parcel equals the unexempted value, as defined in division (A)(3)(a) of this section, of the parcel from which the newly subdivided parcel was subdivided for the tax year preceding the tax year the newly subdivided parcel first appears on the tax list multiplied by a fraction, the numerator of which is the true value in money of the newly subdivided parcel for the tax year it first appears on the tax list and the denominator of which is the true value in money for that year of all newly subdivided parcels resulting from the most recent subdivision. 75855  
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(4) "Subdivided parcel" means a parcel resulting from the subdivision of original property pursuant to a plat subdividing that property presented to the county auditor under section 5713.18 of the Revised Code. 75866  
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(5) "Original property" means the parcel from which a subdivided parcel is subdivided. 75870  
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(6) "Qualifying owner" means the owner of pre-residential development property for any portion of a tax year ending on or after the effective date of the enactment of this section by H.B. 166 of the 133rd general assembly that includes the date a plat subdividing land including such property is presented to the county auditor under section 5713.18 of the Revised Code, or any other person to which title to the property is transferred, without consideration, by another qualifying owner. 75872  
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(7) "Nonagricultural taxable value" means the taxable value of land as if such land were valued and assessed for a tax year pursuant to Section 2 of Article XII, Ohio Constitution, and not in accordance with Section 36 of Article II, Ohio Constitution. 75880  
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(B) Any increase in taxable value above the unexempted value of pre-residential development property owned by a qualifying owner is exempted from taxation beginning with the first tax year the pre-residential development property appears on the tax list after a plat subdividing land including that property is presented to the county auditor under section 5713.18 of the Revised Code and for each of the two ensuing tax years or, if later, each of the ensuing tax years until, but not including, the tax year in which a sexennial reappraisal is completed, except that the exemption shall not apply beginning with the tax year that begins after the tax year in which the earlier of the following occurs: 75884  
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(1) Construction of a residential building on that property commences; 75895  
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(2) Title to the property is transferred for consideration by a qualifying owner to another person. 75897  
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(C) The tax commissioner shall not approve an application for an exemption authorized under this section unless the applicant for the exemption certifies that the parcel that is the subject of the exemption satisfies the requirements of division (A)(1) of this section for pre-residential development property. 75899  
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(D) Nothing in this section shall be construed to authorize a parcel subject to the partial exemption authorized by this section to be valued and assessed for taxation in any manner other than in accordance with Section 36 of Article II or Section 2 of Article XII, Ohio Constitution, as applicable to the parcel. 75904  
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**Sec. 5709.73.** (A) As used in this section and section 5709.74 of the Revised Code: 75909  
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(1) "Business day" means a day of the week excluding Saturday, Sunday, and a legal holiday as defined in section 1.14 of the Revised Code. 75911  
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(2) "Further improvements" or "improvements" means the increase in the assessed value of real property that would first appear on the tax list and duplicate of real and public utility property after the effective date of a resolution adopted under this section were it not for the exemption granted by that resolution. For purposes of division (B) of this section, "improvements" do not include any property used or to be used for residential purposes. For this purpose, "property that is used or to be used for residential purposes" means property that, as improved, is used or to be used for purposes that would cause the tax commissioner to classify the property as residential property in accordance with rules adopted by the commissioner under section 5713.041 of the Revised Code. 75914  
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(3) "Housing renovation" means a project carried out for residential purposes. 75927  
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(4) "Incentive district" has the same meaning as in section 5709.40 of the Revised Code, except that a blighted area is in the unincorporated area of a township. 75929  
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(5) "Overlay" has the same meaning as in section 5709.40 of the Revised Code, except that the overlay is delineated by the board of township trustees. 75932  
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(6) "Project" and "public infrastructure improvement" have the same meanings as in section 5709.40 of the Revised Code. 75935  
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(7) "Urban township" has the same meaning as in section 504.01 of the Revised Code. 75937  
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(B) A board of township trustees may, ~~by unanimous vote,~~ adopt a resolution that declares to be a public purpose any public infrastructure improvements made that are necessary for the development of certain parcels of land located in the unincorporated area of the township. Except for a resolution adopted by the board of an urban township, the resolution shall be adopted by a unanimous vote of the board. ~~Except with the approval as otherwise provided~~ under division (D) of this section ~~of the board of education of each city, local, or exempted village school district within which the improvements are located~~ or section 5709.51 of the Revised Code, the resolution may exempt from real property taxation not more than seventy-five per cent of further improvements to a parcel of land that directly benefits from the public infrastructure improvements, for a period of not more than ten years. The resolution shall specify the percentage of the further improvements to be exempted and the life of the exemption. 75939  
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(C)(1) A board of township trustees may adopt, ~~by unanimous vote,~~ a resolution creating an incentive district and declaring improvements to parcels within the district to be a public purpose 75955  
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and, except as provided in division (C)(2) of this section, exempt 75958  
from taxation as provided in this section, ~~but no.~~ Except for a 75959  
resolution adopted by the board of an urban township, the 75960  
resolution shall be adopted by a unanimous vote of the board. A 75961  
board of township trustees of a township that has a population 75962  
that exceeds twenty-five thousand, as shown by the most recent 75963  
federal decennial census, ~~shall~~ may not adopt a resolution that 75964  
creates an incentive district if the sum of the taxable value of 75965  
real property in the proposed district for the preceding tax year 75966  
and the taxable value of all real property in the township that 75967  
would have been taxable in the preceding year were it not for the 75968  
fact that the property was in an existing incentive district and 75969  
therefore exempt from taxation exceeds twenty-five per cent of the 75970  
taxable value of real property in the township for the preceding 75971  
tax year. The district shall be located within the unincorporated 75972  
area of the township and shall not include any territory that is 75973  
included within a district created under division (B) of section 75974  
5709.78 of the Revised Code. The resolution shall delineate the 75975  
boundary of the proposed district and specifically identify each 75976  
parcel within the district. A proposed district may not include 75977  
any parcel that is or has been exempted from taxation under 75978  
division (B) of this section or that is or has been within another 75979  
district created under this division. A resolution may create more 75980  
than one such district, and more than one resolution may be 75981  
adopted under division (C)(1) of this section. 75982

(2)(a) Not later than thirty days prior to adopting a 75983  
resolution under division (C)(1) of this section, if the township 75984  
intends to apply for exemptions from taxation under section 75985  
5709.911 of the Revised Code on behalf of owners of real property 75986  
located within the proposed incentive district, the board shall 75987  
conduct a public hearing on the proposed resolution. Not later 75988  
than thirty days prior to the public hearing, the board shall give 75989  
notice of the public hearing and the proposed resolution by first 75990

class mail to every real property owner whose property is located 75991  
within the boundaries of the proposed incentive district that is 75992  
the subject of the proposed resolution. The notice shall include a 75993  
map of the proposed incentive district on which the board of 75994  
township trustees shall have delineated an overlay. The notice 75995  
shall inform the property owner of the owner's right to exclude 75996  
the owner's property from the incentive district if both of the 75997  
following conditions are met: 75998

(i) The owner's entire parcel of property will not be located 75999  
within the overlay. 76000

(ii) The owner has submitted a statement to the board of 76001  
county commissioners of the county in which the parcel is located 76002  
indicating the owner's intent to seek a tax exemption for 76003  
improvements to the owner's parcel under division (A) or (B) of 76004  
section 5709.78 of the Revised Code within the next five years. 76005

When both of the preceding conditions are met, the owner may 76006  
exclude the owner's property from the incentive district by 76007  
submitting a written response in accordance with division 76008  
(C)(2)(b) of this section. The notice also shall include 76009  
information detailing the required contents of the response, the 76010  
address to which the response may be mailed, and the deadline for 76011  
submitting the response. 76012

(b) Any owner of real property located within the boundaries 76013  
of an incentive district proposed under division (C)(1) of this 76014  
section who meets the conditions specified in divisions 76015  
(C)(2)(a)(i) and (ii) of this section may exclude the property 76016  
from the proposed incentive district by submitting a written 76017  
response to the board not later than forty-five days after the 76018  
postmark date on the notice required under division (C)(2)(a) of 76019  
this section. The response shall include a copy of the statement 76020  
submitted under division (C)(2)(a)(ii) of this section. The 76021  
response shall be sent by first class mail or delivered in person 76022

at a public hearing held by the board under division (C)(2)(a) of 76023  
this section. The response shall conform to any content 76024  
requirements that may be established by the board and included in 76025  
the notice provided under division (C)(2)(a) of this section. In 76026  
the response, property owners may identify a parcel by street 76027  
address, by the manner in which it is identified in the 76028  
resolution, or by other means allowing the identity of the parcel 76029  
to be ascertained. 76030

(c) Before adopting a resolution under division (C)(1) of 76031  
this section, the board shall amend the resolution to exclude any 76032  
parcel for which a written response has been submitted under 76033  
division (C)(2)(b) of this section. A township shall not apply for 76034  
exemptions from taxation under section 5709.911 of the Revised 76035  
Code for any such parcel, and service payments may not be required 76036  
from the owner of the parcel. Improvements to a parcel excluded 76037  
from an incentive district under this division may be exempted 76038  
from taxation under division (B) of this section pursuant to a 76039  
resolution adopted under that division or under any other section 76040  
of the Revised Code under which the parcel qualifies. 76041

(3)(a) A resolution adopted under division (C)(1) of this 76042  
section shall specify the life of the incentive district and the 76043  
percentage of the improvements to be exempted, shall designate the 76044  
public infrastructure improvements made, to be made, or in the 76045  
process of being made, that benefit or serve, or, once made, will 76046  
benefit or serve parcels in the district. The resolution also 76047  
shall identify one or more specific projects being, or to be, 76048  
undertaken in the district that place additional demand on the 76049  
public infrastructure improvements designated in the resolution. 76050  
The project identified may, but need not be, the project under 76051  
division (C)(3)(b) of this section that places real property in 76052  
use for commercial or industrial purposes. 76053

A resolution adopted under division (C)(1) of this section on 76054

or after March 30, 2006, shall not designate police or fire 76055  
equipment as public infrastructure improvements, and, except as 76056  
provided in division (F) of this section, no service payment 76057  
provided for in section 5709.74 of the Revised Code and received 76058  
by the township under the resolution shall be used for police or 76059  
fire equipment. 76060

(b) A resolution adopted under division (C)(1) of this 76061  
section may authorize the use of service payments provided for in 76062  
section 5709.74 of the Revised Code for the purpose of housing 76063  
renovations within the incentive district, provided that the 76064  
resolution also designates public infrastructure improvements that 76065  
benefit or serve the district, and that a project within the 76066  
district places real property in use for commercial or industrial 76067  
purposes. Service payments may be used to finance or support 76068  
loans, deferred loans, and grants to persons for the purpose of 76069  
housing renovations within the district. The resolution shall 76070  
designate the parcels within the district that are eligible for 76071  
housing renovations. The resolution shall state separately the 76072  
amount or the percentages of the expected aggregate service 76073  
payments that are designated for each public infrastructure 76074  
improvement and for the purpose of housing renovations. 76075

(4) Except with the approval of the board of education of 76076  
each city, local, or exempted village school district within the 76077  
territory of which the incentive district is or will be located, 76078  
and subject to division (E) of this section, the life of an 76079  
incentive district shall not exceed ten years, and the percentage 76080  
of improvements to be exempted shall not exceed seventy-five per 76081  
cent. With approval of the board of education, the life of a 76082  
district may be not more than thirty years, and the percentage of 76083  
improvements to be exempted may be not more than one hundred per 76084  
cent. The approval of a board of education shall be obtained in 76085  
the manner provided in division (D) of this section. 76086



(D) Improvements with respect to a parcel may be exempted 76087  
from taxation under division (B) of this section, and improvements 76088  
to parcels within an incentive district may be exempted from 76089  
taxation under division (C) of this section, for up to ten years 76090  
or, with the approval of the board of education of the city, 76091  
local, or exempted village school district within which the parcel 76092  
or district is located, for up to thirty years. The percentage of 76093  
the improvements exempted from taxation may, with such approval, 76094  
exceed seventy-five per cent, but shall not exceed one hundred per 76095  
cent. Not later than forty-five business days prior to adopting a 76096  
resolution under this section declaring improvements to be a 76097  
public purpose that is subject to approval by a board of education 76098  
under this division, the board of township trustees shall deliver 76099  
to the board of education a notice stating its intent to adopt a 76100  
resolution making that declaration. The notice regarding 76101  
improvements with respect to a parcel under division (B) of this 76102  
section shall identify the parcels for which improvements are to 76103  
be exempted from taxation, provide an estimate of the true value 76104  
in money of the improvements, specify the period for which the 76105  
improvements would be exempted from taxation and the percentage of 76106  
the improvements that would be exempted, and indicate the date on 76107  
which the board of township trustees intends to adopt the 76108  
resolution. The notice regarding improvements made under division 76109  
(C) of this section to parcels within an incentive district shall 76110  
delineate the boundaries of the district, specifically identify 76111  
each parcel within the district, identify each anticipated 76112  
improvement in the district, provide an estimate of the true value 76113  
in money of each such improvement, specify the life of the 76114  
district and the percentage of improvements that would be 76115  
exempted, and indicate the date on which the board of township 76116  
trustees intends to adopt the resolution. The board of education, 76117  
by resolution adopted by a majority of the board, may approve the 76118  
exemption for the period or for the exemption percentage specified 76119

in the notice; may disapprove the exemption for the number of 76120  
years in excess of ten, may disapprove the exemption for the 76121  
percentage of the improvements to be exempted in excess of 76122  
seventy-five per cent, or both; or may approve the exemption on 76123  
the condition that the board of township trustees and the board of 76124  
education negotiate an agreement providing for compensation to the 76125  
school district equal in value to a percentage of the amount of 76126  
taxes exempted in the eleventh and subsequent years of the 76127  
exemption period or, in the case of exemption percentages in 76128  
excess of seventy-five per cent, compensation equal in value to a 76129  
percentage of the taxes that would be payable on the portion of 76130  
the improvements in excess of seventy-five per cent were that 76131  
portion to be subject to taxation, or other mutually agreeable 76132  
compensation. 76133

The board of education shall certify its resolution to the 76134  
board of township trustees not later than fourteen days prior to 76135  
the date the board of township trustees intends to adopt the 76136  
resolution as indicated in the notice. If the board of education 76137  
and the board of township trustees negotiate a mutually acceptable 76138  
compensation agreement, the resolution may declare the 76139  
improvements a public purpose for the number of years specified in 76140  
the resolution or, in the case of exemption percentages in excess 76141  
of seventy-five per cent, for the exemption percentage specified 76142  
in the resolution. In either case, if the board of education and 76143  
the board of township trustees fail to negotiate a mutually 76144  
acceptable compensation agreement, the resolution may declare the 76145  
improvements a public purpose for not more than ten years, and 76146  
shall not exempt more than seventy-five per cent of the 76147  
improvements from taxation. If the board of education fails to 76148  
certify a resolution to the board of township trustees within the 76149  
time prescribed by this section, the board of township trustees 76150  
thereupon may adopt the resolution and may declare the 76151  
improvements a public purpose for up to thirty years or, in the 76152

case of exemption percentages proposed in excess of seventy-five 76153  
per cent, for the exemption percentage specified in the 76154  
resolution. The board of township trustees may adopt the 76155  
resolution at any time after the board of education certifies its 76156  
resolution approving the exemption to the board of township 76157  
trustees, or, if the board of education approves the exemption on 76158  
the condition that a mutually acceptable compensation agreement be 76159  
negotiated, at any time after the compensation agreement is agreed 76160  
to by the board of education and the board of township trustees. 76161  
If a mutually acceptable compensation agreement is negotiated 76162  
between the board of township trustees and the board of education, 76163  
including agreements for payments in lieu of taxes under section 76164  
5709.74 of the Revised Code, the board of township trustees shall 76165  
compensate the joint vocational school district within which the 76166  
parcel or district is located at the same rate and under the same 76167  
terms received by the city, local, or exempted village school 76168  
district. 76169

If a board of education has adopted a resolution waiving its 76170  
right to approve exemptions from taxation under this section and 76171  
the resolution remains in effect, approval of such exemptions by 76172  
the board of education is not required under division (D) of this 76173  
section. If a board of education has adopted a resolution allowing 76174  
a board of township trustees to deliver the notice required under 76175  
division (D) of this section fewer than forty-five business days 76176  
prior to adoption of the resolution by the board of township 76177  
trustees, the board of township trustees shall deliver the notice 76178  
to the board of education not later than the number of days prior 76179  
to the adoption as prescribed by the board of education in its 76180  
resolution. If a board of education adopts a resolution waiving 76181  
its right to approve exemptions or shortening the notification 76182  
period, the board of education shall certify a copy of the 76183  
resolution to the board of township trustees. If the board of 76184  
education rescinds the resolution, it shall certify notice of the 76185

rescission to the board of township trustees. 76186

If the board of township trustees is not required by division 76187  
(D) of this section to notify the board of education of the board 76188  
of township trustees' intent to declare improvements to be a 76189  
public purpose, the board of township trustees shall comply with 76190  
the notice requirements imposed under section 5709.83 of the 76191  
Revised Code before taking formal action to adopt the resolution 76192  
making that declaration, unless the board of education has adopted 76193  
a resolution under that section waiving its right to receive the 76194  
notice. 76195

Nothing in this division prohibits the board of township 76196  
trustees from amending the resolution under section 5709.51 of the 76197  
Revised Code to extend the term of the exemption. 76198

(E)(1) If a proposed resolution under division (C)(1) of this 76199  
section exempts improvements with respect to a parcel within an 76200  
incentive district for more than ten years, or the percentage of 76201  
the improvement exempted from taxation exceeds seventy-five per 76202  
cent, not later than forty-five business days prior to adopting 76203  
the resolution the board of township trustees shall deliver to the 76204  
board of county commissioners of the county within which the 76205  
incentive district is or will be located a notice that states its 76206  
intent to adopt a resolution creating an incentive district. The 76207  
notice shall include a copy of the proposed resolution, identify 76208  
the parcels for which improvements are to be exempted from 76209  
taxation, provide an estimate of the true value in money of the 76210  
improvements, specify the period of time for which the 76211  
improvements would be exempted from taxation, specify the 76212  
percentage of the improvements that would be exempted from 76213  
taxation, and indicate the date on which the board of township 76214  
trustees intends to adopt the resolution. 76215

(2) The board of county commissioners, by resolution adopted 76216  
by a majority of the board, may object to the exemption for the 76217

number of years in excess of ten, may object to the exemption for 76218  
the percentage of the improvement to be exempted in excess of 76219  
seventy-five per cent, or both. If the board of county 76220  
commissioners objects, the board may negotiate a mutually 76221  
acceptable compensation agreement with the board of township 76222  
trustees. In no case shall the compensation provided to the board 76223  
of county commissioners exceed the property taxes foregone due to 76224  
the exemption. If the board of county commissioners objects, and 76225  
the board of county commissioners and board of township trustees 76226  
fail to negotiate a mutually acceptable compensation agreement, 76227  
the resolution adopted under division (C)(1) of this section shall 76228  
provide to the board of county commissioners compensation in the 76229  
eleventh and subsequent years of the exemption period equal in 76230  
value to not more than fifty per cent of the taxes that would be 76231  
payable to the county or, if the board of county commissioner's 76232  
objection includes an objection to an exemption percentage in 76233  
excess of seventy-five per cent, compensation equal in value to 76234  
not more than fifty per cent of the taxes that would be payable to 76235  
the county, on the portion of the improvement in excess of 76236  
seventy-five per cent, were that portion to be subject to 76237  
taxation. The board of county commissioners shall certify its 76238  
resolution to the board of township trustees not later than thirty 76239  
days after receipt of the notice. 76240

(3) If the board of county commissioners does not object or 76241  
fails to certify its resolution objecting to an exemption within 76242  
thirty days after receipt of the notice, the board of township 76243  
trustees may adopt its resolution, and no compensation shall be 76244  
provided to the board of county commissioners. If the board of 76245  
county commissioners timely certifies its resolution objecting to 76246  
the trustees' resolution, the board of township trustees may adopt 76247  
its resolution at any time after a mutually acceptable 76248  
compensation agreement is agreed to by the board of county 76249  
commissioners and the board of township trustees, or, if no 76250

compensation agreement is negotiated, at any time after the board 76251  
of township trustees agrees in the proposed resolution to provide 76252  
compensation to the board of county commissioners of fifty per 76253  
cent of the taxes that would be payable to the county in the 76254  
eleventh and subsequent years of the exemption period or on the 76255  
portion of the improvement in excess of seventy-five per cent, 76256  
were that portion to be subject to taxation. 76257

(F) Service payments in lieu of taxes that are attributable 76258  
to any amount by which the effective tax rate of either a renewal 76259  
levy with an increase or a replacement levy exceeds the effective 76260  
tax rate of the levy renewed or replaced, or that are attributable 76261  
to an additional levy, for a levy authorized by the voters for any 76262  
of the following purposes on or after January 1, 2006, and which 76263  
are provided pursuant to a resolution creating an incentive 76264  
district under division (C)(1) of this section that is adopted on 76265  
or after January 1, 2006, or a later date as specified in this 76266  
division, shall be distributed to the appropriate taxing authority 76267  
as required under division (C) of section 5709.74 of the Revised 76268  
Code in an amount equal to the amount of taxes from that 76269  
additional levy or from the increase in the effective tax rate of 76270  
such renewal or replacement levy that would have been payable to 76271  
that taxing authority from the following levies were it not for 76272  
the exemption authorized under division (C) of this section: 76273

(1) A tax levied under division (L) of section 5705.19 or 76274  
section 5705.191 or 5705.222 of the Revised Code for community 76275  
developmental disabilities programs and services pursuant to 76276  
Chapter 5126. of the Revised Code; 76277

(2) A tax levied under division (Y) of section 5705.19 of the 76278  
Revised Code for providing or maintaining senior citizens services 76279  
or facilities; 76280

(3) A tax levied under section 5705.22 of the Revised Code 76281  
for county hospitals; 76282

(4) A tax levied by a joint-county district or by a county	76283
under section 5705.19, 5705.191, or 5705.221 of the Revised Code	76284
for alcohol, drug addiction, and mental health services or	76285
families;	76286
(5) A tax levied under section 5705.23 of the Revised Code	76287
for library purposes;	76288
(6) A tax levied under section 5705.24 of the Revised Code	76289
for the support of children services and the placement and care of	76290
children;	76291
(7) A tax levied under division (Z) of section 5705.19 of the	76292
Revised Code for the provision and maintenance of zoological park	76293
services and facilities under section 307.76 of the Revised Code;	76294
(8) A tax levied under section 511.27 or division (H) of	76295
section 5705.19 of the Revised Code for the support of township	76296
park districts;	76297
(9) A tax levied under division (A), (F), or (H) of section	76298
5705.19 of the Revised Code for parks and recreational purposes of	76299
a joint recreation district organized pursuant to division (B) of	76300
section 755.14 of the Revised Code;	76301
(10) A tax levied under section 1545.20 or 1545.21 of the	76302
Revised Code for park district purposes;	76303
(11) A tax levied under section 5705.191 of the Revised Code	76304
for the purpose of making appropriations for public assistance;	76305
human or social services; public relief; public welfare; public	76306
health and hospitalization; and support of general hospitals;	76307
(12) A tax levied under section 3709.29 of the Revised Code	76308
for a general health district program;	76309
(13) A tax levied by a township under section 505.39, 505.51,	76310
or division (I), (J), (U), or (JJ) of section 5705.19 of the	76311
Revised Code for the purpose of funding fire, police, emergency	76312

medical, or ambulance services as described in those sections. 76313  
Division (F)(13) of this section applies only to incentive 76314  
districts created by a resolution adopted on or after March 22, 76315  
2019, the effective date of the amendment of this section by H.B. 76316  
500 of the 132nd general assembly, and only if that resolution 76317  
specifies that division (F) of this section shall apply to such a 76318  
tax. 76319

(G) An exemption from taxation granted under this section 76320  
commences with the tax year specified in the resolution so long as 76321  
the year specified in the resolution commences after the effective 76322  
date of the resolution. If the resolution specifies a year 76323  
commencing before the effective date of the resolution or 76324  
specifies no year whatsoever, the exemption commences with the tax 76325  
year in which an exempted improvement first appears on the tax 76326  
list and duplicate of real and public utility property and that 76327  
commences after the effective date of the resolution. In lieu of 76328  
stating a specific year, the resolution may provide that the 76329  
exemption commences in the tax year in which the value of an 76330  
improvement exceeds a specified amount or in which the 76331  
construction of one or more improvements is completed, provided 76332  
that such tax year commences after the effective date of the 76333  
resolution. With respect to the exemption of improvements to 76334  
parcels under division (B) of this section, the resolution may 76335  
allow for the exemption to commence in different tax years on a 76336  
parcel-by-parcel basis, with a separate exemption term specified 76337  
for each parcel. 76338

Except as otherwise provided in this division and section 76339  
5709.51 of the Revised Code, the exemption ends on the date 76340  
specified in the resolution as the date the improvement ceases to 76341  
be a public purpose or the incentive district expires, or ends on 76342  
the date on which the public infrastructure improvements and 76343  
housing renovations are paid in full from the township public 76344



improvement tax increment equivalent fund established under 76345  
section 5709.75 of the Revised Code, whichever occurs first. The 76346  
exemption of an improvement with respect to a parcel or within an 76347  
incentive district may end on a later date, as specified in the 76348  
resolution, if the board of township trustees and the board of 76349  
education of the city, local, or exempted village school district 76350  
within which the parcel or district is located have entered into a 76351  
compensation agreement under section 5709.82 of the Revised Code 76352  
with respect to the improvement and the board of education has 76353  
approved the term of the exemption under division (D) of this 76354  
section, but in no case shall the improvement be exempted from 76355  
taxation for more than thirty years. The board of township 76356  
trustees may, by majority vote, adopt a resolution permitting the 76357  
township to enter into such agreements as the board finds 76358  
necessary or appropriate to provide for the construction or 76359  
undertaking of public infrastructure improvements and housing 76360  
renovations. Any exemption shall be claimed and allowed in the 76361  
same or a similar manner as in the case of other real property 76362  
exemptions. If an exemption status changes during a tax year, the 76363  
procedure for the apportionment of the taxes for that year is the 76364  
same as in the case of other changes in tax exemption status 76365  
during the year. 76366

(H) The board of township trustees may issue the notes of the 76367  
township to finance all costs pertaining to the construction or 76368  
undertaking of public infrastructure improvements and housing 76369  
renovations made pursuant to this section. The notes shall be 76370  
signed by the board and attested by the signature of the township 76371  
fiscal officer, shall bear interest not to exceed the rate 76372  
provided in section 9.95 of the Revised Code, and are not subject 76373  
to Chapter 133. of the Revised Code. The resolution authorizing 76374  
the issuance of the notes shall pledge the funds of the township 76375  
public improvement tax increment equivalent fund established 76376  
pursuant to section 5709.75 of the Revised Code to pay the 76377

interest on and principal of the notes. The notes, which may 76378  
contain a clause permitting prepayment at the option of the board, 76379  
shall be offered for sale on the open market or given to the 76380  
vendor or contractor if no sale is made. 76381

(I) The township, not later than fifteen days after the 76382  
adoption of a resolution under this section, shall submit to the 76383  
director of development services a copy of the resolution. On or 76384  
before the thirty-first day of March of each year, the township 76385  
shall submit a status report to the director of development 76386  
services. The report shall indicate, in the manner prescribed by 76387  
the director, the progress of the project during each year that 76388  
the exemption remains in effect, including a summary of the 76389  
receipts from service payments in lieu of taxes; expenditures of 76390  
money from the fund created under section 5709.75 of the Revised 76391  
Code; a description of the public infrastructure improvements and 76392  
housing renovations financed with the expenditures; and a 76393  
quantitative summary of changes in private investment resulting 76394  
from each project. 76395

(J) Nothing in this section shall be construed to prohibit a 76396  
board of township trustees from declaring to be a public purpose 76397  
improvements with respect to more than one parcel. 76398

If a parcel is located in a new community district in which 76399  
the new community authority imposes a community development charge 76400  
on the basis of rentals received from leases of real property as 76401  
described in division (L)(2) of section 349.01 of the Revised 76402  
Code, the parcel may not be exempted from taxation under this 76403  
section. 76404

(K) A board of township trustees that adopted a resolution 76405  
under this section prior to July 21, 1994, may amend that 76406  
resolution to include any additional public infrastructure 76407  
improvement. A board of township trustees that seeks by the 76408  
amendment to utilize money from its township public improvement 76409

tax increment equivalent fund for land acquisition in aid of 76410  
industry, commerce, distribution, or research, demolition on 76411  
private property, or stormwater and flood remediation projects may 76412  
do so provided that the board currently is a party to a 76413  
hold-harmless agreement with the board of education of the city, 76414  
local, or exempted village school district within the territory of 76415  
which are located the parcels that are subject to an exemption. 76416  
For the purposes of this division, a "hold-harmless agreement" 76417  
means an agreement under which the board of township trustees 76418  
agrees to compensate the school district for one hundred per cent 76419  
of the tax revenue that the school district would have received 76420  
from further improvements to parcels designated in the resolution 76421  
were it not for the exemption granted by the resolution. 76422

(L) Notwithstanding the limitation prescribed by division (D) 76423  
of this section on the number of years that improvements to a 76424  
parcel or parcels may be exempted from taxation, a board of 76425  
trustees of a township with a population of fifteen thousand or 76426  
more may amend a resolution originally adopted under this section 76427  
before December 31, 1994, to extend the exemption of improvements 76428  
to the parcel or parcels included in such resolution for an 76429  
additional period not to exceed fifteen years. The amendment shall 76430  
not increase the percentage of improvements to the parcel or 76431  
parcels exempted from taxation. Before adopting an amendment 76432  
authorized under this division, the board of township trustees 76433  
shall obtain the approval of each board of education of the city, 76434  
local, or exempted village school district within which the 76435  
exempted parcels are located in the manner required under division 76436  
(D) of this section, except that (1) the board of education may 76437  
approve the exemption on the condition that the board of township 76438  
trustees and the board of education negotiate an agreement 76439  
providing for compensation to the school district equal in value 76440  
to the amount of taxes the district forgoes in each year the 76441  
exemption is extended pursuant to this division or any other 76442

mutually agreeable compensation and (2) if the board of education 76443  
fails to certify a resolution approving the amendment to the board 76444  
of township trustees within the time prescribed by division (D) of 76445  
this section, the board of township trustees shall not adopt the 76446  
amendment authorized under this division. 76447

No approval under this division shall be required from a 76448  
board of education that has adopted a resolution waiving its right 76449  
to approve exemptions from taxation pursuant to division (D) of 76450  
this section. If the board of education has adopted such a 76451  
resolution, the board of township trustees shall comply with the 76452  
notice requirements imposed under section 5709.83 of the Revised 76453  
Code before taking formal action to adopt an amendment authorized 76454  
under this division unless the board of education has adopted a 76455  
resolution under that section waiving its right to receive the 76456  
notice. Not later than fourteen days before adopting an amendment 76457  
authorized under this division, the board of township trustees 76458  
shall deliver a notice identical to a notice required under 76459  
section 5709.83 of the Revised Code to the board of county 76460  
commissioners of each county in which the exempted parcels are 76461  
located. 76462

**Sec. 5709.78.** (A) A board of county commissioners may, by 76463  
resolution, declare improvements to certain parcels of real 76464  
property located in the unincorporated territory of the county to 76465  
be a public purpose. Except ~~with the approval as otherwise~~ 76466  
provided under division (C) of this section ~~of the board of~~ 76467  
~~education of each city, local, or exempted village school district~~ 76468  
~~within which the improvements are located~~ or section 5709.51 of 76469  
the Revised Code, not more than seventy-five per cent of an 76470  
improvement thus declared to be a public purpose may be exempted 76471  
from real property taxation, for a period of not more than ten 76472  
years. The resolution shall specify the percentage of the 76473  
improvement to be exempted and the life of the exemption. 76474

A resolution adopted under this division shall designate the specific public infrastructure improvements made, to be made, or in the process of being made by the county that directly benefit, or that once made will directly benefit, the parcels for which improvements are declared to be a public purpose. The service payments provided for in section 5709.79 of the Revised Code shall be used to finance the public infrastructure improvements designated in the resolution, or as provided in section 5709.80 of the Revised Code.

(B)(1) A board of county commissioners may adopt a resolution creating an incentive district and declaring improvements to parcels within the district to be a public purpose and, except as provided in division (B)(2) of this section, exempt from taxation as provided in this section, but no board of county commissioners of a county that has a population that exceeds twenty-five thousand, as shown by the most recent federal decennial census, shall adopt a resolution that creates an incentive district if the sum of the taxable value of real property in the proposed district for the preceding tax year and the taxable value of all real property in the county that would have been taxable in the preceding year were it not for the fact that the property was in an existing incentive district and therefore exempt from taxation exceeds twenty-five per cent of the taxable value of real property in the county for the preceding tax year. The district shall be located within the unincorporated territory of the county and shall not include any territory that is included within a district created under division (C) of section 5709.73 of the Revised Code. The resolution shall delineate the boundary of the proposed district and specifically identify each parcel within the district. A proposed district may not include any parcel that is or has been exempted from taxation under division (A) of this section or that is or has been within another district created under this division. A resolution may create more than one such

district, and more than one resolution may be adopted under 76508  
division (B)(1) of this section. 76509

(2)(a) Not later than thirty days prior to adopting a 76510  
resolution under division (B)(1) of this section, if the county 76511  
intends to apply for exemptions from taxation under section 76512  
5709.911 of the Revised Code on behalf of owners of real property 76513  
located within the proposed incentive district, the board of 76514  
county commissioners shall conduct a public hearing on the 76515  
proposed resolution. Not later than thirty days prior to the 76516  
public hearing, the board shall give notice of the public hearing 76517  
and the proposed resolution by first class mail to every real 76518  
property owner whose property is located within the boundaries of 76519  
the proposed incentive district that is the subject of the 76520  
proposed resolution. The board also shall provide the notice by 76521  
first class mail to the clerk of each township in which the 76522  
proposed incentive district will be located. The notice shall 76523  
include a map of the proposed incentive district on which the 76524  
board of county commissioners shall have delineated an overlay. 76525  
The notice shall inform property owners of the owner's right to 76526  
exclude the owner's property from the incentive district if both 76527  
of the following conditions are met: 76528

(i) The owner's entire parcel of property will not be located 76529  
within the overlay. 76530

(ii) The owner has submitted a statement to the board of 76531  
township trustees of the township in which the parcel is located 76532  
indicating the owner's intent to seek a tax exemption for 76533  
improvements to the owner's parcel under division (B) or (C) of 76534  
section 5709.73 of the Revised Code within the next five years. 76535

When both of the preceding conditions are met, the owner may 76536  
exclude the owner's property from the incentive district by 76537  
submitting a written response in accordance with division 76538  
(B)(2)(b) of this section. The notice also shall include 76539

information detailing the required contents of the response, the 76540  
address to which the response may be mailed, and the deadline for 76541  
submitting the response. 76542

(b) Any owner of real property located within the boundaries 76543  
of an incentive district proposed under division (B) (1) of this 76544  
section who meets the conditions specified in divisions 76545  
(B)(2)(a)(i) and (ii) of this section may exclude the property 76546  
from the proposed incentive district by submitting a written 76547  
response to the board not later than forty-five days after the 76548  
postmark date on the notice required under division (B)(2)(a) of 76549  
this section. The response shall include a copy of the statement 76550  
submitted under division (B)(2)(a)(ii) of this section. The 76551  
response shall be sent by first class mail or delivered in person 76552  
at a public hearing held by the board under division (B)(2)(a) of 76553  
this section. The response shall conform to any content 76554  
requirements that may be established by the board and included in 76555  
the notice provided under division (B)(2)(a) of this section. In 76556  
the response, property owners may identify a parcel by street 76557  
address, by the manner in which it is identified in the 76558  
resolution, or by other means allowing the identity of the parcel 76559  
to be ascertained. 76560

(c) Before adopting a resolution under division (B)(1) of 76561  
this section, the board shall amend the resolution to exclude any 76562  
parcel for which a written response has been submitted under 76563  
division (B)(2)(b) of this section. A county shall not apply for 76564  
exemptions from taxation under section 5709.911 of the Revised 76565  
Code for any such parcel, and service payments may not be required 76566  
from the owner of the parcel. Improvements to a parcel excluded 76567  
from an incentive district under this division may be exempted 76568  
from taxation under division (A) of this section pursuant to a 76569  
resolution adopted under that division or under any other section 76570  
of the Revised Code under which the parcel qualifies. 76571

(3)(a) A resolution adopted under division (B)(1) of this section shall specify the life of the incentive district and the percentage of the improvements to be exempted, shall designate the public infrastructure improvements made, to be made, or in the process of being made, that benefit or serve, or, once made, will benefit or serve parcels in the district. The resolution also shall identify one or more specific projects being, or to be, undertaken in the district that place additional demand on the public infrastructure improvements designated in the resolution. The project identified may, but need not be, the project under division (B)(3)(b) of this section that places real property in use for commercial or industrial purposes.

A resolution adopted under division (B)(1) of this section on or after March 30, 2006, shall not designate police or fire equipment as public infrastructure improvements, and no service payment provided for in section 5709.79 of the Revised Code and received by the county under the resolution shall be used for police or fire equipment.

(b) A resolution adopted under division (B)(1) of this section may authorize the use of service payments provided for in section 5709.79 of the Revised Code for the purpose of housing renovations within the incentive district, provided that the resolution also designates public infrastructure improvements that benefit or serve the district, and that a project within the district places real property in use for commercial or industrial purposes. Service payments may be used to finance or support loans, deferred loans, and grants to persons for the purpose of housing renovations within the district. The resolution shall designate the parcels within the district that are eligible for housing renovations. The resolution shall state separately the amount or the percentages of the expected aggregate service payments that are designated for each public infrastructure



improvement and for the purpose of housing renovations. 76604

(4) Except with the approval of the board of education of 76605  
each city, local, or exempted village school district within the 76606  
territory of which the incentive district is or will be located, 76607  
and subject to division (D) of this section, the life of an 76608  
incentive district shall not exceed ten years, and the percentage 76609  
of improvements to be exempted shall not exceed seventy-five per 76610  
cent. With approval of the board of education, the life of a 76611  
district may be not more than thirty years, and the percentage of 76612  
improvements to be exempted may be not more than one hundred per 76613  
cent. The approval of a board of education shall be obtained in 76614  
the manner provided in division (C) of this section. 76615

(C)(1) Improvements with respect to a parcel may be exempted 76616  
from taxation under division (A) of this section, and improvements 76617  
to parcels within an incentive district may be exempted from 76618  
taxation under division (B) of this section, for up to ten years 76619  
or, with the approval of the board of education of each city, 76620  
local, or exempted village school district within which the parcel 76621  
or district is located, for up to thirty years. The percentage of 76622  
the improvements exempted from taxation may, with such approval, 76623  
exceed seventy-five per cent, but shall not exceed one hundred per 76624  
cent. Not later than forty-five business days prior to adopting a 76625  
resolution under this section declaring improvements to be a 76626  
public purpose that is subject to the approval of a board of 76627  
education under this division, the board of county commissioners 76628  
shall deliver to the board of education a notice stating its 76629  
intent to adopt a resolution making that declaration. The notice 76630  
regarding improvements with respect to a parcel under division (A) 76631  
of this section shall identify the parcels for which improvements 76632  
are to be exempted from taxation, provide an estimate of the true 76633  
value in money of the improvements, specify the period for which 76634  
the improvements would be exempted from taxation and the 76635

percentage of the improvements that would be exempted, and 76636  
indicate the date on which the board of county commissioners 76637  
intends to adopt the resolution. The notice regarding improvements 76638  
to parcels within an incentive district under division (B) of this 76639  
section shall delineate the boundaries of the district, 76640  
specifically identify each parcel within the district, identify 76641  
each anticipated improvement in the district, provide an estimate 76642  
of the true value in money of each such improvement, specify the 76643  
life of the district and the percentage of improvements that would 76644  
be exempted, and indicate the date on which the board of county 76645  
commissioners intends to adopt the resolution. The board of 76646  
education, by resolution adopted by a majority of the board, may 76647  
approve the exemption for the period or for the exemption 76648  
percentage specified in the notice; may disapprove the exemption 76649  
for the number of years in excess of ten, may disapprove the 76650  
exemption for the percentage of the improvements to be exempted in 76651  
excess of seventy-five per cent, or both; or may approve the 76652  
exemption on the condition that the board of county commissioners 76653  
and the board of education negotiate an agreement providing for 76654  
compensation to the school district equal in value to a percentage 76655  
of the amount of taxes exempted in the eleventh and subsequent 76656  
years of the exemption period or, in the case of exemption 76657  
percentages in excess of seventy-five per cent, compensation equal 76658  
in value to a percentage of the taxes that would be payable on the 76659  
portion of the improvements in excess of seventy-five per cent 76660  
were that portion to be subject to taxation, or other mutually 76661  
agreeable compensation. 76662

(2) The board of education shall certify its resolution to 76663  
the board of county commissioners not later than fourteen days 76664  
prior to the date the board of county commissioners intends to 76665  
adopt its resolution as indicated in the notice. If the board of 76666  
education and the board of county commissioners negotiate a 76667  
mutually acceptable compensation agreement, the resolution of the 76668

board of county commissioners may declare the improvements a 76669  
public purpose for the number of years specified in that 76670  
resolution or, in the case of exemption percentages in excess of 76671  
seventy-five per cent, for the exemption percentage specified in 76672  
the resolution. In either case, if the board of education and the 76673  
board of county commissioners fail to negotiate a mutually 76674  
acceptable compensation agreement, the resolution may declare the 76675  
improvements a public purpose for not more than ten years, and 76676  
shall not exempt more than seventy-five per cent of the 76677  
improvements from taxation. If the board of education fails to 76678  
certify a resolution to the board of county commissioners within 76679  
the time prescribed by this section, the board of county 76680  
commissioners thereupon may adopt the resolution and may declare 76681  
the improvements a public purpose for up to thirty years or, in 76682  
the case of exemption percentages proposed in excess of 76683  
seventy-five per cent, for the exemption percentage specified in 76684  
the resolution. The board of county commissioners may adopt the 76685  
resolution at any time after the board of education certifies its 76686  
resolution approving the exemption to the board of county 76687  
commissioners, or, if the board of education approves the 76688  
exemption on the condition that a mutually acceptable compensation 76689  
agreement be negotiated, at any time after the compensation 76690  
agreement is agreed to by the board of education and the board of 76691  
county commissioners. If a mutually acceptable compensation 76692  
agreement is negotiated between the board of county commissioners 76693  
and the board of education, including agreements for payments in 76694  
lieu of taxes under section 5709.79 of the Revised Code, the board 76695  
of county commissioners shall compensate the joint vocational 76696  
school district within which the parcel or district is located at 76697  
the same rate and under the same terms received by the city, 76698  
local, or exempted village school district. 76699

(3) If a board of education has adopted a resolution waiving 76700  
its right to approve exemptions from taxation under this section 76701

and the resolution remains in effect, approval of such exemptions 76702  
by the board of education is not required under division (C) of 76703  
this section. If a board of education has adopted a resolution 76704  
allowing a board of county commissioners to deliver the notice 76705  
required under division (C) of this section fewer than forty-five 76706  
business days prior to approval of the resolution by the board of 76707  
county commissioners, the board of county commissioners shall 76708  
deliver the notice to the board of education not later than the 76709  
number of days prior to such approval as prescribed by the board 76710  
of education in its resolution. If a board of education adopts a 76711  
resolution waiving its right to approve exemptions or shortening 76712  
the notification period, the board of education shall certify a 76713  
copy of the resolution to the board of county commissioners. If 76714  
the board of education rescinds such a resolution, it shall 76715  
certify notice of the rescission to the board of county 76716  
commissioners. 76717

(4) Nothing in division (C) of this section prohibits the 76718  
board of county commissioners from amending the resolution under 76719  
section 5709.51 of the Revised Code to extend the term of the 76720  
exemption. 76721

(D)(1) If a proposed resolution under division (B)(1) of this 76722  
section exempts improvements with respect to a parcel within an 76723  
incentive district for more than ten years, or the percentage of 76724  
the improvement exempted from taxation exceeds seventy-five per 76725  
cent, not later than forty-five business days prior to adopting 76726  
the resolution the board of county commissioners shall deliver to 76727  
the board of township trustees of any township within which the 76728  
incentive district is or will be located a notice that states its 76729  
intent to adopt a resolution creating an incentive district. The 76730  
notice shall include a copy of the proposed resolution, identify 76731  
the parcels for which improvements are to be exempted from 76732  
taxation, provide an estimate of the true value in money of the 76733

improvements, specify the period of time for which the 76734  
improvements would be exempted from taxation, specify the 76735  
percentage of the improvements that would be exempted from 76736  
taxation, and indicate the date on which the board intends to 76737  
adopt the resolution. 76738

(2) The board of township trustees, by resolution adopted by 76739  
a majority of the board, may object to the exemption for the 76740  
number of years in excess of ten, may object to the exemption for 76741  
the percentage of the improvement to be exempted in excess of 76742  
seventy-five per cent, or both. If the board of township trustees 76743  
objects, the board of township trustees may negotiate a mutually 76744  
acceptable compensation agreement with the board of county 76745  
commissioners. In no case shall the compensation provided to the 76746  
board of township trustees exceed the property taxes forgone due 76747  
to the exemption. If the board of township trustees objects, and 76748  
the board of township trustees and the board of county 76749  
commissioners fail to negotiate a mutually acceptable compensation 76750  
agreement, the resolution adopted under division (B)(1) of this 76751  
section shall provide to the board of township trustees 76752  
compensation in the eleventh and subsequent years of the exemption 76753  
period equal in value to not more than fifty per cent of the taxes 76754  
that would be payable to the township or, if the board of township 76755  
trustee's objection includes an objection to an exemption 76756  
percentage in excess of seventy-five per cent, compensation equal 76757  
in value to not more than fifty per cent of the taxes that would 76758  
be payable to the township on the portion of the improvement in 76759  
excess of seventy-five per cent, were that portion to be subject 76760  
to taxation. The board of township trustees shall certify its 76761  
resolution to the board of county commissioners not later than 76762  
thirty days after receipt of the notice. 76763

(3) If the board of township trustees does not object or 76764  
fails to certify a resolution objecting to an exemption within 76765

thirty days after receipt of the notice, the board of county 76766  
commissioners may adopt its resolution, and no compensation shall 76767  
be provided to the board of township trustees. If the board of 76768  
township trustees certifies its resolution objecting to the 76769  
commissioners' resolution, the board of county commissioners may 76770  
adopt its resolution at any time after a mutually acceptable 76771  
compensation agreement is agreed to by the board of county 76772  
commissioners and the board of township trustees. If the board of 76773  
township trustees certifies a resolution objecting to the 76774  
commissioners' resolution, the board of county commissioners may 76775  
adopt its resolution at any time after a mutually acceptable 76776  
compensation agreement is agreed to by the board of county 76777  
commissioners and the board of township trustees, or, if no 76778  
compensation agreement is negotiated, at any time after the board 76779  
of county commissioners in the proposed resolution to provide 76780  
compensation to the board of township trustees of fifty per cent 76781  
of the taxes that would be payable to the township in the eleventh 76782  
and subsequent years of the exemption period or on the portion of 76783  
the improvement in excess of seventy-five per cent, were that 76784  
portion to be subject to taxation. 76785

(E) Service payments in lieu of taxes that are attributable 76786  
to any amount by which the effective tax rate of either a renewal 76787  
levy with an increase or a replacement levy exceeds the effective 76788  
tax rate of the levy renewed or replaced, or that are attributable 76789  
to an additional levy, for a levy authorized by the voters for any 76790  
of the following purposes on or after January 1, 2006, and which 76791  
are provided pursuant to a resolution creating an incentive 76792  
district under division (B)(1) of this section that is adopted on 76793  
or after January 1, 2006, shall be distributed to the appropriate 76794  
taxing authority as required under division (D) of section 5709.79 76795  
of the Revised Code in an amount equal to the amount of taxes from 76796  
that additional levy or from the increase in the effective tax 76797  
rate of such renewal or replacement levy that would have been 76798

payable to that taxing authority from the following levies were it 76799  
not for the exemption authorized under division (B) of this 76800  
section: 76801

(1) A tax levied under division (L) of section 5705.19 or 76802  
section 5705.191 or 5705.222 of the Revised Code for community 76803  
developmental disabilities programs and services pursuant to 76804  
Chapter 5126. of the Revised Code; 76805

(2) A tax levied under division (Y) of section 5705.19 of the 76806  
Revised Code for providing or maintaining senior citizens services 76807  
or facilities; 76808

(3) A tax levied under section 5705.22 of the Revised Code 76809  
for county hospitals; 76810

(4) A tax levied by a joint-county district or by a county 76811  
under section 5705.19, 5705.191, or 5705.221 of the Revised Code 76812  
for alcohol, drug addiction, and mental health services or 76813  
facilities; 76814

(5) A tax levied under section 5705.23 of the Revised Code 76815  
for library purposes; 76816

(6) A tax levied under section 5705.24 of the Revised Code 76817  
for the support of children services and the placement and care of 76818  
children; 76819

(7) A tax levied under division (Z) of section 5705.19 of the 76820  
Revised Code for the provision and maintenance of zoological park 76821  
services and facilities under section 307.76 of the Revised Code; 76822

(8) A tax levied under section 511.27 or division (H) of 76823  
section 5705.19 of the Revised Code for the support of township 76824  
park districts; 76825

(9) A tax levied under division (A), (F), or (H) of section 76826  
5705.19 of the Revised Code for parks and recreational purposes of 76827  
a joint recreation district organized pursuant to division (B) of 76828

section 755.14 of the Revised Code; 76829

(10) A tax levied under section 1545.20 or 1545.21 of the 76830  
Revised Code for park district purposes; 76831

(11) A tax levied under section 5705.191 of the Revised Code 76832  
for the purpose of making appropriations for public assistance; 76833  
human or social services; public relief; public welfare; public 76834  
health and hospitalization; and support of general hospitals; 76835

(12) A tax levied under section 3709.29 of the Revised Code 76836  
for a general health district program. 76837

(F) An exemption from taxation granted under this section 76838  
commences with the tax year specified in the resolution so long as 76839  
the year specified in the resolution commences after the effective 76840  
date of the resolution. If the resolution specifies a year 76841  
commencing before the effective date of the resolution or 76842  
specifies no year whatsoever, the exemption commences with the tax 76843  
year in which an exempted improvement first appears on the tax 76844  
list and duplicate of real and public utility property and that 76845  
commences after the effective date of the resolution. In lieu of 76846  
stating a specific year, the resolution may provide that the 76847  
exemption commences in the tax year in which the value of an 76848  
improvement exceeds a specified amount or in which the 76849  
construction of one or more improvements is completed, provided 76850  
that such tax year commences after the effective date of the 76851  
resolution. With respect to the exemption of improvements to 76852  
parcels under division (A) of this section, the resolution may 76853  
allow for the exemption to commence in different tax years on a 76854  
parcel-by-parcel basis, with a separate exemption term specified 76855  
for each parcel. 76856

Except as otherwise provided in this division, the exemption 76857  
ends on the date specified in the resolution as the date the 76858  
improvement ceases to be a public purpose or the incentive 76859



district expires, or ends on the date on which the county can no longer require annual service payments in lieu of taxes under section 5709.79 of the Revised Code, whichever occurs first. The exemption of an improvement with respect to a parcel or within an incentive district may end on a later date, as specified in the resolution, if the board of commissioners and the board of education of the city, local, or exempted village school district within which the parcel or district is located have entered into a compensation agreement under section 5709.82 of the Revised Code with respect to the improvement, and the board of education has approved the term of the exemption under division (C)(1) of this section, but in no case shall the improvement be exempted from taxation for more than thirty years. Exemptions shall be claimed and allowed in the same or a similar manner as in the case of other real property exemptions. If an exemption status changes during a tax year, the procedure for the apportionment of the taxes for that year is the same as in the case of other changes in tax exemption status during the year.

(G) If the board of county commissioners is not required by this section to notify the board of education of the board of county commissioners' intent to declare improvements to be a public purpose, the board of county commissioners shall comply with the notice requirements imposed under section 5709.83 of the Revised Code before taking formal action to adopt the resolution making that declaration, unless the board of education has adopted a resolution under that section waiving its right to receive such a notice.

(H) The county, not later than fifteen days after the adoption of a resolution under this section, shall submit to the director of development services a copy of the resolution. On or before the thirty-first day of March of each year, the county shall submit a status report to the director of development

services. The report shall indicate, in the manner prescribed by 76892  
the director, the progress of the project during each year that an 76893  
exemption remains in effect, including a summary of the receipts 76894  
from service payments in lieu of taxes; expenditures of money from 76895  
the fund created under section 5709.80 of the Revised Code; a 76896  
description of the public infrastructure improvements and housing 76897  
renovations financed with such expenditures; and a quantitative 76898  
summary of changes in employment and private investment resulting 76899  
from each project. 76900

(I) Nothing in this section shall be construed to prohibit a 76901  
board of county commissioners from declaring to be a public 76902  
purpose improvements with respect to more than one parcel. 76903

(J) If a parcel is located in a new community district in 76904  
which the new community authority imposes a community development 76905  
charge on the basis of rentals received from leases of real 76906  
property as described in division (L)(2) of section 349.01 of the 76907  
Revised Code, the parcel may not be exempted from taxation under 76908  
this section. 76909

**Sec. 5713.08.** (A) The county auditor shall make a list of all 76910  
real and personal property in the auditor's county that is 76911  
exempted from taxation. Such list shall show the name of the 76912  
owner, the value of the property exempted, and a statement in 76913  
brief form of the ground on which such exemption has been granted. 76914  
It shall be corrected annually by adding thereto the items of 76915  
property which have been exempted during the year, and by striking 76916  
therefrom the items which in the opinion of the auditor have lost 76917  
their right of exemption and which have been reentered on the 76918  
taxable list, but no property shall be struck from the exempt 76919  
property list solely because the property has been conveyed to a 76920  
single member limited liability company with a nonprofit purpose 76921  
from its nonprofit member or because the property has been 76922

conveyed by a single member limited liability company with a 76923  
nonprofit purpose to its nonprofit member. No additions shall be 76924  
made to such exempt lists and no additional items of property 76925  
shall be exempted from taxation without the consent of the tax 76926  
commissioner as is provided for in section 5715.27 of the Revised 76927  
Code or without the consent of the housing officer under section 76928  
3735.67 of the Revised Code, except for property exempted by the 76929  
auditor under that section, property owned by a community school 76930  
and subject to the exemption authorized under division (A)(1) of 76931  
section 5709.07 of the Revised Code for tax years after the tax 76932  
year for which the commissioner grants an application under 76933  
section 5715.27 of the Revised Code, as described in division (I) 76934  
of that section, or qualifying agricultural real property, as 76935  
defined in section 5709.28 of the Revised Code, that is enrolled 76936  
in an agriculture security area that is exempt under that section. 76937  
The 76938

The commissioner may revise at any time the list in every 76939  
county so that no property is improperly or illegally exempted 76940  
from taxation. The auditor shall follow the orders of the 76941  
commissioner given under this section. An abstract of such list 76942  
shall be filed annually with the commissioner, on a form approved 76943  
by the commissioner, and a copy thereof shall be kept on file in 76944  
the office of each auditor for public inspection. 76945

An application for exemption of property shall include a 76946  
certificate executed by the county treasurer certifying one of the 76947  
following: 76948

(1) That all taxes, interest, and penalties levied and 76949  
assessed against the property sought to be exempted have been paid 76950  
in full for all of the tax years preceding the tax year for which 76951  
the application for exemption is filed, except for such taxes, 76952  
interest, and penalties that may be remitted under division (C) of 76953  
this section; 76954

(2) That the applicant has entered into a valid delinquent tax contract with the county treasurer pursuant to division (A) of section 323.31 of the Revised Code to pay all of the delinquent taxes, interest, and penalties charged against the property, except for such taxes, interest, and penalties that may be remitted under division (C) of this section. If the auditor receives notice under section 323.31 of the Revised Code that such a written delinquent tax contract has become void, the auditor shall strike such property from the list of exempted property and reenter such property on the taxable list. If property is removed from the exempt list because a written delinquent tax contract has become void, current taxes shall first be extended against that property on the general tax list and duplicate of real and public utility property for the tax year in which the auditor receives the notice required by division (A) of section 323.31 of the Revised Code that the delinquent tax contract has become void or, if that notice is not timely made, for the tax year in which falls the latest date by which the treasurer is required by such section to give such notice. A county auditor shall not remove from any tax list and duplicate the amount of any unpaid delinquent taxes, assessments, interest, or penalties owed on property that is placed on the exempt list pursuant to this division.

(3) That a tax certificate has been issued under section 5721.32 or 5721.33 of the Revised Code with respect to the property that is the subject of the application, and the tax certificate is outstanding.

(B) If the treasurer's certificate is not included with the application or the certificate reflects unpaid taxes, penalties, and interest that may not be remitted, the tax commissioner or county auditor with whom the application was filed shall notify the property owner of that fact, and the applicant shall be given sixty days from the date that notification was mailed in which to

provide the tax commissioner or county auditor with a corrected 76987  
treasurer's certificate. If a corrected treasurer's certificate is 76988  
not received within the time permitted, the tax commissioner or 76989  
county auditor does not have authority to consider the tax 76990  
exemption application. 76991

(C) Any taxes, interest, and penalties which have become a 76992  
lien after the property was first used for the exempt purpose, but 76993  
in no case prior to the date of acquisition of the title to the 76994  
property by the applicant, may be remitted by the commissioner or 76995  
county auditor, except as is provided in division (A) of section 76996  
5713.081 of the Revised Code. 76997

(D) Real property acquired by the state in fee simple is 76998  
exempt from taxation from the date of acquisition of title or date 76999  
of possession, whichever is the earlier date, provided that all 77000  
taxes, interest, and penalties as provided in the apportionment 77001  
provisions of section 319.20 of the Revised Code have been paid to 77002  
the date of acquisition of title or date of possession by the 77003  
state, whichever is earlier. The proportionate amount of taxes 77004  
that are a lien but not yet determined, assessed, and levied for 77005  
the year in which the property is acquired, shall be remitted by 77006  
the county auditor for the balance of the year from date of 77007  
acquisition of title or date of possession, whichever is earlier. 77008  
This section shall not be construed to authorize the exemption of 77009  
such property from taxation or the remission of taxes, interest, 77010  
and penalties thereon until all private use has terminated. 77011

**Sec. 5715.27.** (A)(1) Except as provided in division (A)(2) of 77012  
this section and in section 3735.67 of the Revised Code, the 77013  
owner, a vendee in possession under a purchase agreement or a land 77014  
contract, the beneficiary of a trust, or a lessee for an initial 77015  
term of not less than thirty years of any property may file an 77016  
application with the tax commissioner, on forms prescribed by the 77017

commissioner, requesting that such property be exempted from 77018  
taxation and that taxes, interest, and penalties be remitted as 77019  
provided in division (C) of section 5713.08 of the Revised Code. 77020

(2) If the property that is the subject of the application 77021  
for exemption is any of the following, the application shall be 77022  
filed with the county auditor of the county in which the property 77023  
is listed for taxation: 77024

(a) A public road or highway; 77025

(b) Property belonging to the federal government of the 77026  
United States; 77027

(c) Additions or other improvements to an existing building 77028  
or structure that belongs to the state or a political subdivision, 77029  
as defined in section 5713.081 of the Revised Code, and that is 77030  
exempted from taxation as property used exclusively for a public 77031  
purpose. 77032

(B) The board of education of any school district may request 77033  
the tax commissioner or county auditor to provide it with 77034  
notification of applications for exemption from taxation for 77035  
property located within that district. If so requested, the 77036  
commissioner or auditor shall send to the board on a monthly basis 77037  
reports that contain sufficient information to enable the board to 77038  
identify each property that is the subject of an exemption 77039  
application, including, but not limited to, the name of the 77040  
property owner or applicant, the address of the property, and the 77041  
auditor's parcel number. The commissioner or auditor shall mail 77042  
the reports by the fifteenth day of the month following the end of 77043  
the month in which the commissioner or auditor receives the 77044  
applications for exemption. 77045

(C) A board of education that has requested notification 77046  
under division (B) of this section may, with respect to any 77047  
application for exemption of property located in the district and 77048

included in the commissioner's or auditor's most recent report 77049  
provided under that division, file a statement with the 77050  
commissioner or auditor and with the applicant indicating its 77051  
intent to submit evidence and participate in any hearing on the 77052  
application. The statements shall be filed prior to the first day 77053  
of the third month following the end of the month in which that 77054  
application was docketed by the commissioner or auditor. A 77055  
statement filed in compliance with this division entitles the 77056  
district to submit evidence and to participate in any hearing on 77057  
the property and makes the district a party for purposes of 77058  
sections 5717.02 to 5717.04 of the Revised Code in any appeal of 77059  
the commissioner's or auditor's decision to the board of tax 77060  
appeals. 77061

(D) The commissioner or auditor shall not hold a hearing on 77062  
or grant or deny an application for exemption of property in a 77063  
school district whose board of education has requested 77064  
notification under division (B) of this section until the end of 77065  
the period within which the board may submit a statement with 77066  
respect to that application under division (C) of this section. 77067  
The commissioner or auditor may act upon an application at any 77068  
time prior to that date upon receipt of a written waiver from each 77069  
such board of education, or, in the case of exemptions authorized 77070  
by section 725.02, 1728.10, 5709.40, 5709.41, 5709.411, 5709.45, 77071  
5709.62, 5709.63, 5709.632, 5709.73, 5709.78, 5709.84, or 5709.88 77072  
of the Revised Code, upon the request of the property owner. 77073  
Failure of a board of education to receive the report required in 77074  
division (B) of this section shall not void an action of the 77075  
commissioner or auditor with respect to any application. The 77076  
commissioner or auditor may extend the time for filing a statement 77077  
under division (C) of this section. 77078

(E) A complaint may also be filed with the commissioner or 77079  
auditor by any person, board, or officer authorized by section 77080

5715.19 of the Revised Code to file complaints with the county 77081  
board of revision against the continued exemption of any property 77082  
granted exemption by the commissioner or auditor under this 77083  
section. 77084

(F) An application for exemption and a complaint against 77085  
exemption shall be filed prior to the thirty-first day of December 77086  
of the tax year for which exemption is requested or for which the 77087  
liability of the property to taxation in that year is requested. 77088  
The commissioner or auditor shall consider such application or 77089  
complaint in accordance with procedures established by the 77090  
commissioner, determine whether the property is subject to 77091  
taxation or exempt therefrom, and, if the commissioner makes the 77092  
determination, certify the determination to the auditor. Upon 77093  
making the determination or receiving the commissioner's 77094  
determination, the auditor shall correct the tax list and 77095  
duplicate accordingly. If a tax certificate has been sold under 77096  
section 5721.32 or 5721.33 of the Revised Code with respect to 77097  
property for which an exemption has been requested, the tax 77098  
commissioner or auditor shall also certify the findings to the 77099  
county treasurer of the county in which the property is located. 77100

(G) Applications and complaints, and documents of any kind 77101  
related to applications and complaints, filed with the tax 77102  
commissioner or county auditor under this section are public 77103  
records within the meaning of section 149.43 of the Revised Code. 77104

(H) If the commissioner or auditor determines that the use of 77105  
property or other facts relevant to the taxability of property 77106  
that is the subject of an application for exemption or a complaint 77107  
under this section has changed while the application or complaint 77108  
was pending, the commissioner or auditor may make the 77109  
determination under division (F) of this section separately for 77110  
each tax year beginning with the year in which the application or 77111  
complaint was filed or the year for which remission of taxes under 77112



division (C) of section 5713.08 of the Revised Code was requested, 77113  
and including each subsequent tax year during which the 77114  
application or complaint is pending before the commissioner or 77115  
auditor. 77116

(I) If the tax commissioner grants an application filed by a 77117  
community school under this section for the exemption authorized 77118  
under division (A)(1) of section 5709.07 of the Revised Code, any 77119  
property that is the subject of that application shall be exempt 77120  
from property tax for each succeeding tax year regardless of 77121  
whether the community school files an application under this 77122  
section with respect to such property. The community school, on or 77123  
before the thirty-first day of December of each such succeeding 77124  
tax year, shall submit a statement to the commissioner attesting 77125  
that the property that is the subject of that initial application 77126  
qualifies for the exemption authorized under division (A)(1) of 77127  
section 5709.07 of the Revised Code for that succeeding tax year. 77128  
If the community school fails to file such a statement for a tax 77129  
year or if the commissioner otherwise discovers that the property 77130  
no longer qualifies for that exemption, the commissioner shall 77131  
order the county auditor to return the property to the tax list. 77132

**Sec. 5726.04.** (A) The tax levied on a financial institution 77133  
under this chapter shall be the greater of the following: 77134

(1) A minimum tax equal to one thousand dollars; 77135

(2) The product of the total Ohio equity capital of the 77136  
financial institution, as determined under this section, 77137  
multiplied by eight mills for each dollar of the first two hundred 77138  
million dollars of total Ohio equity capital, by four mills for 77139  
each dollar of total Ohio equity capital greater than two hundred 77140  
million and less than one billion three hundred million dollars, 77141  
and by two and one-half mills for each dollar of total Ohio equity 77142  
capital equal to or greater than one billion three hundred million 77143

dollars. 77144

(B) If the reporting person for a financial institution files 77145  
an FR Y-9 or call report, the total equity capital of the 77146  
financial institution shall equal the total equity capital shown 77147  
on the reporting person's FR Y-9 or call report as of the end of 77148  
the taxable year. The total equity capital of all other financial 77149  
institutions shall be reported as of the end of the taxable year 77150  
in accordance with generally accepted accounting principles. 77151

(C) For the purposes of this section, ~~"total:~~ 77152

(1) "Total Ohio equity capital" means the product of (a) the 77153  
total equity capital of a financial institution as of the end of a 77154  
taxable year to the extent that the total equity capital does not 77155  
exceed fourteen per cent of the financial institution's total 77156  
assets multiplied by (b) the Ohio apportionment ratio calculated 77157  
for the financial institution under section 5726.05 of the Revised 77158  
Code, except as provided in section 5726.041 of the Revised Code. 77159

(2) "Total assets" means: 77160

(a) In the case of a financial institution described in 77161  
division (H)(1) of section 5726.01 of the Revised Code, the total 77162  
consolidated assets as shown on the reporting person's FR Y-9 as 77163  
of the end of the taxable year; 77164

(b) In the case of a financial institution described in 77165  
division (H)(2) or (3) of section 5726.01 of the Revised Code, the 77166  
total consolidated assets as shown on the reporting person's call 77167  
report as of the end of the taxable year; 77168

(c) In the case of all other financial institutions, the 77169  
total consolidated assets of the financial institution as of the 77170  
end of the taxable year in accordance with generally accepted 77171  
accounting principles. 77172

The tax commissioner may audit a reporting person's total 77173

assets to confirm the financial institution's actual total 77174  
consolidated assets and may make any adjustments necessary. 77175

(D) All payments received from the tax levied under this 77176  
chapter shall be credited to the general revenue fund. 77177

~~(E)(1) As used in this division:~~ 77178

~~(a) "First target tax amount" means two hundred million~~ 77179  
~~dollars.~~ 77180

~~(b) "Second target tax amount" means one hundred six per cent~~ 77181  
~~of the first target tax amount or, if applicable, the first target~~ 77182  
~~tax amount as adjusted under division (E)(2) or (3) of this~~ 77183  
~~section.~~ 77184

~~(c) "Amount of taxes collected" means the amount of taxes~~ 77185  
~~received by the tax commissioner from the tax levied under this~~ 77186  
~~chapter for a tax year, plus the total amount of the tax credit~~ 77187  
~~authorized by section 5726.57 of the Revised Code claimed on tax~~ 77188  
~~year 2014 reports, less any amounts refunded to taxpayers for the~~ 77189  
~~same tax year.~~ 77190

~~(2) If, for the tax year beginning on January 1, 2014, the~~ 77191  
~~total amount of taxes collected from all taxpayers under this~~ 77192  
~~chapter is greater than one hundred ten per cent of the first~~ 77193  
~~target tax amount, the tax commissioner shall decrease each tax~~ 77194  
~~rate provided in division (A)(2) of this section by a percentage~~ 77195  
~~equal to the percentage by which the amount of taxes collected~~ 77196  
~~exceeded the first target tax amount.~~ 77197

~~(3) If, for the tax year beginning on January 1, 2014, the~~ 77198  
~~total amount of taxes collected from all taxpayers under this~~ 77199  
~~chapter is less than ninety per cent of the first target tax~~ 77200  
~~amount, the tax commissioner shall increase the tax rate for each~~ 77201  
~~dollar of total Ohio equity capital equal to or greater than one~~ 77202  
~~billion three hundred million dollars as provided in division~~ 77203  
~~(A)(2) of this section by a percentage equal to a fraction, the~~ 77204

~~denominator of which is the aggregate sum of each dollar of each taxpayer's Ohio equity capital greater than or equal to one billion three hundred million dollars, as reported by each taxpayer for tax year 2014, multiplied by the tax rate for each dollar of total Ohio equity capital greater than or equal to one billion three hundred million dollars provided under division (A)(2) of this section, and the numerator of which is the sum of the denominator and the difference obtained by subtracting the amount of taxes collected under this chapter in tax year 2014 from ninety per cent of the first target tax amount.~~

~~(4) If, for the tax year beginning on January 1, 2016, the total amount of taxes collected from all taxpayers under this chapter is greater than one hundred ten per cent of the second target tax amount, the tax commissioner shall decrease each tax rate in effect on January 1, 2016, by a percentage equal to the percentage by which the amount of taxes collected exceeded the second target tax amount.~~

~~(5) If, for the tax year beginning on January 1, 2016, the total amount of taxes collected from all taxpayers under this chapter is less than ninety per cent of the second target tax amount, the tax commissioner shall increase the tax rate for each dollar of total Ohio equity capital equal to or greater than one billion three hundred million dollars as provided in division (A)(2) of this section by a percentage equal to a fraction, the denominator of which is the aggregate sum of each dollar of each taxpayer's Ohio equity capital greater than or equal to one billion three hundred million dollars, as reported by each taxpayer for tax year 2016, multiplied by the tax rate for each dollar of total Ohio equity capital greater than or equal to one billion three hundred million dollars provided under division (A)(2) of this section, and the numerator of which is the sum of the denominator and the difference obtained by subtracting the~~

~~amount of taxes collected under this chapter in tax year 2016 from 77237  
ninety per cent of the second target tax amount. 77238~~

~~(6) Tax rates adjusted pursuant to division (E)(2), (3), (4), 77239  
or (5) of this section shall be rounded to the nearest one tenth 77240  
of one mill per dollar. The tax commissioner shall publish the new 77241  
tax rates by journal entry and provide notice of the new tax rates 77242  
to taxpayers. The new tax rates adjusted pursuant to division 77243  
(E)(2) or (3) of this section shall apply to tax years beginning 77244  
on or after January 1, 2015. The new tax rates adjusted pursuant 77245  
to division (E)(4) or (5) of this section shall apply to tax years 77246  
beginning on or after January 1, 2017 The commissioner may adopt 77247  
rules to provide additional guidance for the application of this 77248  
section. 77249~~

**Sec. 5726.98.** (A) To provide a uniform procedure for 77250  
calculating the amount of tax due under section 5726.02 of the 77251  
Revised Code, a taxpayer shall claim any credits to which the 77252  
taxpayer is entitled under this chapter in the following order: 77253

(1) The nonrefundable job retention credit under division (B) 77254  
of section 5726.50 of the Revised Code; 77255

(2) The nonrefundable credit for purchases of qualified 77256  
low-income community investments under section 5726.54 of the 77257  
Revised Code; 77258

(3) The nonrefundable credit for qualified research expenses 77259  
under section 5726.56 of the Revised Code; 77260

(4) The nonrefundable credit for qualifying dealer in 77261  
intangibles taxes under section 5726.57 of the Revised Code; 77262

(5) The refundable credit for rehabilitating an historic 77263  
building under section 5726.52 of the Revised Code; 77264

(6) The refundable job retention or job creation credit under 77265  
division (A) of section 5726.50 of the Revised Code; 77266

(7) The refundable credit under section 5726.53 of the Revised Code for losses on loans made under the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code;	77267 77268 77269 77270
(8) The refundable motion picture <u>and Broadway theatrical</u> production credit under section 5726.55 of the Revised Code.	77271 77272
(B) For any credit except the refundable credits enumerated in this section, the amount of the credit for a taxable year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. Nothing in this chapter shall be construed to allow a taxpayer to claim, directly or indirectly, a credit more than once for a taxable year.	77273 77274 77275 77276 77277 77278 77279 77280
<b>Sec. 5727.75.</b> (A) For purposes of this section:	77281
(1) "Qualified energy project" means an energy project certified by the director of development services pursuant to this section.	77282 77283 77284
(2) "Energy project" means a project to provide electric power through the construction, installation, and use of an energy facility.	77285 77286 77287
(3) "Alternative energy zone" means a county declared as such by the board of county commissioners under division (E)(1)(b) or (c) of this section.	77288 77289 77290
(4) "Full-time equivalent employee" means the total number of employee-hours for which compensation was paid to individuals employed at a qualified energy project for services performed at the project during the calendar year divided by two thousand eighty hours.	77291 77292 77293 77294 77295
(5) "Solar energy project" means an energy project composed	77296

of an energy facility using solar panels to generate electricity. 77297

(6) "Internet identifier of record" has the same meaning as 77298  
in section 9.312 of the Revised Code. 77299

(B)(1) Tangible personal property of a qualified energy 77300  
project using renewable energy resources is exempt from taxation 77301  
for tax years 2011 through ~~2021~~ 2023 if all of the following 77302  
conditions are satisfied: 77303

(a) On or before December 31, ~~2020~~ 2022, the owner or a 77304  
lessee pursuant to a sale and leaseback transaction of the project 77305  
submits an application to the power siting board for a certificate 77306  
under section 4906.20 of the Revised Code, or if that section does 77307  
not apply, submits an application for any approval, consent, 77308  
permit, or certificate or satisfies any condition required by a 77309  
public agency or political subdivision of this state for the 77310  
construction or initial operation of an energy project. 77311

(b) Construction or installation of the energy facility 77312  
begins on or after January 1, 2009, and before January 1, ~~2021~~ 77313  
2023. For the purposes of this division, construction begins on 77314  
the earlier of the date of application for a certificate or other 77315  
approval or permit described in division (B)(1)(a) of this 77316  
section, or the date the contract for the construction or 77317  
installation of the energy facility is entered into. 77318

(c) For a qualified energy project with a nameplate capacity 77319  
of five megawatts or greater, a board of county commissioners of a 77320  
county in which property of the project is located has adopted a 77321  
resolution under division (E)(1)(b) or (c) of this section to 77322  
approve the application submitted under division (E) of this 77323  
section to exempt the property located in that county from 77324  
taxation. A board's adoption of a resolution rejecting an 77325  
application or its failure to adopt a resolution approving the 77326  
application does not affect the tax-exempt status of the qualified 77327

energy project's property that is located in another county. 77328

(2) If tangible personal property of a qualified energy 77329  
project using renewable energy resources was exempt from taxation 77330  
under this section beginning in any of tax years 2011 through ~~2021~~ 77331  
2023, and the certification under division (E)(2) of this section 77332  
has not been revoked, the tangible personal property of the 77333  
qualified energy project is exempt from taxation for tax year ~~2022~~ 77334  
2024 and all ensuing tax years if the property was placed into 77335  
service before January 1, ~~2022~~ 2024, as certified in the 77336  
construction progress report required under division (F)(2) of 77337  
this section. Tangible personal property that has not been placed 77338  
into service before that date is taxable property subject to 77339  
taxation. An energy project for which certification has been 77340  
revoked is ineligible for further exemption under this section. 77341  
Revocation does not affect the tax-exempt status of the project's 77342  
tangible personal property for the tax year in which revocation 77343  
occurs or any prior tax year. 77344

(C) Tangible personal property of a qualified energy project 77345  
using clean coal technology, advanced nuclear technology, or 77346  
cogeneration technology is exempt from taxation for the first tax 77347  
year that the property would be listed for taxation and all 77348  
subsequent years if all of the following circumstances are met: 77349

(1) The property was placed into service before January 1, 77350  
2021. Tangible personal property that has not been placed into 77351  
service before that date is taxable property subject to taxation. 77352

(2) For such a qualified energy project with a nameplate 77353  
capacity of five megawatts or greater, a board of county 77354  
commissioners of a county in which property of the qualified 77355  
energy project is located has adopted a resolution under division 77356  
(E)(1)(b) or (c) of this section to approve the application 77357  
submitted under division (E) of this section to exempt the 77358  
property located in that county from taxation. A board's adoption 77359



of a resolution rejecting the application or its failure to adopt 77360  
a resolution approving the application does not affect the 77361  
tax-exempt status of the qualified energy project's property that 77362  
is located in another county. 77363

(3) The certification for the qualified energy project issued 77364  
under division (E)(2) of this section has not been revoked. An 77365  
energy project for which certification has been revoked is 77366  
ineligible for exemption under this section. Revocation does not 77367  
affect the tax-exempt status of the project's tangible personal 77368  
property for the tax year in which revocation occurs or any prior 77369  
tax year. 77370

(D) Except as otherwise provided in this section, real 77371  
property of a qualified energy project is exempt from taxation for 77372  
any tax year for which the tangible personal property of the 77373  
qualified energy project is exempted under this section. 77374

(E)(1)(a) A person may apply to the director of development 77375  
services for certification of an energy project as a qualified 77376  
energy project on or before the following dates: 77377

(i) December 31, ~~2020~~ 2022, for an energy project using 77378  
renewable energy resources; 77379

(ii) December 31, 2017, for an energy project using clean 77380  
coal technology, advanced nuclear technology, or cogeneration 77381  
technology. 77382

(b) The director shall forward a copy of each application for 77383  
certification of an energy project with a nameplate capacity of 77384  
five megawatts or greater to the board of county commissioners of 77385  
each county in which the project is located and to each taxing 77386  
unit with territory located in each of the affected counties. Any 77387  
board that receives from the director a copy of an application 77388  
submitted under this division shall adopt a resolution approving 77389  
or rejecting the application unless it has adopted a resolution 77390

under division (E)(1)(c) of this section. A resolution adopted 77391  
under division (E)(1)(b) or (c) of this section may require an 77392  
annual service payment to be made in addition to the service 77393  
payment required under division (G) of this section. The sum of 77394  
the service payment required in the resolution and the service 77395  
payment required under division (G) of this section shall not 77396  
exceed nine thousand dollars per megawatt of nameplate capacity 77397  
located in the county. The resolution shall specify the time and 77398  
manner in which the payments required by the resolution shall be 77399  
paid to the county treasurer. The county treasurer shall deposit 77400  
the payment to the credit of the county's general fund to be used 77401  
for any purpose for which money credited to that fund may be used. 77402

The board shall send copies of the resolution to the owner of 77403  
the facility and the director by certified mail or, if the board 77404  
has record of an internet identifier of record associated with the 77405  
owner or director, by ordinary mail and by that internet 77406  
identifier of record. The board shall send such notice within 77407  
thirty days after receipt of the application, or a longer period 77408  
of time if authorized by the director. 77409

(c) A board of county commissioners may adopt a resolution 77410  
declaring the county to be an alternative energy zone and 77411  
declaring all applications submitted to the director of 77412  
development services under this division after the adoption of the 77413  
resolution, and prior to its repeal, to be approved by the board. 77414

All tangible personal property and real property of an energy 77415  
project with a nameplate capacity of five megawatts or greater is 77416  
taxable if it is located in a county in which the board of county 77417  
commissioners adopted a resolution rejecting the application 77418  
submitted under this division or failed to adopt a resolution 77419  
approving the application under division (E)(1)(b) or (c) of this 77420  
section. 77421

(2) The director shall certify an energy project if all of 77422

the following circumstances exist: 77423

(a) The application was timely submitted. 77424

(b) For an energy project with a nameplate capacity of five 77425  
megawatts or greater, a board of county commissioners of at least 77426  
one county in which the project is located has adopted a 77427  
resolution approving the application under division (E)(1)(b) or 77428  
(c) of this section. 77429

(c) No portion of the project's facility was used to supply 77430  
electricity before December 31, 2009. 77431

(3) The director shall deny a certification application if 77432  
the director determines the person has failed to comply with any 77433  
requirement under this section. The director may revoke a 77434  
certification if the director determines the person, or subsequent 77435  
owner or lessee pursuant to a sale and leaseback transaction of 77436  
the qualified energy project, has failed to comply with any 77437  
requirement under this section. Upon certification or revocation, 77438  
the director shall notify the person, owner, or lessee, the tax 77439  
commissioner, and the county auditor of a county in which the 77440  
project is located of the certification or revocation. Notice 77441  
shall be provided in a manner convenient to the director. 77442

(F) The owner or a lessee pursuant to a sale and leaseback 77443  
transaction of a qualified energy project shall do each of the 77444  
following: 77445

(1) Comply with all applicable regulations; 77446

(2) File with the director of development services a 77447  
certified construction progress report before the first day of 77448  
March of each year during the energy facility's construction or 77449  
installation indicating the percentage of the project completed, 77450  
and the project's nameplate capacity, as of the preceding 77451  
thirty-first day of December. Unless otherwise instructed by the 77452  
director of development services, the owner or lessee of an energy 77453

project shall file a report with the director on or before the 77454  
first day of March each year after completion of the energy 77455  
facility's construction or installation indicating the project's 77456  
nameplate capacity as of the preceding thirty-first day of 77457  
December. Not later than sixty days after June 17, 2010, the owner 77458  
or lessee of an energy project, the construction of which was 77459  
completed before June 17, 2010, shall file a certificate 77460  
indicating the project's nameplate capacity. 77461

(3) File with the director of development services, in a 77462  
manner prescribed by the director, a report of the total number of 77463  
full-time equivalent employees, and the total number of full-time 77464  
equivalent employees domiciled in Ohio, who are employed in the 77465  
construction or installation of the energy facility; 77466

(4) For energy projects with a nameplate capacity of five 77467  
megawatts or greater, repair all roads, bridges, and culverts 77468  
affected by construction as reasonably required to restore them to 77469  
their preconstruction condition, as determined by the county 77470  
engineer in consultation with the local jurisdiction responsible 77471  
for the roads, bridges, and culverts. In the event that the county 77472  
engineer deems any road, bridge, or culvert to be inadequate to 77473  
support the construction or decommissioning of the energy 77474  
facility, the road, bridge, or culvert shall be rebuilt or 77475  
reinforced to the specifications established by the county 77476  
engineer prior to the construction or decommissioning of the 77477  
facility. The owner or lessee of the facility shall post a bond in 77478  
an amount established by the county engineer and to be held by the 77479  
board of county commissioners to ensure funding for repairs of 77480  
roads, bridges, and culverts affected during the construction. The 77481  
bond shall be released by the board not later than one year after 77482  
the date the repairs are completed. The energy facility owner or 77483  
lessee pursuant to a sale and leaseback transaction shall post a 77484  
bond, as may be required by the Ohio power siting board in the 77485

certificate authorizing commencement of construction issued 77486  
pursuant to section 4906.10 of the Revised Code, to ensure funding 77487  
for repairs to roads, bridges, and culverts resulting from 77488  
decommissioning of the facility. The energy facility owner or 77489  
lessee and the county engineer may enter into an agreement 77490  
regarding specific transportation plans, reinforcements, 77491  
modifications, use and repair of roads, financial security to be 77492  
provided, and any other relevant issue. 77493

(5) Provide or facilitate training for fire and emergency 77494  
responders for response to emergency situations related to the 77495  
energy project and, for energy projects with a nameplate capacity 77496  
of five megawatts or greater, at the person's expense, equip the 77497  
fire and emergency responders with proper equipment as reasonably 77498  
required to enable them to respond to such emergency situations; 77499

(6) Maintain a ratio of Ohio-domiciled full-time equivalent 77500  
employees employed in the construction or installation of the 77501  
energy project to total full-time equivalent employees employed in 77502  
the construction or installation of the energy project of not less 77503  
than eighty per cent in the case of a solar energy project, and 77504  
not less than fifty per cent in the case of any other energy 77505  
project. In the case of an energy project for which certification 77506  
from the power siting board is required under section 4906.20 of 77507  
the Revised Code, the number of full-time equivalent employees 77508  
employed in the construction or installation of the energy project 77509  
equals the number actually employed or the number projected to be 77510  
employed in the certificate application, if such projection is 77511  
required under regulations adopted pursuant to section 4906.03 of 77512  
the Revised Code, whichever is greater. For all other energy 77513  
projects, the number of full-time equivalent employees employed in 77514  
the construction or installation of the energy project equals the 77515  
number actually employed or the number projected to be employed by 77516  
the director of development services, whichever is greater. To 77517

estimate the number of employees to be employed in the 77518  
construction or installation of an energy project, the director 77519  
shall use a generally accepted job-estimating model in use for 77520  
renewable energy projects, including but not limited to the job 77521  
and economic development impact model. The director may adjust an 77522  
estimate produced by a model to account for variables not 77523  
accounted for by the model. 77524

(7) For energy projects with a nameplate capacity in excess 77525  
of two megawatts, establish a relationship with a member of the 77526  
university system of Ohio as defined in section 3345.011 of the 77527  
Revised Code or with a person offering an apprenticeship program 77528  
registered with the employment and training administration within 77529  
the United States department of labor or with the apprenticeship 77530  
council created by section 4139.02 of the Revised Code, to educate 77531  
and train individuals for careers in the wind or solar energy 77532  
industry. The relationship may include endowments, cooperative 77533  
programs, internships, apprenticeships, research and development 77534  
projects, and curriculum development. 77535

(8) Offer to sell power or renewable energy credits from the 77536  
energy project to electric distribution utilities or electric 77537  
service companies subject to renewable energy resource 77538  
requirements under section 4928.64 of the Revised Code that have 77539  
issued requests for proposal for such power or renewable energy 77540  
credits. If no electric distribution utility or electric service 77541  
company issues a request for proposal on or before December 31, 77542  
2010, or accepts an offer for power or renewable energy credits 77543  
within forty-five days after the offer is submitted, power or 77544  
renewable energy credits from the energy project may be sold to 77545  
other persons. Division (F)(8) of this section does not apply if: 77546

(a) The owner or lessee is a rural electric company or a 77547  
municipal power agency as defined in section 3734.058 of the 77548  
Revised Code. 77549

(b) The owner or lessee is a person that, before completion of the energy project, contracted for the sale of power or renewable energy credits with a rural electric company or a municipal power agency.

(c) The owner or lessee contracts for the sale of power or renewable energy credits from the energy project before June 17, 2010.

(9) Make annual service payments as required by division (G) of this section and as may be required in a resolution adopted by a board of county commissioners under division (E) of this section.

(G) The owner or a lessee pursuant to a sale and leaseback transaction of a qualified energy project shall make annual service payments in lieu of taxes to the county treasurer on or before the final dates for payments of taxes on public utility personal property on the real and public utility personal property tax list for each tax year for which property of the energy project is exempt from taxation under this section. The county treasurer shall allocate the payment on the basis of the project's physical location. Upon receipt of a payment, or if timely payment has not been received, the county treasurer shall certify such receipt or non-receipt to the director of development services and tax commissioner in a form determined by the director and commissioner, respectively. Each payment shall be in the following amount:

(1) In the case of a solar energy project, seven thousand dollars per megawatt of nameplate capacity located in the county as of ~~the thirty-first-day of December 31, 2010, for tax year 2011, as of December 31, 2011, for tax year 2012, as of December 31, 2012, for tax year 2013, as of December 31, 2013, for tax year 2014, as of December 31, 2014, for tax year 2015, as of December 31, 2015, for tax year 2016, and as of December 31, 2016, for tax~~

~~year 2017 and each of the preceding tax year thereafter;~~ 77582

(2) In the case of any other energy project using renewable energy resources, the following: 77583  
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(a) If the project maintains during the construction or installation of the energy facility a ratio of Ohio-domiciled full-time equivalent employees to total full-time equivalent employees of not less than seventy-five per cent, six thousand dollars per megawatt of nameplate capacity located in the county as of the thirty-first day of December of the preceding tax year; 77585  
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(b) If the project maintains during the construction or installation of the energy facility a ratio of Ohio-domiciled full-time equivalent employees to total full-time equivalent employees of less than seventy-five per cent but not less than sixty per cent, seven thousand dollars per megawatt of nameplate capacity located in the county as of the thirty-first day of December of the preceding tax year; 77591  
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(c) If the project maintains during the construction or installation of the energy facility a ratio of Ohio-domiciled full-time equivalent employees to total full-time equivalent employees of less than sixty per cent but not less than fifty per cent, eight thousand dollars per megawatt of nameplate capacity located in the county as of the thirty-first day of December of the preceding tax year. 77598  
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(3) In the case of an energy project using clean coal technology, advanced nuclear technology, or cogeneration technology, the following: 77605  
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(a) If the project maintains during the construction or installation of the energy facility a ratio of Ohio-domiciled full-time equivalent employees to total full-time equivalent employees of not less than seventy-five per cent, six thousand dollars per megawatt of nameplate capacity located in the county 77608  
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as of the thirty-first day of December of the preceding tax year; 77613

(b) If the project maintains during the construction or 77614  
installation of the energy facility a ratio of Ohio-domiciled 77615  
full-time equivalent employees to total full-time equivalent 77616  
employees of less than seventy-five per cent but not less than 77617  
sixty per cent, seven thousand dollars per megawatt of nameplate 77618  
capacity located in the county as of the thirty-first day of 77619  
December of the preceding tax year; 77620

(c) If the project maintains during the construction or 77621  
installation of the energy facility a ratio of Ohio-domiciled 77622  
full-time equivalent employees to total full-time equivalent 77623  
employees of less than sixty per cent but not less than fifty per 77624  
cent, eight thousand dollars per megawatt of nameplate capacity 77625  
located in the county as of the thirty-first day of December of 77626  
the preceding tax year. 77627

(H) The director of development services in consultation with 77628  
the tax commissioner shall adopt rules pursuant to Chapter 119. of 77629  
the Revised Code to implement and enforce this section. 77630

**Sec. 5733.98.** (A) To provide a uniform procedure for 77631  
calculating the amount of tax imposed by section 5733.06 of the 77632  
Revised Code that is due under this chapter, a taxpayer shall 77633  
claim any credits to which it is entitled in the following order, 77634  
except as otherwise provided in section 5733.058 of the Revised 77635  
Code: 77636

(1) For tax year 2005, the credit for taxes paid by a 77637  
qualifying pass-through entity allowed under section 5733.0611 of 77638  
the Revised Code; 77639

(2) The credit allowed for financial institutions under 77640  
section 5733.45 of the Revised Code; 77641

(3) The credit for qualifying affiliated groups under section 77642

5733.068 of the Revised Code;	77643
(4) The subsidiary corporation credit under section 5733.067 of the Revised Code;	77644 77645
(5) The credit for recycling and litter prevention donations under section 5733.064 of the Revised Code;	77646 77647
(6) The credit for employers that enter into agreements with child day-care centers under section 5733.36 of the Revised Code;	77648 77649
(7) The credit for employers that reimburse employee child care expenses under section 5733.38 of the Revised Code;	77650 77651
(8) The credit for purchases of lights and reflectors under section 5733.44 of the Revised Code;	77652 77653
(9) The nonrefundable job retention credit under division (B) of section 5733.0610 of the Revised Code;	77654 77655
(10) The second credit for purchases of new manufacturing machinery and equipment under section 5733.33 of the Revised Code;	77656 77657
(11) The job training credit under section 5733.42 of the Revised Code;	77658 77659
(12) The credit for qualified research expenses under section 5733.351 of the Revised Code;	77660 77661
(13) The enterprise zone credit under section 5709.66 of the Revised Code;	77662 77663
(14) The credit for the eligible costs associated with a voluntary action under section 5733.34 of the Revised Code;	77664 77665
(15) The credit for employers that establish on-site child day-care centers under section 5733.37 of the Revised Code;	77666 77667
(16) The ethanol plant investment credit under section 5733.46 of the Revised Code;	77668 77669
(17) The credit for purchases of qualifying grape production property under section 5733.32 of the Revised Code;	77670 77671

(18) The export sales credit under section 5733.069 of the Revised Code;	77672 77673
(19) The enterprise zone credits under section 5709.65 of the Revised Code;	77674 77675
(20) The credit for using Ohio coal under section 5733.39 of the Revised Code;	77676 77677
(21) The credit for purchases of qualified low-income community investments under section 5733.58 of the Revised Code;	77678 77679
(22) The credit for small telephone companies under section 5733.57 of the Revised Code;	77680 77681
(23) The credit for eligible nonrecurring 9-1-1 charges under section 5733.55 of the Revised Code;	77682 77683
(24) For tax year 2005, the credit for providing programs to aid the communicatively impaired under division (A) of section 5733.56 of the Revised Code;	77684 77685 77686
(25) The research and development credit under section 5733.352 of the Revised Code;	77687 77688
(26) For tax years 2006 and subsequent tax years, the credit for taxes paid by a qualifying pass-through entity allowed under section 5733.0611 of the Revised Code;	77689 77690 77691
(27) The refundable credit for rehabilitating a historic building under section 5733.47 of the Revised Code;	77692 77693
(28) The refundable jobs creation credit or job retention credit under division (A) of section 5733.0610 of the Revised Code;	77694 77695 77696
(29) The refundable credit for tax withheld under division (B)(2) of section 5747.062 of the Revised Code;	77697 77698
(30) The refundable credit under section 5733.49 of the Revised Code for losses on loans made to the Ohio venture capital	77699 77700

program under sections 150.01 to 150.10 of the Revised Code; 77701

(31) For tax years 2006, 2007, and 2008, the refundable 77702  
credit allowable under division (B) of section 5733.56 of the 77703  
Revised Code; 77704

(32) The refundable motion picture and Broadway theatrical 77705  
production credit under section 5733.59 of the Revised Code. 77706

(B) For any credit except the refundable credits enumerated 77707  
in this section, the amount of the credit for a tax year shall not 77708  
exceed the tax due after allowing for any other credit that 77709  
precedes it in the order required under this section. Any excess 77710  
amount of a particular credit may be carried forward if authorized 77711  
under the section creating that credit. 77712

**Sec. 5739.01.** As used in this chapter: 77713

(A) "Person" includes individuals, receivers, assignees, 77714  
trustees in bankruptcy, estates, firms, partnerships, 77715  
associations, joint-stock companies, joint ventures, clubs, 77716  
societies, corporations, the state and its political subdivisions, 77717  
and combinations of individuals of any form. 77718

(B) "Sale" and "selling" include all of the following 77719  
transactions for a consideration in any manner, whether absolutely 77720  
or conditionally, whether for a price or rental, in money or by 77721  
exchange, and by any means whatsoever: 77722

(1) All transactions by which title or possession, or both, 77723  
of tangible personal property, is or is to be transferred, or a 77724  
license to use or consume tangible personal property is or is to 77725  
be granted; 77726

(2) All transactions by which lodging by a hotel is or is to 77727  
be furnished to transient guests; 77728

(3) All transactions by which: 77729

- (a) An item of tangible personal property is or is to be repaired, except property, the purchase of which would not be subject to the tax imposed by section 5739.02 of the Revised Code; 77730  
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- (b) An item of tangible personal property is or is to be installed, except property, the purchase of which would not be subject to the tax imposed by section 5739.02 of the Revised Code or property that is or is to be incorporated into and will become a part of a production, transmission, transportation, or distribution system for the delivery of a public utility service; 77733  
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- (c) The service of washing, cleaning, waxing, polishing, or painting a motor vehicle is or is to be furnished; 77739  
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- (d) Until August 1, 2003, industrial laundry cleaning services are or are to be provided and, on and after August 1, 2003, laundry and dry cleaning services are or are to be provided; 77741  
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- (e) Automatic data processing, computer services, or electronic information services are or are to be provided for use in business when the true object of the transaction is the receipt by the consumer of automatic data processing, computer services, or electronic information services rather than the receipt of personal or professional services to which automatic data processing, computer services, or electronic information services are incidental or supplemental. Notwithstanding any other provision of this chapter, such transactions that occur between members of an affiliated group are not sales. An "affiliated group" means two or more persons related in such a way that one person owns or controls the business operation of another member of the group. In the case of corporations with stock, one corporation owns or controls another if it owns more than fifty per cent of the other corporation's common stock with voting rights. 77744  
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- (f) Telecommunications service, including prepaid calling 77760

service, prepaid wireless calling service, or ancillary service, 77761  
is or is to be provided, but not including coin-operated telephone 77762  
service; 77763

(g) Landscaping and lawn care service is or is to be 77764  
provided; 77765

(h) Private investigation and security service is or is to be 77766  
provided; 77767

(i) Information services or tangible personal property is 77768  
provided or ordered by means of a nine hundred telephone call; 77769

(j) Building maintenance and janitorial service is or is to 77770  
be provided; 77771

(k) Employment service is or is to be provided; 77772

(l) Employment placement service is or is to be provided; 77773

(m) Exterminating service is or is to be provided; 77774

(n) Physical fitness facility service is or is to be 77775  
provided; 77776

(o) Recreation and sports club service is or is to be 77777  
provided; 77778

(p) On and after August 1, 2003, satellite broadcasting 77779  
service is or is to be provided; 77780

(q) On and after August 1, 2003, personal care service is or 77781  
is to be provided to an individual. As used in this division, 77782  
"personal care service" includes skin care, the application of 77783  
cosmetics, manicuring, pedicuring, hair removal, tattooing, body 77784  
piercing, tanning, massage, and other similar services. "Personal 77785  
care service" does not include a service provided by or on the 77786  
order of a licensed physician or licensed chiropractor, or the 77787  
cutting, coloring, or styling of an individual's hair. 77788

(r) On and after August 1, 2003, the transportation of 77789

persons by motor vehicle or aircraft is or is to be provided, when 77790  
the transportation is entirely within this state, except for 77791  
transportation provided by an ambulance service, by a transit bus, 77792  
as defined in section 5735.01 of the Revised Code, and 77793  
transportation provided by a citizen of the United States holding 77794  
a certificate of public convenience and necessity issued under 49 77795  
U.S.C. 41102; 77796

(s) On and after August 1, 2003, motor vehicle towing service 77797  
is or is to be provided. As used in this division, "motor vehicle 77798  
towing service" means the towing or conveyance of a wrecked, 77799  
disabled, or illegally parked motor vehicle. 77800

(t) On and after August 1, 2003, snow removal service is or 77801  
is to be provided. As used in this division, "snow removal 77802  
service" means the removal of snow by any mechanized means, but 77803  
does not include the providing of such service by a person that 77804  
has less than five thousand dollars in sales of such service 77805  
during the calendar year. 77806

(u) Electronic publishing service is or is to be provided to 77807  
a consumer for use in business, except that such transactions 77808  
occurring between members of an affiliated group, as defined in 77809  
division (B)(3)(e) of this section, are not sales. 77810

(4) All transactions by which printed, imprinted, 77811  
overprinted, lithographic, multilithic, blueprinted, photostatic, 77812  
or other productions or reproductions of written or graphic matter 77813  
are or are to be furnished or transferred; 77814

(5) The production or fabrication of tangible personal 77815  
property for a consideration for consumers who furnish either 77816  
directly or indirectly the materials used in the production of 77817  
fabrication work; and include the furnishing, preparing, or 77818  
serving for a consideration of any tangible personal property 77819  
consumed on the premises of the person furnishing, preparing, or 77820

serving such tangible personal property. Except as provided in 77821  
section 5739.03 of the Revised Code, a construction contract 77822  
pursuant to which tangible personal property is or is to be 77823  
incorporated into a structure or improvement on and becoming a 77824  
part of real property is not a sale of such tangible personal 77825  
property. The construction contractor is the consumer of such 77826  
tangible personal property, provided that the sale and 77827  
installation of carpeting, the sale and installation of 77828  
agricultural land tile, the sale and erection or installation of 77829  
portable grain bins, or the provision of landscaping and lawn care 77830  
service and the transfer of property as part of such service is 77831  
never a construction contract. 77832

As used in division (B)(5) of this section: 77833

(a) "Agricultural land tile" means fired clay or concrete 77834  
tile, or flexible or rigid perforated plastic pipe or tubing, 77835  
incorporated or to be incorporated into a subsurface drainage 77836  
system appurtenant to land used or to be used primarily in 77837  
production by farming, agriculture, horticulture, or floriculture. 77838  
The term does not include such materials when they are or are to 77839  
be incorporated into a drainage system appurtenant to a building 77840  
or structure even if the building or structure is used or to be 77841  
used in such production. 77842

(b) "Portable grain bin" means a structure that is used or to 77843  
be used by a person engaged in farming or agriculture to shelter 77844  
the person's grain and that is designed to be disassembled without 77845  
significant damage to its component parts. 77846

(6) All transactions in which all of the shares of stock of a 77847  
closely held corporation are transferred, or an ownership interest 77848  
in a pass-through entity, as defined in section 5733.04 of the 77849  
Revised Code, is transferred, if the corporation or pass-through 77850  
entity is not engaging in business and its entire assets consist 77851  
of boats, planes, motor vehicles, or other tangible personal 77852



property operated primarily for the use and enjoyment of the 77853  
shareholders or owners; 77854

(7) All transactions in which a warranty, maintenance or 77855  
service contract, or similar agreement by which the vendor of the 77856  
warranty, contract, or agreement agrees to repair or maintain the 77857  
tangible personal property of the consumer is or is to be 77858  
provided; 77859

(8) The transfer of copyrighted motion picture films used 77860  
solely for advertising purposes, except that the transfer of such 77861  
films for exhibition purposes is not a sale; 77862

(9) On and after August 1, 2003, all transactions by which 77863  
tangible personal property is or is to be stored, except such 77864  
property that the consumer of the storage holds for sale in the 77865  
regular course of business; 77866

(10) All transactions in which "guaranteed auto protection" 77867  
is provided whereby a person promises to pay to the consumer the 77868  
difference between the amount the consumer receives from motor 77869  
vehicle insurance and the amount the consumer owes to a person 77870  
holding title to or a lien on the consumer's motor vehicle in the 77871  
event the consumer's motor vehicle suffers a total loss under the 77872  
terms of the motor vehicle insurance policy or is stolen and not 77873  
recovered, if the protection and its price are included in the 77874  
purchase or lease agreement; 77875

(11)(a) Except as provided in division (B)(11)(b) of this 77876  
section, on and after October 1, 2009, all transactions by which 77877  
health care services are paid for, reimbursed, provided, 77878  
delivered, arranged for, or otherwise made available by a medicaid 77879  
health insuring corporation pursuant to the corporation's contract 77880  
with the state. 77881

(b) If the centers for medicare and medicaid services of the 77882  
United States department of health and human services determines 77883

that the taxation of transactions described in division (B)(11)(a) 77884  
of this section constitutes an impermissible health care-related 77885  
tax under the "Social Security Act," section 1903(w), 42 U.S.C. 77886  
1396b(w), and regulations adopted thereunder, the medicaid 77887  
director shall notify the tax commissioner of that determination. 77888  
Beginning with the first day of the month following that 77889  
notification, the transactions described in division (B)(11)(a) of 77890  
this section are not sales for the purposes of this chapter or 77891  
Chapter 5741. of the Revised Code. The tax commissioner shall 77892  
order that the collection of taxes under sections 5739.02, 77893  
5739.021, 5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 77894  
5741.023 of the Revised Code shall cease for transactions 77895  
occurring on or after that date. 77896

(12) All transactions by which a specified digital product is 77897  
provided for permanent use or less than permanent use, regardless 77898  
of whether continued payment is required. 77899

Except as provided in this section, "sale" and "selling" do 77900  
not include transfers of interest in leased property where the 77901  
original lessee and the terms of the original lease agreement 77902  
remain unchanged, or professional, insurance, or personal service 77903  
transactions that involve the transfer of tangible personal 77904  
property as an inconsequential element, for which no separate 77905  
charges are made. 77906

(C) "Vendor" means the person providing the service or by 77907  
whom the transfer effected or license given by a sale is or is to 77908  
be made or given and, for sales described in division (B)(3)(i) of 77909  
this section, the telecommunications service vendor that provides 77910  
the nine hundred telephone service; if two or more persons are 77911  
engaged in business at the same place of business under a single 77912  
trade name in which all collections on account of sales by each 77913  
are made, such persons shall constitute a single vendor. 77914

Physicians, dentists, hospitals, and veterinarians who are 77915

engaged in selling tangible personal property as received from 77916  
others, such as eyeglasses, mouthwashes, dentifrices, or similar 77917  
articles, are vendors. Veterinarians who are engaged in 77918  
transferring to others for a consideration drugs, the dispensing 77919  
of which does not require an order of a licensed veterinarian or 77920  
physician under federal law, are vendors. 77921

The operator of any technology platform that connects a 77922  
consumer with another person who is providing a service subject to 77923  
the tax levied under this chapter, including a transportation 77924  
network company or a peer-to-peer car sharing program operating a 77925  
technology platform for the purpose of providing transportation 77926  
network company services or peer-to-peer car sharing program 77927  
services, shall be considered to be the vendor in such 77928  
transaction, regardless of whether that other person is an agent 77929  
of the operator. 77930

(D)(1) "Consumer" means the person for whom the service is 77931  
provided, to whom the transfer effected or license given by a sale 77932  
is or is to be made or given, to whom the service described in 77933  
division (B)(3)(f) or (i) of this section is charged, or to whom 77934  
the admission is granted. 77935

(2) Physicians, dentists, hospitals, and blood banks operated 77936  
by nonprofit institutions and persons licensed to practice 77937  
veterinary medicine, surgery, and dentistry are consumers of all 77938  
tangible personal property and services purchased by them in 77939  
connection with the practice of medicine, dentistry, the rendition 77940  
of hospital or blood bank service, or the practice of veterinary 77941  
medicine, surgery, and dentistry. In addition to being consumers 77942  
of drugs administered by them or by their assistants according to 77943  
their direction, veterinarians also are consumers of drugs that 77944  
under federal law may be dispensed only by or upon the order of a 77945  
licensed veterinarian or physician, when transferred by them to 77946  
others for a consideration to provide treatment to animals as 77947

directed by the veterinarian. 77948

(3) A person who performs a facility management, or similar 77949  
service contract for a contractee is a consumer of all tangible 77950  
personal property and services purchased for use in connection 77951  
with the performance of such contract, regardless of whether title 77952  
to any such property vests in the contractee. The purchase of such 77953  
property and services is not subject to the exception for resale 77954  
under division (E) of this section. 77955

(4)(a) In the case of a person who purchases printed matter 77956  
for the purpose of distributing it or having it distributed to the 77957  
public or to a designated segment of the public, free of charge, 77958  
that person is the consumer of that printed matter, and the 77959  
purchase of that printed matter for that purpose is a sale. 77960

(b) In the case of a person who produces, rather than 77961  
purchases, printed matter for the purpose of distributing it or 77962  
having it distributed to the public or to a designated segment of 77963  
the public, free of charge, that person is the consumer of all 77964  
tangible personal property and services purchased for use or 77965  
consumption in the production of that printed matter. That person 77966  
is not entitled to claim exemption under division (B)(42)(f) of 77967  
section 5739.02 of the Revised Code for any material incorporated 77968  
into the printed matter or any equipment, supplies, or services 77969  
primarily used to produce the printed matter. 77970

(c) The distribution of printed matter to the public or to a 77971  
designated segment of the public, free of charge, is not a sale to 77972  
the members of the public to whom the printed matter is 77973  
distributed or to any persons who purchase space in the printed 77974  
matter for advertising or other purposes. 77975

(5) A person who makes sales of any of the services listed in 77976  
division (B)(3) of this section is the consumer of any tangible 77977  
personal property used in performing the service. The purchase of 77978

that property is not subject to the resale exception under 77979  
division (E) of this section. 77980

(6) A person who engages in highway transportation for hire 77981  
is the consumer of all packaging materials purchased by that 77982  
person and used in performing the service, except for packaging 77983  
materials sold by such person in a transaction separate from the 77984  
service. 77985

(7) In the case of a transaction for health care services 77986  
under division (B)(11) of this section, a medicaid health insuring 77987  
corporation is the consumer of such services. The purchase of such 77988  
services by a medicaid health insuring corporation is not subject 77989  
to the exception for resale under division (E) of this section or 77990  
to the exemptions provided under divisions (B)(12), (18), (19), 77991  
and (22) of section 5739.02 of the Revised Code. 77992

(E) "Retail sale" and "sales at retail" include all sales, 77993  
except those in which the purpose of the consumer is to resell the 77994  
thing transferred or benefit of the service provided, by a person 77995  
engaging in business, in the form in which the same is, or is to 77996  
be, received by the person. 77997

(F) "Business" includes any activity engaged in by any person 77998  
with the object of gain, benefit, or advantage, either direct or 77999  
indirect. "Business" does not include the activity of a person in 78000  
managing and investing the person's own funds. 78001

(G) "Engaging in business" means commencing, conducting, or 78002  
continuing in business, and liquidating a business when the 78003  
liquidator thereof holds itself out to the public as conducting 78004  
such business. Making a casual sale is not engaging in business. 78005

(H)(1)(a) "Price," except as provided in divisions (H)(2), 78006  
(3), and (4) of this section, means the total amount of 78007  
consideration, including cash, credit, property, and services, for 78008  
which tangible personal property or services are sold, leased, or 78009

rented, valued in money, whether received in money or otherwise, 78010  
without any deduction for any of the following: 78011

- (i) The vendor's cost of the property sold; 78012
- (ii) The cost of materials used, labor or service costs, 78013  
interest, losses, all costs of transportation to the vendor, all 78014  
taxes imposed on the vendor, including the tax imposed under 78015  
Chapter 5751. of the Revised Code, and any other expense of the 78016  
vendor; 78017
- (iii) Charges by the vendor for any services necessary to 78018  
complete the sale; 78019
- (iv) On and after August 1, 2003, delivery charges. As used 78020  
in this division, "delivery charges" means charges by the vendor 78021  
for preparation and delivery to a location designated by the 78022  
consumer of tangible personal property or a service, including 78023  
transportation, shipping, postage, handling, crating, and packing. 78024
- (v) Installation charges; 78025
- (vi) Credit for any trade-in. 78026

(b) "Price" includes consideration received by the vendor 78027  
from a third party, if the vendor actually receives the 78028  
consideration from a party other than the consumer, and the 78029  
consideration is directly related to a price reduction or discount 78030  
on the sale; the vendor has an obligation to pass the price 78031  
reduction or discount through to the consumer; the amount of the 78032  
consideration attributable to the sale is fixed and determinable 78033  
by the vendor at the time of the sale of the item to the consumer; 78034  
and one of the following criteria is met: 78035

- (i) The consumer presents a coupon, certificate, or other 78036  
document to the vendor to claim a price reduction or discount 78037  
where the coupon, certificate, or document is authorized, 78038  
distributed, or granted by a third party with the understanding 78039

that the third party will reimburse any vendor to whom the coupon, certificate, or document is presented; 78040  
78041

(ii) The consumer identifies the consumer's self to the seller as a member of a group or organization entitled to a price reduction or discount. A preferred customer card that is available to any patron does not constitute membership in such a group or organization. 78042  
78043  
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(iii) The price reduction or discount is identified as a third party price reduction or discount on the invoice received by the consumer, or on a coupon, certificate, or other document presented by the consumer. 78047  
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(c) "Price" does not include any of the following: 78051

(i) Discounts, including cash, term, or coupons that are not reimbursed by a third party that are allowed by a vendor and taken by a consumer on a sale; 78052  
78053  
78054

(ii) Interest, financing, and carrying charges from credit extended on the sale of tangible personal property or services, if the amount is separately stated on the invoice, bill of sale, or similar document given to the purchaser; 78055  
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(iii) Any taxes legally imposed directly on the consumer that are separately stated on the invoice, bill of sale, or similar document given to the consumer. For the purpose of this division, the tax imposed under Chapter 5751. of the Revised Code is not a tax directly on the consumer, even if the tax or a portion thereof is separately stated. 78059  
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(iv) Notwithstanding divisions (H)(1)(b)(i) to (iii) of this section, any discount allowed by an automobile manufacturer to its employee, or to the employee of a supplier, on the purchase of a new motor vehicle from a new motor vehicle dealer in this state. 78065  
78066  
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(v) The dollar value of a gift card that is not sold by a 78069

vendor or purchased by a consumer and that is redeemed by the 78070  
consumer in purchasing tangible personal property or services if 78071  
the vendor is not reimbursed and does not receive compensation 78072  
from a third party to cover all or part of the gift card value. 78073  
For the purposes of this division, a gift card is not sold by a 78074  
vendor or purchased by a consumer if it is distributed pursuant to 78075  
an awards, loyalty, or promotional program. Past and present 78076  
purchases of tangible personal property or services by the 78077  
consumer shall not be treated as consideration exchanged for a 78078  
gift card. 78079

(2) In the case of a sale of any new motor vehicle by a new 78080  
motor vehicle dealer, as defined in section 4517.01 of the Revised 78081  
Code, in which another motor vehicle is accepted by the dealer as 78082  
part of the consideration received, "price" has the same meaning 78083  
as in division (H)(1) of this section, reduced by the credit 78084  
afforded the consumer by the dealer for the motor vehicle received 78085  
in trade. 78086

(3) In the case of a sale of any watercraft or outboard motor 78087  
by a watercraft dealer licensed in accordance with section 78088  
1547.543 of the Revised Code, in which another watercraft, 78089  
watercraft and trailer, or outboard motor is accepted by the 78090  
dealer as part of the consideration received, "price" has the same 78091  
meaning as in division (H)(1) of this section, reduced by the 78092  
credit afforded the consumer by the dealer for the watercraft, 78093  
watercraft and trailer, or outboard motor received in trade. As 78094  
used in this division, "watercraft" includes an outdrive unit 78095  
attached to the watercraft. 78096

(4) In the case of transactions for health care services 78097  
under division (B)(11) of this section, "price" means the amount 78098  
of managed care premiums received each month by a medicaid health 78099  
insuring corporation. 78100

(I) "Receipts" means the total amount of the prices of the 78101



sales of vendors, provided that the dollar value of gift cards 78102  
distributed pursuant to an awards, loyalty, or promotional 78103  
program, and cash discounts allowed and taken on sales at the time 78104  
they are consummated are not included, minus any amount deducted 78105  
as a bad debt pursuant to section 5739.121 of the Revised Code. 78106  
"Receipts" does not include the sale price of property returned or 78107  
services rejected by consumers when the full sale price and tax 78108  
are refunded either in cash or by credit. 78109

(J) "Place of business" means any location at which a person 78110  
engages in business. 78111

(K) "Premises" includes any real property or portion thereof 78112  
upon which any person engages in selling tangible personal 78113  
property at retail or making retail sales and also includes any 78114  
real property or portion thereof designated for, or devoted to, 78115  
use in conjunction with the business engaged in by such person. 78116

(L) "Casual sale" means a sale of an item of tangible 78117  
personal property that was obtained by the person making the sale, 78118  
through purchase or otherwise, for the person's own use and was 78119  
previously subject to any state's taxing jurisdiction on its sale 78120  
or use, and includes such items acquired for the seller's use that 78121  
are sold by an auctioneer employed directly by the person for such 78122  
purpose, provided the location of such sales is not the 78123  
auctioneer's permanent place of business. As used in this 78124  
division, "permanent place of business" includes any location 78125  
where such auctioneer has conducted more than two auctions during 78126  
the year. 78127

(M) "Hotel" means every establishment kept, used, maintained, 78128  
advertised, or held out to the public to be a place where sleeping 78129  
accommodations are offered to guests, in which five or more rooms 78130  
are used for the accommodation of such guests, whether the rooms 78131  
are in one or several structures, except as otherwise provided in 78132  
division (G) of section 5739.09 of the Revised Code. 78133

(N) "Transient guests" means persons occupying a room or 78134  
rooms for sleeping accommodations for less than thirty consecutive 78135  
days. 78136

(O) "Making retail sales" means the effecting of transactions 78137  
wherein one party is obligated to pay the price and the other 78138  
party is obligated to provide a service or to transfer title to or 78139  
possession of the item sold. "Making retail sales" does not 78140  
include the preliminary acts of promoting or soliciting the retail 78141  
sales, other than the distribution of printed matter which 78142  
displays or describes and prices the item offered for sale, nor 78143  
does it include delivery of a predetermined quantity of tangible 78144  
personal property or transportation of property or personnel to or 78145  
from a place where a service is performed. 78146

(P) "Used directly in the rendition of a public utility 78147  
service" means that property that is to be incorporated into and 78148  
will become a part of the consumer's production, transmission, 78149  
transportation, or distribution system and that retains its 78150  
classification as tangible personal property after such 78151  
incorporation; fuel or power used in the production, transmission, 78152  
transportation, or distribution system; and tangible personal 78153  
property used in the repair and maintenance of the production, 78154  
transmission, transportation, or distribution system, including 78155  
only such motor vehicles as are specially designed and equipped 78156  
for such use. Tangible personal property and services used 78157  
primarily in providing highway transportation for hire are not 78158  
used directly in the rendition of a public utility service. In 78159  
this definition, "public utility" includes a citizen of the United 78160  
States holding, and required to hold, a certificate of public 78161  
convenience and necessity issued under 49 U.S.C. 41102. 78162

(Q) "Refining" means removing or separating a desirable 78163  
product from raw or contaminated materials by distillation or 78164  
physical, mechanical, or chemical processes. 78165

(R) "Assembly" and "assembling" mean attaching or fitting 78166  
together parts to form a product, but do not include packaging a 78167  
product. 78168

(S) "Manufacturing operation" means a process in which 78169  
materials are changed, converted, or transformed into a different 78170  
state or form from which they previously existed and includes 78171  
refining materials, assembling parts, and preparing raw materials 78172  
and parts by mixing, measuring, blending, or otherwise committing 78173  
such materials or parts to the manufacturing process. 78174  
"Manufacturing operation" does not include packaging. 78175

(T) "Fiscal officer" means, with respect to a regional 78176  
transit authority, the secretary-treasurer thereof, and with 78177  
respect to a county that is a transit authority, the fiscal 78178  
officer of the county transit board if one is appointed pursuant 78179  
to section 306.03 of the Revised Code or the county auditor if the 78180  
board of county commissioners operates the county transit system. 78181

(U) "Transit authority" means a regional transit authority 78182  
created pursuant to section 306.31 of the Revised Code or a county 78183  
in which a county transit system is created pursuant to section 78184  
306.01 of the Revised Code. For the purposes of this chapter, a 78185  
transit authority must extend to at least the entire area of a 78186  
single county. A transit authority that includes territory in more 78187  
than one county must include all the area of the most populous 78188  
county that is a part of such transit authority. County population 78189  
shall be measured by the most recent census taken by the United 78190  
States census bureau. 78191

(V) "Legislative authority" means, with respect to a regional 78192  
transit authority, the board of trustees thereof, and with respect 78193  
to a county that is a transit authority, the board of county 78194  
commissioners. 78195

(W) "Territory of the transit authority" means all of the 78196

area included within the territorial boundaries of a transit 78197  
authority as they from time to time exist. Such territorial 78198  
boundaries must at all times include all the area of a single 78199  
county or all the area of the most populous county that is a part 78200  
of such transit authority. County population shall be measured by 78201  
the most recent census taken by the United States census bureau. 78202

(X) "Providing a service" means providing or furnishing 78203  
anything described in division (B)(3) of this section for 78204  
consideration. 78205

(Y)(1)(a) "Automatic data processing" means processing of 78206  
others' data, including keypunching or similar data entry services 78207  
together with verification thereof, or providing access to 78208  
computer equipment for the purpose of processing data. 78209

(b) "Computer services" means providing services consisting 78210  
of specifying computer hardware configurations and evaluating 78211  
technical processing characteristics, computer programming, and 78212  
training of computer programmers and operators, provided in 78213  
conjunction with and to support the sale, lease, or operation of 78214  
taxable computer equipment or systems. 78215

(c) "Electronic information services" means providing access 78216  
to computer equipment by means of telecommunications equipment for 78217  
the purpose of either of the following: 78218

(i) Examining or acquiring data stored in or accessible to 78219  
the computer equipment; 78220

(ii) Placing data into the computer equipment to be retrieved 78221  
by designated recipients with access to the computer equipment. 78222

For transactions occurring on or after the effective date of 78223  
the amendment of this section by H.B. 157 of the 127th general 78224  
assembly, December 21, 2007, "electronic information services" 78225  
does not include electronic publishing ~~as defined in division~~ 78226  
~~(LLL) of this section.~~ 78227

(d) "Automatic data processing, computer services, or 78228  
electronic information services" shall not include personal or 78229  
professional services. 78230

(2) As used in divisions (B)(3)(e) and (Y)(1) of this 78231  
section, "personal and professional services" means all services 78232  
other than automatic data processing, computer services, or 78233  
electronic information services, including but not limited to: 78234

(a) Accounting and legal services such as advice on tax 78235  
matters, asset management, budgetary matters, quality control, 78236  
information security, and auditing and any other situation where 78237  
the service provider receives data or information and studies, 78238  
alters, analyzes, interprets, or adjusts such material; 78239

(b) Analyzing business policies and procedures; 78240

(c) Identifying management information needs; 78241

(d) Feasibility studies, including economic and technical 78242  
analysis of existing or potential computer hardware or software 78243  
needs and alternatives; 78244

(e) Designing policies, procedures, and custom software for 78245  
collecting business information, and determining how data should 78246  
be summarized, sequenced, formatted, processed, controlled, and 78247  
reported so that it will be meaningful to management; 78248

(f) Developing policies and procedures that document how 78249  
business events and transactions are to be authorized, executed, 78250  
and controlled; 78251

(g) Testing of business procedures; 78252

(h) Training personnel in business procedure applications; 78253

(i) Providing credit information to users of such information 78254  
by a consumer reporting agency, as defined in the "Fair Credit 78255  
Reporting Act," 84 Stat. 1114, 1129 (1970), 15 U.S.C. 1681a(f), or 78256  
as hereafter amended, including but not limited to gathering, 78257

organizing, analyzing, recording, and furnishing such information 78258  
by any oral, written, graphic, or electronic medium; 78259

(j) Providing debt collection services by any oral, written, 78260  
graphic, or electronic means; 78261

(k) Providing digital advertising services. 78262

The services listed in divisions (Y)(2)(a) to (k) of this 78263  
section are not automatic data processing or computer services. 78264

(Z) "Highway transportation for hire" means the 78265  
transportation of personal property belonging to others for 78266  
consideration by any of the following: 78267

(1) The holder of a permit or certificate issued by this 78268  
state or the United States authorizing the holder to engage in 78269  
transportation of personal property belonging to others for 78270  
consideration over or on highways, roadways, streets, or any 78271  
similar public thoroughfare; 78272

(2) A person who engages in the transportation of personal 78273  
property belonging to others for consideration over or on 78274  
highways, roadways, streets, or any similar public thoroughfare 78275  
but who could not have engaged in such transportation on December 78276  
11, 1985, unless the person was the holder of a permit or 78277  
certificate of the types described in division (Z)(1) of this 78278  
section; 78279

(3) A person who leases a motor vehicle to and operates it 78280  
for a person described by division (Z)(1) or (2) of this section. 78281

(AA)(1) "Telecommunications service" means the electronic 78282  
transmission, conveyance, or routing of voice, data, audio, video, 78283  
or any other information or signals to a point, or between or 78284  
among points. "Telecommunications service" includes such 78285  
transmission, conveyance, or routing in which computer processing 78286  
applications are used to act on the form, code, or protocol of the 78287

content for purposes of transmission, conveyance, or routing	78288
without regard to whether the service is referred to as voice-over	78289
internet protocol service or is classified by the federal	78290
communications commission as enhanced or value-added.	78291
"Telecommunications service" does not include any of the	78292
following:	78293
(a) Data processing and information services that allow data	78294
to be generated, acquired, stored, processed, or retrieved and	78295
delivered by an electronic transmission to a consumer where the	78296
consumer's primary purpose for the underlying transaction is the	78297
processed data or information;	78298
(b) Installation or maintenance of wiring or equipment on a	78299
customer's premises;	78300
(c) Tangible personal property;	78301
(d) Advertising, including directory advertising;	78302
(e) Billing and collection services provided to third	78303
parties;	78304
(f) Internet access service;	78305
(g) Radio and television audio and video programming	78306
services, regardless of the medium, including the furnishing of	78307
transmission, conveyance, and routing of such services by the	78308
programming service provider. Radio and television audio and video	78309
programming services include, but are not limited to, cable	78310
service, as defined in 47 U.S.C. 522(6), and audio and video	78311
programming services delivered by commercial mobile radio service	78312
providers, as defined in 47 C.F.R. 20.3;	78313
(h) Ancillary service;	78314
(i) Digital products delivered electronically, including	78315
software, music, video, reading materials, or ring tones.	78316
(2) "Ancillary service" means a service that is associated	78317

with or incidental to the provision of telecommunications service, 78318  
including conference bridging service, detailed telecommunications 78319  
billing service, directory assistance, vertical service, and voice 78320  
mail service. As used in this division: 78321

(a) "Conference bridging service" means an ancillary service 78322  
that links two or more participants of an audio or video 78323  
conference call, including providing a telephone number. 78324  
"Conference bridging service" does not include telecommunications 78325  
services used to reach the conference bridge. 78326

(b) "Detailed telecommunications billing service" means an 78327  
ancillary service of separately stating information pertaining to 78328  
individual calls on a customer's billing statement. 78329

(c) "Directory assistance" means an ancillary service of 78330  
providing telephone number or address information. 78331

(d) "Vertical service" means an ancillary service that is 78332  
offered in connection with one or more telecommunications 78333  
services, which offers advanced calling features that allow 78334  
customers to identify callers and manage multiple calls and call 78335  
connections, including conference bridging service. 78336

(e) "Voice mail service" means an ancillary service that 78337  
enables the customer to store, send, or receive recorded messages. 78338  
"Voice mail service" does not include any vertical services that 78339  
the customer may be required to have in order to utilize the voice 78340  
mail service. 78341

(3) "900 service" means an inbound toll telecommunications 78342  
service purchased by a subscriber that allows the subscriber's 78343  
customers to call in to the subscriber's prerecorded announcement 78344  
or live service, and which is typically marketed under the name 78345  
"900 service" and any subsequent numbers designated by the federal 78346  
communications commission. "900 service" does not include the 78347  
charge for collection services provided by the seller of the 78348



telecommunications service to the subscriber, or services or 78349  
products sold by the subscriber to the subscriber's customer. 78350

(4) "Prepaid calling service" means the right to access 78351  
exclusively telecommunications services, which must be paid for in 78352  
advance and which enables the origination of calls using an access 78353  
number or authorization code, whether manually or electronically 78354  
dialed, and that is sold in predetermined units or dollars of 78355  
which the number declines with use in a known amount. 78356

(5) "Prepaid wireless calling service" means a 78357  
telecommunications service that provides the right to utilize 78358  
mobile telecommunications service as well as other 78359  
non-telecommunications services, including the download of digital 78360  
products delivered electronically, and content and ancillary 78361  
services, that must be paid for in advance and that is sold in 78362  
predetermined units or dollars of which the number declines with 78363  
use in a known amount. 78364

(6) "Value-added non-voice data service" means a 78365  
telecommunications service in which computer processing 78366  
applications are used to act on the form, content, code, or 78367  
protocol of the information or data primarily for a purpose other 78368  
than transmission, conveyance, or routing. 78369

(7) "Coin-operated telephone service" means a 78370  
telecommunications service paid for by inserting money into a 78371  
telephone accepting direct deposits of money to operate. 78372

(8) "Customer" has the same meaning as in section 5739.034 of 78373  
the Revised Code. 78374

(BB) "Laundry and dry cleaning services" means removing soil 78375  
or dirt from towels, linens, articles of clothing, or other fabric 78376  
items that belong to others and supplying towels, linens, articles 78377  
of clothing, or other fabric items. "Laundry and dry cleaning 78378  
services" does not include the provision of self-service 78379

facilities for use by consumers to remove soil or dirt from 78380  
towels, linens, articles of clothing, or other fabric items. 78381

(CC) "Magazines distributed as controlled circulation 78382  
publications" means magazines containing at least twenty-four 78383  
pages, at least twenty-five per cent editorial content, issued at 78384  
regular intervals four or more times a year, and circulated 78385  
without charge to the recipient, provided that such magazines are 78386  
not owned or controlled by individuals or business concerns which 78387  
conduct such publications as an auxiliary to, and essentially for 78388  
the advancement of the main business or calling of, those who own 78389  
or control them. 78390

(DD) "Landscaping and lawn care service" means the services 78391  
of planting, seeding, sodding, removing, cutting, trimming, 78392  
pruning, mulching, aerating, applying chemicals, watering, 78393  
fertilizing, and providing similar services to establish, promote, 78394  
or control the growth of trees, shrubs, flowers, grass, ground 78395  
cover, and other flora, or otherwise maintaining a lawn or 78396  
landscape grown or maintained by the owner for ornamentation or 78397  
other nonagricultural purpose. However, "landscaping and lawn care 78398  
service" does not include the providing of such services by a 78399  
person who has less than five thousand dollars in sales of such 78400  
services during the calendar year. 78401

(EE) "Private investigation and security service" means the 78402  
performance of any activity for which the provider of such service 78403  
is required to be licensed pursuant to Chapter 4749. of the 78404  
Revised Code, or would be required to be so licensed in performing 78405  
such services in this state, and also includes the services of 78406  
conducting polygraph examinations and of monitoring or overseeing 78407  
the activities on or in, or the condition of, the consumer's home, 78408  
business, or other facility by means of electronic or similar 78409  
monitoring devices. "Private investigation and security service" 78410  
does not include special duty services provided by off-duty police 78411

officers, deputy sheriffs, and other peace officers regularly 78412  
employed by the state or a political subdivision. 78413

(FF) "Information services" means providing conversation, 78414  
giving consultation or advice, playing or making a voice or other 78415  
recording, making or keeping a record of the number of callers, 78416  
and any other service provided to a consumer by means of a nine 78417  
hundred telephone call, except when the nine hundred telephone 78418  
call is the means by which the consumer makes a contribution to a 78419  
recognized charity. 78420

(GG) "Research and development" means designing, creating, or 78421  
formulating new or enhanced products, equipment, or manufacturing 78422  
processes, and also means conducting scientific or technological 78423  
inquiry and experimentation in the physical sciences with the goal 78424  
of increasing scientific knowledge which may reveal the bases for 78425  
new or enhanced products, equipment, or manufacturing processes. 78426

(HH) "Qualified research and development equipment" means 78427  
capitalized tangible personal property, and leased personal 78428  
property that would be capitalized if purchased, used by a person 78429  
primarily to perform research and development. Tangible personal 78430  
property primarily used in testing, as defined in division (A)(4) 78431  
of section 5739.011 of the Revised Code, or used for recording or 78432  
storing test results, is not qualified research and development 78433  
equipment unless such property is primarily used by the consumer 78434  
in testing the product, equipment, or manufacturing process being 78435  
created, designed, or formulated by the consumer in the research 78436  
and development activity or in recording or storing such test 78437  
results. 78438

(II) "Building maintenance and janitorial service" means 78439  
cleaning the interior or exterior of a building and any tangible 78440  
personal property located therein or thereon, including any 78441  
services incidental to such cleaning for which no separate charge 78442  
is made. However, "building maintenance and janitorial service" 78443

does not include the providing of such service by a person who has 78444  
less than five thousand dollars in sales of such service during 78445  
the calendar year. As used in this division, "cleaning" does not 78446  
include sanitation services necessary for an establishment 78447  
described in 21 U.S.C. 608 to comply with rules and regulations 78448  
adopted pursuant to that section. 78449

(JJ) "Employment service" means providing or supplying 78450  
personnel, on a temporary or long-term basis, to perform work or 78451  
labor under the supervision or control of another, when the 78452  
personnel so provided or supplied receive their wages, salary, or 78453  
other compensation from the provider or supplier of the employment 78454  
service or from a third party that provided or supplied the 78455  
personnel to the provider or supplier. "Employment service" does 78456  
not include: 78457

(1) Acting as a contractor or subcontractor, where the 78458  
personnel performing the work are not under the direct control of 78459  
the purchaser. 78460

(2) Medical and health care services. 78461

(3) Supplying personnel to a purchaser pursuant to a contract 78462  
of at least one year between the service provider and the 78463  
purchaser that specifies that each employee covered under the 78464  
contract is assigned to the purchaser on a permanent basis. 78465

(4) Transactions between members of an affiliated group, as 78466  
defined in division (B)(3)(e) of this section. 78467

(5) Transactions where the personnel so provided or supplied 78468  
by a provider or supplier to a purchaser of an employment service 78469  
are then provided or supplied by that purchaser to a third party 78470  
as an employment service, except "employment service" does include 78471  
the transaction between that purchaser and the third party. 78472

(KK) "Employment placement service" means locating or finding 78473  
employment for a person or finding or locating an employee to fill 78474

an available position. 78475

(LL) "Exterminating service" means eradicating or attempting 78476  
to eradicate vermin infestations from a building or structure, or 78477  
the area surrounding a building or structure, and includes 78478  
activities to inspect, detect, or prevent vermin infestation of a 78479  
building or structure. 78480

(MM) "Physical fitness facility service" means all 78481  
transactions by which a membership is granted, maintained, or 78482  
renewed, including initiation fees, membership dues, renewal fees, 78483  
monthly minimum fees, and other similar fees and dues, by a 78484  
physical fitness facility such as an athletic club, health spa, or 78485  
gymnasium, which entitles the member to use the facility for 78486  
physical exercise. 78487

(NN) "Recreation and sports club service" means all 78488  
transactions by which a membership is granted, maintained, or 78489  
renewed, including initiation fees, membership dues, renewal fees, 78490  
monthly minimum fees, and other similar fees and dues, by a 78491  
recreation and sports club, which entitles the member to use the 78492  
facilities of the organization. "Recreation and sports club" means 78493  
an organization that has ownership of, or controls or leases on a 78494  
continuing, long-term basis, the facilities used by its members 78495  
and includes an aviation club, gun or shooting club, yacht club, 78496  
card club, swimming club, tennis club, golf club, country club, 78497  
riding club, amateur sports club, or similar organization. 78498

(OO) "Livestock" means farm animals commonly raised for food, 78499  
food production, or other agricultural purposes, including, but 78500  
not limited to, cattle, sheep, goats, swine, poultry, and captive 78501  
deer. "Livestock" does not include invertebrates, amphibians, 78502  
reptiles, domestic pets, animals for use in laboratories or for 78503  
exhibition, or other animals not commonly raised for food or food 78504  
production. 78505

(PP) "Livestock structure" means a building or structure used exclusively for the housing, raising, feeding, or sheltering of livestock, and includes feed storage or handling structures and structures for livestock waste handling.

(QQ) "Horticulture" means the growing, cultivation, and production of flowers, fruits, herbs, vegetables, sod, mushrooms, and nursery stock. As used in this division, "nursery stock" has the same meaning as in section 927.51 of the Revised Code.

(RR) "Horticulture structure" means a building or structure used exclusively for the commercial growing, raising, or overwintering of horticultural products, and includes the area used for stocking, storing, and packing horticultural products when done in conjunction with the production of those products.

(SS) "Newspaper" means an unbound publication bearing a title or name that is regularly published, at least as frequently as biweekly, and distributed from a fixed place of business to the public in a specific geographic area, and that contains a substantial amount of news matter of international, national, or local events of interest to the general public.

~~(TT) "Professional racing team" means a person that employs at least twenty full-time employees for the purpose of conducting a motor vehicle racing business for profit. The person must conduct the business with the purpose of racing one or more motor racing vehicles in at least ten competitive professional racing events each year that comprise all or part of a motor racing series sanctioned by one or more motor racing sanctioning organizations. A "motor racing vehicle" means a vehicle for which the chassis, engine, and parts are designed exclusively for motor racing, and does not include a stock or production model vehicle that may be modified for use in racing. For the purposes of this division:~~

~~(1) A "competitive professional racing event" is a motor vehicle racing event sanctioned by one or more motor racing sanctioning organizations, at which aggregate cash prizes in excess of eight hundred thousand dollars are awarded to the competitors.~~

~~(2) "Full time employee" means an individual who is employed for consideration for thirty five or more hours a week, or who renders any other standard of service generally accepted by custom or specified by contract as full time employment.~~

"Transportation network company" and "transportation network company services" have the same meanings as in section 3942.01 of the Revised Code.

(UU)(1) "Lease" or "rental" means any transfer of the possession or control of tangible personal property for a fixed or indefinite term, for consideration. "Lease" or "rental" includes future options to purchase or extend, and agreements described in 26 U.S.C. 7701(h)(1) covering motor vehicles and trailers where the amount of consideration may be increased or decreased by reference to the amount realized upon the sale or disposition of the property. "Lease" or "rental" does not include:

(a) A transfer of possession or control of tangible personal property under a security agreement or a deferred payment plan that requires the transfer of title upon completion of the required payments;

(b) A transfer of possession or control of tangible personal property under an agreement that requires the transfer of title upon completion of required payments and payment of an option price that does not exceed the greater of one hundred dollars or one per cent of the total required payments;

(c) Providing tangible personal property along with an operator for a fixed or indefinite period of time, if the operator

is necessary for the property to perform as designed. For purposes 78568  
of this division, the operator must do more than maintain, 78569  
inspect, or set up the tangible personal property. 78570

(2) "Lease" and "rental," as defined in division (UU) of this 78571  
section, shall not apply to leases or rentals that exist before 78572  
June 26, 2003. 78573

(3) "Lease" and "rental" have the same meaning as in division 78574  
(UU)(1) of this section regardless of whether a transaction is 78575  
characterized as a lease or rental under generally accepted 78576  
accounting principles, the Internal Revenue Code, Title XIII of 78577  
the Revised Code, or other federal, state, or local laws. 78578

(VV) "Mobile telecommunications service" has the same meaning 78579  
as in the "Mobile Telecommunications Sourcing Act," Pub. L. No. 78580  
106-252, 114 Stat. 631 (2000), 4 U.S.C.A. 124(7), as amended, and, 78581  
on and after August 1, 2003, includes related fees and ancillary 78582  
services, including universal service fees, detailed billing 78583  
service, directory assistance, service initiation, voice mail 78584  
service, and vertical services, such as caller ID and three-way 78585  
calling. 78586

(WW) "Certified service provider" has the same meaning as in 78587  
section 5740.01 of the Revised Code. 78588

(XX) "Satellite broadcasting service" means the distribution 78589  
or broadcasting of programming or services by satellite directly 78590  
to the subscriber's receiving equipment without the use of ground 78591  
receiving or distribution equipment, except the subscriber's 78592  
receiving equipment or equipment used in the uplink process to the 78593  
satellite, and includes all service and rental charges, premium 78594  
channels or other special services, installation and repair 78595  
service charges, and any other charges having any connection with 78596  
the provision of the satellite broadcasting service. 78597

(YY) "Tangible personal property" means personal property 78598



that can be seen, weighed, measured, felt, or touched, or that is 78599  
in any other manner perceptible to the senses. For purposes of 78600  
this chapter and Chapter 5741. of the Revised Code, "tangible 78601  
personal property" includes motor vehicles, electricity, water, 78602  
gas, steam, and prewritten computer software. 78603

(ZZ) "Municipal gas utility" means a municipal corporation 78604  
that owns or operates a system for the distribution of natural 78605  
gas. 78606

(AAA) "Computer" means an electronic device that accepts 78607  
information in digital or similar form and manipulates it for a 78608  
result based on a sequence of instructions. 78609

(BBB) "Computer software" means a set of coded instructions 78610  
designed to cause a computer or automatic data processing 78611  
equipment to perform a task. 78612

(CCC) "Delivered electronically" means delivery of computer 78613  
software from the seller to the purchaser by means other than 78614  
tangible storage media. 78615

(DDD) "Prewritten computer software" means computer software, 78616  
including prewritten upgrades, that is not designed and developed 78617  
by the author or other creator to the specifications of a specific 78618  
purchaser. The combining of two or more prewritten computer 78619  
software programs or prewritten portions thereof does not cause 78620  
the combination to be other than prewritten computer software. 78621  
"Prewritten computer software" includes software designed and 78622  
developed by the author or other creator to the specifications of 78623  
a specific purchaser when it is sold to a person other than the 78624  
purchaser. If a person modifies or enhances computer software of 78625  
which the person is not the author or creator, the person shall be 78626  
deemed to be the author or creator only of such person's 78627  
modifications or enhancements. Prewritten computer software or a 78628  
prewritten portion thereof that is modified or enhanced to any 78629

degree, where such modification or enhancement is designed and 78630  
developed to the specifications of a specific purchaser, remains 78631  
prewritten computer software; provided, however, that where there 78632  
is a reasonable, separately stated charge or an invoice or other 78633  
statement of the price given to the purchaser for the modification 78634  
or enhancement, the modification or enhancement shall not 78635  
constitute prewritten computer software. 78636

(EEE)(1) "Food" means substances, whether in liquid, 78637  
concentrated, solid, frozen, dried, or dehydrated form, that are 78638  
sold for ingestion or chewing by humans and are consumed for their 78639  
taste or nutritional value. "Food" does not include alcoholic 78640  
beverages, dietary supplements, soft drinks, or tobacco. 78641

(2) As used in division (EEE)(1) of this section: 78642

(a) "Alcoholic beverages" means beverages that are suitable 78643  
for human consumption and contain one-half of one per cent or more 78644  
of alcohol by volume. 78645

(b) "Dietary supplements" means any product, other than 78646  
tobacco, that is intended to supplement the diet and that is 78647  
intended for ingestion in tablet, capsule, powder, softgel, 78648  
gelcap, or liquid form, or, if not intended for ingestion in such 78649  
a form, is not represented as conventional food for use as a sole 78650  
item of a meal or of the diet; that is required to be labeled as a 78651  
dietary supplement, identifiable by the "supplement facts" box 78652  
found on the label, as required by 21 C.F.R. 101.36; and that 78653  
contains one or more of the following dietary ingredients: 78654

(i) A vitamin; 78655

(ii) A mineral; 78656

(iii) An herb or other botanical; 78657

(iv) An amino acid; 78658

(v) A dietary substance for use by humans to supplement the 78659

diet by increasing the total dietary intake; 78660

(vi) A concentrate, metabolite, constituent, extract, or 78661  
combination of any ingredient described in divisions 78662  
(EEE)(2)(b)(i) to (v) of this section. 78663

(c) "Soft drinks" means nonalcoholic beverages that contain 78664  
natural or artificial sweeteners. "Soft drinks" does not include 78665  
beverages that contain milk or milk products, soy, rice, or 78666  
similar milk substitutes, or that contains greater than fifty per 78667  
cent vegetable or fruit juice by volume. 78668

(d) "Tobacco" means cigarettes, cigars, chewing or pipe 78669  
tobacco, or any other item that contains tobacco. 78670

(FFF) "Drug" means a compound, substance, or preparation, and 78671  
any component of a compound, substance, or preparation, other than 78672  
food, dietary supplements, or alcoholic beverages that is 78673  
recognized in the official United States pharmacopoeia, official 78674  
homeopathic pharmacopoeia of the United States, or official 78675  
national formulary, and supplements to them; is intended for use 78676  
in the diagnosis, cure, mitigation, treatment, or prevention of 78677  
disease; or is intended to affect the structure or any function of 78678  
the body. 78679

(GGG) "Prescription" means an order, formula, or recipe 78680  
issued in any form of oral, written, electronic, or other means of 78681  
transmission by a duly licensed practitioner authorized by the 78682  
laws of this state to issue a prescription. 78683

(HHH) "Durable medical equipment" means equipment, including 78684  
repair and replacement parts for such equipment, that can 78685  
withstand repeated use, is primarily and customarily used to serve 78686  
a medical purpose, generally is not useful to a person in the 78687  
absence of illness or injury, and is not worn in or on the body. 78688  
"Durable medical equipment" does not include mobility enhancing 78689  
equipment. 78690

(III) "Mobility enhancing equipment" means equipment, 78691  
including repair and replacement parts for such equipment, that is 78692  
primarily and customarily used to provide or increase the ability 78693  
to move from one place to another and is appropriate for use 78694  
either in a home or a motor vehicle, that is not generally used by 78695  
persons with normal mobility, and that does not include any motor 78696  
vehicle or equipment on a motor vehicle normally provided by a 78697  
motor vehicle manufacturer. "Mobility enhancing equipment" does 78698  
not include durable medical equipment. 78699

(JJJ) "Prosthetic device" means a replacement, corrective, or 78700  
supportive device, including repair and replacement parts for the 78701  
device, worn on or in the human body to artificially replace a 78702  
missing portion of the body, prevent or correct physical deformity 78703  
or malfunction, or support a weak or deformed portion of the body. 78704  
As used in this division, before July 1, 2019, "prosthetic device" 78705  
does not include corrective eyeglasses, contact lenses, or dental 78706  
prosthesis. On or after July 1, 2019, "prosthetic device" does not 78707  
include dental prosthesis but does include corrective eyeglasses 78708  
or contact lenses. 78709

(KKK)(1) "Fractional aircraft ownership program" means a 78710  
program in which persons within an affiliated group sell and 78711  
manage fractional ownership program aircraft, provided that at 78712  
least one hundred airworthy aircraft are operated in the program 78713  
and the program meets all of the following criteria: 78714

(a) Management services are provided by at least one program 78715  
manager within an affiliated group on behalf of the fractional 78716  
owners. 78717

(b) Each program aircraft is owned or possessed by at least 78718  
one fractional owner. 78719

(c) Each fractional owner owns or possesses at least a 78720  
one-sixteenth interest in at least one fixed-wing program 78721

aircraft. 78722

(d) A dry-lease aircraft interchange arrangement is in effect 78723  
among all of the fractional owners. 78724

(e) Multi-year program agreements are in effect regarding the 78725  
fractional ownership, management services, and dry-lease aircraft 78726  
interchange arrangement aspects of the program. 78727

(2) As used in division (KKK)(1) of this section: 78728

(a) "Affiliated group" has the same meaning as in division 78729  
(B)(3)(e) of this section. 78730

(b) "Fractional owner" means a person that owns or possesses 78731  
at least a one-sixteenth interest in a program aircraft and has 78732  
entered into the agreements described in division (KKK)(1)(e) of 78733  
this section. 78734

(c) "Fractional ownership program aircraft" or "program 78735  
aircraft" means a turbojet aircraft that is owned or possessed by 78736  
a fractional owner and that has been included in a dry-lease 78737  
aircraft interchange arrangement and agreement under divisions 78738  
(KKK)(1)(d) and (e) of this section, or an aircraft a program 78739  
manager owns or possesses primarily for use in a fractional 78740  
aircraft ownership program. 78741

(d) "Management services" means administrative and aviation 78742  
support services furnished under a fractional aircraft ownership 78743  
program in accordance with a management services agreement under 78744  
division (KKK)(1)(e) of this section, and offered by the program 78745  
manager to the fractional owners, including, at a minimum, the 78746  
establishment and implementation of safety guidelines; the 78747  
coordination of the scheduling of the program aircraft and crews; 78748  
program aircraft maintenance; program aircraft insurance; crew 78749  
training for crews employed, furnished, or contracted by the 78750  
program manager or the fractional owner; the satisfaction of 78751  
record-keeping requirements; and the development and use of an 78752

operations manual and a maintenance manual for the fractional 78753  
aircraft ownership program. 78754

(e) "Program manager" means the person that offers management 78755  
services to fractional owners pursuant to a management services 78756  
agreement under division (KKK)(1)(e) of this section. 78757

(LLL) "Electronic publishing" means providing access to one 78758  
or more of the following primarily for business customers, 78759  
including the federal government or a state government or a 78760  
political subdivision thereof, to conduct research: news; 78761  
business, financial, legal, consumer, or credit materials; 78762  
editorials, columns, reader commentary, or features; photos or 78763  
images; archival or research material; legal notices, identity 78764  
verification, or public records; scientific, educational, 78765  
instructional, technical, professional, trade, or other literary 78766  
materials; or other similar information which has been gathered 78767  
and made available by the provider to the consumer in an 78768  
electronic format. Providing electronic publishing includes the 78769  
functions necessary for the acquisition, formatting, editing, 78770  
storage, and dissemination of data or information that is the 78771  
subject of a sale. 78772

(MMM) "Medicaid health insuring corporation" means a health 78773  
insuring corporation that holds a certificate of authority under 78774  
Chapter 1751. of the Revised Code and is under contract with the 78775  
department of medicaid pursuant to section 5167.10 of the Revised 78776  
Code. 78777

(NNN) "Managed care premium" means any premium, capitation, 78778  
or other payment a medicaid health insuring corporation receives 78779  
for providing or arranging for the provision of health care 78780  
services to its members or enrollees residing in this state. 78781

(OOO) "Captive deer" means deer and other cervidae that have 78782  
been legally acquired, or their offspring, that are privately 78783

owned for agricultural or farming purposes. 78784

(PPP) "Gift card" means a document, card, certificate, or 78785  
other record, whether tangible or intangible, that may be redeemed 78786  
by a consumer for a dollar value when making a purchase of 78787  
tangible personal property or services. 78788

(QQQ) "Specified digital product" means an electronically 78789  
transferred digital audiovisual work, digital audio work, or 78790  
digital book. 78791

As used in division (QQQ) of this section: 78792

(1) "Digital audiovisual work" means a series of related 78793  
images that, when shown in succession, impart an impression of 78794  
motion, together with accompanying sounds, if any. 78795

(2) "Digital audio work" means a work that results from the 78796  
fixation of a series of musical, spoken, or other sounds, 78797  
including digitized sound files that are downloaded onto a device 78798  
and that may be used to alert the customer with respect to a 78799  
communication. 78800

(3) "Digital book" means a work that is generally recognized 78801  
in the ordinary and usual sense as a book. 78802

(4) "Electronically transferred" means obtained by the 78803  
purchaser by means other than tangible storage media. 78804

(RRR) "Digital advertising services" means providing access, 78805  
by means of telecommunications equipment, to computer equipment 78806  
that is used to enter, upload, download, review, manipulate, 78807  
store, add, or delete data for the purpose of electronically 78808  
displaying, delivering, placing, or transferring promotional 78809  
advertisements to potential customers about products or services 78810  
or about industry or business brands. 78811

(SSS) "Peer-to-peer car sharing program" has the same meaning 78812  
as in section 4516.01 of the Revised Code. 78813

Sec. 5739.011. (A) As used in this section:	78814
(1) "Manufacturer" means a person who is engaged in manufacturing, processing, assembling, or refining a product for sale and, solely for the purposes of division (B)(12) of this section, a person who meets all the qualifications of that division.	78815 78816 78817 78818 78819
(2) "Manufacturing facility" means a single location where a manufacturing operation is conducted, including locations consisting of one or more buildings or structures in a contiguous area owned or controlled by the manufacturer.	78820 78821 78822 78823
(3) "Materials handling" means the movement of the product being or to be manufactured, during which movement the product is not undergoing any substantial change or alteration in its state or form.	78824 78825 78826 78827
(4) "Testing" means a process or procedure to identify the properties or assure the quality of a material or product.	78828 78829
(5) "Completed product" means a manufactured item that is in the form and condition as it will be sold by the manufacturer. An item is completed when all processes that change or alter its state or form or enhance its value are finished, even though the item subsequently will be tested to ensure its quality or be packaged for storage or shipment.	78830 78831 78832 78833 78834 78835
(6) "Continuous manufacturing operation" means the process in which raw materials or components are moved through the steps whereby manufacturing occurs. Materials handling of raw materials or parts from the point of receipt or preproduction storage or of a completed product, to or from storage, to or from packaging, or to the place from which the completed product will be shipped, is not a part of a continuous manufacturing operation.	78836 78837 78838 78839 78840 78841 78842
(7) <u>"Food" has the same meaning as in section 3717.01 of the</u>	78843



<u>Revised Code.</u>	78844
(B) For purposes of division (B)(42)(g) of section 5739.02 of the Revised Code, the "thing transferred" includes, but is not limited to, any of the following:	78845 78846 78847
(1) Production machinery and equipment that act upon the product or machinery and equipment that treat the materials or parts in preparation for the manufacturing operation;	78848 78849 78850
(2) Materials handling equipment that moves the product through a continuous manufacturing operation; equipment that temporarily stores the product during the manufacturing operation; or, excluding motor vehicles licensed to operate on public highways, equipment used in intraplant or interplant transfers of work in process where the plant or plants between which such transfers occur are manufacturing facilities operated by the same person;	78851 78852 78853 78854 78855 78856 78857 78858
(3) Catalysts, solvents, water, acids, oil, and similar consumables that interact with the product and that are an integral part of the manufacturing operation;	78859 78860 78861
(4) Machinery, equipment, and other tangible personal property used during the manufacturing operation that control, physically support, produce power for, lubricate, or are otherwise necessary for the functioning of production machinery and equipment and the continuation of the manufacturing operation;	78862 78863 78864 78865 78866
(5) Machinery, equipment, fuel, power, material, parts, and other tangible personal property used to manufacture machinery, equipment, or other tangible personal property used in manufacturing a product for sale;	78867 78868 78869 78870
(6) Machinery, equipment, and other tangible personal property used by a manufacturer to test raw materials, the product being manufactured, or the completed product;	78871 78872 78873

(7) Machinery and equipment used to handle or temporarily store scrap that is intended to be reused in the manufacturing operation at the same manufacturing facility;	78874 78875 78876
(8) Coke, gas, water, steam, and similar substances used in the manufacturing operation; machinery and equipment used for, and fuel consumed in, producing or extracting those substances; machinery, equipment, and other tangible personal property used to treat, filter, pump, or otherwise make the substance suitable for use in the manufacturing operation; and machinery and equipment used for, and fuel consumed in, producing electricity for use in the manufacturing operation;	78877 78878 78879 78880 78881 78882 78883 78884
(9) Machinery, equipment, and other tangible personal property used to transport or transmit electricity, coke, gas, water, steam, or similar substances used in the manufacturing operation from the point of generation, if produced by the manufacturer, or from the point where the substance enters the manufacturing facility, if purchased by the manufacturer, to the manufacturing operation;	78885 78886 78887 78888 78889 78890 78891
(10) Machinery, equipment, and other tangible personal property that treats, filters, cools, refines, or otherwise renders water, steam, acid, oil, solvents, or similar substances used in the manufacturing operation reusable, provided that the substances are intended for reuse and not for disposal, sale, or transportation from the manufacturing facility;	78892 78893 78894 78895 78896 78897
(11) Parts, components, and repair and installation services for items described in division (B) of this section;	78898 78899
(12) Machinery and equipment, detergents, supplies, solvents, and any other tangible personal property located at a manufacturing facility that are used in the process of removing soil, dirt, or other contaminants from, or otherwise preparing in a suitable condition for use, towels, linens, articles of	78900 78901 78902 78903 78904

clothing, floor mats, mop heads, or other similar items, to be 78905  
supplied to a consumer as part of laundry and dry cleaning 78906  
services as defined in division (BB) of section 5739.01 of the 78907  
Revised Code, only when the towels, linens, articles of clothing, 78908  
floor mats, mop heads, or other similar items belong to the 78909  
provider of the services; 78910

(13) Equipment and supplies used to clean processing 78911  
equipment that is part of a continuous manufacturing operation to 78912  
produce ~~milk, ice cream, yogurt, cheese, and similar dairy~~ 78913  
~~products~~ food for human consumption. 78914

(C) For purposes of division (B)(42)(g) of section 5739.02 of 78915  
the Revised Code, the "thing transferred" does not include any of 78916  
the following: 78917

(1) Tangible personal property used in administrative, 78918  
personnel, security, inventory control, record-keeping, ordering, 78919  
billing, or similar functions; 78920

(2) Tangible personal property used in storing raw materials 78921  
or parts prior to the commencement of the manufacturing operation 78922  
or used to handle or store a completed product, including storage 78923  
that actively maintains a completed product in a marketable state 78924  
or form; 78925

(3) Tangible personal property used to handle or store scrap 78926  
or waste intended for disposal, sale, or other disposition, other 78927  
than reuse in the manufacturing operation at the same 78928  
manufacturing facility; 78929

(4) Tangible personal property that is or is to be 78930  
incorporated into realty; 78931

(5) Machinery, equipment, and other tangible personal 78932  
property used for ventilation, dust or gas collection, humidity or 78933  
temperature regulation, or similar environmental control, except 78934  
machinery, equipment, and other tangible personal property that 78935

totally regulates the environment in a special and limited area of 78936  
the manufacturing facility where the regulation is essential for 78937  
production to occur; 78938

(6) Tangible personal property used for the protection and 78939  
safety of workers, unless the property is attached to or 78940  
incorporated into machinery and equipment used in a continuous 78941  
manufacturing operation; 78942

(7) Tangible personal property used to store fuel, water, 78943  
solvents, acid, oil, or similar items consumed in the 78944  
manufacturing operation; 78945

(8) Except as provided in division (B)(13) of this section, 78946  
machinery, equipment, and other tangible personal property used to 78947  
clean, repair, or maintain real or personal property in the 78948  
manufacturing facility; 78949

(9) Motor vehicles registered for operation on public 78950  
highways. 78951

(D) For purposes of division (B)(42)(g) of section 5739.02 of 78952  
the Revised Code, if the "thing transferred" is a machine used by 78953  
a manufacturer in both a taxable and an exempt manner, it shall be 78954  
totally taxable or totally exempt from taxation based upon its 78955  
quantified primary use. If the "things transferred" are fungibles, 78956  
they shall be taxed based upon the proportion of the fungibles 78957  
used in a taxable manner. 78958

**Sec. 5739.02.** For the purpose of providing revenue with which 78959  
to meet the needs of the state, for the use of the general revenue 78960  
fund of the state, for the purpose of securing a thorough and 78961  
efficient system of common schools throughout the state, for the 78962  
purpose of affording revenues, in addition to those from general 78963  
property taxes, permitted under constitutional limitations, and 78964  
from other sources, for the support of local governmental 78965

functions, and for the purpose of reimbursing the state for the 78966  
expense of administering this chapter, an excise tax is hereby 78967  
levied on each retail sale made in this state. 78968

(A)(1) The tax shall be collected as provided in section 78969  
5739.025 of the Revised Code. The rate of the tax shall be five 78970  
and three-fourths per cent. The tax applies and is collectible 78971  
when the sale is made, regardless of the time when the price is 78972  
paid or delivered. 78973

(2) In the case of the lease or rental, with a fixed term of 78974  
more than thirty days or an indefinite term with a minimum period 78975  
of more than thirty days, of any motor vehicles designed by the 78976  
manufacturer to carry a load of not more than one ton, watercraft, 78977  
outboard motor, or aircraft, or of any tangible personal property, 78978  
other than motor vehicles designed by the manufacturer to carry a 78979  
load of more than one ton, to be used by the lessee or renter 78980  
primarily for business purposes, the tax shall be collected by the 78981  
vendor at the time the lease or rental is consummated and shall be 78982  
calculated by the vendor on the basis of the total amount to be 78983  
paid by the lessee or renter under the lease agreement. If the 78984  
total amount of the consideration for the lease or rental includes 78985  
amounts that are not calculated at the time the lease or rental is 78986  
executed, the tax shall be calculated and collected by the vendor 78987  
at the time such amounts are billed to the lessee or renter. In 78988  
the case of an open-end lease or rental, the tax shall be 78989  
calculated by the vendor on the basis of the total amount to be 78990  
paid during the initial fixed term of the lease or rental, and for 78991  
each subsequent renewal period as it comes due. As used in this 78992  
division, "motor vehicle" has the same meaning as in section 78993  
4501.01 of the Revised Code, and "watercraft" includes an outdrive 78994  
unit attached to the watercraft. 78995

A lease with a renewal clause and a termination penalty or 78996

similar provision that applies if the renewal clause is not 78997  
exercised is presumed to be a sham transaction. In such a case, 78998  
the tax shall be calculated and paid on the basis of the entire 78999  
length of the lease period, including any renewal periods, until 79000  
the termination penalty or similar provision no longer applies. 79001  
The taxpayer shall bear the burden, by a preponderance of the 79002  
evidence, that the transaction or series of transactions is not a 79003  
sham transaction. 79004

(3) Except as provided in division (A)(2) of this section, in 79005  
the case of a sale, the price of which consists in whole or in 79006  
part of the lease or rental of tangible personal property, the tax 79007  
shall be measured by the installments of that lease or rental. 79008

(4) In the case of a sale of a physical fitness facility 79009  
service or recreation and sports club service, the price of which 79010  
consists in whole or in part of a membership for the receipt of 79011  
the benefit of the service, the tax applicable to the sale shall 79012  
be measured by the installments thereof. 79013

(B) The tax does not apply to the following: 79014

(1) Sales to the state or any of its political subdivisions, 79015  
or to any other state or its political subdivisions if the laws of 79016  
that state exempt from taxation sales made to this state and its 79017  
political subdivisions; 79018

(2) Sales of food for human consumption off the premises 79019  
where sold; 79020

(3) Sales of food sold to students only in a cafeteria, 79021  
dormitory, fraternity, or sorority maintained in a private, 79022  
public, or parochial school, college, or university; 79023

(4) Sales of newspapers and sales or transfers of magazines 79024  
distributed as controlled circulation publications; 79025

(5) The furnishing, preparing, or serving of meals without 79026

charge by an employer to an employee provided the employer records 79027  
the meals as part compensation for services performed or work 79028  
done; 79029

(6)(a) Sales of motor fuel upon receipt, use, distribution, 79030  
or sale of which in this state a tax is imposed by the law of this 79031  
state, but this exemption shall not apply to the sale of motor 79032  
fuel on which a refund of the tax is allowable under division (A) 79033  
of section 5735.14 of the Revised Code; and the tax commissioner 79034  
may deduct the amount of tax levied by this section applicable to 79035  
the price of motor fuel when granting a refund of motor fuel tax 79036  
pursuant to division (A) of section 5735.14 of the Revised Code 79037  
and shall cause the amount deducted to be paid into the general 79038  
revenue fund of this state; 79039

(b) Sales of motor fuel other than that described in division 79040  
(B)(6)(a) of this section and used for powering a refrigeration 79041  
unit on a vehicle other than one used primarily to provide comfort 79042  
to the operator or occupants of the vehicle. 79043

(7) Sales of natural gas by a natural gas company or 79044  
municipal gas utility, of water by a water-works company, or of 79045  
steam by a heating company, if in each case the thing sold is 79046  
delivered to consumers through pipes or conduits, and all sales of 79047  
communications services by a telegraph company, all terms as 79048  
defined in section 5727.01 of the Revised Code, and sales of 79049  
electricity delivered through wires; 79050

(8) Casual sales by a person, or auctioneer employed directly 79051  
by the person to conduct such sales, except as to such sales of 79052  
motor vehicles, watercraft or outboard motors required to be 79053  
titled under section 1548.06 of the Revised Code, watercraft 79054  
documented with the United States coast guard, snowmobiles, and 79055  
all-purpose vehicles as defined in section 4519.01 of the Revised 79056  
Code; 79057

(9)(a) Sales of services or tangible personal property, other than motor vehicles, mobile homes, and manufactured homes, by churches, organizations exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986, or nonprofit organizations operated exclusively for charitable purposes as defined in division (B)(12) of this section, provided that the number of days on which such tangible personal property or services, other than items never subject to the tax, are sold does not exceed six in any calendar year, except as otherwise provided in division (B)(9)(b) of this section. If the number of days on which such sales are made exceeds six in any calendar year, the church or organization shall be considered to be engaged in business and all subsequent sales by it shall be subject to the tax. In counting the number of days, all sales by groups within a church or within an organization shall be considered to be sales of that church or organization.

(b) The limitation on the number of days on which tax-exempt sales may be made by a church or organization under division (B)(9)(a) of this section does not apply to sales made by student clubs and other groups of students of a primary or secondary school, or a parent-teacher association, booster group, or similar organization that raises money to support or fund curricular or extracurricular activities of a primary or secondary school.

(c) Divisions (B)(9)(a) and (b) of this section do not apply to sales by a noncommercial educational radio or television broadcasting station.

(10) Sales not within the taxing power of this state under the Constitution or laws of the United States or the Constitution of this state;

(11) Except for transactions that are sales under division (B)(3)(r) of section 5739.01 of the Revised Code, the transportation of persons or property, unless the transportation



is by a private investigation and security service; 79090

(12) Sales of tangible personal property or services to 79091  
churches, to organizations exempt from taxation under section 79092  
501(c)(3) of the Internal Revenue Code of 1986, and to any other 79093  
nonprofit organizations operated exclusively for charitable 79094  
purposes in this state, no part of the net income of which inures 79095  
to the benefit of any private shareholder or individual, and no 79096  
substantial part of the activities of which consists of carrying 79097  
on propaganda or otherwise attempting to influence legislation; 79098  
sales to offices administering one or more homes for the aged or 79099  
one or more hospital facilities exempt under section 140.08 of the 79100  
Revised Code; and sales to organizations described in division (D) 79101  
of section 5709.12 of the Revised Code. 79102

"Charitable purposes" means the relief of poverty; the 79103  
improvement of health through the alleviation of illness, disease, 79104  
or injury; the operation of an organization exclusively for the 79105  
provision of professional, laundry, printing, and purchasing 79106  
services to hospitals or charitable institutions; the operation of 79107  
a home for the aged, as defined in section 5701.13 of the Revised 79108  
Code; the operation of a radio or television broadcasting station 79109  
that is licensed by the federal communications commission as a 79110  
noncommercial educational radio or television station; the 79111  
operation of a nonprofit animal adoption service or a county 79112  
humane society; the promotion of education by an institution of 79113  
learning that maintains a faculty of qualified instructors, 79114  
teaches regular continuous courses of study, and confers a 79115  
recognized diploma upon completion of a specific curriculum; the 79116  
operation of a parent-teacher association, booster group, or 79117  
similar organization primarily engaged in the promotion and 79118  
support of the curricular or extracurricular activities of a 79119  
primary or secondary school; the operation of a community or area 79120  
center in which presentations in music, dramatics, the arts, and 79121

related fields are made in order to foster public interest and 79122  
education therein; the production of performances in music, 79123  
dramatics, and the arts; or the promotion of education by an 79124  
organization engaged in carrying on research in, or the 79125  
dissemination of, scientific and technological knowledge and 79126  
information primarily for the public. 79127

Nothing in this division shall be deemed to exempt sales to 79128  
any organization for use in the operation or carrying on of a 79129  
trade or business, or sales to a home for the aged for use in the 79130  
operation of independent living facilities as defined in division 79131  
(A) of section 5709.12 of the Revised Code. 79132

(13) Building and construction materials and services sold to 79133  
construction contractors for incorporation into a structure or 79134  
improvement to real property under a construction contract with 79135  
this state or a political subdivision of this state, or with the 79136  
United States government or any of its agencies; building and 79137  
construction materials and services sold to construction 79138  
contractors for incorporation into a structure or improvement to 79139  
real property that are accepted for ownership by this state or any 79140  
of its political subdivisions, or by the United States government 79141  
or any of its agencies at the time of completion of the structures 79142  
or improvements; building and construction materials sold to 79143  
construction contractors for incorporation into a horticulture 79144  
structure or livestock structure for a person engaged in the 79145  
business of horticulture or producing livestock; building 79146  
materials and services sold to a construction contractor for 79147  
incorporation into a house of public worship or religious 79148  
education, or a building used exclusively for charitable purposes 79149  
under a construction contract with an organization whose purpose 79150  
is as described in division (B)(12) of this section; building 79151  
materials and services sold to a construction contractor for 79152  
incorporation into a building under a construction contract with 79153

an organization exempt from taxation under section 501(c)(3) of 79154  
the Internal Revenue Code of 1986 when the building is to be used 79155  
exclusively for the organization's exempt purposes; building and 79156  
construction materials sold for incorporation into the original 79157  
construction of a sports facility under section 307.696 of the 79158  
Revised Code; building and construction materials and services 79159  
sold to a construction contractor for incorporation into real 79160  
property outside this state if such materials and services, when 79161  
sold to a construction contractor in the state in which the real 79162  
property is located for incorporation into real property in that 79163  
state, would be exempt from a tax on sales levied by that state; 79164  
building and construction materials for incorporation into a 79165  
transportation facility pursuant to a public-private agreement 79166  
entered into under sections 5501.70 to 5501.83 of the Revised 79167  
Code; and, until one calendar year after the construction of a 79168  
convention center that qualifies for property tax exemption under 79169  
section 5709.084 of the Revised Code is completed, building and 79170  
construction materials and services sold to a construction 79171  
contractor for incorporation into the real property comprising 79172  
that convention center; 79173

(14) Sales of ships or vessels or rail rolling stock used or 79174  
to be used principally in interstate or foreign commerce, and 79175  
repairs, alterations, fuel, and lubricants for such ships or 79176  
vessels or rail rolling stock; 79177

(15) Sales to persons primarily engaged in any of the 79178  
activities mentioned in division (B)(42)(a), (g), or (h) of this 79179  
section, to persons engaged in making retail sales, or to persons 79180  
who purchase for sale from a manufacturer tangible personal 79181  
property that was produced by the manufacturer in accordance with 79182  
specific designs provided by the purchaser, of packages, including 79183  
material, labels, and parts for packages, and of machinery, 79184  
equipment, and material for use primarily in packaging tangible 79185

personal property produced for sale, including any machinery, 79186  
equipment, and supplies used to make labels or packages, to 79187  
prepare packages or products for labeling, or to label packages or 79188  
products, by or on the order of the person doing the packaging, or 79189  
sold at retail. "Packages" includes bags, baskets, cartons, 79190  
crates, boxes, cans, bottles, bindings, wrappings, and other 79191  
similar devices and containers, but does not include motor 79192  
vehicles or bulk tanks, trailers, or similar devices attached to 79193  
motor vehicles. "Packaging" means placing in a package. Division 79194  
(B)(15) of this section does not apply to persons engaged in 79195  
highway transportation for hire. 79196

(16) Sales of food to persons using supplemental nutrition 79197  
assistance program benefits to purchase the food. As used in this 79198  
division, "food" has the same meaning as in 7 U.S.C. 2012 and 79199  
federal regulations adopted pursuant to the Food and Nutrition Act 79200  
of 2008. 79201

(17) Sales to persons engaged in farming, agriculture, 79202  
horticulture, or floriculture, of tangible personal property for 79203  
use or consumption primarily in the production by farming, 79204  
agriculture, horticulture, or floriculture of other tangible 79205  
personal property for use or consumption primarily in the 79206  
production of tangible personal property for sale by farming, 79207  
agriculture, horticulture, or floriculture; or material and parts 79208  
for incorporation into any such tangible personal property for use 79209  
or consumption in production; and of tangible personal property 79210  
for such use or consumption in the conditioning or holding of 79211  
products produced by and for such use, consumption, or sale by 79212  
persons engaged in farming, agriculture, horticulture, or 79213  
floriculture, except where such property is incorporated into real 79214  
property; 79215

(18) Sales of drugs for a human being that may be dispensed 79216  
only pursuant to a prescription; insulin as recognized in the 79217

official United States pharmacopoeia; urine and blood testing 79218  
materials when used by diabetics or persons with hypoglycemia to 79219  
test for glucose or acetone; hypodermic syringes and needles when 79220  
used by diabetics for insulin injections; epoetin alfa when 79221  
purchased for use in the treatment of persons with medical 79222  
disease; hospital beds when purchased by hospitals, nursing homes, 79223  
or other medical facilities; and medical oxygen and medical 79224  
oxygen-dispensing equipment when purchased by hospitals, nursing 79225  
homes, or other medical facilities; 79226

(19) Sales of prosthetic devices, durable medical equipment 79227  
for home use, or mobility enhancing equipment, when made pursuant 79228  
to a prescription and when such devices or equipment are for use 79229  
by a human being. 79230

(20) Sales of emergency and fire protection vehicles and 79231  
equipment to nonprofit organizations for use solely in providing 79232  
fire protection and emergency services, including trauma care and 79233  
emergency medical services, for political subdivisions of the 79234  
state; 79235

(21) Sales of tangible personal property manufactured in this 79236  
state, if sold by the manufacturer in this state to a retailer for 79237  
use in the retail business of the retailer outside of this state 79238  
and if possession is taken from the manufacturer by the purchaser 79239  
within this state for the sole purpose of immediately removing the 79240  
same from this state in a vehicle owned by the purchaser; 79241

(22) Sales of services provided by the state or any of its 79242  
political subdivisions, agencies, instrumentalities, institutions, 79243  
or authorities, or by governmental entities of the state or any of 79244  
its political subdivisions, agencies, instrumentalities, 79245  
institutions, or authorities; 79246

(23) Sales of motor vehicles to nonresidents of this state 79247  
under the circumstances described in division (B) of section 79248

5739.029 of the Revised Code;	79249
(24) Sales to persons engaged in the preparation of eggs for sale of tangible personal property used or consumed directly in such preparation, including such tangible personal property used for cleaning, sanitizing, preserving, grading, sorting, and classifying by size; packages, including material and parts for packages, and machinery, equipment, and material for use in packaging eggs for sale; and handling and transportation equipment and parts therefor, except motor vehicles licensed to operate on public highways, used in intraplant or interplant transfers or shipment of eggs in the process of preparation for sale, when the plant or plants within or between which such transfers or shipments occur are operated by the same person. "Packages" includes containers, cases, baskets, flats, fillers, filler flats, cartons, closure materials, labels, and labeling materials, and "packaging" means placing therein.	79250 79251 79252 79253 79254 79255 79256 79257 79258 79259 79260 79261 79262 79263 79264
(25)(a) Sales of water to a consumer for residential use;	79265
(b) Sales of water by a nonprofit corporation engaged exclusively in the treatment, distribution, and sale of water to consumers, if such water is delivered to consumers through pipes or tubing.	79266 79267 79268 79269
(26) Fees charged for inspection or reinspection of motor vehicles under section 3704.14 of the Revised Code;	79270 79271
(27) Sales to persons licensed to conduct a food service operation pursuant to section 3717.43 of the Revised Code, of tangible personal property primarily used directly for the following:	79272 79273 79274 79275
(a) To prepare food for human consumption for sale;	79276
(b) To preserve food that has been or will be prepared for human consumption for sale by the food service operator, not including tangible personal property used to display food for	79277 79278 79279

selection by the consumer;	79280
(c) To clean tangible personal property used to prepare or serve food for human consumption for sale.	79281 79282
(28) Sales of animals by nonprofit animal adoption services or county humane societies;	79283 79284
(29) Sales of services to a corporation described in division (A) of section 5709.72 of the Revised Code, and sales of tangible personal property that qualifies for exemption from taxation under section 5709.72 of the Revised Code;	79285 79286 79287 79288
(30) Sales and installation of agricultural land tile, as defined in division (B)(5)(a) of section 5739.01 of the Revised Code;	79289 79290 79291
(31) Sales and erection or installation of portable grain bins, as defined in division (B)(5)(b) of section 5739.01 of the Revised Code;	79292 79293 79294
(32) The sale, lease, repair, and maintenance of, parts for, or items attached to or incorporated in, motor vehicles that are primarily used for transporting tangible personal property belonging to others by a person engaged in highway transportation for hire, except for packages and packaging used for the transportation of tangible personal property;	79295 79296 79297 79298 79299 79300
(33) Sales to the state headquarters of any veterans' organization in this state that is either incorporated and issued a charter by the congress of the United States or is recognized by the United States veterans administration, for use by the headquarters;	79301 79302 79303 79304 79305
(34) Sales to a telecommunications service vendor, mobile telecommunications service vendor, or satellite broadcasting service vendor of tangible personal property and services used directly and primarily in transmitting, receiving, switching, or	79306 79307 79308 79309

recording any interactive, one- or two-way electromagnetic 79310  
communications, including voice, image, data, and information, 79311  
through the use of any medium, including, but not limited to, 79312  
poles, wires, cables, switching equipment, computers, and record 79313  
storage devices and media, and component parts for the tangible 79314  
personal property. The exemption provided in this division shall 79315  
be in lieu of all other exemptions under division (B)(42)(a) or 79316  
(n) of this section to which the vendor may otherwise be entitled, 79317  
based upon the use of the thing purchased in providing the 79318  
telecommunications, mobile telecommunications, or satellite 79319  
broadcasting service. 79320

(35)(a) Sales where the purpose of the consumer is to use or 79321  
consume the things transferred in making retail sales and 79322  
consisting of newspaper inserts, catalogues, coupons, flyers, gift 79323  
certificates, or other advertising material that prices and 79324  
describes tangible personal property offered for retail sale. 79325

(b) Sales to direct marketing vendors of preliminary 79326  
materials such as photographs, artwork, and typesetting that will 79327  
be used in printing advertising material; and of printed matter 79328  
that offers free merchandise or chances to win sweepstake prizes 79329  
and that is mailed to potential customers with advertising 79330  
material described in division (B)(35)(a) of this section; 79331

(c) Sales of equipment such as telephones, computers, 79332  
facsimile machines, and similar tangible personal property 79333  
primarily used to accept orders for direct marketing retail sales. 79334

(d) Sales of automatic food vending machines that preserve 79335  
food with a shelf life of forty-five days or less by refrigeration 79336  
and dispense it to the consumer. 79337

For purposes of division (B)(35) of this section, "direct 79338  
marketing" means the method of selling where consumers order 79339  
tangible personal property by United States mail, delivery 79340



service, or telecommunication and the vendor delivers or ships the 79341  
tangible personal property sold to the consumer from a warehouse, 79342  
catalogue distribution center, or similar fulfillment facility by 79343  
means of the United States mail, delivery service, or common 79344  
carrier. 79345

(36) Sales to a person engaged in the business of 79346  
horticulture or producing livestock of materials to be 79347  
incorporated into a horticulture structure or livestock structure; 79348

(37) Sales of personal computers, computer monitors, computer 79349  
keyboards, modems, and other peripheral computer equipment to an 79350  
individual who is licensed or certified to teach in an elementary 79351  
or a secondary school in this state for use by that individual in 79352  
preparation for teaching elementary or secondary school students; 79353

~~(38) Sales to a professional racing team of any of the 79354  
following: 79355~~

~~(a) Motor racing vehicles; 79356~~

~~(b) Repair services for motor racing vehicles; 79357~~

~~(c) Items of property that are attached to or incorporated in 79358  
motor racing vehicles, including engines, chassis, and all other 79359  
components of the vehicles, and all spare, replacement, and 79360  
rebuilt parts or components of the vehicles; except not including 79361  
tires, consumable fluids, paint, and accessories consisting of 79362  
instrumentation sensors and related items added to the vehicle to 79363  
collect and transmit data by means of telemetry and other forms of 79364  
communication. Sales of tangible personal property that is not 79365  
required to be registered or licensed under the laws of this state 79366  
to a citizen of a foreign nation that is not a citizen of the 79367  
United States, provided the property is delivered to a person in 79368  
this state that is not a related member of the purchaser, is 79369  
physically present in this state for the sole purpose of temporary 79370  
storage and package consolidation, and is subsequently delivered 79371~~

to the purchaser at a delivery address in a foreign nation. As 79372  
used in division (B)(38) of this section, "related member" has the 79373  
same meaning as in section 5733.042 of the Revised Code, and 79374  
"temporary storage" means the storage of tangible personal 79375  
property for a period of not more than sixty days. 79376

(39) Sales of used manufactured homes and used mobile homes, 79377  
as defined in section 5739.0210 of the Revised Code, made on or 79378  
after January 1, 2000; 79379

(40) Sales of tangible personal property and services to a 79380  
provider of electricity used or consumed directly and primarily in 79381  
generating, transmitting, or distributing electricity for use by 79382  
others, including property that is or is to be incorporated into 79383  
and will become a part of the consumer's production, transmission, 79384  
or distribution system and that retains its classification as 79385  
tangible personal property after incorporation; fuel or power used 79386  
in the production, transmission, or distribution of electricity; 79387  
energy conversion equipment as defined in section 5727.01 of the 79388  
Revised Code; and tangible personal property and services used in 79389  
the repair and maintenance of the production, transmission, or 79390  
distribution system, including only those motor vehicles as are 79391  
specially designed and equipped for such use. The exemption 79392  
provided in this division shall be in lieu of all other exemptions 79393  
in division (B)(42)(a) or (n) of this section to which a provider 79394  
of electricity may otherwise be entitled based on the use of the 79395  
tangible personal property or service purchased in generating, 79396  
transmitting, or distributing electricity. 79397

(41) Sales to a person providing services under division 79398  
(B)(3)(r) of section 5739.01 of the Revised Code of tangible 79399  
personal property and services used directly and primarily in 79400  
providing taxable services under that section. 79401

(42) Sales where the purpose of the purchaser is to do any of 79402  
the following: 79403

(a) To incorporate the thing transferred as a material or a part into tangible personal property to be produced for sale by manufacturing, assembling, processing, or refining; or to use or consume the thing transferred directly in producing tangible personal property for sale by mining, including, without limitation, the extraction from the earth of all substances that are classed geologically as minerals, or directly in the rendition of a public utility service, except that the sales tax levied by this section shall be collected upon all meals, drinks, and food for human consumption sold when transporting persons. This paragraph does not exempt from "retail sale" or "sales at retail" the sale of tangible personal property that is to be incorporated into a structure or improvement to real property.

(b) To hold the thing transferred as security for the performance of an obligation of the vendor;

(c) To resell, hold, use, or consume the thing transferred as evidence of a contract of insurance;

(d) To use or consume the thing directly in commercial fishing;

(e) To incorporate the thing transferred as a material or a part into, or to use or consume the thing transferred directly in the production of, magazines distributed as controlled circulation publications;

(f) To use or consume the thing transferred in the production and preparation in suitable condition for market and sale of printed, imprinted, overprinted, lithographic, multilithic, blueprinted, photostatic, or other productions or reproductions of written or graphic matter;

(g) To use the thing transferred, as described in section 5739.011 of the Revised Code, primarily in a manufacturing operation to produce tangible personal property for sale;

(h) To use the benefit of a warranty, maintenance or service contract, or similar agreement, as described in division (B)(7) of section 5739.01 of the Revised Code, to repair or maintain tangible personal property, if all of the property that is the subject of the warranty, contract, or agreement would not be subject to the tax imposed by this section;

(i) To use the thing transferred as qualified research and development equipment;

(j) To use or consume the thing transferred primarily in storing, transporting, mailing, or otherwise handling purchased sales inventory in a warehouse, distribution center, or similar facility when the inventory is primarily distributed outside this state to retail stores of the person who owns or controls the warehouse, distribution center, or similar facility, to retail stores of an affiliated group of which that person is a member, or by means of direct marketing. This division does not apply to motor vehicles registered for operation on the public highways. As used in this division, "affiliated group" has the same meaning as in division (B)(3)(e) of section 5739.01 of the Revised Code and "direct marketing" has the same meaning as in division (B)(35) of this section.

(k) To use or consume the thing transferred to fulfill a contractual obligation incurred by a warrantor pursuant to a warranty provided as a part of the price of the tangible personal property sold or by a vendor of a warranty, maintenance or service contract, or similar agreement the provision of which is defined as a sale under division (B)(7) of section 5739.01 of the Revised Code;

(l) To use or consume the thing transferred in the production of a newspaper for distribution to the public;

(m) To use tangible personal property to perform a service

listed in division (B)(3) of section 5739.01 of the Revised Code, 79466  
if the property is or is to be permanently transferred to the 79467  
consumer of the service as an integral part of the performance of 79468  
the service; 79469

(n) To use or consume the thing transferred primarily in 79470  
producing tangible personal property for sale by farming, 79471  
agriculture, horticulture, or floriculture. Persons engaged in 79472  
rendering farming, agriculture, horticulture, or floriculture 79473  
services for others are deemed engaged primarily in farming, 79474  
agriculture, horticulture, or floriculture. This paragraph does 79475  
not exempt from "retail sale" or "sales at retail" the sale of 79476  
tangible personal property that is to be incorporated into a 79477  
structure or improvement to real property. 79478

(o) To use or consume the thing transferred in acquiring, 79479  
formatting, editing, storing, and disseminating data or 79480  
information by electronic publishing; 79481

(p) To provide the thing transferred to the owner or lessee 79482  
of a motor vehicle that is being repaired or serviced, if the 79483  
thing transferred is a rented motor vehicle and the purchaser is 79484  
reimbursed for the cost of the rented motor vehicle by a 79485  
manufacturer, warrantor, or provider of a maintenance, service, or 79486  
other similar contract or agreement, with respect to the motor 79487  
vehicle that is being repaired or serviced; 79488

(q) To use or consume the thing transferred directly in 79489  
production of crude oil and natural gas for sale. Persons engaged 79490  
in rendering production services for others are deemed engaged in 79491  
production. 79492

As used in division (B)(42)(q) of this section, "production" 79493  
means operations and tangible personal property directly used to 79494  
expose and evaluate an underground reservoir that may contain 79495  
hydrocarbon resources, prepare the wellbore for production, and 79496

lift and control all substances yielded by the reservoir to the surface of the earth.	79497 79498
(i) For the purposes of division (B)(42)(q) of this section, the "thing transferred" includes, but is not limited to, any of the following:	79499 79500 79501
(I) Services provided in the construction of permanent access roads, services provided in the construction of the well site, and services provided in the construction of temporary impoundments;	79502 79503 79504
(II) Equipment and rigging used for the specific purpose of creating with integrity a wellbore pathway to underground reservoirs;	79505 79506 79507
(III) Drilling and workover services used to work within a subsurface wellbore, and tangible personal property directly used in providing such services;	79508 79509 79510
(IV) Casing, tubulars, and float and centralizing equipment;	79511
(V) Trailers to which production equipment is attached;	79512
(VI) Well completion services, including cementing of casing, and tangible personal property directly used in providing such services;	79513 79514 79515
(VII) Wireline evaluation, mud logging, and perforation services, and tangible personal property directly used in providing such services;	79516 79517 79518
(VIII) Reservoir stimulation, hydraulic fracturing, and acidizing services, and tangible personal property directly used in providing such services, including all material pumped downhole;	79519 79520 79521 79522
(IX) Pressure pumping equipment;	79523
(X) Artificial lift systems equipment;	79524
(XI) Wellhead equipment and well site equipment used to	79525

separate, stabilize, and control hydrocarbon phases and produced water;	79526 79527
(XII) Tangible personal property directly used to control production equipment.	79528 79529
(ii) For the purposes of division (B)(42)(q) of this section, the "thing transferred" does not include any of the following:	79530 79531
(I) Tangible personal property used primarily in the exploration and production of any mineral resource regulated under Chapter 1509. of the Revised Code other than oil or gas;	79532 79533 79534
(II) Tangible personal property used primarily in storing, holding, or delivering solutions or chemicals used in well stimulation as defined in section 1509.01 of the Revised Code;	79535 79536 79537
(III) Tangible personal property used primarily in preparing, installing, or reclaiming foundations for drilling or pumping equipment or well stimulation material tanks;	79538 79539 79540
(IV) Tangible personal property used primarily in transporting, delivering, or removing equipment to or from the well site or storing such equipment before its use at the well site;	79541 79542 79543 79544
(V) Tangible personal property used primarily in gathering operations occurring off the well site, including gathering pipelines transporting hydrocarbon gas or liquids away from a crude oil or natural gas production facility;	79545 79546 79547 79548
(VI) Tangible personal property that is to be incorporated into a structure or improvement to real property;	79549 79550
(VII) Well site fencing, lighting, or security systems;	79551
(VIII) Communication devices or services;	79552
(IX) Office supplies;	79553
(X) Trailers used as offices or lodging;	79554

(XI) Motor vehicles of any kind;	79555
(XII) Tangible personal property used primarily for the storage of drilling byproducts and fuel not used for production;	79556 79557
(XIII) Tangible personal property used primarily as a safety device;	79558 79559
(XIV) Data collection or monitoring devices;	79560
(XV) Access ladders, stairs, or platforms attached to storage tanks.	79561 79562
The enumeration of tangible personal property in division (B)(42)(q)(ii) of this section is not intended to be exhaustive, and any tangible personal property not so enumerated shall not necessarily be construed to be a "thing transferred" for the purposes of division (B)(42)(q) of this section.	79563 79564 79565 79566 79567
The commissioner shall adopt and promulgate rules under sections 119.01 to 119.13 of the Revised Code that the commissioner deems necessary to administer division (B)(42)(q) of this section.	79568 79569 79570 79571
As used in division (B)(42) of this section, "thing" includes all transactions included in divisions (B)(3)(a), (b), and (e) of section 5739.01 of the Revised Code.	79572 79573 79574
(43) Sales conducted through a coin operated device that activates vacuum equipment or equipment that dispenses water, whether or not in combination with soap or other cleaning agents or wax, to the consumer for the consumer's use on the premises in washing, cleaning, or waxing a motor vehicle, provided no other personal property or personal service is provided as part of the transaction.	79575 79576 79577 79578 79579 79580 79581
(44) Sales of replacement and modification parts for engines, airframes, instruments, and interiors in, and paint for, aircraft used primarily in a fractional aircraft ownership program, and	79582 79583 79584



sales of services for the repair, modification, and maintenance of such aircraft, and machinery, equipment, and supplies primarily used to provide those services.

(45) Sales of telecommunications service that is used directly and primarily to perform the functions of a call center. As used in this division, "call center" means any physical location where telephone calls are placed or received in high volume for the purpose of making sales, marketing, customer service, technical support, or other specialized business activity, and that employs at least fifty individuals that engage in call center activities on a full-time basis, or sufficient individuals to fill fifty full-time equivalent positions.

(46) Sales by a telecommunications service vendor of 900 service to a subscriber. This division does not apply to information services, as defined in division (FF) of section 5739.01 of the Revised Code.

(47) Sales of value-added non-voice data service. This division does not apply to any similar service that is not otherwise a telecommunications service.

(48)(a) Sales of machinery, equipment, and software to a qualified direct selling entity for use in a warehouse or distribution center primarily for storing, transporting, or otherwise handling inventory that is held for sale to independent salespersons who operate as direct sellers and that is held primarily for distribution outside this state;

(b) As used in division (B)(48)(a) of this section:

(i) "Direct seller" means a person selling consumer products to individuals for personal or household use and not from a fixed retail location, including selling such product at in-home product demonstrations, parties, and other one-on-one selling.

(ii) "Qualified direct selling entity" means an entity

selling to direct sellers at the time the entity enters into a tax 79616  
credit agreement with the tax credit authority pursuant to section 79617  
122.17 of the Revised Code, provided that the agreement was 79618  
entered into on or after January 1, 2007. Neither contingencies 79619  
relevant to the granting of, nor later developments with respect 79620  
to, the tax credit shall impair the status of the qualified direct 79621  
selling entity under division (B)(48) of this section after 79622  
execution of the tax credit agreement by the tax credit authority. 79623

(c) Division (B)(48) of this section is limited to machinery, 79624  
equipment, and software first stored, used, or consumed in this 79625  
state within the period commencing June 24, 2008, and ending on 79626  
the date that is five years after that date. 79627

(49) Sales of materials, parts, equipment, or engines used in 79628  
the repair or maintenance of aircraft or avionics systems of such 79629  
aircraft, and sales of repair, remodeling, replacement, or 79630  
maintenance services in this state performed on aircraft or on an 79631  
aircraft's avionics, engine, or component materials or parts. As 79632  
used in division (B)(49) of this section, "aircraft" means 79633  
aircraft of more than six thousand pounds maximum certified 79634  
takeoff weight or used exclusively in general aviation. 79635

(50) Sales of full flight simulators that are used for pilot 79636  
or flight-crew training, sales of repair or replacement parts or 79637  
components, and sales of repair or maintenance services for such 79638  
full flight simulators. "Full flight simulator" means a replica of 79639  
a specific type, or make, model, and series of aircraft cockpit. 79640  
It includes the assemblage of equipment and computer programs 79641  
necessary to represent aircraft operations in ground and flight 79642  
conditions, a visual system providing an out-of-the-cockpit view, 79643  
and a system that provides cues at least equivalent to those of a 79644  
three-degree-of-freedom motion system, and has the full range of 79645  
capabilities of the systems installed in the device as described 79646  
in appendices A and B of part 60 of chapter 1 of title 14 of the 79647

Code of Federal Regulations.	79648
(51) Any transfer or lease of tangible personal property	79649
between the state and JobsOhio in accordance with section 4313.02	79650
of the Revised Code.	79651
(52)(a) Sales to a qualifying corporation.	79652
(b) As used in division (B)(52) of this section:	79653
(i) "Qualifying corporation" means a nonprofit corporation	79654
organized in this state that leases from an eligible county land,	79655
buildings, structures, fixtures, and improvements to the land that	79656
are part of or used in a public recreational facility used by a	79657
major league professional athletic team or a class A to class AAA	79658
minor league affiliate of a major league professional athletic	79659
team for a significant portion of the team's home schedule,	79660
provided the following apply:	79661
(I) The facility is leased from the eligible county pursuant	79662
to a lease that requires substantially all of the revenue from the	79663
operation of the business or activity conducted by the nonprofit	79664
corporation at the facility in excess of operating costs, capital	79665
expenditures, and reserves to be paid to the eligible county at	79666
least once per calendar year.	79667
(II) Upon dissolution and liquidation of the nonprofit	79668
corporation, all of its net assets are distributable to the board	79669
of commissioners of the eligible county from which the corporation	79670
leases the facility.	79671
(ii) "Eligible county" has the same meaning as in section	79672
307.695 of the Revised Code.	79673
(53) Sales to or by a cable service provider, video service	79674
provider, or radio or television broadcast station regulated by	79675
the federal government of cable service or programming, video	79676
service or programming, audio service or programming, or	79677

electronically transferred digital audiovisual or audio work. As 79678  
used in division (B)(53) of this section, "cable service" and 79679  
"cable service provider" have the same meanings as in section 79680  
1332.01 of the Revised Code, and "video service," "video service 79681  
provider," and "video programming" have the same meanings as in 79682  
section 1332.21 of the Revised Code. 79683

~~(54) Sales of investment metal bullion and investment coins. 79684  
"Investment metal bullion" means any bullion described in section 79685  
408(m)(3)(B) of the Internal Revenue Code, regardless of whether 79686  
that bullion is in the physical possession of a trustee. 79687  
"Investment coin" means any coin composed primarily of gold, 79688  
silver, platinum, or palladium. 79689~~

~~(55) Sales of a digital audio work electronically transferred 79690  
for delivery through use of a machine, such as a juke box, that 79691  
does all of the following: 79692~~

~~(a) Accepts direct payments to operate; 79693~~

~~(b) Automatically plays a selected digital audio work for a 79694  
single play upon receipt of a payment described in division 79695  
(B)~~(55)~~(54)(a) of this section; 79696~~

~~(c) Operates exclusively for the purpose of playing digital 79697  
audio works in a commercial establishment. 79698~~

~~(56)~~(55)~~(a) Sales of the following occurring on the first 79699  
Friday of August and the following Saturday and Sunday of each 79700  
year, beginning in 2018: 79701~~

~~(i) An item of clothing, the price of which is seventy-five 79702  
dollars or less; 79703~~

~~(ii) An item of school supplies, the price of which is twenty 79704  
dollars or less; 79705~~

~~(iii) An item of school instructional material, the price of 79706  
which is twenty dollars or less. 79707~~

(b) As used in division (B)~~(56)~~(55) of this section: 79708

(i) "Clothing" means all human wearing apparel suitable for 79709  
general use. "Clothing" includes, but is not limited to, aprons, 79710  
household and shop; athletic supporters; baby receiving blankets; 79711  
bathing suits and caps; beach capes and coats; belts and 79712  
suspenders; boots; coats and jackets; costumes; diapers, children 79713  
and adult, including disposable diapers; earmuffs; footlets; 79714  
formal wear; garters and garter belts; girdles; gloves and mittens 79715  
for general use; hats and caps; hosiery; insoles for shoes; lab 79716  
coats; neckties; overshoes; pantyhose; rainwear; rubber pants; 79717  
sandals; scarves; shoes and shoe laces; slippers; sneakers; socks 79718  
and stockings; steel-toed shoes; underwear; uniforms, athletic and 79719  
nonathletic; and wedding apparel. "Clothing" does not include 79720  
items purchased for use in a trade or business; clothing 79721  
accessories or equipment; protective equipment; sports or 79722  
recreational equipment; belt buckles sold separately; costume 79723  
masks sold separately; patches and emblems sold separately; sewing 79724  
equipment and supplies including, but not limited to, knitting 79725  
needles, patterns, pins, scissors, sewing machines, sewing 79726  
needles, tape measures, and thimbles; and sewing materials that 79727  
become part of "clothing" including, but not limited to, buttons, 79728  
fabric, lace, thread, yarn, and zippers. 79729

(ii) "School supplies" means items commonly used by a student 79730  
in a course of study. "School supplies" includes only the 79731  
following items: binders; book bags; calculators; cellophane tape; 79732  
blackboard chalk; compasses; composition books; crayons; erasers; 79733  
folders, expandable, pocket, plastic, and manila; glue, paste, and 79734  
paste sticks; highlighters; index cards; index card boxes; legal 79735  
pads; lunch boxes; markers; notebooks; paper, loose-leaf ruled 79736  
notebook paper, copy paper, graph paper, tracing paper, manila 79737  
paper, colored paper, poster board, and construction paper; pencil 79738  
boxes and other school supply boxes; pencil sharpeners; pencils; 79739

pens; protractors; rulers; scissors; and writing tablets. "School  
supplies" does not include any item purchased for use in a trade  
or business.

(iii) "School instructional material" means written material  
commonly used by a student in a course of study as a reference and  
to learn the subject being taught. "School instructional material"  
includes only the following items: reference books, reference maps  
and globes, textbooks, and workbooks. "School instructional  
material" does not include any material purchased for use in a  
trade or business.

~~(57) Sales of tangible personal property that is not required  
to be registered or licensed under the laws of this state to a  
citizen of a foreign nation that is not a citizen of the United  
States, provided the property is delivered to a person in this  
state that is not a related member of the purchaser, is physically  
present in this state for the sole purpose of temporary storage  
and package consolidation, and is subsequently delivered to the  
purchaser at a delivery address in a foreign nation. As used in  
division (B)(56) of this section, "related member" has the same  
meaning as in section 5733.042 of the Revised Code, and "temporary  
storage" means the storage of tangible personal property for a  
period of not more than sixty days.~~

(C) For the purpose of the proper administration of this  
chapter, and to prevent the evasion of the tax, it is presumed  
that all sales made in this state are subject to the tax until the  
contrary is established.

(D) The levy of this tax on retail sales of recreation and  
sports club service shall not prevent a municipal corporation from  
levying any tax on recreation and sports club dues or on any  
income generated by recreation and sports club dues.

(E) The tax collected by the vendor from the consumer under

this chapter is not part of the price, but is a tax collection for 79771  
the benefit of the state, and of counties levying an additional 79772  
sales tax pursuant to section 5739.021 or 5739.026 of the Revised 79773  
Code and of transit authorities levying an additional sales tax 79774  
pursuant to section 5739.023 of the Revised Code. Except for the 79775  
discount authorized under section 5739.12 of the Revised Code and 79776  
the effects of any rounding pursuant to section 5703.055 of the 79777  
Revised Code, no person other than the state or such a county or 79778  
transit authority shall derive any benefit from the collection or 79779  
payment of the tax levied by this section or section 5739.021, 79780  
5739.023, or 5739.026 of the Revised Code. 79781

**Sec. 5739.021.** (A) For the purpose of providing additional 79782  
general revenues for the county, supporting criminal and 79783  
administrative justice services in the county, funding a regional 79784  
transportation improvement project under section 5595.06 of the 79785  
Revised Code, or any combination of the foregoing, and to pay the 79786  
expenses of administering such levy, any county may levy a tax at 79787  
the rate of not more than one per cent upon every retail sale made 79788  
in the county, except sales of watercraft and outboard motors 79789  
required to be titled pursuant to Chapter 1548. of the Revised 79790  
Code and sales of motor vehicles, and may increase the rate of an 79791  
existing tax to not more than one per cent. The rate of any tax 79792  
levied pursuant to this section shall be a multiple of ~~one-fourth~~ 79793  
~~or one-tenth~~ one-twentieth of one per cent. The rate levied under 79794  
this section in any county other than a county that adopted a 79795  
charter under Article X, Section 3, Ohio Constitution, may exceed 79796  
one per cent, but may not exceed one and one-half per cent minus 79797  
the amount by which the rate levied under section 5739.023 of the 79798  
Revised Code by the county transit authority exceeds one per cent. 79799

The tax shall be levied and the rate increased pursuant to a 79800  
resolution of the board of county commissioners. The resolution 79801  
shall state the purpose for which the tax is to be levied and the 79802

number of years for which the tax is to be levied, or that it is 79803  
for a continuing period of time. If the tax is to be levied for 79804  
the purpose of providing additional general revenues and for the 79805  
purpose of supporting criminal and administrative justice 79806  
services, the resolution shall state the rate or amount of the tax 79807  
to be apportioned to each such purpose. The rate or amount may be 79808  
different for each year the tax is to be levied, but the rates or 79809  
amounts actually apportioned each year shall not be different from 79810  
that stated in the resolution for that year. If Any amount by 79811  
which the rate of the tax exceeds one per cent shall be 79812  
apportioned exclusively for the construction, acquisition, 79813  
equipping, or repair of a detention facility in the county. 79814

If the resolution is adopted as an emergency measure 79815  
necessary for the immediate preservation of the public peace, 79816  
health, or safety, it must receive an affirmative vote of all of 79817  
the members of the board of county commissioners and shall state 79818  
the reasons for such necessity. The board shall deliver a 79819  
certified copy of the resolution to the tax commissioner, not 79820  
later than the sixty-fifth day prior to the date on which the tax 79821  
is to become effective, which shall be the first day of the 79822  
calendar quarter. A resolution proposing to levy a tax at a rate 79823  
that would cause the rate levied under this section to exceed one 79824  
per cent may not be adopted as an emergency measure. 79825

Prior to the adoption of any resolution under this section, 79826  
the board of county commissioners shall conduct two public 79827  
hearings on the resolution, the second hearing to be not less than 79828  
three nor more than ten days after the first. Notice of the date, 79829  
time, and place of the hearings shall be given by publication in a 79830  
newspaper of general circulation in the county, or as provided in 79831  
section 7.16 of the Revised Code, once a week on the same day of 79832  
the week for two consecutive weeks, the second publication being 79833  
not less than ten nor more than thirty days prior to the first 79834



hearing. 79835

Except as provided in division (B)(1) or (3) of this section, 79836  
the resolution shall be subject to a referendum as provided in 79837  
sections 305.31 to 305.41 of the Revised Code. 79838

If a petition for a referendum is filed, the county auditor 79839  
with whom the petition was filed shall, within five days, notify 79840  
the board of county commissioners and the tax commissioner of the 79841  
filing of the petition by certified mail. If the board of 79842  
elections with which the petition was filed declares the petition 79843  
invalid, the board of elections, within five days, shall notify 79844  
the board of county commissioners and the tax commissioner of that 79845  
declaration by certified mail. If the petition is declared to be 79846  
invalid, the effective date of the tax or increased rate of tax 79847  
levied by this section shall be the first day of a calendar 79848  
quarter following the expiration of sixty-five days from the date 79849  
the commissioner receives notice from the board of elections that 79850  
the petition is invalid. 79851

(B)(1) A resolution that is not adopted as an emergency 79852  
measure may direct the board of elections to submit the question 79853  
of levying the tax or increasing the rate of tax to the electors 79854  
of the county at a special election held on the date specified by 79855  
the board of county commissioners in the resolution, provided that 79856  
the election occurs not less than ninety days after a certified 79857  
copy of such resolution is transmitted to the board of elections 79858  
and the election is not held in February or August of any year. A 79859  
resolution proposing to levy a tax at a rate that would cause the 79860  
rate levied under this section to exceed one per cent may not go 79861  
into effect unless the question is submitted to electors under 79862  
this division. Upon transmission of the resolution to the board of 79863  
elections, the board of county commissioners shall notify the tax 79864  
commissioner in writing of the levy question to be submitted to 79865  
the electors. No resolution adopted under this division shall go 79866

into effect unless approved by a majority of those voting upon it, 79867  
and, except as provided in division (B)(3) of this section, shall 79868  
become effective on the first day of a calendar quarter following 79869  
the expiration of sixty-five days from the date the tax 79870  
commissioner receives notice from the board of elections of the 79871  
affirmative vote. 79872

(2) A resolution that is adopted as an emergency measure 79873  
shall go into effect as provided in division (A) of this section, 79874  
but may direct the board of elections to submit the question of 79875  
repealing the tax or increase in the rate of the tax to the 79876  
electors of the county at the next general election in the county 79877  
occurring not less than ninety days after a certified copy of the 79878  
resolution is transmitted to the board of elections. Upon 79879  
transmission of the resolution to the board of elections, the 79880  
board of county commissioners shall notify the tax commissioner in 79881  
writing of the levy question to be submitted to the electors. The 79882  
ballot question shall be the same as that prescribed in section 79883  
5739.022 of the Revised Code. The board of elections shall notify 79884  
the board of county commissioners and the tax commissioner of the 79885  
result of the election immediately after the result has been 79886  
declared. If a majority of the qualified electors voting on the 79887  
question of repealing the tax or increase in the rate of the tax 79888  
vote for repeal of the tax or repeal of the increase, the board of 79889  
county commissioners, on the first day of a calendar quarter 79890  
following the expiration of sixty-five days after the date the 79891  
board and tax commissioner receive notice of the result of the 79892  
election, shall, in the case of a repeal of the tax, cease to levy 79893  
the tax, or, in the case of a repeal of an increase in the rate of 79894  
the tax, cease to levy the increased rate and levy the tax at the 79895  
rate at which it was imposed immediately prior to the increase in 79896  
rate. 79897

(3) If a vendor makes a sale in this state by printed catalog 79898

and the consumer computed the tax on the sale based on local rates 79899  
published in the catalog, any tax levied or repealed or rate 79900  
changed under this section shall not apply to such a sale until 79901  
the first day of a calendar quarter following the expiration of 79902  
one hundred twenty days from the date of notice by the tax 79903  
commissioner pursuant to division (H) of this section. 79904

(C) If a resolution is rejected at a referendum or if a 79905  
resolution adopted after January 1, 1982, as an emergency measure 79906  
is repealed by the electors pursuant to division (B)(2) of this 79907  
section or section 5739.022 of the Revised Code, then for one year 79908  
after the date of the election at which the resolution was 79909  
rejected or repealed the board of county commissioners may not 79910  
adopt any resolution authorized by this section as an emergency 79911  
measure. 79912

(D) The board of county commissioners, at any time while a 79913  
tax levied under this section is in effect, may by resolution 79914  
reduce the rate at which the tax is levied to a lower rate 79915  
authorized by this section. Any reduction in the rate at which the 79916  
tax is levied shall be made effective on the first day of a 79917  
calendar quarter next following the sixty-fifth day after a 79918  
certified copy of the resolution is delivered to the tax 79919  
commissioner. 79920

(E) The tax on every retail sale subject to a tax levied 79921  
pursuant to this section shall be in addition to the tax levied by 79922  
section 5739.02 of the Revised Code and any tax levied pursuant to 79923  
section 5739.023 or 5739.026 of the Revised Code. 79924

A county that levies a tax pursuant to this section shall 79925  
levy a tax at the same rate pursuant to section 5741.021 of the 79926  
Revised Code. 79927

The additional tax levied by the county shall be collected 79928  
pursuant to section 5739.025 of the Revised Code. If the 79929

additional tax or some portion thereof is levied for the purpose 79930  
of criminal and administrative justice services or specifically 79931  
for the purpose of constructing, acquiring, equipping, or 79932  
repairing a detention facility, the revenue from the tax, or the 79933  
amount or rate apportioned to that purpose, shall be credited to a 79934  
one or more special ~~fund~~ funds created in the county treasury for 79935  
receipt of that revenue. 79936

Any tax levied pursuant to this section is subject to the 79937  
exemptions provided in section 5739.02 of the Revised Code and in 79938  
addition shall not be applicable to sales not within the taxing 79939  
power of a county under the Constitution of the United States or 79940  
the Ohio Constitution. 79941

(F) For purposes of this section, a copy of a resolution is 79942  
"certified" when it contains a written statement attesting that 79943  
the copy is a true and exact reproduction of the original 79944  
resolution. 79945

(G) If a board of commissioners intends to adopt a resolution 79946  
to levy a tax in whole or in part for the purpose of criminal and 79947  
administrative justice services, the board shall prepare and make 79948  
available at the first public hearing at which the resolution is 79949  
considered a statement containing the following information: 79950

(1) For each of the two preceding fiscal years, the amount of 79951  
expenditures made by the county from the county general fund for 79952  
the purpose of criminal and administrative justice services; 79953

(2) For the fiscal year in which the resolution is adopted, 79954  
the board's estimate of the amount of expenditures to be made by 79955  
the county from the county general fund for the purpose of 79956  
criminal and administrative justice services; 79957

(3) For each of the two fiscal years after the fiscal year in 79958  
which the resolution is adopted, the board's preliminary plan for 79959  
expenditures to be made from the county general fund for the 79960

purpose of criminal and administrative justice services, both 79961  
under the assumption that the tax will be imposed for that purpose 79962  
and under the assumption that the tax would not be imposed for 79963  
that purpose, and for expenditures to be made from the special 79964  
fund created under division (E) of this section under the 79965  
assumption that the tax will be imposed for that purpose. 79966

The board shall prepare the statement and the preliminary 79967  
plan using the best information available to the board at the time 79968  
the statement is prepared. Neither the statement nor the 79969  
preliminary plan shall be used as a basis to challenge the 79970  
validity of the tax in any court of competent jurisdiction, nor 79971  
shall the statement or preliminary plan limit the authority of the 79972  
board to appropriate, pursuant to section 5705.38 of the Revised 79973  
Code, an amount different from that specified in the preliminary 79974  
plan. 79975

(H) Upon receipt from a board of county commissioners of a 79976  
certified copy of a resolution required by division (A) or (D) of 79977  
this section, or from the board of elections of a notice of the 79978  
results of an election required by division (A) or (B)(1) or (2) 79979  
of this section, the tax commissioner shall provide notice of a 79980  
tax rate change in a manner that is reasonably accessible to all 79981  
affected vendors. The commissioner shall provide this notice at 79982  
least sixty days prior to the effective date of the rate change. 79983  
The commissioner, by rule, may establish the method by which 79984  
notice will be provided. 79985

(I) As used in this section, ~~"criminal;~~ 79986

(1) "Criminal and administrative justice services" means the 79987  
exercise by the county sheriff of all powers and duties vested in 79988  
that office by law; the exercise by the county prosecuting 79989  
attorney of all powers and duties vested in that office by law; 79990  
the exercise by any court in the county of all powers and duties 79991  
vested in that court; the exercise by the clerk of the court of 79992

common pleas, any clerk of a municipal court having jurisdiction 79993  
throughout the county, or the clerk of any county court of all 79994  
powers and duties vested in the clerk by law except, in the case 79995  
of the clerk of the court of common pleas, the titling of motor 79996  
vehicles or watercraft pursuant to Chapter 1548. or 4505. of the 79997  
Revised Code; the exercise by the county coroner of all powers and 79998  
duties vested in that office by law; making payments to any other 79999  
public agency or a private, nonprofit agency, the purposes of 80000  
which in the county include the diversion, adjudication, 80001  
detention, or rehabilitation of criminals or juvenile offenders; 80002  
the operation and maintenance of any detention facility,~~as~~ 80003  
~~defined in section 2921.01 of the Revised Code;~~ and the 80004  
construction, acquisition, equipping, or repair of such a 80005  
detention facility,~~including.~~ 80006

(2) "Detention facility" has the same meaning as in section 80007  
2921.01 of the Revised Code. 80008

(3) "Construction, acquisition, equipping, or repair" of a 80009  
detention facility includes the payment of any debt charges 80010  
incurred in the issuance of securities pursuant to Chapter 133. of 80011  
the Revised Code for the purpose of constructing, acquiring, 80012  
equipping, or repairing such a facility. 80013

**Sec. 5739.023.** (A)(1) For the purpose of providing additional 80014  
general revenues for a transit authority, funding a regional 80015  
transportation improvement project under section 5595.06 of the 80016  
Revised Code, or funding public infrastructure projects as 80017  
described in section 306.353 of the Revised Code, and to pay the 80018  
expenses of administering such levy, any transit authority may 80019  
levy a tax upon every retail sale made in the territory of the 80020  
transit authority, except sales of watercraft and outboard motors 80021  
required to be titled pursuant to Chapter 1548. of the Revised 80022  
Code and sales of motor vehicles, ~~at a rate of not more than one~~ 80023

~~and one-half per cent~~ and may increase the rate of an existing tax 80024  
~~to not more than one and one-half per cent.~~ The rate of any tax 80025  
levied pursuant to this section shall be a multiple of ~~one-fourth~~ 80026  
~~or one-tenth~~ one-twentieth of one per cent. The rate shall not 80027  
exceed one and one-half per cent minus the amount by which the 80028  
rate levied under section 5739.021 of the Revised Code by a county 80029  
located in the territory of the transit authority exceeds one per 80030  
cent. The tax shall be levied and the rate increased pursuant to a 80031  
resolution of the legislative authority of the transit authority 80032  
and a certified copy of the resolution shall be delivered by the 80033  
fiscal officer to the board of elections as provided in section 80034  
3505.071 of the Revised Code and to the tax commissioner. The 80035  
resolution shall specify the number of years for which the tax is 80036  
to be in effect or that the tax is for a continuing period of 80037  
time, the purpose or purposes of the levy, and the date of the 80038  
election on the question of the tax pursuant to section 306.70 of 80039  
the Revised Code. The board of elections shall certify the results 80040  
of the election to the transit authority and tax commissioner. 80041

A resolution adopted under this section may not specify that 80042  
the sole purpose of the tax is to fund infrastructure projects as 80043  
described in section 306.353 of the Revised Code; that purpose 80044  
must be combined with the purpose of providing additional general 80045  
revenues for the transit authority, funding a regional 80046  
transportation improvement project under section 5595.06 of the 80047  
Revised Code, or both. The resolution may specify the percentage 80048  
of the proceeds of the tax that will be allocated among each of 80049  
the purposes for which the tax is to be levied. If one of the 80050  
purposes of the tax is to provide general revenue for the transit 80051  
authority, the resolution may identify specific projects, 80052  
functions, or other uses to which that general revenue will be 80053  
allocated and the percentage of the tax proceeds to be allocated 80054  
to each of those projects, functions, or other uses. 80055

(2) Except as provided in division (C) of this section, the tax levied by the resolution shall become effective on the first day of a calendar quarter next following the sixty-fifth day following the date the tax commissioner receives from the board of elections the certification of the results of the election on the question of the tax.

(B) The legislative authority may, at any time while the tax is in effect, by resolution fix the rate of the tax at any rate authorized by this section and not in excess of that approved by the voters pursuant to section 306.70 of the Revised Code. Except as provided in division (C) of this section, any change in the rate of the tax shall be made effective on the first day of a calendar quarter next following the sixty-fifth day following the date the tax commissioner receives the certification of the resolution; provided, that in any case where bonds, or notes in anticipation of bonds, of a regional transit authority have been issued under section 306.40 of the Revised Code without a vote of the electors while the tax proposed to be reduced was in effect, the board of trustees of the regional transit authority shall continue to levy and collect under authority of the original election authorizing the tax a rate of tax that the board of trustees reasonably estimates will produce an amount in that year equal to the amount of principal of and interest on those bonds as is payable in that year.

(C) Upon receipt from the board of elections of the certification of the results of the election required by division (A) of this section, or from the legislative authority of the certification of a resolution under division (B) of this section, the tax commissioner shall provide notice of a tax rate change in a manner that is reasonably accessible to all affected vendors. The commissioner shall provide this notice at least sixty days prior to the effective date of the rate change. The commissioner,



by rule, may establish the method by which notice will be 80088  
provided. 80089

(D) If a vendor makes a sale in this state by printed catalog 80090  
and the consumer computed the tax on the sale based on local rates 80091  
published in the catalog, any tax levied or rate changed under 80092  
this section shall not apply to such a sale until the first day of 80093  
a calendar quarter following the expiration of one hundred twenty 80094  
days from the date of notice by the tax commissioner pursuant to 80095  
division (C) of this section. 80096

(E) The tax on every retail sale subject to a tax levied 80097  
pursuant to this section is in addition to the tax levied by 80098  
section 5739.02 of the Revised Code and any tax levied pursuant to 80099  
section 5739.021 or 5739.026 of the Revised Code. 80100

(F) The additional tax levied by the transit authority shall 80101  
be collected pursuant to section 5739.025 of the Revised Code. 80102

(G) Any tax levied pursuant to this section is subject to the 80103  
exemptions provided in section 5739.02 of the Revised Code and in 80104  
addition shall not be applicable to sales not within the taxing 80105  
power of a transit authority under the constitution of the United 80106  
States or the constitution of this state. 80107

(H) The rate of a tax levied under this section is subject to 80108  
reduction under section 5739.028 of the Revised Code, if a ballot 80109  
question is approved by voters pursuant to that section. 80110

**Sec. 5739.026.** (A) A board of county commissioners may levy a 80111  
tax on every retail sale in the county, except sales of watercraft 80112  
and outboard motors required to be titled pursuant to Chapter 80113  
1548. of the Revised Code and sales of motor vehicles, at a rate 80114  
of not more than one-half of one per cent and may increase the 80115  
rate of an existing tax to not more than one-half of one per cent 80116  
to pay the expenses of administering the tax and, except as 80117

provided in division (A)(6) of this section, for any one or more 80118  
of the following purposes provided that the aggregate levy for all 80119  
such purposes does not exceed one-half of one per cent: 80120

(1) To provide additional revenues for the payment of bonds 80121  
or notes issued in anticipation of bonds issued by a convention 80122  
facilities authority established by the board of county 80123  
commissioners under Chapter 351. of the Revised Code and to 80124  
provide additional operating revenues for the convention 80125  
facilities authority; 80126

(2) To provide additional revenues for a transit authority 80127  
operating in the county; 80128

(3) To provide additional revenue for the county's general 80129  
fund; 80130

(4) To provide additional revenue for permanent improvements 80131  
to be distributed by the community improvements board in 80132  
accordance with section 307.283 and to pay principal, interest, 80133  
and premium on bonds issued under section 307.284 of the Revised 80134  
Code; 80135

(5) To provide additional revenue for the acquisition, 80136  
construction, equipping, or repair of any specific permanent 80137  
improvement or any class or group of permanent improvements, which 80138  
improvement or class or group of improvements shall be enumerated 80139  
in the resolution required by division (D) of this section, and to 80140  
pay principal, interest, premium, and other costs associated with 80141  
the issuance of bonds or notes in anticipation of bonds issued 80142  
pursuant to Chapter 133. of the Revised Code for the acquisition, 80143  
construction, equipping, or repair of the specific permanent 80144  
improvement or class or group of permanent improvements; 80145

(6) To provide revenue for the implementation and operation 80146  
of a 9-1-1 system in the county. If the tax is levied or the rate 80147

increased exclusively for such purpose, the tax shall not be 80148  
levied or the rate increased for more than five years. At the end 80149  
of the last year the tax is levied or the rate increased, any 80150  
balance remaining in the special fund established for such purpose 80151  
shall remain in that fund and be used exclusively for such purpose 80152  
until the fund is completely expended, and, notwithstanding 80153  
section 5705.16 of the Revised Code, the board of county 80154  
commissioners shall not petition for the transfer of money from 80155  
such special fund, and the tax commissioner shall not approve such 80156  
a petition. 80157

If the tax is levied or the rate increased for such purpose 80158  
for more than five years, the board of county commissioners also 80159  
shall levy the tax or increase the rate of the tax for one or more 80160  
of the purposes described in divisions (A)(1) to (5) of this 80161  
section and shall prescribe the method for allocating the revenues 80162  
from the tax each year in the manner required by division (C) of 80163  
this section. 80164

(7) To provide additional revenue for the operation or 80165  
maintenance of a detention facility, as that term is defined under 80166  
division (F) of section 2921.01 of the Revised Code; 80167

(8) To provide revenue to finance the construction or 80168  
renovation of a sports facility, but only if the tax is levied for 80169  
that purpose in the manner prescribed by section 5739.028 of the 80170  
Revised Code. 80171

As used in division (A)(8) of this section: 80172

(a) "Sports facility" means a facility intended to house 80173  
major league professional athletic teams. 80174

(b) "Constructing" or "construction" includes providing 80175  
fixtures, furnishings, and equipment. 80176

(9) To provide additional revenue for the acquisition of 80177  
agricultural easements, as defined in section 5301.67 of the 80178

Revised Code; to pay principal, interest, and premium on bonds 80179  
issued under section 133.60 of the Revised Code; and for the 80180  
supervision and enforcement of agricultural easements held by the 80181  
county; 80182

(10) To provide revenue for the provision of ambulance, 80183  
paramedic, or other emergency medical services; 80184

(11) To provide revenue for the operation of a lake 80185  
facilities authority and the remediation of an impacted watershed 80186  
by a lake facilities authority, as provided in Chapter 353. of the 80187  
Revised Code; 80188

(12) To provide additional revenue for a regional 80189  
transportation improvement project under section 5595.06 of the 80190  
Revised Code. 80191

Pursuant to section 755.171 of the Revised Code, a board of 80192  
county commissioners may pledge and contribute revenue from a tax 80193  
levied for the purpose of division (A)(5) of this section to the 80194  
payment of debt charges on bonds issued under section 755.17 of 80195  
the Revised Code. 80196

The rate of tax shall be a multiple of ~~one-fourth or~~ 80197  
~~one-tenth~~ one-twentieth of one per cent, unless a portion of the 80198  
rate of an existing tax levied under section 5739.023 of the 80199  
Revised Code has been reduced, and the rate of tax levied under 80200  
this section has been increased, pursuant to section 5739.028 of 80201  
the Revised Code, in which case the aggregate of the rates of tax 80202  
levied under this section and section 5739.023 of the Revised Code 80203  
shall be a multiple of ~~one-fourth or one-tenth~~ one-twentieth of 80204  
one per cent. 80205

The tax shall be levied and the rate increased pursuant to a 80206  
resolution adopted by a majority of the members of the board. The 80207  
board shall deliver a certified copy of the resolution to the tax 80208  
commissioner, not later than the sixty-fifth day prior to the date 80209

on which the tax is to become effective, which shall be the first 80210  
day of a calendar quarter. 80211

Prior to the adoption of any resolution to levy the tax or to 80212  
increase the rate of tax exclusively for the purpose set forth in 80213  
division (A)(3) of this section, the board of county commissioners 80214  
shall conduct two public hearings on the resolution, the second 80215  
hearing to be no fewer than three nor more than ten days after the 80216  
first. Notice of the date, time, and place of the hearings shall 80217  
be given by publication in a newspaper of general circulation in 80218  
the county, or as provided in section 7.16 of the Revised Code, 80219  
once a week on the same day of the week for two consecutive weeks. 80220  
The second publication shall be no fewer than ten nor more than 80221  
thirty days prior to the first hearing. Except as provided in 80222  
division (E) of this section, the resolution shall be subject to a 80223  
referendum as provided in sections 305.31 to 305.41 of the Revised 80224  
Code. If the resolution is adopted as an emergency measure 80225  
necessary for the immediate preservation of the public peace, 80226  
health, or safety, it must receive an affirmative vote of all of 80227  
the members of the board of county commissioners and shall state 80228  
the reasons for the necessity. 80229

If the tax is for more than one of the purposes set forth in 80230  
divisions (A)(1) to (7), (9), (10), and (12) of this section, or 80231  
is exclusively for one of the purposes set forth in division 80232  
(A)(1), (2), (4), (5), (6), (7), (9), (10), or (12) of this 80233  
section, the resolution shall not go into effect unless it is 80234  
approved by a majority of the electors voting on the question of 80235  
the tax. 80236

(B) The board of county commissioners shall adopt a 80237  
resolution under section 351.02 of the Revised Code creating the 80238  
convention facilities authority, or under section 307.283 of the 80239  
Revised Code creating the community improvements board, before 80240  
adopting a resolution levying a tax for the purpose of a 80241

convention facilities authority under division (A)(1) of this 80242  
section or for the purpose of a community improvements board under 80243  
division (A)(4) of this section. 80244

(C)(1) If the tax is to be used for more than one of the 80245  
purposes set forth in divisions (A)(1) to (7), (9), (10), and (12) 80246  
of this section, the board of county commissioners shall establish 80247  
the method that will be used to determine the amount or proportion 80248  
of the tax revenue received by the county during each year that 80249  
will be distributed for each of those purposes, including, if 80250  
applicable, provisions governing the reallocation of a convention 80251  
facilities authority's allocation if the authority is dissolved 80252  
while the tax is in effect. The allocation method may provide that 80253  
different proportions or amounts of the tax shall be distributed 80254  
among the purposes in different years, but it shall clearly 80255  
describe the method that will be used for each year. Except as 80256  
otherwise provided in division (C)(2) of this section, the 80257  
allocation method established by the board is not subject to 80258  
amendment during the life of the tax. 80259

(2) Subsequent to holding a public hearing on the proposed 80260  
amendment, the board of county commissioners may amend the 80261  
allocation method established under division (C)(1) of this 80262  
section for any year, if the amendment is approved by the 80263  
governing board of each entity whose allocation for the year would 80264  
be reduced by the proposed amendment. In the case of a tax that is 80265  
levied for a continuing period of time, the board may not so amend 80266  
the allocation method for any year before the sixth year that the 80267  
tax is in effect. 80268

(a) If the additional revenues provided to the convention 80269  
facilities authority are pledged by the authority for the payment 80270  
of convention facilities authority revenue bonds for as long as 80271  
such bonds are outstanding, no reduction of the authority's 80272  
allocation of the tax shall be made for any year except to the 80273

extent that the reduced authority allocation, when combined with 80274  
the authority's other revenues pledged for that purpose, is 80275  
sufficient to meet the debt service requirements for that year on 80276  
such bonds. 80277

(b) If the additional revenues provided to the county are 80278  
pledged by the county for the payment of bonds or notes described 80279  
in division (A)(4) or (5) of this section, for as long as such 80280  
bonds or notes are outstanding, no reduction of the county's or 80281  
the community improvements board's allocation of the tax shall be 80282  
made for any year, except to the extent that the reduced county or 80283  
community improvements board allocation is sufficient to meet the 80284  
debt service requirements for that year on such bonds or notes. 80285

(c) If the additional revenues provided to the transit 80286  
authority are pledged by the authority for the payment of revenue 80287  
bonds issued under section 306.37 of the Revised Code, for as long 80288  
as such bonds are outstanding, no reduction of the authority's 80289  
allocation of tax shall be made for any year, except to the extent 80290  
that the authority's reduced allocation, when combined with the 80291  
authority's other revenues pledged for that purpose, is sufficient 80292  
to meet the debt service requirements for that year on such bonds. 80293

(d) If the additional revenues provided to the county are 80294  
pledged by the county for the payment of bonds or notes issued 80295  
under section 133.60 of the Revised Code, for so long as the bonds 80296  
or notes are outstanding, no reduction of the county's allocation 80297  
of the tax shall be made for any year, except to the extent that 80298  
the reduced county allocation is sufficient to meet the debt 80299  
service requirements for that year on the bonds or notes. 80300

(D)(1) The resolution levying the tax or increasing the rate 80301  
of tax shall state the rate of the tax or the rate of the 80302  
increase; the purpose or purposes for which it is to be levied; 80303  
the number of years for which it is to be levied or that it is for 80304  
a continuing period of time; the allocation method required by 80305

division (C) of this section; and if required to be submitted to 80306  
the electors of the county under division (A) of this section, the 80307  
date of the election at which the proposal shall be submitted to 80308  
the electors of the county, which shall be not less than ninety 80309  
days after the certification of a copy of the resolution to the 80310  
board of elections and, if the tax is to be levied exclusively for 80311  
the purpose set forth in division (A)(3) of this section, shall 80312  
not occur in August of any year. Upon certification of the 80313  
resolution to the board of elections, the board of county 80314  
commissioners shall notify the tax commissioner in writing of the 80315  
levy question to be submitted to the electors. If approved by a 80316  
majority of the electors, the tax shall become effective on the 80317  
first day of a calendar quarter next following the sixty-fifth day 80318  
following the date the board of county commissioners and tax 80319  
commissioner receive from the board of elections the certification 80320  
of the results of the election, except as provided in division (E) 80321  
of this section. 80322

(2)(a) A resolution specifying that the tax is to be used 80323  
exclusively for the purpose set forth in division (A)(3) of this 80324  
section that is not adopted as an emergency measure may direct the 80325  
board of elections to submit the question of levying the tax or 80326  
increasing the rate of the tax to the electors of the county at a 80327  
special election held on the date specified by the board of county 80328  
commissioners in the resolution, provided that the election occurs 80329  
not less than ninety days after the resolution is certified to the 80330  
board of elections and the election is not held in August of any 80331  
year. Upon certification of the resolution to the board of 80332  
elections, the board of county commissioners shall notify the tax 80333  
commissioner in writing of the levy question to be submitted to 80334  
the electors. No resolution adopted under division (D)(2)(a) of 80335  
this section shall go into effect unless approved by a majority of 80336  
those voting upon it and, except as provided in division (E) of 80337  
this section, not until the first day of a calendar quarter 80338



following the expiration of sixty-five days from the date the tax commissioner receives notice from the board of elections of the affirmative vote.

(b) A resolution specifying that the tax is to be used exclusively for the purpose set forth in division (A)(3) of this section that is adopted as an emergency measure shall become effective as provided in division (A) of this section, but may direct the board of elections to submit the question of repealing the tax or increase in the rate of the tax to the electors of the county at the next general election in the county occurring not less than ninety days after the resolution is certified to the board of elections. Upon certification of the resolution to the board of elections, the board of county commissioners shall notify the tax commissioner in writing of the levy question to be submitted to the electors. The ballot question shall be the same as that prescribed in section 5739.022 of the Revised Code. The board of elections shall notify the board of county commissioners and the tax commissioner of the result of the election immediately after the result has been declared. If a majority of the qualified electors voting on the question of repealing the tax or increase in the rate of the tax vote for repeal of the tax or repeal of the increase, the board of county commissioners, on the first day of a calendar quarter following the expiration of sixty-five days after the date the board and tax commissioner received notice of the result of the election, shall, in the case of a repeal of the tax, cease to levy the tax, or, in the case of a repeal of an increase in the rate of the tax, cease to levy the increased rate and levy the tax at the rate at which it was imposed immediately prior to the increase in rate.

(c) A board of county commissioners, by resolution, may reduce the rate of a tax levied exclusively for the purpose set forth in division (A)(3) of this section to a lower rate

authorized by this section. Any such reduction shall be made 80371  
effective on the first day of the calendar quarter next following 80372  
the sixty-fifth day after the tax commissioner receives a 80373  
certified copy of the resolution from the board. 80374

(E) If a vendor makes a sale in this state by printed catalog 80375  
and the consumer computed the tax on the sale based on local rates 80376  
published in the catalog, any tax levied or repealed or rate 80377  
changed under this section shall not apply to such a sale until 80378  
the first day of a calendar quarter following the expiration of 80379  
one hundred twenty days from the date of notice by the tax 80380  
commissioner pursuant to division (G) of this section. 80381

(F) The tax levied pursuant to this section shall be in 80382  
addition to the tax levied by section 5739.02 of the Revised Code 80383  
and any tax levied pursuant to section 5739.021 or 5739.023 of the 80384  
Revised Code. 80385

A county that levies a tax pursuant to this section shall 80386  
levy a tax at the same rate pursuant to section 5741.023 of the 80387  
Revised Code. 80388

The additional tax levied by the county shall be collected 80389  
pursuant to section 5739.025 of the Revised Code. 80390

Any tax levied pursuant to this section is subject to the 80391  
exemptions provided in section 5739.02 of the Revised Code and in 80392  
addition shall not be applicable to sales not within the taxing 80393  
power of a county under the Constitution of the United States or 80394  
the Ohio Constitution. 80395

(G) Upon receipt from a board of county commissioners of a 80396  
certified copy of a resolution required by division (A) of this 80397  
section, or from the board of elections a notice of the results of 80398  
an election required by division (D)(1), (2)(a), (b), or (c) of 80399  
this section, the tax commissioner shall provide notice of a tax 80400  
rate change in a manner that is reasonably accessible to all 80401

affected vendors. The commissioner shall provide this notice at 80402  
least sixty days prior to the effective date of the rate change. 80403  
The commissioner, by rule, may establish the method by which 80404  
notice will be provided. 80405

**Sec. 5739.03.** (A) Except as provided in section 5739.05 or 80406  
section 5739.051 of the Revised Code, the tax imposed by or 80407  
pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of 80408  
the Revised Code shall be paid by the consumer to the vendor, and 80409  
each vendor shall collect from the consumer, as a trustee for the 80410  
state of Ohio, the full and exact amount of the tax payable on 80411  
each taxable sale, in the manner and at the times provided as 80412  
follows: 80413

(1) If the price is, at or prior to the provision of the 80414  
service or the delivery of possession of the thing sold to the 80415  
consumer, paid in currency passed from hand to hand by the 80416  
consumer or the consumer's agent to the vendor or the vendor's 80417  
agent, the vendor or the vendor's agent shall collect the tax with 80418  
and at the same time as the price; 80419

(2) If the price is otherwise paid or to be paid, the vendor 80420  
or the vendor's agent shall, at or prior to the provision of the 80421  
service or the delivery of possession of the thing sold to the 80422  
consumer, charge the tax imposed by or pursuant to section 80423  
5739.02, 5739.021, 5739.023, or 5739.026 of the Revised Code to 80424  
the account of the consumer, which amount shall be collected by 80425  
the vendor from the consumer in addition to the price. Such sale 80426  
shall be reported on and the amount of the tax applicable thereto 80427  
shall be remitted with the return for the period in which the sale 80428  
is made, and the amount of the tax shall become a legal charge in 80429  
favor of the vendor and against the consumer. 80430

(B)(1)(a) If any sale is claimed to be exempt under division 80431  
(E) of section 5739.01 of the Revised Code or under section 80432

5739.02 of the Revised Code, with the exception of divisions 80433  
(B)(1) to (11), (28), or ~~(56)~~(55) of section 5739.02 of the 80434  
Revised Code, or if the consumer claims the transaction is not a 80435  
taxable sale due to one or more of the exclusions provided under 80436  
divisions (JJ)(1) to (5) of section 5739.01 of the Revised Code, 80437  
the consumer must provide to the vendor, and the vendor must 80438  
obtain from the consumer, a certificate specifying the reason that 80439  
the sale is not legally subject to the tax. The certificate shall 80440  
be in such form, and shall be provided either in a hard copy form 80441  
or electronic form, as the tax commissioner prescribes. 80442

(b) A vendor that obtains a fully completed exemption 80443  
certificate from a consumer is relieved of liability for 80444  
collecting and remitting tax on any sale covered by that 80445  
certificate. If it is determined the exemption was improperly 80446  
claimed, the consumer shall be liable for any tax due on that sale 80447  
under section 5739.02, 5739.021, 5739.023, or 5739.026 or Chapter 80448  
5741. of the Revised Code. Relief under this division from 80449  
liability does not apply to any of the following: 80450

(i) A vendor that fraudulently fails to collect tax; 80451

(ii) A vendor that solicits consumers to participate in the 80452  
unlawful claim of an exemption; 80453

(iii) A vendor that accepts an exemption certificate from a 80454  
consumer that claims an exemption based on who purchases or who 80455  
sells property or a service, when the subject of the transaction 80456  
sought to be covered by the exemption certificate is actually 80457  
received by the consumer at a location operated by the vendor in 80458  
this state, and this state has posted to its web site an exemption 80459  
certificate form that clearly and affirmatively indicates that the 80460  
claimed exemption is not available in this state; 80461

(iv) A vendor that accepts an exemption certificate from a 80462  
consumer who claims a multiple points of use exemption under 80463

division (D) of section 5739.033 of the Revised Code, if the item 80464  
purchased is tangible personal property, other than prewritten 80465  
computer software. 80466

(2) The vendor shall maintain records, including exemption 80467  
certificates, of all sales on which a consumer has claimed an 80468  
exemption, and provide them to the tax commissioner on request. 80469

(3) The tax commissioner may establish an identification 80470  
system whereby the commissioner issues an identification number to 80471  
a consumer that is exempt from payment of the tax. The consumer 80472  
must present the number to the vendor, if any sale is claimed to 80473  
be exempt as provided in this section. 80474

(4) If no certificate is provided or obtained within ninety 80475  
days after the date on which such sale is consummated, it shall be 80476  
presumed that the tax applies. Failure to have so provided or 80477  
obtained a certificate shall not preclude a vendor, within one 80478  
hundred twenty days after the tax commissioner gives written 80479  
notice of intent to levy an assessment, from either establishing 80480  
that the sale is not subject to the tax, or obtaining, in good 80481  
faith, a fully completed exemption certificate. 80482

(5) Certificates need not be obtained nor provided where the 80483  
identity of the consumer is such that the transaction is never 80484  
subject to the tax imposed or where the item of tangible personal 80485  
property sold or the service provided is never subject to the tax 80486  
imposed, regardless of use, or when the sale is in interstate 80487  
commerce. 80488

(6) If a transaction is claimed to be exempt under division 80489  
(B)(13) of section 5739.02 of the Revised Code, the contractor 80490  
shall obtain certification of the claimed exemption from the 80491  
contractee. This certification shall be in addition to an 80492  
exemption certificate provided by the contractor to the vendor. A 80493  
contractee that provides a certification under this division shall 80494

be deemed to be the consumer of all items purchased by the contractor under the claim of exemption, if it is subsequently determined that the exemption is not properly claimed. The certification shall be in such form as the tax commissioner prescribes.

(C) As used in this division, "contractee" means a person who seeks to enter or enters into a contract or agreement with a contractor or vendor for the construction of real property or for the sale and installation onto real property of tangible personal property.

Any contractor or vendor may request from any contractee a certification of what portion of the property to be transferred under such contract or agreement is to be incorporated into the realty and what portion will retain its status as tangible personal property after installation is completed. The contractor or vendor shall request the certification by certified mail delivered to the contractee, return receipt requested. Upon receipt of such request and prior to entering into the contract or agreement, the contractee shall provide to the contractor or vendor a certification sufficiently detailed to enable the contractor or vendor to ascertain the resulting classification of all materials purchased or fabricated by the contractor or vendor and transferred to the contractee. This requirement applies to a contractee regardless of whether the contractee holds a direct payment permit under section 5739.031 of the Revised Code or provides to the contractor or vendor an exemption certificate as provided under this section.

For the purposes of the taxes levied by this chapter and Chapter 5741. of the Revised Code, the contractor or vendor may in good faith rely on the contractee's certification. Notwithstanding division (B) of section 5739.01 of the Revised Code, if the tax commissioner determines that certain property certified by the

contractee as tangible personal property pursuant to this division 80527  
is, in fact, real property, the contractee shall be considered to 80528  
be the consumer of all materials so incorporated into that real 80529  
property and shall be liable for the applicable tax, and the 80530  
contractor or vendor shall be excused from any liability on those 80531  
materials. 80532

If a contractee fails to provide such certification upon the 80533  
request of the contractor or vendor, the contractor or vendor 80534  
shall comply with the provisions of this chapter and Chapter 5741. 80535  
of the Revised Code without the certification. If the tax 80536  
commissioner determines that such compliance has been performed in 80537  
good faith and that certain property treated as tangible personal 80538  
property by the contractor or vendor is, in fact, real property, 80539  
the contractee shall be considered to be the consumer of all 80540  
materials so incorporated into that real property and shall be 80541  
liable for the applicable tax, and the construction contractor or 80542  
vendor shall be excused from any liability on those materials. 80543

This division does not apply to any contract or agreement 80544  
where the tax commissioner determines as a fact that a 80545  
certification under this division was made solely on the decision 80546  
or advice of the contractor or vendor. 80547

(D) Notwithstanding division (B) of section 5739.01 of the 80548  
Revised Code, whenever the total rate of tax imposed under this 80549  
chapter is increased after the date after a construction contract 80550  
is entered into, the contractee shall reimburse the construction 80551  
contractor for any additional tax paid on tangible property 80552  
consumed or services received pursuant to the contract. 80553

(E) A vendor who files a petition for reassessment contesting 80554  
the assessment of tax on sales for which the vendor obtained no 80555  
valid exemption certificates and for which the vendor failed to 80556  
establish that the sales were properly not subject to the tax 80557  
during the one-hundred-twenty-day period allowed under division 80558

(B) of this section, may present to the tax commissioner 80559  
additional evidence to prove that the sales were properly subject 80560  
to a claim of exception or exemption. The vendor shall file such 80561  
evidence within ninety days of the receipt by the vendor of the 80562  
notice of assessment, except that, upon application and for 80563  
reasonable cause, the period for submitting such evidence shall be 80564  
extended thirty days. 80565

The commissioner shall consider such additional evidence in 80566  
reaching the final determination on the assessment and petition 80567  
for reassessment. 80568

(F) Whenever a vendor refunds the price, minus any separately 80569  
stated delivery charge, of an item of tangible personal property 80570  
on which the tax imposed under this chapter has been paid, the 80571  
vendor shall also refund the amount of tax paid, minus the amount 80572  
of tax attributable to the delivery charge. 80573

**Sec. 5739.05.** (A)(1) The tax commissioner shall enforce and 80574  
administer sections 5739.01 to 5739.31 of the Revised Code, which 80575  
are hereby declared to be sections which the commissioner is 80576  
required to administer within the meaning of sections 5703.17 to 80577  
5703.37, 5703.39, 5703.41, and 5703.45 of the Revised Code. The 80578  
commissioner may adopt and promulgate, in accordance with sections 80579  
119.01 to 119.13 of the Revised Code, such rules as the 80580  
commissioner deems necessary to administer sections 5739.01 to 80581  
5739.31 of the Revised Code. 80582

(2) On or before the first day of May of each year, the 80583  
commissioner shall make available to vendors a notice explaining 80584  
the three-day exemption period required under division (B)~~(56)~~(55) 80585  
of section 5739.02 of the Revised Code. 80586

(B) Upon application, the commissioner may authorize a vendor 80587  
to pay on a predetermined basis the tax levied by or pursuant to 80588  
section 5739.02, 5739.021, 5739.023, or 5739.026 of the Revised 80589



Code upon sales of things produced or distributed or services 80590  
provided by such vendor, and the commissioner may waive the 80591  
collection of the tax from the consumer. The commissioner shall 80592  
not grant such authority unless the commissioner finds that the 80593  
granting of the authority would improve compliance and increase 80594  
the efficiency of the administration of the tax. The person to 80595  
whom such authority is granted shall post a notice, if required by 80596  
the commissioner, at the location where the product is offered for 80597  
sale that the tax is included in the selling price. The 80598  
commissioner may adopt rules to administer this division. 80599

(C) Upon application, the commissioner may authorize a vendor 80600  
to remit, on the basis of a prearranged agreement under this 80601  
division, the tax levied by section 5739.02 or pursuant to section 80602  
5739.021, 5739.023, or 5739.026 of the Revised Code. The 80603  
proportions and ratios in a prearranged agreement shall be 80604  
determined either by a test check conducted by the commissioner 80605  
under terms and conditions agreed to by the commissioner and the 80606  
vendor or by any other method agreed upon by the vendor and the 80607  
commissioner. If the parties are unable to agree to the terms and 80608  
conditions of the test check or other method, the application 80609  
shall be denied. 80610

If used, the test check shall determine the proportion that 80611  
taxable retail sales bear to all of the vendor's retail sales and 80612  
the ratio which the tax required to be collected under sections 80613  
5739.02, 5739.021, 5739.023, and 5739.026 of the Revised Code 80614  
bears to the receipts from the vendor's taxable retail sales. 80615

The vendor's liability for remitting the tax shall be based 80616  
solely upon the proportions and ratios established in the 80617  
agreement until such time that the vendor or the commissioner 80618  
believes that the nature of the vendor's business has so changed 80619  
as to make the agreement no longer representative. The 80620  
commissioner may give notice to the vendor at any time that the 80621

authorization is revoked or the vendor may notify the commissioner 80622  
that the vendor no longer elects to report under the 80623  
authorization. Such notice shall be delivered to the other party 80624  
personally or by registered mail. The revocation or cancellation 80625  
is effective the last day of the month in which the vendor or the 80626  
commissioner receives the notice. 80627

**Sec. 5739.09.** (A)(1) A board of county commissioners may, by 80628  
resolution adopted by a majority of the members of the board, levy 80629  
an excise tax not to exceed three per cent on transactions by 80630  
which lodging by a hotel is or is to be furnished to transient 80631  
guests. The board shall establish all regulations necessary to 80632  
provide for the administration and allocation of the tax. The 80633  
regulations may prescribe the time for payment of the tax, and may 80634  
provide for the imposition of a penalty or interest, or both, for 80635  
late payments, provided that the penalty does not exceed ten per 80636  
cent of the amount of tax due, and the rate at which interest 80637  
accrues does not exceed the rate per annum prescribed pursuant to 80638  
section 5703.47 of the Revised Code. Except as provided in 80639  
divisions (A)(2), (3), (4), (5), (6), (7), (8), (9), (10), (11), 80640  
and (12) of this section, the regulations shall provide, after 80641  
deducting the real and actual costs of administering the tax, for 80642  
the return to each municipal corporation or township that does not 80643  
levy an excise tax on the transactions, a uniform percentage of 80644  
the tax collected in the municipal corporation or in the 80645  
unincorporated portion of the township from each transaction, not 80646  
to exceed thirty-three and one-third per cent. The remainder of 80647  
the revenue arising from the tax shall be deposited in a separate 80648  
fund and shall be spent solely to make contributions to the 80649  
convention and visitors' bureau operating within the county, 80650  
including a pledge and contribution of any portion of the 80651  
remainder pursuant to an agreement authorized by section 307.678 80652  
or 307.695 of the Revised Code, provided that if the board of 80653

county commissioners of an eligible county as defined in section 80654  
307.678 or 307.695 of the Revised Code adopts a resolution 80655  
amending a resolution levying a tax under this division to provide 80656  
that revenue from the tax shall be used by the board as described 80657  
in either division (D) of section 307.678 or division (H) of 80658  
section 307.695 of the Revised Code, the remainder of the revenue 80659  
shall be used as described in the resolution making that 80660  
amendment. Except as provided in division (A)(2), (3), (4), (5), 80661  
(6), (7), (8), (9), (10), or (11) or (H) of this section, on and 80662  
after May 10, 1994, a board of county commissioners may not levy 80663  
an excise tax pursuant to this division in any municipal 80664  
corporation or township located wholly or partly within the county 80665  
that has in effect an ordinance or resolution levying an excise 80666  
tax pursuant to division (B) of this section. The board of a 80667  
county that has levied a tax under division (C) of this section 80668  
may, by resolution adopted within ninety days after July 15, 1985, 80669  
by a majority of the members of the board, amend the resolution 80670  
levying a tax under this division to provide for a portion of that 80671  
tax to be pledged and contributed in accordance with an agreement 80672  
entered into under section 307.695 of the Revised Code. A tax, any 80673  
revenue from which is pledged pursuant to such an agreement, shall 80674  
remain in effect at the rate at which it is imposed for the 80675  
duration of the period for which the revenue from the tax has been 80676  
so pledged. 80677

The board of county commissioners of an eligible county as 80678  
defined in section 307.695 of the Revised Code may, by resolution 80679  
adopted by a majority of the members of the board, amend a 80680  
resolution levying a tax under this division to provide that the 80681  
revenue from the tax shall be used by the board as described in 80682  
division (H) of section 307.695 of the Revised Code, in which case 80683  
the tax shall remain in effect at the rate at which it was imposed 80684  
for the duration of any agreement entered into by the board under 80685

section 307.695 of the Revised Code, the duration during which any 80686  
securities issued by the board under that section are outstanding, 80687  
or the duration of the period during which the board owns a 80688  
project as defined in section 307.695 of the Revised Code, 80689  
whichever duration is longest. 80690

The board of county commissioners of an eligible county as 80691  
defined in section 307.678 of the Revised Code may, by resolution, 80692  
amend a resolution levying a tax under this division to provide 80693  
that revenue from the tax, not to exceed five hundred thousand 80694  
dollars each year, may be used as described in division (E) of 80695  
section 307.678 of the Revised Code. 80696

Notwithstanding division (A)(1) of this section, the board of 80697  
county commissioners of a county described in division (A)(8)(a) 80698  
of this section may, by resolution, amend a resolution levying a 80699  
tax under this division to provide that all or a portion of the 80700  
revenue from the tax, including any revenue otherwise required to 80701  
be returned to townships or municipal corporations under this 80702  
division, may be used or pledged for the payment of debt service 80703  
on securities issued to pay the costs of constructing, operating, 80704  
and maintaining sports facilities described in division (A)(8)(b) 80705  
of this section. 80706

The board of county commissioners of a county described in 80707  
division (A)(9) of this section may, by resolution, amend a 80708  
resolution levying a tax under this division to provide that all 80709  
or a portion of the revenue from the tax may be used for the 80710  
purposes described in section 307.679 of the Revised Code. 80711

(2) A board of county commissioners that levies an excise tax 80712  
under division (A)(1) of this section on June 30, 1997, at a rate 80713  
of three per cent, and that has pledged revenue from the tax to an 80714  
agreement entered into under section 307.695 of the Revised Code 80715  
or, in the case of the board of county commissioners of an 80716  
eligible county as defined in section 307.695 of the Revised Code, 80717

has amended a resolution levying a tax under division (C) of this 80718  
section to provide that proceeds from the tax shall be used by the 80719  
board as described in division (H) of section 307.695 of the 80720  
Revised Code, may, at any time by a resolution adopted by a 80721  
majority of the members of the board, amend the resolution levying 80722  
a tax under division (A)(1) of this section to provide for an 80723  
increase in the rate of that tax up to seven per cent on each 80724  
transaction; to provide that revenue from the increase in the rate 80725  
shall be used as described in division (H) of section 307.695 of 80726  
the Revised Code or be spent solely to make contributions to the 80727  
convention and visitors' bureau operating within the county to be 80728  
used specifically for promotion, advertising, and marketing of the 80729  
region in which the county is located; and to provide that the 80730  
rate in excess of the three per cent levied under division (A)(1) 80731  
of this section shall remain in effect at the rate at which it is 80732  
imposed for the duration of the period during which any agreement 80733  
is in effect that was entered into under section 307.695 of the 80734  
Revised Code by the board of county commissioners levying a tax 80735  
under division (A)(1) of this section, the duration of the period 80736  
during which any securities issued by the board under division (I) 80737  
of section 307.695 of the Revised Code are outstanding, or the 80738  
duration of the period during which the board owns a project as 80739  
defined in section 307.695 of the Revised Code, whichever duration 80740  
is longest. The amendment also shall provide that no portion of 80741  
that revenue need be returned to townships or municipal 80742  
corporations as would otherwise be required under division (A)(1) 80743  
of this section. 80744

(3) A board of county commissioners that levies a tax under 80745  
division (A)(1) of this section on March 18, 1999, at a rate of 80746  
three per cent may, by resolution adopted not later than 80747  
forty-five days after March 18, 1999, amend the resolution levying 80748  
the tax to provide for all of the following: 80749

(a) That the rate of the tax shall be increased by not more than an additional four per cent on each transaction;

(b) That all of the revenue from the increase in the rate shall be pledged and contributed to a convention facilities authority established by the board of county commissioners under Chapter 351. of the Revised Code on or before November 15, 1998, and used to pay costs of constructing, maintaining, operating, and promoting a facility in the county, including paying bonds, or notes issued in anticipation of bonds, as provided by that chapter;

(c) That no portion of the revenue arising from the increase in rate need be returned to municipal corporations or townships as otherwise required under division (A)(1) of this section;

(d) That the increase in rate shall not be subject to diminution by initiative or referendum or by law while any bonds, or notes in anticipation of bonds, issued by the authority under Chapter 351. of the Revised Code to which the revenue is pledged, remain outstanding in accordance with their terms, unless provision is made by law or by the board of county commissioners for an adequate substitute therefor that is satisfactory to the trustee if a trust agreement secures the bonds.

Division (A)(3) of this section does not apply to the board of county commissioners of any county in which a convention center or facility exists or is being constructed on November 15, 1998, or of any county in which a convention facilities authority levies a tax pursuant to section 351.021 of the Revised Code on that date.

As used in division (A)(3) of this section, "cost" and "facility" have the same meanings as in section 351.01 of the Revised Code, and "convention center" has the same meaning as in section 307.695 of the Revised Code.

(4)(a) A board of county commissioners that levies a tax 80781  
under division (A)(1) of this section on June 30, 2002, at a rate 80782  
of three per cent may, by resolution adopted not later than 80783  
September 30, 2002, amend the resolution levying the tax to 80784  
provide for all of the following: 80785

(i) That the rate of the tax shall be increased by not more 80786  
than an additional three and one-half per cent on each 80787  
transaction; 80788

(ii) That all of the revenue from the increase in rate shall 80789  
be pledged and contributed to a convention facilities authority 80790  
established by the board of county commissioners under Chapter 80791  
351. of the Revised Code on or before May 15, 2002, and be used to 80792  
pay costs of constructing, expanding, maintaining, operating, or 80793  
promoting a convention center in the county, including paying 80794  
bonds, or notes issued in anticipation of bonds, as provided by 80795  
that chapter; 80796

(iii) That no portion of the revenue arising from the 80797  
increase in rate need be returned to municipal corporations or 80798  
townships as otherwise required under division (A)(1) of this 80799  
section; 80800

(iv) That the increase in rate shall not be subject to 80801  
diminution by initiative or referendum or by law while any bonds, 80802  
or notes in anticipation of bonds, issued by the authority under 80803  
Chapter 351. of the Revised Code to which the revenue is pledged, 80804  
remain outstanding in accordance with their terms, unless 80805  
provision is made by law or by the board of county commissioners 80806  
for an adequate substitute therefor that is satisfactory to the 80807  
trustee if a trust agreement secures the bonds. 80808

(b) Any board of county commissioners that, pursuant to 80809  
division (A)(4)(a) of this section, has amended a resolution 80810  
levying the tax authorized by division (A)(1) of this section may 80811

further amend the resolution to provide that the revenue referred 80812  
to in division (A)(4)(a)(ii) of this section shall be pledged and 80813  
contributed both to a convention facilities authority to pay the 80814  
costs of constructing, expanding, maintaining, or operating one or 80815  
more convention centers in the county, including paying bonds, or 80816  
notes issued in anticipation of bonds, as provided in Chapter 351. 80817  
of the Revised Code, and to a convention and visitors' bureau to 80818  
pay the costs of promoting one or more convention centers in the 80819  
county. 80820

As used in division (A)(4) of this section, "cost" has the 80821  
same meaning as in section 351.01 of the Revised Code, and 80822  
"convention center" has the same meaning as in section 307.695 of 80823  
the Revised Code. 80824

(5)(a) As used in division (A)(5) of this section: 80825

(i) "Port authority" means a port authority created under 80826  
Chapter 4582. of the Revised Code. 80827

(ii) "Port authority military-use facility" means port 80828  
authority facilities on which or adjacent to which is located an 80829  
installation of the armed forces of the United States, a reserve 80830  
component thereof, or the national guard and at least part of 80831  
which is made available for use, for consideration, by the armed 80832  
forces of the United States, a reserve component thereof, or the 80833  
national guard. 80834

(b) For the purpose of contributing revenue to pay operating 80835  
expenses of a port authority that operates a port authority 80836  
military-use facility, the board of county commissioners of a 80837  
county that created, participated in the creation of, or has 80838  
joined such a port authority may do one or both of the following: 80839

(i) Amend a resolution previously adopted under division 80840  
(A)(1) of this section to designate some or all of the revenue 80841  
from the tax levied under the resolution to be used for that 80842



purpose, notwithstanding that division; 80843

(ii) Amend a resolution previously adopted under division 80844  
(A)(1) of this section to increase the rate of the tax by not more 80845  
than an additional two per cent and use the revenue from the 80846  
increase exclusively for that purpose. 80847

(c) If a board of county commissioners amends a resolution to 80848  
increase the rate of a tax as authorized in division (A)(5)(b)(ii) 80849  
of this section, the board also may amend the resolution to 80850  
specify that the increase in rate of the tax does not apply to 80851  
"hotels," as otherwise defined in section 5739.01 of the Revised 80852  
Code, having fewer rooms used for the accommodation of guests than 80853  
a number of rooms specified by the board. 80854

(6) A board of county commissioners of a county organized 80855  
under a county charter adopted pursuant to Article X, Section 3, 80856  
Ohio Constitution, and that levies an excise tax under division 80857  
(A)(1) of this section at a rate of three per cent and levies an 80858  
additional excise tax under division (E) of this section at a rate 80859  
of one and one-half per cent may, by resolution adopted not later 80860  
than January 1, 2008, by a majority of the members of the board, 80861  
amend the resolution levying a tax under division (A)(1) of this 80862  
section to provide for an increase in the rate of that tax by not 80863  
more than an additional one per cent on transactions by which 80864  
lodging by a hotel is or is to be furnished to transient guests. 80865  
Notwithstanding divisions (A)(1) and (E) of this section, the 80866  
resolution shall provide that all of the revenue from the increase 80867  
in rate, after deducting the real and actual costs of 80868  
administering the tax, shall be used to pay the costs of 80869  
improving, expanding, equipping, financing, or operating a 80870  
convention center by a convention and visitors' bureau in the 80871  
county. The increase in rate shall remain in effect for the period 80872  
specified in the resolution, not to exceed ten years, and may be 80873  
extended for an additional period of time not to exceed ten years 80874

thereafter by a resolution adopted by a majority of the members of 80875  
the board. The increase in rate shall be subject to the 80876  
regulations adopted under division (A)(1) of this section, except 80877  
that the resolution may provide that no portion of the revenue 80878  
from the increase in the rate shall be returned to townships or 80879  
municipal corporations as would otherwise be required under that 80880  
division. 80881

(7) Division (A)(7) of this section applies only to a county 80882  
with a population greater than sixty-five thousand and less than 80883  
seventy thousand according to the most recent federal decennial 80884  
census and in which, on December 31, 2006, an excise tax is levied 80885  
under division (A)(1) of this section at a rate not less than and 80886  
not greater than three per cent, and in which the most recent 80887  
increase in the rate of that tax was enacted or took effect in 80888  
November 1984. 80889

The board of county commissioners of a county to which this 80890  
division applies, by resolution adopted by a majority of the 80891  
members of the board, may increase the rate of the tax by not more 80892  
than one per cent on transactions by which lodging by a hotel is 80893  
or is to be furnished to transient guests. The increase in rate 80894  
shall be for the purpose of paying expenses deemed necessary by 80895  
the convention and visitors' bureau operating in the county to 80896  
promote travel and tourism. The increase in rate shall remain in 80897  
effect for the period specified in the resolution, not to exceed 80898  
twenty years, provided that the increase in rate may not continue 80899  
beyond the time when the purpose for which the increase is levied 80900  
ceases to exist. If revenue from the increase in rate is pledged 80901  
to the payment of debt charges on securities, the increase in rate 80902  
is not subject to diminution by initiative or referendum or by law 80903  
for so long as the securities are outstanding, unless provision is 80904  
made by law or by the board of county commissioners for an 80905  
adequate substitute for that revenue that is satisfactory to the 80906

trustee if a trust agreement secures payment of the debt charges. 80907  
The increase in rate shall be subject to the regulations adopted 80908  
under division (A)(1) of this section, except that the resolution 80909  
may provide that no portion of the revenue from the increase in 80910  
the rate shall be returned to townships or municipal corporations 80911  
as would otherwise be required under division (A)(1) of this 80912  
section. A resolution adopted under division (A)(7) of this 80913  
section is subject to referendum under sections 305.31 to 305.99 80914  
of the Revised Code. 80915

(8)(a) Division (A)(8) of this section applies only to a 80916  
county satisfying all of the following: 80917

(i) The population of the county is greater than one hundred 80918  
seventy-five thousand and less than two hundred twenty-five 80919  
thousand according to the most recent federal decennial census. 80920

(ii) An amusement park with an average yearly attendance in 80921  
excess of two million guests is located in the county. 80922

(iii) On December 31, 2014, an excise tax was levied in the 80923  
county under division (A)(1) of this section at a rate of three 80924  
per cent. 80925

(b) The board of county commissioners of a county to which 80926  
this division applies, by resolution adopted by a majority of the 80927  
members of the board, may increase the rate of the tax by not more 80928  
than one per cent on transactions by which lodging by a hotel is 80929  
or is to be furnished to transient guests. The increase in rate 80930  
shall be used to pay the costs of constructing and maintaining 80931  
facilities owned by the county or by a port authority created 80932  
under Chapter 4582. of the Revised Code, and designed to host 80933  
sporting events and expenses deemed necessary by the convention 80934  
and visitors' bureau operating in the county to promote travel and 80935  
tourism with reference to the sports facilities, and to pay or 80936  
pledge to the payment of debt service on securities issued to pay 80937

the costs of constructing, operating, and maintaining the sports facilities. The increase in rate shall remain in effect for the period specified in the resolution. If revenue from the increase in rate is pledged to the payment of debt charges on securities, the increase in rate is not subject to diminution by initiative or referendum or by law for so long as the securities are outstanding, unless provision is made by law or by the board of county commissioners for an adequate substitute for that revenue that is satisfactory to the trustee if a trust agreement secures payment of the debt charges. The increase in rate shall be subject to the regulations adopted under division (A)(1) of this section, except that the resolution may provide that no portion of the revenue from the increase in the rate shall be returned to townships or municipal corporations as would otherwise be required under division (A)(1) of this section.

(9) The board of county commissioners of a county with a population greater than seventy-five thousand and less than seventy-eight thousand, by resolution adopted by a majority of the members of the board not later than October 15, 2015, may increase the rate of the tax by not more than one per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. The increase in rate shall be for the purposes described in section 307.679 of the Revised Code or for the promotion of travel and tourism in the county, including travel and tourism to sports facilities. The increase in rate shall remain in effect for the period specified in the resolution and as necessary to fulfill the county's obligations under a cooperative agreement entered into under section 307.679 of the Revised Code. If the resolution is adopted by the board before September 29, 2015, but after that enactment becomes law, the increase in rate shall become effective beginning on September 29, 2015. If revenue from the increase in rate is pledged to the payment of debt charges on securities, or to substitute for other revenues pledged to the payment of such

debt, the increase in rate is not subject to diminution by 80971  
initiative or referendum or by law for so long as the securities 80972  
are outstanding, unless provision is made by law or by the board 80973  
of county commissioners for an adequate substitute for that 80974  
revenue that is satisfactory to the trustee if a trust agreement 80975  
secures payment of the debt charges. The increase in rate shall be 80976  
subject to the regulations adopted under division (A)(1) of this 80977  
section, except that no portion of the revenue from the increase 80978  
in the rate shall be returned to townships or municipal 80979  
corporations as would otherwise be required under division (A)(1) 80980  
of this section. 80981

(10) Division (A)(10) of this section applies only to 80982  
counties satisfying either of the following: 80983

(a) A county that, on July 1, 2015, does not levy an excise 80984  
tax under division (A)(1) of this section and that has a 80985  
population of at least thirty-nine thousand but not more than 80986  
forty thousand according to the 2010 federal decennial census; 80987

(b) A county that, on July 1, 2015, levies an excise tax 80988  
under division (A)(1) of this section at a rate of three per cent 80989  
and that has a population of at least seventy-one thousand but not 80990  
more than seventy-five thousand according to 2010 federal 80991  
decennial census. 80992

The board of county commissioners of a county to which 80993  
division (A)(10) of this section applies, by resolution adopted by 80994  
a majority of the members of the board, may levy an excise tax at 80995  
a rate not to exceed three per cent on transactions by which 80996  
lodging by a hotel is or is to be furnished to transient guests 80997  
for the purpose of acquiring, constructing, equipping, or 80998  
repairing permanent improvements, as defined in section 133.01 of 80999  
the Revised Code. If the board does not levy a tax under division 81000  
(A)(1) of this section, the board shall establish regulations 81001  
necessary to provide for the administration of the tax, which may 81002

prescribe the time for payment of the tax and the imposition of 81003  
penalty or interest subject to the limitations on penalty and 81004  
interest provided in division (A)(1) of this section. No portion 81005  
of the revenue shall be returned to townships or municipal 81006  
corporations in the county unless otherwise provided by resolution 81007  
of the board. The tax shall apply throughout the territory of the 81008  
county, including in any township or municipal corporation levying 81009  
an excise tax under division (B) of this section or division (A) 81010  
of section 5739.08 of the Revised Code. The levy of the tax is 81011  
subject to referendum as provided under section 305.31 of the 81012  
Revised Code. 81013

The tax shall remain in effect for the period specified in 81014  
the resolution. If revenue from the increase in rate is pledged to 81015  
the payment of debt charges on securities, the increase in rate is 81016  
not subject to diminution by initiative or referendum or by law 81017  
for so long as the securities are outstanding unless provision is 81018  
made by law or by the board for an adequate substitute for that 81019  
revenue that is satisfactory to the trustee if a trust agreement 81020  
secures payment of the debt charges. 81021

(11) The board of county commissioners of an eligible county, 81022  
as defined in section 307.678 of the Revised Code, that levies an 81023  
excise tax under division (A)(1) of this section on July 1, 2017, 81024  
at a rate of three per cent may, by resolution adopted by a 81025  
majority of the members of the board, amend the resolution levying 81026  
the tax to increase the rate of the tax by not more than an 81027  
additional three per cent on each transaction. No portion of the 81028  
revenue shall be returned to townships or municipal corporations 81029  
in the county unless otherwise provided by resolution of the 81030  
board. Otherwise, the revenue from the increase in the rate shall 81031  
be distributed and used in the same manner described under 81032  
division (A)(1) of this section or distributed or used to provide 81033  
credit enhancement facilities as authorized under section 307.678 81034

of the Revised Code. The increase in rate shall remain in effect 81035  
for the period specified in the resolution. If revenue from the 81036  
increase in rate is pledged to the payment of debt charges on 81037  
securities, the increase in rate is not subject to diminution by 81038  
initiative or referendum or by law for so long as the securities 81039  
are outstanding unless provision is made by law or by the board 81040  
for an adequate substitute for that revenue that is satisfactory 81041  
to the trustee if a trust agreement secures payment of the debt 81042  
charges. 81043

(12)(a) As used in this division: 81044

(i) "Eligible county" means a county that has a population 81045  
greater than one hundred ninety thousand and less than two hundred 81046  
thousand according to the 2010 federal decennial census and that 81047  
levies an excise tax under division (A)(1) of this section at a 81048  
rate of three per cent. 81049

(ii) "Professional sports facility" means a sports facility 81050  
that is intended to house major or minor league professional 81051  
athletic teams, including a stadium, together with all parking 81052  
facilities, walkways, and other auxiliary facilities, real and 81053  
personal property, property rights, easements, and interests that 81054  
may be appropriate for, or used in connection with, the operation 81055  
of the facility. 81056

(b) Subject to division (A)(12)(c) of this section, the board 81057  
of county commissioners of an eligible county, by resolution 81058  
adopted by a majority of the members of the board, may increase 81059  
the rate of the tax by not more than one per cent on transactions 81060  
by which lodging by a hotel is or is to be furnished to transient 81061  
guests. Revenue from the increase in rate shall be used for the 81062  
purposes of paying the costs of constructing, improving, and 81063  
maintaining a professional sports facility in the county and 81064  
paying expenses considered necessary by the convention and 81065  
visitors' bureau operating in the county to promote travel and 81066

tourism with respect to that professional sports facility. The tax 81067  
shall take effect only after the convention and visitors' bureau 81068  
enters into a contract for the construction, improvement, or 81069  
maintenance of a professional sports facility that is or will be 81070  
located on property acquired, in whole or in part, with revenue 81071  
from the increased rate, and thereafter shall remain in effect for 81072  
the period specified in the resolution. If revenue from the 81073  
increase in rate is pledged to the payment of debt charges on 81074  
securities, the increase in rate is not subject to diminution by 81075  
initiative or referendum or by law for so long as the securities 81076  
are outstanding, unless a provision is made by law or by the board 81077  
of county commissioners for an adequate substitute for that 81078  
revenue that is satisfactory to the trustee if a trust agreement 81079  
secures payment of the debt charges. The increase in rate shall be 81080  
subject to the regulations adopted under division (A)(1) of this 81081  
section, except that the resolution may provide that no portion of 81082  
the revenue from the increase in the rate shall be returned to 81083  
townships or municipal corporations as would otherwise be required 81084  
under division (A)(1) of this section. 81085

(c) If, on December 31, 2019, the convention and visitors' 81086  
bureau has not entered into a contract for the construction, 81087  
improvement, or maintenance of a professional sports facility that 81088  
is or will be located on property acquired, in whole or in part, 81089  
with revenue from the increased rate, the authority to levy the 81090  
tax under division (A)(12)(b) of this section is hereby repealed 81091  
on that date. 81092

(B)(1) The legislative authority of a municipal corporation 81093  
or the board of trustees of a township that is not wholly or 81094  
partly located in a county that has in effect a resolution levying 81095  
an excise tax pursuant to division (A)(1) of this section may, by 81096  
ordinance or resolution, levy an excise tax not to exceed three 81097  
per cent on transactions by which lodging by a hotel is or is to 81098



be furnished to transient guests. The legislative authority of the 811099  
municipal corporation or the board of trustees of the township 811100  
shall deposit at least fifty per cent of the revenue from the tax 811101  
levied pursuant to this division into a separate fund, which shall 811102  
be spent solely to make contributions to convention and visitors' 811103  
bureaus operating within the county in which the municipal 811104  
corporation or township is wholly or partly located, and the 811105  
balance of that revenue shall be deposited in the general fund. 811106  
The municipal corporation or township shall establish all 811107  
regulations necessary to provide for the administration and 811108  
allocation of the tax. The regulations may prescribe the time for 811109  
payment of the tax, and may provide for the imposition of a 811110  
penalty or interest, or both, for late payments, provided that the 811111  
penalty does not exceed ten per cent of the amount of tax due, and 811112  
the rate at which interest accrues does not exceed the rate per 811113  
annum prescribed pursuant to section 5703.47 of the Revised Code. 811114  
The levy of a tax under this division is in addition to any tax 811115  
imposed on the same transaction by a municipal corporation or a 811116  
township as authorized by division (A) of section 5739.08 of the 811117  
Revised Code. 811118

(2)(a) The legislative authority of the most populous 811119  
municipal corporation located wholly or partly in a county in 811120  
which the board of county commissioners has levied a tax under 811121  
division (A)(4) of this section may amend, on or before September 811122  
30, 2002, that municipal corporation's ordinance or resolution 811123  
that levies an excise tax on transactions by which lodging by a 811124  
hotel is or is to be furnished to transient guests, to provide for 811125  
all of the following: 811126

(i) That the rate of the tax shall be increased by not more 811127  
than an additional one per cent on each transaction; 811128

(ii) That all of the revenue from the increase in rate shall 811129  
be pledged and contributed to a convention facilities authority 811130

established by the board of county commissioners under Chapter 81131  
351. of the Revised Code on or before May 15, 2002, and be used to 81132  
pay costs of constructing, expanding, maintaining, operating, or 81133  
promoting a convention center in the county, including paying 81134  
bonds, or notes issued in anticipation of bonds, as provided by 81135  
that chapter; 81136

(iii) That the increase in rate shall not be subject to 81137  
diminution by initiative or referendum or by law while any bonds, 81138  
or notes in anticipation of bonds, issued by the authority under 81139  
Chapter 351. of the Revised Code to which the revenue is pledged, 81140  
remain outstanding in accordance with their terms, unless 81141  
provision is made by law, by the board of county commissioners, or 81142  
by the legislative authority, for an adequate substitute therefor 81143  
that is satisfactory to the trustee if a trust agreement secures 81144  
the bonds. 81145

(b) The legislative authority of a municipal corporation 81146  
that, pursuant to division (B)(2)(a) of this section, has amended 81147  
its ordinance or resolution to increase the rate of the tax 81148  
authorized by division (B)(1) of this section may further amend 81149  
the ordinance or resolution to provide that the revenue referred 81150  
to in division (B)(2)(a)(ii) of this section shall be pledged and 81151  
contributed both to a convention facilities authority to pay the 81152  
costs of constructing, expanding, maintaining, or operating one or 81153  
more convention centers in the county, including paying bonds, or 81154  
notes issued in anticipation of bonds, as provided in Chapter 351. 81155  
of the Revised Code, and to a convention and visitors' bureau to 81156  
pay the costs of promoting one or more convention centers in the 81157  
county. 81158

As used in division (B)(2) of this section, "cost" has the 81159  
same meaning as in section 351.01 of the Revised Code, and 81160  
"convention center" has the same meaning as in section 307.695 of 81161  
the Revised Code. 81162

(3) The legislative authority of an eligible municipal corporation may amend, on or before December 31, 2017, that municipal corporation's ordinance or resolution that levies an excise tax on transactions by which lodging by a hotel is or is to be furnished to transient guests, to provide for the following:

(a) That the rate of the tax shall be increased by not more than an additional three per cent on each transaction;

(b) That all of the revenue from the increase in rate shall be used by the municipal corporation for economic development and tourism-related purposes.

As used in division (B)(3) of this section, "eligible municipal corporation" means a municipal corporation that, on the effective date of the amendment of this section by H.B. 49 of the 132nd general assembly, September 29, 2017, levied a tax under division (B)(1) of this section at a rate of three per cent and that is located in a county that, on that date, levied a tax under division (A) of this section at a rate of three per cent and that has, according to the most recent federal decennial census, a population exceeding three hundred thousand but not greater than three hundred fifty thousand.

(C) For the purposes described in section 307.695 of the Revised Code and to cover the costs of administering the tax, a board of county commissioners of a county where a tax imposed under division (A)(1) of this section is in effect may, by resolution adopted within ninety days after July 15, 1985, by a majority of the members of the board, levy an additional excise tax not to exceed three per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. The tax authorized by this division shall be in addition to any tax that is levied pursuant to division (A) of this section, but it shall not apply to transactions subject to a tax levied by a municipal corporation or township pursuant to the authorization granted by

division (A) of section 5739.08 of the Revised Code. The board 81195  
shall establish all regulations necessary to provide for the 81196  
administration and allocation of the tax. The regulations may 81197  
prescribe the time for payment of the tax, and may provide for the 81198  
imposition of a penalty or interest, or both, for late payments, 81199  
provided that the penalty does not exceed ten per cent of the 81200  
amount of tax due, and the rate at which interest accrues does not 81201  
exceed the rate per annum prescribed pursuant to section 5703.47 81202  
of the Revised Code. All revenues arising from the tax shall be 81203  
expended in accordance with section 307.695 of the Revised Code. 81204  
The board of county commissioners of an eligible county as defined 81205  
in section 307.695 of the Revised Code may, by resolution adopted 81206  
by a majority of the members of the board, amend the resolution 81207  
levying a tax under this division to provide that the revenue from 81208  
the tax shall be used by the board as described in division (H) of 81209  
section 307.695 of the Revised Code. A tax imposed under this 81210  
division shall remain in effect at the rate at which it is imposed 81211  
for the duration of the period during which any agreement entered 81212  
into by the board under section 307.695 of the Revised Code is in 81213  
effect, the duration of the period during which any securities 81214  
issued by the board under division (I) of section 307.695 of the 81215  
Revised Code are outstanding, or the duration of the period during 81216  
which the board owns a project as defined in section 307.695 of 81217  
the Revised Code, whichever duration is longest. 81218

(D) For the purpose of providing contributions under division 81219  
(B)(1) of section 307.671 of the Revised Code to enable the 81220  
acquisition, construction, and equipping of a port authority 81221  
educational and cultural facility in the county and, to the extent 81222  
provided for in the cooperative agreement authorized by that 81223  
section, for the purpose of paying debt service charges on bonds, 81224  
or notes in anticipation of bonds, described in division (B)(1)(b) 81225  
of that section, a board of county commissioners, by resolution 81226  
adopted within ninety days after December 22, 1992, by a majority 81227

of the members of the board, may levy an additional excise tax not 81228  
to exceed one and one-half per cent on transactions by which 81229  
lodging by a hotel is or is to be furnished to transient guests. 81230  
The excise tax authorized by this division shall be in addition to 81231  
any tax that is levied pursuant to divisions (A), (B), and (C) of 81232  
this section, to any excise tax levied pursuant to section 5739.08 81233  
of the Revised Code, and to any excise tax levied pursuant to 81234  
section 351.021 of the Revised Code. The board of county 81235  
commissioners shall establish all regulations necessary to provide 81236  
for the administration and allocation of the tax that are not 81237  
inconsistent with this section or section 307.671 of the Revised 81238  
Code. The regulations may prescribe the time for payment of the 81239  
tax, and may provide for the imposition of a penalty or interest, 81240  
or both, for late payments, provided that the penalty does not 81241  
exceed ten per cent of the amount of tax due, and the rate at 81242  
which interest accrues does not exceed the rate per annum 81243  
prescribed pursuant to section 5703.47 of the Revised Code. All 81244  
revenues arising from the tax shall be expended in accordance with 81245  
section 307.671 of the Revised Code and division (D) of this 81246  
section. The levy of a tax imposed under this division may not 81247  
commence prior to the first day of the month next following the 81248  
execution of the cooperative agreement authorized by section 81249  
307.671 of the Revised Code by all parties to that agreement. The 81250  
tax shall remain in effect at the rate at which it is imposed for 81251  
the period of time described in division (C) of section 307.671 of 81252  
the Revised Code for which the revenue from the tax has been 81253  
pledged by the county to the corporation pursuant to that section, 81254  
but, to any extent provided for in the cooperative agreement, for 81255  
no lesser period than the period of time required for payment of 81256  
the debt service charges on bonds, or notes in anticipation of 81257  
bonds, described in division (B)(1)(b) of that section. 81258

(E) For the purpose of paying the costs of acquiring, 81259  
constructing, equipping, and improving a municipal educational and 81260

cultural facility, including debt service charges on bonds 81261  
provided for in division (B) of section 307.672 of the Revised 81262  
Code, and for any additional purposes determined by the county in 81263  
the resolution levying the tax or amendments to the resolution, 81264  
including subsequent amendments providing for paying costs of 81265  
acquiring, constructing, renovating, rehabilitating, equipping, 81266  
and improving a port authority educational and cultural performing 81267  
arts facility, as defined in section 307.674 of the Revised Code, 81268  
and including debt service charges on bonds provided for in 81269  
division (B) of section 307.674 of the Revised Code, the 81270  
legislative authority of a county, by resolution adopted within 81271  
ninety days after June 30, 1993, by a majority of the members of 81272  
the legislative authority, may levy an additional excise tax not 81273  
to exceed one and one-half per cent on transactions by which 81274  
lodging by a hotel is or is to be furnished to transient guests. 81275  
The excise tax authorized by this division shall be in addition to 81276  
any tax that is levied pursuant to divisions (A), (B), (C), and 81277  
(D) of this section, to any excise tax levied pursuant to section 81278  
5739.08 of the Revised Code, and to any excise tax levied pursuant 81279  
to section 351.021 of the Revised Code. The legislative authority 81280  
of the county shall establish all regulations necessary to provide 81281  
for the administration and allocation of the tax. The regulations 81282  
may prescribe the time for payment of the tax, and may provide for 81283  
the imposition of a penalty or interest, or both, for late 81284  
payments, provided that the penalty does not exceed ten per cent 81285  
of the amount of tax due, and the rate at which interest accrues 81286  
does not exceed the rate per annum prescribed pursuant to section 81287  
5703.47 of the Revised Code. All revenues arising from the tax 81288  
shall be expended in accordance with section 307.672 of the 81289  
Revised Code and this division. The levy of a tax imposed under 81290  
this division shall not commence prior to the first day of the 81291  
month next following the execution of the cooperative agreement 81292  
authorized by section 307.672 of the Revised Code by all parties 81293

to that agreement. The tax shall remain in effect at the rate at 81294  
which it is imposed for the period of time determined by the 81295  
legislative authority of the county. That period of time shall not 81296  
exceed fifteen years, except that the legislative authority of a 81297  
county with a population of less than two hundred fifty thousand 81298  
according to the most recent federal decennial census, by 81299  
resolution adopted by a majority of its members before the 81300  
original tax expires, may extend the duration of the tax for an 81301  
additional period of time. The additional period of time by which 81302  
a legislative authority extends a tax levied under this division 81303  
shall not exceed fifteen years. 81304

(F) The legislative authority of a county that has levied a 81305  
tax under division (E) of this section may, by resolution adopted 81306  
within one hundred eighty days after January 4, 2001, by a 81307  
majority of the members of the legislative authority, amend the 81308  
resolution levying a tax under that division to provide for the 81309  
use of the proceeds of that tax, to the extent that it is no 81310  
longer needed for its original purpose as determined by the 81311  
parties to a cooperative agreement amendment pursuant to division 81312  
(D) of section 307.672 of the Revised Code, to pay costs of 81313  
acquiring, constructing, renovating, rehabilitating, equipping, 81314  
and improving a port authority educational and cultural performing 81315  
arts facility, including debt service charges on bonds provided 81316  
for in division (B) of section 307.674 of the Revised Code, and to 81317  
pay all obligations under any guaranty agreements, reimbursement 81318  
agreements, or other credit enhancement agreements described in 81319  
division (C) of section 307.674 of the Revised Code. The 81320  
resolution may also provide for the extension of the tax at the 81321  
same rate for the longer of the period of time determined by the 81322  
legislative authority of the county, but not to exceed an 81323  
additional twenty-five years, or the period of time required to 81324  
pay all debt service charges on bonds provided for in division (B) 81325  
of section 307.672 of the Revised Code and on port authority 81326

revenue bonds provided for in division (B) of section 307.674 of 81327  
the Revised Code. All revenues arising from the amendment and 81328  
extension of the tax shall be expended in accordance with section 81329  
307.674 of the Revised Code, this division, and division (E) of 81330  
this section. 81331

(G) For purposes of a tax levied by a county, township, or 81332  
municipal corporation under this section or section 5739.08 of the 81333  
Revised Code, a board of county commissioners, board of township 81334  
trustees, or the legislative authority of a municipal corporation 81335  
may adopt a resolution or ordinance at any time specifying that 81336  
"hotel," as otherwise defined in section 5739.01 of the Revised 81337  
Code, includes the following: 81338

(1) Establishments in which fewer than five rooms are used 81339  
for the accommodation of guests. 81340

(2) Establishments at which rooms are used for the 81341  
accommodation of guests regardless of whether each room is 81342  
accessible through its own keyed entry or several rooms are 81343  
accessible through the same keyed entry; and, in determining the 81344  
number of rooms, all rooms are included regardless of the number 81345  
of structures in which the rooms are situated or the number of 81346  
parcels of land on which the structures are located if the 81347  
structures are under the same ownership and the structures are not 81348  
identified in advertisements of the accommodations as distinct 81349  
establishments. For the purposes of division (G)(2) of this 81350  
section, two or more structures are under the same ownership if 81351  
they are owned by the same person, or if they are owned by two or 81352  
more persons the majority of the ownership interests of which are 81353  
owned by the same person. 81354

The resolution or ordinance may apply to a tax imposed 81355  
pursuant to this section prior to the adoption of the resolution 81356  
or ordinance if the resolution or ordinance so states, but the tax 81357  
shall not apply to transactions by which lodging by such an 81358



establishment is provided to transient guests prior to the 81359  
adoption of the resolution or ordinance. 81360

(H)(1) As used in this division: 81361

(a) "Convention facilities authority" has the same meaning as 81362  
in section 351.01 of the Revised Code. 81363

(b) "Convention center" has the same meaning as in section 81364  
307.695 of the Revised Code. 81365

(2) Notwithstanding any contrary provision of division (D) of 81366  
this section, the legislative authority of a county with a 81367  
population of one million or more according to the most recent 81368  
federal decennial census that has levied a tax under division (D) 81369  
of this section may, by resolution adopted by a majority of the 81370  
members of the legislative authority, provide for the extension of 81371  
such levy and may provide that the proceeds of that tax, to the 81372  
extent that they are no longer needed for their original purpose 81373  
as defined by a cooperative agreement entered into under section 81374  
307.671 of the Revised Code, shall be deposited into the county 81375  
general revenue fund. The resolution shall provide for the 81376  
extension of the tax at a rate not to exceed the rate specified in 81377  
division (D) of this section for a period of time determined by 81378  
the legislative authority of the county, but not to exceed an 81379  
additional forty years. 81380

(3) The legislative authority of a county with a population 81381  
of one million or more that has levied a tax under division (A)(1) 81382  
of this section may, by resolution adopted by a majority of the 81383  
members of the legislative authority, increase the rate of the tax 81384  
levied by such county under division (A)(1) of this section to a 81385  
rate not to exceed five per cent on transactions by which lodging 81386  
by a hotel is or is to be furnished to transient guests. 81387  
Notwithstanding any contrary provision of division (A)(1) of this 81388  
section, the resolution may provide that all collections resulting 81389

from the rate levied in excess of three per cent, after deducting 81390  
the real and actual costs of administering the tax, shall be 81391  
deposited in the county general fund. 81392

(4) The legislative authority of a county with a population 81393  
of one million or more that has levied a tax under division (A)(1) 81394  
of this section may, by resolution adopted on or before August 30, 81395  
2004, by a majority of the members of the legislative authority, 81396  
provide that all or a portion of the proceeds of the tax levied 81397  
under division (A)(1) of this section, after deducting the real 81398  
and actual costs of administering the tax and the amounts required 81399  
to be returned to townships and municipal corporations with 81400  
respect to the first three per cent levied under division (A)(1) 81401  
of this section, shall be deposited in the county general fund, 81402  
provided that such proceeds shall be used to satisfy any pledges 81403  
made in connection with an agreement entered into under section 81404  
307.695 of the Revised Code. 81405

(5) No amount collected from a tax levied, extended, or 81406  
required to be deposited in the county general fund under division 81407  
(H) of this section shall be contributed to a convention 81408  
facilities authority, corporation, or other entity created after 81409  
July 1, 2003, for the principal purpose of constructing, 81410  
improving, expanding, equipping, financing, or operating a 81411  
convention center unless the mayor of the municipal corporation in 81412  
which the convention center is to be operated by that convention 81413  
facilities authority, corporation, or other entity has consented 81414  
to the creation of that convention facilities authority, 81415  
corporation, or entity. Notwithstanding any contrary provision of 81416  
section 351.04 of the Revised Code, if a tax is levied by a county 81417  
under division (H) of this section, the board of county 81418  
commissioners of that county may determine the manner of 81419  
selection, the qualifications, the number, and terms of office of 81420  
the members of the board of directors of any convention facilities 81421

authority, corporation, or other entity described in division 81422  
(H)(5) of this section. 81423

(6)(a) No amount collected from a tax levied, extended, or 81424  
required to be deposited in the county general fund under division 81425  
(H) of this section may be used for any purpose other than paying 81426  
the direct and indirect costs of constructing, improving, 81427  
expanding, equipping, financing, or operating a convention center 81428  
and for the real and actual costs of administering the tax, 81429  
unless, prior to the adoption of the resolution of the legislative 81430  
authority of the county authorizing the levy, extension, increase, 81431  
or deposit, the county and the mayor of the most populous 81432  
municipal corporation in that county have entered into an 81433  
agreement as to the use of such amounts, provided that such 81434  
agreement has been approved by a majority of the mayors of the 81435  
other municipal corporations in that county. The agreement shall 81436  
provide that the amounts to be used for purposes other than paying 81437  
the convention center or administrative costs described in 81438  
division (H)(6)(a) of this section be used only for the direct and 81439  
indirect costs of capital improvements, including the financing of 81440  
capital improvements. 81441

(b) If the county in which the tax is levied has an 81442  
association of mayors and city managers, the approval of that 81443  
association of an agreement described in division (H)(6)(a) of 81444  
this section shall be considered to be the approval of the 81445  
majority of the mayors of the other municipal corporations for 81446  
purposes of that division. 81447

(7) Each year, the auditor of state shall conduct an audit of 81448  
the uses of any amounts collected from taxes levied, extended, or 81449  
deposited under division (H) of this section and shall prepare a 81450  
report of the auditor of state's findings. The auditor of state 81451  
shall submit the report to the legislative authority of the county 81452  
that has levied, extended, or deposited the tax, the speaker of 81453

the house of representatives, the president of the senate, and the 81454  
leaders of the minority parties of the house of representatives 81455  
and the senate. 81456

(I)(1) As used in this division: 81457

(a) "Convention facilities authority" has the same meaning as 81458  
in section 351.01 of the Revised Code. 81459

(b) "Convention center" has the same meaning as in section 81460  
307.695 of the Revised Code. 81461

(2) Notwithstanding any contrary provision of division (D) of 81462  
this section, the legislative authority of a county with a 81463  
population of one million two hundred thousand or more according 81464  
to the most recent federal decennial census or the most recent 81465  
annual population estimate published or released by the United 81466  
States census bureau at the time the resolution is adopted placing 81467  
the levy on the ballot, that has levied a tax under division (D) 81468  
of this section may, by resolution adopted by a majority of the 81469  
members of the legislative authority, provide for the extension of 81470  
such levy and may provide that the proceeds of that tax, to the 81471  
extent that the proceeds are no longer needed for their original 81472  
purpose as defined by a cooperative agreement entered into under 81473  
section 307.671 of the Revised Code and after deducting the real 81474  
and actual costs of administering the tax, shall be used for 81475  
paying the direct and indirect costs of constructing, improving, 81476  
expanding, equipping, financing, or operating a convention center. 81477  
The resolution shall provide for the extension of the tax at a 81478  
rate not to exceed the rate specified in division (D) of this 81479  
section for a period of time determined by the legislative 81480  
authority of the county, but not to exceed an additional forty 81481  
years. 81482

(3) The legislative authority of a county with a population 81483  
of one million two hundred thousand or more that has levied a tax 81484

under division (A)(1) of this section may, by resolution adopted 81485  
by a majority of the members of the legislative authority, 81486  
increase the rate of the tax levied by such county under division 81487  
(A)(1) of this section to a rate not to exceed five per cent on 81488  
transactions by which lodging by a hotel is or is to be furnished 81489  
to transient guests. Notwithstanding any contrary provision of 81490  
division (A)(1) of this section, the resolution shall provide that 81491  
all collections resulting from the rate levied in excess of three 81492  
per cent, after deducting the real and actual costs of 81493  
administering the tax, shall be used for paying the direct and 81494  
indirect costs of constructing, improving, expanding, equipping, 81495  
financing, or operating a convention center. 81496

(4) The legislative authority of a county with a population 81497  
of one million two hundred thousand or more that has levied a tax 81498  
under division (A)(1) of this section may, by resolution adopted 81499  
on or before July 1, 2008, by a majority of the members of the 81500  
legislative authority, provide that all or a portion of the 81501  
proceeds of the tax levied under division (A)(1) of this section, 81502  
after deducting the real and actual costs of administering the tax 81503  
and the amounts required to be returned to townships and municipal 81504  
corporations with respect to the first three per cent levied under 81505  
division (A)(1) of this section, shall be used to satisfy any 81506  
pledges made in connection with an agreement entered into under 81507  
section 307.695 of the Revised Code or shall otherwise be used for 81508  
paying the direct and indirect costs of constructing, improving, 81509  
expanding, equipping, financing, or operating a convention center. 81510

(5) Any amount collected from a tax levied or extended under 81511  
division (I) of this section may be contributed to a convention 81512  
facilities authority created before July 1, 2005, but no amount 81513  
collected from a tax levied or extended under division (I) of this 81514  
section may be contributed to a convention facilities authority, 81515  
corporation, or other entity created after July 1, 2005, unless 81516

the mayor of the municipal corporation in which the convention 81517  
center is to be operated by that convention facilities authority, 81518  
corporation, or other entity has consented to the creation of that 81519  
convention facilities authority, corporation, or entity. 81520

(J)(1) Except as provided in division (J)(2) of this section, 81521  
money collected by a county and distributed under this section to 81522  
a convention and visitors' bureau in existence as of June 30, 81523  
2013, the effective date of H.B. 59 of the 130th general assembly, 81524  
except for any such money pledged, as of that effective date, to 81525  
the payment of debt service charges on bonds, notes, securities, 81526  
or lease agreements, shall be used solely for tourism sales, 81527  
marketing and promotion, and their associated costs, including, 81528  
but not limited to, operational and administrative costs of the 81529  
bureau, sales and marketing, and maintenance of the physical 81530  
bureau structure. 81531

(2) A convention and visitors' bureau that has entered into 81532  
an agreement under section 307.678 of the Revised Code may use 81533  
revenue it receives from a tax levied under division (A)(1) of 81534  
this section as described in division (E) of section 307.678 of 81535  
the Revised Code. 81536

(K) The board of county commissioners of a county with a 81537  
population between one hundred three thousand and one hundred 81538  
seven thousand according to the most recent federal decennial 81539  
census, by resolution adopted by a majority of the members of the 81540  
board within six months after September 15, 2014, the effective 81541  
date of H.B. 483 of the 130th general assembly, may levy a tax not 81542  
to exceed three per cent on transactions by which a hotel is or is 81543  
to be furnished to transient guests. The purpose of the tax shall 81544  
be to pay the costs of expanding, maintaining, or operating a 81545  
soldiers' memorial and the costs of administering the tax. All 81546  
revenue arising from the tax shall be credited to one or more 81547  
special funds in the county treasury and shall be spent solely for 81548

the purposes of paying those costs. The board of county 81549  
commissioners shall adopt all rules necessary to provide for the 81550  
administration of the tax subject to the same limitations on 81551  
imposing penalty or interest under division (A)(1) of this 81552  
section. 81553

As used in this division "soldiers' memorial" means a 81554  
memorial constructed and funded under Chapter 345. of the Revised 81555  
Code. 81556

(L) A board of county commissioners of an eligible county, by 81557  
resolution adopted by a majority of the members of the board, may 81558  
levy an excise tax at the rate of up to three per cent on 81559  
transactions by which lodging by a hotel is or is to be furnished 81560  
to transient guests for the purpose of paying the costs of 81561  
permanent improvements at sites at which one or more agricultural 81562  
societies conduct fairs or exhibits, paying the costs of 81563  
maintaining or operating such permanent improvements, and paying 81564  
the costs of administering the tax. A resolution adopted under 81565  
this division, other than a resolution that only extends the 81566  
period of time for which the tax is levied, shall direct the board 81567  
of elections to submit the question of the proposed lodging tax to 81568  
the electors of the county at a special election held on the date 81569  
specified by the board in the resolution, provided that the 81570  
election occurs not less than ninety days after a certified copy 81571  
of the resolution is transmitted to the board of elections. A 81572  
resolution submitted to the electors under this division shall not 81573  
go into effect unless it is approved by a majority of those voting 81574  
upon it. The resolution takes effect on the date the board of 81575  
county commissioners receives notification from the board of 81576  
elections of an affirmative vote. 81577

The tax shall remain in effect for the period specified in 81578  
the resolution, not to exceed five years, and may be extended for 81579  
an additional period of time not to exceed fifteen years 81580

thereafter by a resolution adopted by a majority of the members of 81581  
the board. A resolution extending the period of time for which the 81582  
tax is in effect is not subject to approval of the electors of the 81583  
county, but is subject to referendum under sections 305.31 to 81584  
305.99 of the Revised Code. All revenue arising from the tax shall 81585  
be credited to one or more special funds in the county treasury 81586  
and shall be spent solely for the purposes of paying the costs of 81587  
such permanent improvements and maintaining or operating the 81588  
improvements. Revenue allocated for the use of a county 81589  
agricultural society may be credited to the county agricultural 81590  
society fund created in section 1711.16 of the Revised Code upon 81591  
appropriation by the board. If revenue is credited to that fund, 81592  
it shall be expended only as provided in that section. 81593

The board of county commissioners shall adopt all rules 81594  
necessary to provide for the administration of the tax. The rules 81595  
may prescribe the time for payment of the tax, and may provide for 81596  
the imposition or penalty or interest, or both, for late payments, 81597  
provided that the penalty does not exceed ten per cent of the 81598  
amount of tax due, and the rate at which interest accrues does not 81599  
exceed the rate per annum prescribed in section 5703.47 of the 81600  
Revised Code. 81601

As used in this division, "eligible county" means a county in 81602  
which a county agricultural society or independent agricultural 81603  
society is organized under section 1711.01 or 1711.02 of the 81604  
Revised Code, provided the agricultural society owns a facility or 81605  
site in the county at which an annual harness horse race is 81606  
conducted where one-day attendance equals at least forty thousand 81607  
attendees. 81608

(M) As used in this division, "eligible county" means a 81609  
county in which a tax is levied under division (A) of this section 81610  
at a rate of three per cent and whose territory includes a part of 81611  
Lake Erie the shoreline of which represents at least fifty per 81612



cent of the linear length of the county's border with other 81613  
counties of this state. 81614

The board of county commissioners of an eligible county that 81615  
has entered into an agreement with a port authority in the county 81616  
under section 4582.56 of the Revised Code may levy an additional 81617  
lodging tax on transactions by which lodging by a hotel is or is 81618  
to be furnished to transient guests for the purpose of financing 81619  
lakeshore improvement projects constructed or financed by the port 81620  
authority under that section. The resolution levying the tax shall 81621  
specify the purpose of the tax, the rate of the tax, which shall 81622  
not exceed two per cent, and the number of years the tax will be 81623  
levied or that it will be levied for a continuing period of time. 81624  
The tax shall be administered pursuant to the regulations adopted 81625  
by the board under division (A) of this section, except that all 81626  
the proceeds of the tax levied under this division shall be 81627  
pledged to the payment of the costs, including debt charges, of 81628  
lakeshore improvements undertaken by a port authority pursuant to 81629  
the agreement under section 4582.56 of the Revised Code. No 81630  
revenue from the tax may be used to pay the current expenses of 81631  
the port authority. 81632

A resolution levying a tax under this division is subject to 81633  
referendum under sections 305.31 to 305.41 and 305.99 of the 81634  
Revised Code. 81635

(N)(1)(a) Notwithstanding division (A) of this section, the 81636  
board of county commissioners, board of township trustees, or 81637  
legislative authority of any county, township, or municipal 81638  
corporation that levies a lodging tax on September 29, 2017, and 81639  
in which any part of a tourism development district is located on 81640  
or after that date shall amend the ordinance or resolution levying 81641  
the tax to require either of the following: 81642

(i) In the case of a tax levied by a county, that all tourism 81643  
development district lodging tax proceeds from that tax be used 81644

exclusively to foster and develop tourism in the tourism 81645  
development district; 81646

(ii) In the case of a tax levied by a township or municipal 81647  
corporation, that all tourism development district lodging tax 81648  
proceeds from that tax be used exclusively to foster and develop 81649  
tourism in the tourism development district. 81650

(b) Notwithstanding division (A) of this section, any 81651  
ordinance or resolution levying a lodging tax adopted on or after 81652  
September 29, 2017, by a county, township, or municipal 81653  
corporation in which any part of a tourism development district is 81654  
located on or after that date shall require that all tourism 81655  
development district lodging tax proceeds from that tax be used 81656  
exclusively to foster and develop tourism in the tourism 81657  
development district. 81658

(c) A county shall not use any of the proceeds described in 81659  
division (N)(1)(a)(i) or (N)(1)(b) of this section unless the 81660  
convention and visitors' bureau operating within the county 81661  
approves the manner in which such proceeds are used to foster and 81662  
develop tourism in the tourism development district. Upon 81663  
obtaining such approval, the county may pay such proceeds to the 81664  
bureau to use for the agreed-upon purpose. 81665

A municipal corporation or township shall not use any of the 81666  
proceeds described in division (N)(1)(a)(ii) or (N)(1)(b) of this 81667  
section unless the convention and visitors' bureau operating 81668  
within the municipal corporation or township approves the manner 81669  
in which such proceeds are used to foster and develop tourism in 81670  
the tourism development district. Upon obtaining such approval, 81671  
the municipal corporation or township may pay such proceeds to the 81672  
bureau to use for the agreed-upon purpose. 81673

(2)(a) Notwithstanding division (A) of this section, the 81674  
board of county commissioners of an eligible county that levies a 81675

lodging tax on March 23, 2018, may amend the resolution levying 81676  
that tax to require that all or a portion of the proceeds of that 81677  
tax otherwise required to be spent solely to make contributions to 81678  
the convention and visitors' bureau operating within the county 81679  
shall be used to foster and develop tourism in a tourism 81680  
development district. 81681

(b) Notwithstanding division (A) of this section, the board 81682  
of county commissioners of an eligible county that adopts a 81683  
resolution levying a lodging tax on or after March 23, 2018, may 81684  
require that all or a portion of the proceeds of that tax 81685  
otherwise required to be spent solely to make contributions to the 81686  
convention and visitors' bureau operating within the county 81687  
pursuant to division (A) of this section shall be used to foster 81688  
and develop tourism in a tourism development district. 81689

(c) A county shall not use any of the proceeds in the manner 81690  
described in division (N)(2)(a) or (b) of this section unless the 81691  
convention and visitors' bureau operating within the county 81692  
approves the manner in which such proceeds are used to foster and 81693  
develop tourism in the tourism development district. Upon 81694  
obtaining such approval, the county may pay such proceeds to the 81695  
bureau to use for the agreed upon purpose. 81696

(3) As used in division (N) of this section: 81697

(a) "Tourism development district" means a district 81698  
designated by a municipal corporation under section 715.014 of the 81699  
Revised Code or by a township under section 503.56 of the Revised 81700  
Code. 81701

(b) "Lodging tax" means a tax levied pursuant to this section 81702  
or section 5739.08 of the Revised Code. 81703

(c) "Tourism development district lodging tax proceeds" means 81704  
all proceeds of a lodging tax derived from transactions by which 81705  
lodging by a hotel located in a tourism development district is or 81706

is to be provided to transient guests. 81707

(d) "Eligible county" has the same meaning as in section 81708  
307.678 of the Revised Code. 81709

**Sec. 5739.101.** (A) The legislative authority of a municipal 81710  
corporation, by ordinance or resolution, or of a township, by 81711  
resolution, may declare the municipal corporation or township to 81712  
be a resort area for the purposes of this section, if all of the 81713  
following criteria are met: 81714

(1) According to statistics published by the federal 81715  
government based on data compiled during the most recent decennial 81716  
census of the United States, at least sixty-two per cent of total 81717  
housing units in the municipal corporation or township are 81718  
classified as "for seasonal, recreational, or occasional use"; 81719

(2) Entertainment and recreation facilities are provided 81720  
within the municipal corporation or township that are primarily 81721  
intended to provide seasonal leisure time activities for persons 81722  
other than permanent residents of the municipal corporation or 81723  
township; 81724

(3) The municipal corporation or township experiences 81725  
seasonal peaks of employment and demand for government services as 81726  
a direct result of the seasonal population increase. 81727

(B) For the purpose of providing revenue for its general 81728  
fund, the legislative authority of a municipal corporation or 81729  
township, in its ordinance or resolution declaring itself a resort 81730  
area under this section, may levy a tax on the privilege of 81731  
engaging in the business of either of the following: 81732

(1) Making sales in the municipal corporation or township, 81733  
whether wholesale or retail, but including sales of food only to 81734  
the extent such sales are subject to the tax levied under section 81735  
5739.02 of the Revised Code; 81736

(2) Intrastate transportation of passengers or property 81737  
primarily to or from the municipal corporation or township by a 81738  
railroad, watercraft, or motor vehicle subject to regulation by 81739  
the public utilities commission, except not including 81740  
transportation of passengers as part of a tour or cruise in which 81741  
the passengers will stay in the municipal corporation or township 81742  
for no more than one hour. 81743

The tax is imposed upon and shall be paid by the person 81744  
making the sales or transporting the passengers or property. The 81745  
rate of the tax shall be one-half, one, or one and one-half per 81746  
cent of the person's gross receipts derived from making the sales 81747  
or transporting the passengers or property to or from the 81748  
municipal corporation or township. 81749

(C) For the purpose of fostering and developing tourism in a 81750  
tourism development district designated under section 503.56 or 81751  
715.014 of the Revised Code, the legislative authority of a 81752  
municipal corporation or township, by ordinance or resolution 81753  
adopted on or before December 31, ~~2018~~ 2020, may levy a tax on the 81754  
privilege of engaging in the business of making sales in the 81755  
tourism development district, whether wholesale or retail, but 81756  
including sales of food only to the extent such sales are subject 81757  
to the tax levied under section 5739.02 of the Revised Code. 81758

The tax is imposed upon and shall be paid by the person 81759  
making the sales. The rate of the tax shall be one-half, one, one 81760  
and one-half, or two per cent of the person's gross receipts 81761  
derived from making the sales in the tourism development district. 81762

(D) A tax levied under division (B) or (C) of this section 81763  
shall take effect on the first day of the month that begins at 81764  
least sixty days after the effective date of the ordinance or 81765  
resolution by which it is levied. The legislative authority shall 81766  
certify copies of the ordinance or resolution to the tax 81767  
commissioner and treasurer of state within five days after its 81768

adoption. In addition, one time each week during the two weeks 81769  
following the adoption of the ordinance or resolution, the 81770  
legislative authority shall cause to be published in a newspaper 81771  
of general circulation in the municipal corporation or township, 81772  
or as provided in section 7.16 of the Revised Code, a notice 81773  
explaining the tax and stating the rate of the tax, the date it 81774  
will take effect, and that persons subject to the tax must 81775  
register with the tax commissioner under section 5739.103 of the 81776  
Revised Code. 81777

(E) No more than once a year, and subject to the rates 81778  
prescribed in division (B) or (C) of this section, the legislative 81779  
authority of the municipal corporation or township, by ordinance 81780  
or resolution, may increase or decrease the rate of a tax levied 81781  
under this section. The legislative authority, by ordinance or 81782  
resolution, at any time may repeal such a tax. The legislative 81783  
authority shall certify to the tax commissioner and treasurer of 81784  
state copies of the ordinance or resolution repealing or changing 81785  
the rate of the tax within five days after its adoption. In 81786  
addition, one time each week during the two weeks following the 81787  
adoption of the ordinance or resolution, the legislative authority 81788  
shall cause to be published in a newspaper of general circulation 81789  
in the municipal corporation or township, or as provided in 81790  
section 7.16 of the Revised Code, notice of the repeal or change. 81791

(F) A person may separately or proportionately bill or 81792  
invoice a tax levied pursuant to division (B) or (C) of this 81793  
section to another person. 81794

**Sec. 5741.01.** As used in this chapter: 81795

(A) "Person" includes individuals, receivers, assignees, 81796  
trustees in bankruptcy, estates, firms, partnerships, 81797  
associations, joint-stock companies, joint ventures, clubs, 81798  
societies, corporations, business trusts, governments, and 81799

combinations of individuals of any form. 81800

(B) "Storage" means and includes any keeping or retention in 81801  
this state for use or other consumption in this state. 81802

(C) "Use" means and includes the exercise of any right or 81803  
power incidental to the ownership of the thing used. A thing is 81804  
also "used" in this state if its consumer gives or otherwise 81805  
distributes it, without charge, to recipients in this state. 81806

(D) "Purchase" means acquired or received for a 81807  
consideration, whether such acquisition or receipt was effected by 81808  
a transfer of title, or of possession, or of both, or a license to 81809  
use or consume; whether such transfer was absolute or conditional, 81810  
and by whatever means the transfer was effected; and whether the 81811  
consideration was money, credit, barter, or exchange. Purchase 81812  
includes production, even though the article produced was used, 81813  
stored, or consumed by the producer. The transfer of copyrighted 81814  
motion picture films for exhibition purposes is not a purchase, 81815  
except such films as are used solely for advertising purposes. 81816

(E) "Seller" means the person from whom a purchase is made, 81817  
and includes every person engaged in this state or elsewhere in 81818  
the business of selling tangible personal property or providing a 81819  
service for storage, use, or other consumption or benefit in this 81820  
state; and when, in the opinion of the tax commissioner, it is 81821  
necessary for the efficient administration of this chapter, to 81822  
regard any salesperson, representative, peddler, or canvasser as 81823  
the agent of a dealer, distributor, supervisor, or employer under 81824  
whom the person operates, or from whom the person obtains tangible 81825  
personal property, sold by the person for storage, use, or other 81826  
consumption in this state, irrespective of whether or not the 81827  
person is making such sales on the person's own behalf, or on 81828  
behalf of such dealer, distributor, supervisor, or employer, the 81829  
commissioner may regard the person as such agent, and may regard 81830  
such dealer, distributor, supervisor, or employer as the seller. 81831

"Seller" A marketplace facilitator shall be treated as the 81832  
"seller" with respect to all sales facilitated by the marketplace 81833  
facilitator on behalf of one or more marketplace sellers on and 81834  
after the first day of the first month that begins at least thirty 81835  
days after the marketplace facilitator first has substantial nexus 81836  
with this state. Otherwise, "seller" does not include any person 81837  
to the extent the person provides a communications medium, such 81838  
as, but not limited to, newspapers, magazines, radio, television, 81839  
or cable television, by means of which sellers solicit purchases 81840  
of their goods or services. 81841

(F) "Consumer" means any person who has purchased tangible 81842  
personal property or has been provided a service for storage, use, 81843  
or other consumption or benefit in this state. "Consumer" does not 81844  
include a person who receives, without charge, tangible personal 81845  
property or a service. 81846

A person who performs a facility management or similar 81847  
service contract for a contractee is a consumer of all tangible 81848  
personal property and services purchased for use in connection 81849  
with the performance of such contract, regardless of whether title 81850  
to any such property vests in the contractee. The purchase of such 81851  
property and services is not subject to the exception for resale 81852  
under division (E) of section 5739.01 of the Revised Code. 81853

(G)(1) "Price," except as provided in divisions (G)(2) to (6) 81854  
of this section, has the same meaning as in division (H)(1) of 81855  
section 5739.01 of the Revised Code. 81856

(2) In the case of watercraft, outboard motors, or new motor 81857  
vehicles, "price" has the same meaning as in divisions (H)(2) and 81858  
(3) of section 5739.01 of the Revised Code. 81859

(3) In the case of a nonresident business consumer that 81860  
purchases and uses tangible personal property outside this state 81861  
and subsequently temporarily stores, uses, or otherwise consumes 81862



such tangible personal property in the conduct of business in this 81863  
state, the consumer or the tax commissioner may determine the 81864  
price based on the value of the temporary storage, use, or other 81865  
consumption, in lieu of determining the price pursuant to division 81866  
(G)(1) of this section. A price determination made by the consumer 81867  
is subject to review and redetermination by the commissioner. 81868

(4) In the case of tangible personal property held in this 81869  
state as inventory for sale or lease, and that is temporarily 81870  
stored, used, or otherwise consumed in a taxable manner, the price 81871  
is the value of the temporary use. A price determination made by 81872  
the consumer is subject to review and redetermination by the 81873  
commissioner. 81874

(5) In the case of tangible personal property originally 81875  
purchased and used by the consumer outside this state, and that 81876  
becomes permanently stored, used, or otherwise consumed in this 81877  
state more than six months after its acquisition by the consumer, 81878  
the consumer or the commissioner may determine the price based on 81879  
the current value of such tangible personal property, in lieu of 81880  
determining the price pursuant to division (G)(1) of this section. 81881  
A price determination made by the consumer is subject to review 81882  
and redetermination by the commissioner. 81883

(6) If a consumer produces tangible personal property for 81884  
sale and removes that property from inventory for the consumer's 81885  
own use, the price is the produced cost of that tangible personal 81886  
property. 81887

(H) "Nexus with this state" means that the seller engages in 81888  
continuous and widespread solicitation of purchases from residents 81889  
of this state or otherwise purposefully directs its business 81890  
activities at residents of this state. 81891

(I)(1) "Substantial nexus with this state" means that the 81892  
seller has sufficient contact with this state, in accordance with 81893

Section 8 of Article I of the Constitution of the United States, 81894  
to allow the state to require the seller to collect and remit use 81895  
tax on sales of tangible personal property or services made to 81896  
consumers in this state. 81897

(2) "Substantial nexus with this state" is presumed to exist 81898  
when the seller does any of the following: 81899

(a) Uses an office, distribution facility, warehouse, storage 81900  
facility, or similar place of business within this state, whether 81901  
operated by the seller or any other person, other than a common 81902  
carrier acting in its capacity as a common carrier. 81903

(b) Regularly uses employees, agents, representatives, 81904  
solicitors, installers, repairers, salespersons, or other persons 81905  
in this state for the purpose of conducting the business of the 81906  
seller or either to engage in a business with the same or a 81907  
similar industry classification as the seller selling a similar 81908  
product or line of products as the seller, or to use trademarks, 81909  
service marks, or trade names in this state that are the same or 81910  
substantially similar to those used by the seller. 81911

(c) Uses any person, other than a common carrier acting in 81912  
its capacity as a common carrier, in this state for any of the 81913  
following purposes: 81914

(i) Receiving or processing orders of the seller's goods or 81915  
services; 81916

(ii) Using that person's employees or facilities in this 81917  
state to advertise, promote, or facilitate sales by the seller to 81918  
customers; 81919

(iii) Delivering, installing, assembling, or performing 81920  
maintenance services for the seller's customers; 81921

(iv) Facilitating the seller's delivery of tangible personal 81922  
property to customers in this state by allowing the seller's 81923

customers to pick up property sold by the seller at an office, 81924  
distribution facility, warehouse, storage facility, or similar 81925  
place of business. 81926

(d) Makes regular deliveries of tangible personal property 81927  
into this state by means other than common carrier. 81928

(e) Has an affiliated person that has substantial nexus with 81929  
this state. 81930

(f) Owns tangible personal property that is rented or leased 81931  
to a consumer in this state, or offers tangible personal property, 81932  
on approval, to consumers in this state. 81933

~~(g) Enters into an agreement with one or more residents of 81934  
this state under which the resident, for a commission or other 81935  
consideration, directly or indirectly refers potential customers 81936  
to the seller, whether by a link on a web site, an in person oral 81937  
presentation, telemarketing, or otherwise, provided the cumulative 81938  
gross receipts from sales to consumers referred to the seller by 81939  
all such residents exceeded ten thousand dollars during the 81940  
preceding twelve months. 81941~~

~~(h) Uses in state software to sell or lease taxable tangible 81942  
personal property or services to consumers, provided the seller 81943  
has Has gross receipts in excess of ~~five~~ one hundred thousand 81944  
dollars in the current or preceding calendar year from the sale of 81945  
tangible personal property for storage, use, or consumption in 81946  
this state or from providing services the benefit of which is 81947  
realized in this state. 81948~~

~~(i) Provides or enters into an agreement with another person 81949  
to provide a content distribution network in this state to 81950  
accelerate or enhance the delivery of the seller's web site to 81951  
consumers, provided the seller has gross receipts in excess of 81952  
five hundred thousand dollars (h) Engages, in the current or 81953  
preceding calendar year ~~from the sale of~~ , in two hundred or more 81954~~

separate transactions selling tangible personal property for 81955  
storage, use, or consumption in this state or ~~from~~ providing 81956  
services the benefit of which is realized in this state. 81957

(3) A seller presumed to have substantial nexus with this 81958  
state under divisions (I)(2)(a) to (f), (g), and (h), ~~and (i)~~ of 81959  
this section may rebut that presumption by demonstrating that 81960  
activities described in any of those divisions that are conducted 81961  
by a person in this state on the seller's behalf are not 81962  
significantly associated with the seller's ability to establish or 81963  
maintain a market in this state for the seller's sales. 81964

~~(4) A seller presumed to have substantial nexus with this 81965  
state under division (I)(2)(g) of this section may rebut that 81966  
presumption by submitting proof that each resident engaged by the 81967  
seller as described in that division did not engage in any 81968  
activity within this state during the preceding twelve months that 81969  
was significantly associated with the seller's ability to 81970  
establish or maintain the seller's market in this state during the 81971  
preceding twelve months. Such proof may consist of sworn written 81972  
statements from all the residents with whom the seller has an 81973  
agreement stating that the resident did not engage in any 81974  
solicitation in this state on behalf of the seller during the 81975  
preceding twelve months if such statements are provided and 81976  
obtained in good faith. A marketplace facilitator is presumed to 81977  
have substantial nexus with this state if either of the following 81978  
apply in the current or preceding calendar year: 81979~~

(a) The aggregate gross receipts derived from sales of 81980  
tangible personal property for storage, use, or consumption in 81981  
this state or services the benefit of which is realized in this 81982  
state, including sales made by the marketplace facilitator on its 81983  
own behalf and sales facilitated by the marketplace facilitator on 81984  
behalf of one or more marketplace sellers, exceed one hundred 81985  
thousand dollars; 81986

(b) The marketplace facilitator engages in on its own behalf, or facilitates on behalf of one or more marketplace sellers, two hundred or more separate transactions selling tangible personal property for storage, use, or consumption in this state or services the benefit of which is realized in this state.

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(5) A seller that does not have substantial nexus with this state, and any affiliated person of the seller, before selling or leasing tangible personal property or services to a state agency, shall register with the tax commissioner in the same manner as a seller described in division (A)(1) of section 5741.17 of the Revised Code.

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(6) As used in division (I) of this section:

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(a) "Affiliated person" means any person that is a member of the same controlled group of corporations as the seller or any other person that, notwithstanding the form of organization, bears the same ownership relationship to the seller as a corporation that is a member of the same controlled group of corporations.

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(b) "Controlled group of corporations" has the same meaning as in section 1563(a) of the Internal Revenue Code.

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(c) "State agency" has the same meaning as in section 1.60 of the Revised Code.

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~~(d) "In-state software" means computer software, as that term is defined in section 5739.01 of the Revised Code, that is stored on property in this state or is distributed within this state for the purpose of facilitating a seller's sales.~~

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~~(e) "Content delivery network" means a system of distributed servers that deliver web sites and other web content to a user based on the geographic location of the user, the origin of the web site or web content, and a content delivery server.~~

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(J) "Fiscal officer" means, with respect to a regional

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transit authority, the secretary-treasurer thereof, and with 82017  
respect to a county which is a transit authority, the fiscal 82018  
officer of the county transit board appointed pursuant to section 82019  
306.03 of the Revised Code or, if the board of county 82020  
commissioners operates the county transit system, the county 82021  
auditor. 82022

(K) "Territory of the transit authority" means all of the 82023  
area included within the territorial boundaries of a transit 82024  
authority as they from time to time exist. Such territorial 82025  
boundaries must at all times include all the area of a single 82026  
county or all the area of the most populous county which is a part 82027  
of such transit authority. County population shall be measured by 82028  
the most recent census taken by the United States census bureau. 82029

(L) "Transit authority" means a regional transit authority 82030  
created pursuant to section 306.31 of the Revised Code or a county 82031  
in which a county transit system is created pursuant to section 82032  
306.01 of the Revised Code. For the purposes of this chapter, a 82033  
transit authority must extend to at least the entire area of a 82034  
single county. A transit authority which includes territory in 82035  
more than one county must include all the area of the most 82036  
populous county which is a part of such transit authority. County 82037  
population shall be measured by the most recent census taken by 82038  
the United States census bureau. 82039

(M) "Providing a service" has the same meaning as in section 82040  
5739.01 of the Revised Code. 82041

(N) "Other consumption" includes receiving the benefits of a 82042  
service. 82043

(O) "Lease" or "rental" has the same meaning as in section 82044  
5739.01 of the Revised Code. 82045

(P) "Certified service provider" has the same meaning as in 82046  
section 5740.01 of the Revised Code. 82047

(Q) "Remote sale" means a sale for which the seller could not be legally required to pay, collect, or remit a tax imposed under this chapter or Chapter 5739. of the Revised Code, unless otherwise provided by the laws of the United States.

(R) "Remote seller" means a seller that lacks substantial nexus with this state but is required to register with the tax commissioner under section 5741.17 of the Revised Code pursuant to federal law authorizing states to require such sellers to register, collect, and remit use tax. A seller that is not required to register with the commissioner under division (A) of section 5741.17 of the Revised Code but registers voluntarily under division (B) of that section is not a "remote seller." A seller that registers with the commissioner under section 5741.17 of the Revised Code after the effective date of any federal law that authorizes states to require sellers that lack substantial nexus with the state to register, collect, and remit use tax is presumed to be a "remote seller." The seller or the commissioner may rebut this presumption with evidence that the seller has substantial nexus with this state.

(S) "Remote small seller" means a remote seller that has gross annual receipts from remote sales in the United States not exceeding one million dollars for the preceding calendar year. For the purposes of determining whether a person is a small remote seller, the sales of all persons related within the meaning of subsection (b) or (c) of section 267 or section 707(b)(1) of the Internal Revenue Code shall be aggregated, and persons with one or more ownership relationships shall be aggregated if those relationships were designed with the principal purpose to qualify as a remote small seller.

(T) "Marketplace facilitator" means a person that owns, operates, or controls a physical or electronic marketplace through which retail sales are facilitated on behalf of one or more

marketplace sellers, or an affiliate of such a person. 82080

"Marketplace facilitator" does not include a person that provides 82081  
advertising services, including tangible personal property or 82082  
services listed for sale, if the advertising service platform or 82083  
forum does not engage directly or indirectly through one or more 82084  
affiliated persons in the activities described in division (W)(2) 82085  
of this section. 82086

(U) "Marketplace seller" means a person on behalf of which a 82087  
marketplace facilitator facilitates the sale of tangible personal 82088  
property for storage, use, or consumption in this state or 82089  
services the benefit of which are realized in this state, 82090  
regardless of whether or not the person has a substantial nexus 82091  
with this state. 82092

(V) "Electronic marketplace" includes digital distribution 82093  
services, digital distribution platforms, online portals, 82094  
application stores, computer software applications, in-app 82095  
purchase mechanisms, or other digital products. 82096

(W) A sale is "facilitated" by a marketplace facilitator on 82097  
behalf of a marketplace seller if it satisfies divisions (W)(1), 82098  
(2), and (3) of this section: 82099

(1) The marketplace facilitator, directly or indirectly, does 82100  
any of the following: 82101

(a) Lists, makes available, or advertises the tangible 82102  
personal property or services that are the subject of the sale in 82103  
a physical or electronic marketplace owned, operated, or 82104  
controlled by the marketplace facilitator; 82105

(b) Transmits or otherwise communicates an offer or 82106  
acceptance of the sale between the marketplace seller and the 82107  
purchaser in a shop, store, booth, catalog, internet site, or 82108  
other similar forum; 82109

(c) Owns, rents, licenses, makes available, or operates any 82110



<u>electronic or physical infrastructure or any property, process,</u>	82111
<u>method, copyright, trademark, or patent that connects the</u>	82112
<u>marketplace seller to the purchaser for the purpose of making</u>	82113
<u>sales;</u>	82114
<u>(d) Provides the marketplace in which the sale was made or</u>	82115
<u>otherwise facilitates the sale regardless of ownership or control</u>	82116
<u>of the tangible personal property or services that are the subject</u>	82117
<u>of the sale;</u>	82118
<u>(e) Provides software development or research and development</u>	82119
<u>services directly related to a physical or electronic marketplace</u>	82120
<u>that is involved in one or more of the activities described in</u>	82121
<u>division (W)(1) of this section;</u>	82122
<u>(f) Provides fulfillment or storage services for the</u>	82123
<u>marketplace seller that are related to the tangible personal</u>	82124
<u>property or services that are the subject of the sale;</u>	82125
<u>(g) Sets the price of the sale on behalf of the marketplace</u>	82126
<u>seller;</u>	82127
<u>(h) Provides or offers customer service to the marketplace</u>	82128
<u>seller or the marketplace seller's customers, or accepts or</u>	82129
<u>assists with taking orders, returns, or exchanges of the tangible</u>	82130
<u>personal property or services that are the subject of the sale;</u>	82131
<u>(i) Brands or otherwise identifies the sale as a sale of the</u>	82132
<u>marketplace facilitator.</u>	82133
<u>(2) The marketplace facilitator, directly or indirectly, does</u>	82134
<u>any of the following:</u>	82135
<u>(a) Collects the price of the tangible personal property or</u>	82136
<u>services sold to the consumer;</u>	82137
<u>(b) Provides payment processing services for the sale;</u>	82138
<u>(c) Collects payment in connection with the sale from the</u>	82139
<u>consumer through terms and conditions, agreements, or arrangements</u>	82140

with a third party, and transmits that payment to the marketplace 82141  
seller, regardless of whether the person collecting and 82142  
transmitting such payment receives compensation or other 82143  
consideration in exchange for the service; 82144

(d) Provides virtual currency that consumers are allowed or 82145  
required to use to purchase the tangible personal property or 82146  
services that are the subject of the sale. 82147

(3) The subject of the sale is tangible personal property or 82148  
services other than lodging by a hotel that is or is to be 82149  
furnished to transient guests. 82150

**Sec. 5741.04.** Every seller required to register with the tax 82151  
commissioner pursuant to section 5741.17 of the Revised Code who 82152  
is engaged in the business of selling or facilitating the sale of 82153  
tangible personal property in this state for storage, use, or 82154  
other consumption in this state, to which section 5741.02 of the 82155  
Revised Code applies, or which is subject to a tax levied pursuant 82156  
to section 5741.021, 5741.022, or 5741.023 of the Revised Code, 82157  
shall, and any other seller who is authorized by rule of the tax 82158  
commissioner to do so may, collect from the consumer the full and 82159  
exact amount of the tax payable on each such storage, use, or 82160  
consumption, in the manner and at the times provided as follows: 82161

(A) If the price is, at or prior to the delivery of 82162  
possession of the thing sold to the consumer, paid in currency 82163  
passed from hand to hand by the consumer or the consumer's agent, 82164  
to the seller or the seller's agent, the seller or the seller's 82165  
agent shall collect the tax with and at the same time as the 82166  
price. 82167

(B) If the price is otherwise paid or to be paid, the seller 82168  
or the seller's agent shall, at or prior to the delivery of 82169  
possession of the thing sold to the consumer, charge the tax 82170  
imposed by or pursuant to section 5741.02, 5741.021, 5741.022, or 82171

5741.023 of the Revised Code to the account of the consumer, which 82172  
amount shall be collected by the seller from the consumer in 82173  
addition to the price. Such transaction shall be reported on the 82174  
return for the period in which the transaction occurred, and the 82175  
amount of tax applicable to the transaction shall be remitted with 82176  
the return or, if the consumer is subject to section 5741.121 of 82177  
the Revised Code, in the manner prescribed by that section. The 82178  
amount of the tax shall become a legal charge in favor of the 82179  
seller and against the consumer. 82180

(C) It shall be the obligation of each consumer, as required 82181  
by section 5741.12 of the Revised Code, to report and pay the 82182  
taxes levied by sections 5741.021, 5741.022, and 5741.023 of the 82183  
Revised Code, if applicable, on any storage, use, or other 82184  
consumption of tangible personal property purchased in this state 82185  
from a vendor required to be licensed pursuant to section 5739.17 82186  
of the Revised Code. 82187

**Sec. 5741.05.** As used in this section, "receive" means taking 82188  
possession of tangible personal property or making first use of a 82189  
service. "Receive" does not include possession by a shipping 82190  
company on behalf of a consumer. 82191

(A) A Except as otherwise provided in division (B) of this 82192  
section, a seller that collects the tax levied by sections 82193  
5741.02, 5741.021, 5741.022, or 5741.023 of the Revised Code on 82194  
transactions, other than sales of titled motor vehicles, titled 82195  
watercraft, or titled outboard motors, shall determine under 82196  
section 5739.033 or 5739.034 of the Revised Code the jurisdiction 82197  
for which to collect the tax. A 82198

(B) A marketplace facilitator that collects the tax levied by 82199  
sections 5741.02, 5741.021, 5741.022, or 5741.023 of the Revised 82200  
Code on sales facilitated by the marketplace facilitator, other 82201  
than sales of titled motor vehicles, titled watercraft, or titled 82202

outboard motors, shall determine the jurisdiction for which to 82203  
collect the tax as follows: 82204

(1) The location known to the marketplace facilitator where 82205  
the consumer or the donee designated by the consumer receives the 82206  
tangible personal property or service, including the location 82207  
indicated by instructions for delivery to the consumer or the 82208  
consumer's donee; 82209

(2) If division (B)(1) of this section does not apply, the 82210  
location indicated by an address for the consumer that is 82211  
available from the marketplace facilitator's business records that 82212  
are maintained in the ordinary course of the marketplace 82213  
facilitator's business, when use of that address does not 82214  
constitute bad faith; 82215

(3) If divisions (B)(1) and (2) of this section do not apply, 82216  
the location indicated by an address for the consumer obtained 82217  
during the consummation of the sale, including the address 82218  
associated with the consumer's payment instrument, if no other 82219  
address is available, when use of that address does not constitute 82220  
bad faith. 82221

(4) If divisions (B)(1), (2), and (3) of this section do not 82222  
apply, including in the circumstance where the marketplace 82223  
facilitator is without sufficient information to apply any of 82224  
those divisions, the address from which tangible personal property 82225  
was shipped, or from which the service was provided, disregarding 82226  
any location that merely provided the electronic transfer of the 82227  
property sold or service provided. 82228

(C) A vendor or seller of motor vehicles, watercraft, or 82229  
outboard motors required to be titled in this state shall collect 82230  
the tax levied by section 5739.02 or 5741.02 of the Revised Code 82231  
and the additional taxes levied by division (A)(1) of section 82232  
5741.021, division (A)(1) of section 5741.022, and division (A)(1) 82233

of section 5741.023 of the Revised Code for the consumer's county 82234  
of residence as provided in section 1548.06 and division (B) of 82235  
section 4505.06 of the Revised Code. 82236

~~(B)~~(D) A vendor or seller is not responsible for collecting 82237  
or remitting additional tax if a consumer subsequently stores, 82238  
uses, or consumes the tangible personal property or service in 82239  
another jurisdiction with a rate of tax imposed by sections 82240  
5741.02, 5741.021, 5741.022, or 5741.023 of the Revised Code that 82241  
is higher than the amount collected by the vendor or seller 82242  
pursuant to Chapter 5739. or 5741. of the Revised Code. 82243

Sec. 5741.07. Except as otherwise provided in section 5741.11 82244  
of the Revised Code, a marketplace facilitator that is treated as 82245  
a seller pursuant to division (E) of section 5741.01 of the 82246  
Revised Code has the same rights and obligations under this 82247  
chapter as other sellers. Such obligations include registering 82248  
with the tax commissioner under section 5741.17 of the Revised 82249  
Code and collecting and remitting the taxes levied under this 82250  
chapter on sales facilitated by the marketplace facilitator in 82251  
accordance with section 5741.04 of the Revised Code. A marketplace 82252  
facilitator's rights and obligations regarding a sale are not 82253  
affected by the amount of the price paid by the consumer that will 82254  
accrue to or benefit the marketplace facilitator as compared to 82255  
the marketplace seller for which the sale is facilitated, or by 82256  
whether or not such marketplace seller has substantial nexus with 82257  
this state, registers with the tax commissioner under section 82258  
5741.17 of the Revised Code, or collects and remits taxes on sales 82259  
not facilitated by a marketplace facilitator in accordance with 82260  
section 5741.04 of the Revised Code. 82261

A marketplace seller that is required to collect and remit 82262  
the taxes levied under this chapter shall continue to do so for 82263  
all sales other than those facilitated by a marketplace 82264

facilitator that is treated as a seller pursuant to division (E) 82265  
of section 5741.01 of the Revised Code, including sales 82266  
facilitated before the first day of the first month that begins at 82267  
least thirty days after the marketplace facilitator first has 82268  
substantial nexus with this state. 82269

**Sec. 5741.071.** (A) A marketplace seller may request and shall 82270  
obtain a waiver from the tax commissioner for a marketplace 82271  
facilitator not to be treated as a seller pursuant to division (E) 82272  
of section 5741.01 of the Revised Code with respect to a specific 82273  
marketplace seller if the following conditions are met: 82274

(1) The marketplace seller certifies it has annual gross 82275  
receipts within the United States, including the gross receipts of 82276  
any affiliate, as defined in section 122.15 of the Revised Code, 82277  
of at least one billion dollars; 82278

(2) The marketplace seller or its affiliate, as defined in 82279  
section 122.15 of the Revised Code, is publicly traded on at least 82280  
one major stock exchange; 82281

(3) The marketplace seller is current on all taxes, fees, and 82282  
charges administered by the department of taxation that are not 82283  
subject to a bona fide dispute; 82284

(4) The marketplace seller has not, within the past twelve 82285  
months, requested that a waiver related to the marketplace 82286  
facilitator at issue be canceled nor has the waiver been revoked 82287  
by the commissioner; and 82288

(5) The marketplace seller has not violated division (B) of 82289  
section 5739.30 of the Revised Code. 82290

(B) A marketplace seller shall request a waiver on the form 82291  
prescribed by the commissioner. A request for a waiver shall 82292  
contain a signed declaration from the marketplace facilitator 82293  
acquiescing to the request for a waiver. A waiver request that is 82294

not ruled upon by the commissioner within thirty days of the date 82295  
it was filed is deemed granted. A waiver that is granted by the 82296  
commissioner or deemed to be granted is effective on and after the 82297  
first day of the first month that begins at least thirty days 82298  
after the commissioner grants the waiver or the waiver is deemed 82299  
granted. The waiver is valid until the first day of the first 82300  
month that begins at least sixty days after it is revoked by the 82301  
commissioner or cancelled by the marketplace seller. 82302

(C)(1) If a waiver is granted by the commissioner, the 82303  
commissioner shall notify the marketplace seller and the seller 82304  
shall be considered the vendor pursuant to division (C) of section 82305  
5739.01 of the Revised Code or a seller pursuant to division (E) 82306  
of section 5741.01 of the Revised Code, as applicable. 82307

(2) A marketplace seller is required to notify the 82308  
marketplace facilitator of the status of the waiver of the 82309  
marketplace seller. However, if a waiver is denied by the 82310  
commissioner, a copy of the denial shall be provided to the 82311  
marketplace facilitator. 82312

(3) A marketplace seller that has been issued a waiver under 82313  
this section may cancel the waiver by sending notice to the 82314  
commissioner and to the marketplace facilitator identified in the 82315  
waiver application. The commissioner may revoke a waiver if the 82316  
commissioner determines that any of the conditions described in 82317  
divisions (A)(1) to (5) of this section are no longer met by the 82318  
marketplace seller. The commissioner shall notify the marketplace 82319  
seller and the marketplace facilitator upon revoking a waiver. 82320

(D) Notwithstanding section 5703.21 of the Revised Code, the 82321  
commissioner may divulge information related to the status of the 82322  
waiver sought by or granted to the marketplace seller for a 82323  
particular marketplace facilitator to either the impacted 82324  
marketplace seller or marketplace facilitator. 82325

(E) The commissioner may promulgate rules the commissioner 82326  
deems necessary to administer this section. 82327

**Sec. 5741.11.** If (A) Except as otherwise provided in 82328  
divisions (B) and (C) of this section, if any seller who is 82329  
required or authorized to collect the tax imposed by or pursuant 82330  
to section 5741.02, 5741.021, 5741.022, or 5741.023 of the Revised 82331  
Code fails to do so, ~~he~~ the seller shall be liable personally for 82332  
such amount as ~~he~~ the seller failed to collect. If any seller 82333  
collects the tax imposed by or pursuant to any such section and 82334  
fails to remit the same to the state as prescribed, ~~he~~ the seller 82335  
shall be personally liable for any amount collected ~~which he~~ that 82336  
the seller failed to remit. The tax commissioner may make an 82337  
assessment against such seller, based upon any information within 82338  
~~his~~ the commissioner's possession. The commissioner shall give to 82339  
the seller written notice of such assessment. Such notice may be 82340  
served upon the seller personally or by certified mail. 82341

(B) A marketplace facilitator is relieved of all liability 82342  
under division (A) of this section for failure to collect the tax 82343  
imposed by or pursuant to section 5741.02, 5741.021, 5741.022, or 82344  
5741.023 of the Revised Code on a sale facilitated by the 82345  
marketplace facilitator on behalf of an unaffiliated marketplace 82346  
seller if it is demonstrated to the satisfaction of the 82347  
commissioner that the marketplace facilitator made a reasonable 82348  
effort to obtain sufficient and accurate information about the 82349  
sale from the marketplace seller and that the marketplace 82350  
facilitator failed to collect the correct amount of tax because of 82351  
insufficient or incorrect information provided by the marketplace 82352  
seller. 82353

If a marketplace facilitator is relieved of liability under 82354  
this division, the marketplace seller for which the sale was 82355  
facilitated and the purchaser are personally liable for any amount 82356



of tax that is not properly collected, paid, or remitted. 82357

(C) Division (B) of this section does not absolve a 82358  
marketplace facilitator, marketplace seller, or any other person 82359  
from personal liability for collecting but failing to remit the 82360  
tax imposed by or pursuant to section 5741.02, 5741.021, 5741.022, 82361  
or 5741.023 of the Revised Code. 82362

(D) No class action may be brought against a marketplace 82363  
facilitator in any court of this state on behalf of consumers 82364  
arising from or in any way related to an overpayment of the tax 82365  
imposed by or pursuant to sections 5741.02, 5741.021, 5741.022, or 82366  
5741.023 of the Revised Code on sales facilitated by the 82367  
marketplace facilitator, regardless of whether the claim is 82368  
characterized as a tax refund claim. 82369

**Sec. 5741.13.** (A) Except as provided in division (B) of this 82370  
section: 82371

(1) If any person required by section 5741.12 of the Revised 82372  
Code to make a return to the tax commissioner fails to make such 82373  
return at the time required by or under authority of such section, 82374  
the commissioner may make an assessment against such person, based 82375  
upon any information within the commissioner's possession. The 82376  
commissioner shall give to such person written notice of the 82377  
assessment as provided in section 5703.37 of the Revised Code. 82378

(2) If information in the possession of the commissioner 82379  
indicates that the tax paid by any consumer is less than that due, 82380  
the commissioner may audit a representative sample of that 82381  
consumer's purchases and may issue an assessment based thereon. 82382  
The commissioner shall make a good faith effort to reach agreement 82383  
with the consumer on selecting a representative sample. 82384

(3) If information in the possession of the commissioner 82385  
indicates that the amount required to be collected or paid under 82386

this chapter is greater than the amount remitted by the seller, 82387  
the commissioner may audit a representative sample of the seller's 82388  
sales to determine the per cent of exempt or taxable transactions 82389  
or the effective tax rate and may issue an assessment based on the 82390  
audit. The commissioner shall make a good faith effort to reach 82391  
agreement with the seller in selecting a representative sample. 82392

(B) The commissioner may audit only the marketplace 82393  
facilitator for sales with respect to which the marketplace 82394  
facilitator is treated as the seller pursuant to division (E) of 82395  
section 5741.01 of the Revised Code and may not audit the 82396  
marketplace seller on behalf of which the sale was facilitated. 82397  
This division does not absolve a marketplace seller or the 82398  
purchaser from personal liability under division (B) of section 82399  
5741.11 of the Revised Code for taxes that are not properly 82400  
collected, paid, or remitted due to the inability of the 82401  
marketplace facilitator to obtain accurate information about the 82402  
sale from the marketplace seller. 82403

**Sec. 5741.17.** (A)(1) Except as otherwise provided in 82404  
divisions (A)(2), (3), and (4) of this section, every seller of 82405  
tangible personal property or services who has substantial nexus 82406  
with this state shall register with the tax commissioner and 82407  
supply any information concerning the seller's contacts with this 82408  
state that may be required by the commissioner. 82409

(2) A seller who is licensed as a vendor pursuant to section 82410  
5739.17 of the Revised Code shall not be required to register with 82411  
the commissioner pursuant to this section if all sales to 82412  
consumers in this state are made under the authority of the 82413  
seller's vendor's license. 82414

~~(3) Unless the seller has substantial nexus with this state 82415~~  
~~pursuant to division (I)(2)(g) of section 5741.01 of the Revised 82416~~  
~~Code, a A seller is not required to register under this section if 82417~~

the seller has no contact with this state other than an agency 82418  
relationship with a person engaged in the business of 82419  
telemarketing in this state and engaged by the seller exclusively 82420  
for the purpose of solicitation of customers in other states. 82421

(4) A seller is not required to register under this section 82422  
if the seller has no contact with this state other than the 82423  
ownership of property that is located at the facility of a printer 82424  
with which the seller has contracted for printing and that 82425  
consists of the final printed product, property that becomes a 82426  
part of the final printed product, or copy from which the final 82427  
printed product is produced. 82428

(B) A seller who does not have substantial nexus with this 82429  
state may voluntarily register with the commissioner. A seller who 82430  
voluntarily registers with the commissioner under this section is 82431  
entitled to the same benefits and is subject to the same duties 82432  
and requirements as a seller required to be registered with the 82433  
commissioner under this chapter. 82434

The commissioner shall maintain an alphabetical index of all 82435  
sellers registered under this chapter and records of the use tax 82436  
reported and paid. Upon request, this information shall be made 82437  
available to the treasurer of state. 82438

(C) A remote small seller is not required to register under 82439  
this section. 82440

**Sec. 5743.01.** As used in this chapter: 82441

(A) "Person" includes individuals, firms, partnerships, 82442  
associations, joint-stock companies, corporations, combinations of 82443  
individuals of any form, and the state and any of its political 82444  
subdivisions. 82445

(B) "Wholesale dealer" includes only those persons: 82446

(1) Who bring in or cause to be brought into this state 82447

unstamped cigarettes purchased directly from the manufacturer, 82448  
producer, or importer of cigarettes for sale in this state but 82449  
does not include persons who bring in or cause to be brought into 82450  
this state cigarettes with respect to which no evidence of tax 82451  
payment is required thereon as provided in section 5743.04 of the 82452  
Revised Code; or 82453

(2) Who are engaged in the business of selling cigarettes ~~or~~ 82454  
tobacco products, or vapor products to others for the purpose of 82455  
resale. 82456

"Wholesale dealer" does not include any cigarette 82457  
manufacturer, export warehouse proprietor, or importer with a 82458  
valid permit under 26 U.S.C. 5713 if that person sells cigarettes 82459  
in this state only to wholesale dealers holding valid and current 82460  
licenses under section 5743.15 of the Revised Code or to an export 82461  
warehouse proprietor or another manufacturer. 82462

(C) "Retail dealer" includes: 82463

(1) In reference to dealers in cigarettes, every person other 82464  
than a wholesale dealer engaged in the business of selling 82465  
cigarettes in this state, regardless of whether the person is 82466  
located in this state or elsewhere, and regardless of quantity, 82467  
amount, or number of sales; 82468

(2) In reference to dealers in tobacco products, any person 82469  
in this state engaged in the business of selling tobacco products 82470  
to ultimate consumers in this state, regardless of quantity, 82471  
amount, or number of sales; 82472

(3) In reference to dealers in vapor products, any person in 82473  
this state engaged in the business of selling vapor products to 82474  
ultimate consumers in this state, regardless of quantity, amount, 82475  
or number of sales. 82476

(D) "Sale" includes exchange, barter, gift, offer for sale, 82477  
and distribution, and includes transactions in interstate or 82478

foreign commerce. 82479

(E) "Cigarettes" includes any roll for smoking made wholly or 82480  
in part of tobacco, irrespective of size or shape, and whether or 82481  
not such tobacco is flavored, adulterated, or mixed with any other 82482  
ingredient, the wrapper or cover of which is made of paper, 82483  
reconstituted cigarette tobacco, homogenized cigarette tobacco, 82484  
cigarette tobacco sheet, or any similar materials other than cigar 82485  
tobacco. 82486

(F) "Package" means the individual package, box, or other 82487  
container in or from which retail sales of cigarettes are normally 82488  
made or intended to be made. 82489

(G) "Storage" includes any keeping or retention of cigarettes 82490  
~~or~~ tobacco products, or vapor products for use or consumption in 82491  
this state. 82492

(H) "Use" includes the exercise of any right or power 82493  
incidental to the ownership of cigarettes ~~or~~ tobacco products, or 82494  
vapor products. 82495

(I) "Tobacco product" or "other tobacco product" means any 82496  
product made from tobacco, other than cigarettes, that is made for 82497  
smoking or chewing, or both, and snuff. 82498

(J) "Wholesale price" means the invoice price, including all 82499  
federal excise taxes, at which the manufacturer of the tobacco 82500  
product sells the tobacco product to unaffiliated distributors, 82501  
excluding any discounts based on the method of payment of the 82502  
invoice or on time of payment of the invoice. If the taxpayer buys 82503  
from other than a manufacturer, "wholesale price" means the 82504  
invoice price, including all federal excise taxes and excluding 82505  
any discounts based on the method of payment of the invoice or on 82506  
time of payment of the invoice. 82507

(K) "Distributor" means: 82508

(1) Any manufacturer who sells, barter, exchanges, or distributes tobacco products to a retail dealer in the state, except when selling to a retail dealer that has filed with the manufacturer a signed statement agreeing to pay and be liable for the tax imposed by section 5743.51 of the Revised Code;

(2) Any wholesale dealer located in the state who receives tobacco products from a manufacturer, or who receives tobacco products on which the tax imposed by this chapter has not been paid;

(3) Any wholesale dealer located outside the state who sells, barter, exchanges, or distributes tobacco products to a wholesale or retail dealer in the state; or

(4) Any retail dealer who receives tobacco products on which the tax has not or will not be paid by another distributor, including a retail dealer that has filed a signed statement with a manufacturer in which the retail dealer agrees to pay and be liable for the tax that would otherwise be imposed on the manufacturer by section 5743.51 of the Revised Code.

(L) "Taxpayer" means any person liable for the tax imposed by section 5743.51, 5743.62, or 5743.63 of the Revised Code.

(M) "Seller" means any person located outside this state engaged in the business of selling tobacco products or vapor products to consumers for storage, use, or other consumption in this state.

(N) "Manufacturer" means any person who manufactures and sells cigarettes ~~or~~, tobacco products, or vapor products.

(O) "Importer" means any person that is authorized, under a valid permit issued under Section 5713 of the Internal Revenue Code, to import finished cigarettes into the United States, either directly or indirectly.

(P) "Little cigar" means any roll for smoking, other than 82539  
cigarettes, made wholly or in part of tobacco that uses an 82540  
integrated cellulose acetate filter or other filter and is wrapped 82541  
in any substance containing tobacco, other than natural leaf 82542  
tobacco. 82543

(Q) "Premium cigar" means any roll for smoking, other than 82544  
cigarettes and little cigars, that is made wholly or in part of 82545  
tobacco and that has all of the following characteristics: 82546

(1) The binder and wrapper of the roll consist entirely of 82547  
leaf tobacco. 82548

(2) The roll contains no filter or tip, nor any mouthpiece 82549  
consisting of a material other than tobacco. 82550

(3) The weight of one thousand such rolls is at least six 82551  
pounds. 82552

(R) "Maximum tax amount" means fifty cents plus the tax 82553  
adjustment factor computed under this division. 82554

In April of each year beginning in 2018, the tax commissioner 82555  
shall compute a tax adjustment factor by multiplying fifty cents 82556  
by the cumulative percentage increase in the consumer price index 82557  
(all items, all urban consumers) prepared by the bureau of labor 82558  
statistics of the United States department of labor from January 82559  
1, 2017, to the last day of December of the preceding year and 82560  
rounding the resulting product to the nearest one cent; provided, 82561  
that the tax adjustment factor for any year shall not be less than 82562  
that for the immediately preceding year. The maximum tax amount 82563  
resulting from the computation of the tax adjustment factor 82564  
applies on and after the ensuing first day of July through the 82565  
thirtieth day of June thereafter. 82566

(S) "Secondary manufacturer" means any person in this state 82567  
engaged in the business of repackaging, reconstituting, diluting, 82568  
or reprocessing a vapor product for resale to consumers. 82569

(T) "Vapor product" means any liquid solution or other substance that (1) contains nicotine and (2) is depleted as it is used in an electronic smoking product. "Vapor product" does not include any solution or substance regulated as a drug, device, or combination product under Chapter V of the "Federal Food, Drug, and Cosmetic Act," 21 U.S.C. 301, et seq. 82570  
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(U) "Electronic smoking product" means any noncombustible product, other than a cigarette or tobacco product, that (1) contains or is designed to use vapor products and (2) employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from the vapor product. "Electronic smoking product" includes, but is not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, electronic hookah, vape pen, vaporizer, or similar product or device, but does not include any product regulated as a drug, device, or combination product under Chapter V of the "Federal Food, Drug, and Cosmetic Act," 21 U.S.C. 301, et seq. 82576  
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(V) "Vapor distributor" means any person that: 82589

(1) Sells vapor products to a retail dealer; 82590

(2) Is a retail dealer that receives vapor products with respect to which the tax imposed by this chapter has not or will not be paid by another person that is a vapor distributor; 82591  
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82593

(3) Is a secondary manufacturer; 82594

(4) Is a wholesale dealer located in this state that receives vapor products from a manufacturer, or receives vapor products on which the tax imposed by this chapter has not been paid; 82595  
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(5) Is a wholesale dealer located outside this state that sells vapor products to a wholesale dealer in this state. 82598  
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(W) "Vapor volume" means one of the following, as applicable: 82600

(1) If a vapor product is sold in liquid form, one-tenth of 82601  
one milliliter of vapor product; 82602

(2) If the vapor product is sold in a nonliquid form, 82603  
one-tenth of one gram of vapor product. 82604

**Sec. 5743.025.** In addition to the return required by section 82605  
5743.03 of the Revised Code, each retail dealer of cigarettes in a 82606  
county in which a tax is levied under section 5743.021, 5743.024, 82607  
or 5743.026 of the Revised Code shall, within thirty days after 82608  
the date on which the tax takes effect, make and file a return, on 82609  
forms prescribed by the tax commissioner, showing the total number 82610  
of cigarettes which such retail dealer had on hand as of the 82611  
beginning of business on the date on which the tax takes effect, 82612  
and such other information as the commissioner deems necessary for 82613  
the administration of section 5743.021, 5743.024, or 5743.026 of 82614  
the Revised Code. Each such retail dealer shall deliver the return 82615  
together with a remittance of the additional amount of tax due on 82616  
the cigarettes shown on such return to the commissioner. Any 82617  
retail dealer of cigarettes who fails to file a return under this 82618  
section shall, for each day the retail dealer so fails, forfeit 82619  
and pay into the state treasury the sum of one dollar as revenue 82620  
arising from the tax imposed by section 5743.021, 5743.024, or 82621  
5743.026 of the Revised Code, and such sum may be collected by 82622  
assessment in the manner provided in section 5743.081 of the 82623  
Revised Code. For thirty days after the effective date of a tax 82624  
imposed by section 5743.021, 5743.024, or 5743.026 of the Revised 82625  
Code, a retail dealer may possess for sale or sell in the county 82626  
in which the tax is levied cigarettes not bearing the stamp 82627  
required by section 5743.03 of the Revised Code to evidence 82628  
payment of the county tax but on which the tax has or will be 82629  
paid. 82630

Sec. 5743.03. (A) Except as provided in section 5743.04 of 82631  
the Revised Code, the taxes imposed under sections 5743.02, 82632  
5743.021, 5743.024, and 5743.026 of the Revised Code shall be paid 82633  
by the purchase of tax stamps. A tax stamp shall be affixed to 82634  
each package of an aggregate denomination not less than the amount 82635  
of the tax upon the contents thereof. The tax stamp, so affixed, 82636  
shall be prima-facie evidence of payment of the tax. 82637

Except as is provided in the rules prescribed by the tax 82638  
commissioner under authority of sections 5743.01 to 5743.20 of the 82639  
Revised Code, and unless tax stamps have been previously affixed, 82640  
they shall be so affixed by each wholesale dealer, and canceled by 82641  
writing or stamping across the face thereof the number assigned to 82642  
such wholesale dealer by the tax commissioner for that purpose, 82643  
prior to the delivery of any cigarettes to any person in this 82644  
state, or in the case of a tax levied pursuant to section 82645  
5743.021, 5743.024, or 5743.026 of the Revised Code, prior to the 82646  
delivery of cigarettes to any person in the county in which the 82647  
tax is levied. 82648

(B) Except as provided in the rules prescribed by the 82649  
commissioner under authority of sections 5743.01 to 5743.20 of the 82650  
Revised Code, each retail dealer, within twenty-four hours after 82651  
the receipt of any cigarettes at the retail dealer's place of 82652  
business, shall inspect the cigarettes to ensure that tax stamps 82653  
are affixed. The inspection shall be completed before the 82654  
cigarettes are delivered to any person in this state, or, in the 82655  
case of a tax levied pursuant to section 5743.021, 5743.024, or 82656  
5743.026 of the Revised Code, before the cigarettes are delivered 82657  
to any person in the county in which the tax is levied. 82658

(C) Whenever any cigarettes are found in the place of 82659  
business of any retail dealer without proper tax stamps affixed 82660  
thereto and canceled, it is presumed that such cigarettes are kept 82661

therein in violation of sections 5743.01 to 5743.20 of the Revised Code. 82662  
82663

(D) Each wholesale dealer who purchases cigarettes without 82664  
proper tax stamps affixed thereto shall, on or before the last day 82665  
of each month, make and file a return for the preceding calendar 82666  
month, on such form as is prescribed by the tax commissioner, 82667  
showing the dealer's entire purchases and sales of cigarettes and 82668  
stamps for such month and accurate inventories as of the beginning 82669  
and end of each month of cigarettes, stamped or unstamped; 82670  
cigarette tax stamps affixed or unaffixed; and such other 82671  
information as the commissioner finds necessary to the proper 82672  
administration of sections 5743.01 to 5743.20 of the Revised Code. 82673  
The commissioner may extend the time for making and filing returns 82674  
and may remit all or any part of amounts of penalties that may 82675  
become due under sections 5743.01 to 5743.20 of the Revised Code. 82676  
The wholesale dealer shall deliver the return together with a 82677  
remittance of the tax deficiency reported thereon to the 82678  
commissioner. 82679

(E) Any wholesale dealer who fails to file a return under 82680  
this section and the rules of the commissioner, other than a 82681  
report required pursuant to division (F) of this section, may be 82682  
required, for each day the dealer so fails, to forfeit and pay 82683  
into the state treasury the sum of one dollar as revenue arising 82684  
from the tax imposed by sections 5743.01 to 5743.20 of the Revised 82685  
Code and such sum may be collected by assessment in the manner 82686  
provided in section 5743.081 of the Revised Code. If the 82687  
commissioner finds it necessary in order to insure the payment of 82688  
the tax imposed by sections 5743.01 to 5743.20 of the Revised 82689  
Code, the commissioner may require returns and payments to be made 82690  
other than monthly. The returns shall be signed by the wholesale 82691  
dealer or an authorized agent thereof. 82692

(F) ~~Each~~ Except as otherwise provided in this division, each 82693

person required to file a tax return under section 5743.03, 82694  
5743.52, or 5743.62 of the Revised Code shall report to the 82695  
commissioner the quantity of all cigarettes and roll-your-own 82696  
cigarette tobacco sold in Ohio for each brand not covered by the 82697  
tobacco master settlement agreement for which the person is liable 82698  
for the taxes levied under section 5743.02, 5743.51, or 5743.62 of 82699  
the Revised Code. A vapor distributor licensed to engage solely in 82700  
the distribution of vapor products under section 5743.61 of the 82701  
Revised Code is not required to file the report. 82702

As used in this division, "tobacco master settlement 82703  
agreement" has the same meaning as in section 183.01 of the 82704  
Revised Code. 82705

(G) The report required by division (F) of this section shall 82706  
be made on a form prescribed by the commissioner and shall be 82707  
filed not later than the last day of each month for the previous 82708  
month, except that if the commissioner determines that the 82709  
quantity reported by a person does not warrant monthly reporting, 82710  
the commissioner may authorize reporting at less frequent 82711  
intervals. The commissioner may assess a penalty of not more than 82712  
two hundred fifty dollars for each month or portion thereof that a 82713  
person fails to timely file a required report, and such sum may be 82714  
collected by assessment in the manner provided in section 5743.081 82715  
of the Revised Code. All money collected under this division shall 82716  
be considered as revenue arising from the taxes imposed by 82717  
sections 5743.01 to 5743.20 of the Revised Code. 82718

(H) The commissioner may sell tax stamps only to a licensed 82719  
wholesale dealer, except as otherwise authorized by the 82720  
commissioner. The commissioner may charge the costs associated 82721  
with the shipment of tax stamps to the licensed wholesale dealer. 82722  
Amounts collected from such charges shall be credited to the 82723  
cigarette tax enforcement fund created under section 5743.15 of 82724  
the Revised Code. 82725

**Sec. 5743.14.** (A) The tax commissioner or an agent of the ~~tax~~ 82726  
commissioner may enter and inspect the facilities and records of a 82727  
person selling cigarettes ~~or~~, other tobacco products, or vapor 82728  
products. Such entrance and inspection requires a properly issued 82729  
search warrant if conducted outside the normal business hours of 82730  
the person, but does not require a search warrant if conducted 82731  
during the normal business hours of the person. No person shall 82732  
prevent or hinder the ~~tax~~ commissioner or an agent of the ~~tax~~ 82733  
commissioner from carrying out the authority granted under this 82734  
division. 82735

(B) If a peace officer as defined in section 2935.01 of the 82736  
Revised Code knows or has reasonable cause to believe that a motor 82737  
vehicle is transporting cigarettes ~~or~~, other tobacco products, or 82738  
vapor products in violation of this chapter or section 2927.023 of 82739  
the Revised Code, the peace officer may stop the vehicle and 82740  
inspect the vehicle to determine the presence of such cigarettes 82741  
~~or~~, other tobacco products, or vapor products. 82742

**Sec. 5743.20.** No person shall sell any cigarettes both as a 82743  
retail dealer and as a wholesale dealer at the same place of 82744  
business. No person other than a licensed wholesale dealer shall 82745  
sell cigarettes to a licensed retail dealer. No retail dealer 82746  
shall purchase cigarettes from any person other than a licensed 82747  
wholesale dealer. 82748

Subject to section 5743.031 of the Revised Code, a licensed 82749  
wholesale dealer may not sell cigarettes to any person in this 82750  
state other than a licensed retail dealer, except a licensed 82751  
wholesale dealer may sell cigarettes to another licensed wholesale 82752  
dealer if the tax commissioner has authorized the sale of the 82753  
cigarettes between those wholesale dealers and the wholesale 82754  
dealer that sells the cigarettes received them directly from a 82755  
licensed manufacturer or licensed importer. 82756

The tax commissioner shall adopt rules governing sales of 82757  
cigarettes between licensed wholesale dealers, including rules 82758  
establishing criteria for authorizing such sales. 82759

No manufacturer or importer shall sell cigarettes to any 82760  
person in this state other than to a licensed wholesale dealer or 82761  
licensed importer. No importer shall purchase cigarettes from any 82762  
person other than a licensed manufacturer or licensed importer. 82763

A retail dealer may purchase other tobacco products only from 82764  
a licensed distributor. A licensed distributor may sell tobacco 82765  
products only to a retail dealer, except a licensed distributor 82766  
may sell tobacco products to another licensed distributor if the 82767  
tax commissioner has authorized the sale of the tobacco products 82768  
between those distributors and if the distributor that sells the 82769  
tobacco products received them directly from a manufacturer or 82770  
importer of tobacco products. 82771

A retail dealer may purchase vapor products only from a 82772  
licensed vapor distributor. A licensed vapor distributor may sell 82773  
vapor products only to a retail dealer, except a licensed vapor 82774  
dealer may sell vapor products (A) to a consumer if the licensed 82775  
vapor distributor is a retail dealer or (B) to another licensed 82776  
vapor distributor if the tax commissioner has authorized the sale 82777  
of the vapor products between those distributors and if the 82778  
distributor that sells the vapor products received them directly 82779  
from a manufacturer or importer of vapor products. 82780

The tax commissioner may adopt rules governing sales of 82781  
tobacco products or vapor products between licensed distributors 82782  
or vapor distributors, including rules establishing criteria for 82783  
authorizing such sales. 82784

No person other than a secondary manufacturer that is a 82785  
licensed vapor distributor shall reconstitute, dilute, or 82786  
reprocess vapor products for resale to consumers. All secondary 82787

manufacturers shall package reconstituted, diluted, or reprocessed 82788  
vapor products in compliance with Chapter 39A of Title 15 of the 82789  
United States Code. 82790

The identities of cigarette manufacturers and importers, 82791  
licensed cigarette wholesalers, licensed distributors of other 82792  
tobacco products, ~~and~~ registered manufacturers and importers of 82793  
other tobacco products or vapor products, and licensed vapor 82794  
distributors are subject to public disclosure. The tax 82795  
commissioner shall maintain an alphabetical list of all such 82796  
manufacturers, importers, wholesalers, and distributors, shall 82797  
post the list on a web site accessible to the public through the 82798  
internet, and shall periodically update the web site posting. 82799

As used in this section, "licensed" means the manufacturer, 82800  
importer, wholesale dealer, or distributor or vapor distributor 82801  
holds a current and valid license issued under section 5743.15 or 82802  
5743.61 of the Revised Code, and "registered" means registered 82803  
with the commissioner under section 5743.66 of the Revised Code. 82804

**Sec. 5743.41.** No person engaged in the business of 82805  
trafficking in cigarettes or in the business of distributing 82806  
tobacco products, vapor products, or both shall fail to post and 82807  
keep constantly displayed in a conspicuous place in the building 82808  
where such business is carried on the license required by section 82809  
5743.15 or 5743.61 of the Revised Code, or sell or offer to sell 82810  
cigarettes, cigarette wrappers, or a substitute for either, or 82811  
sell or offer to sell tobacco products or vapor products, without 82812  
complying with the law relating to cigarettes ~~and~~, tobacco 82813  
products, and vapor products. 82814

**Sec. 5743.44.** (A) Any person, other than an employee of the 82815  
state, who furnishes to the department of taxation, attorney 82816  
general, or any law enforcement agency original information 82817

concerning any violation of Chapter 5743. of the Revised Code, 82818  
which information results in the collection and recovery of any 82819  
tax or penalty or leads to the forfeiture of any cigarettes, may 82820  
be awarded and paid by the treasurer of state, upon the 82821  
certification of the tax commissioner, a compensation of not more 82822  
than twenty per cent of the net amount received from the sale of 82823  
any forfeited cigarettes, but not exceeding ten thousand dollars 82824  
in any case, which shall be paid out of the receipts of such sale. 82825  
If in the opinion of the attorney general and the tax commissioner 82826  
it is necessary to preserve the identity of the person furnishing 82827  
such information, they shall file with the treasurer of state an 82828  
affidavit stating such necessity and a warrant may be issued 82829  
jointly to the attorney general and the tax commissioner. Upon 82830  
payment of such money to the person furnishing the information, 82831  
the attorney general and the tax commissioner shall file with the 82832  
treasurer of state an affidavit that the money has been paid by 82833  
them to the person entitled thereto. 82834

(B) Except for the minimum quantity of cigarettes ~~or~~ tobacco 82835  
products, or vapor products needed as evidence to establish a 82836  
violation under this chapter, all cigarettes ~~or~~ tobacco products, or 82837  
or vapor products seized under this chapter shall be within the 82838  
sole control and jurisdiction of the tax commissioner for sale 82839  
pursuant to section 5743.08 or 5743.55 of the Revised Code. 82840

**Sec. 5743.51.** (A) To provide revenue for the general revenue 82841  
fund of the state, an excise tax on tobacco products and vapor 82842  
products is hereby levied at one of the following rates: 82843

(1) For tobacco products other than little cigars or premium 82844  
cigars, seventeen per cent of the wholesale price of the tobacco 82845  
product received by a distributor or sold by a manufacturer to a 82846  
retail dealer located in this state. 82847

(2) ~~For invoices dated October 1, 2013, or later,~~ 82848



~~thirty seven~~ Thirty-seven per cent of the wholesale price of 82849  
little cigars received by a distributor or sold by a manufacturer 82850  
to a retail dealer located in this state. 82851

(3) For premium cigars received by a distributor or sold by a 82852  
manufacturer to a retail dealer located in this state, the lesser 82853  
of seventeen per cent of the wholesale price of such premium 82854  
cigars or the maximum tax amount per each such premium cigar. 82855

(4) For vapor products, one cent multiplied by the vapor 82856  
volume of vapor products the first time the products are received 82857  
by a vapor distributor in this state. 82858

Each distributor or vapor distributor who brings tobacco 82859  
products or vapor products, or causes tobacco products or vapor 82860  
products to be brought, into this state for distribution within 82861  
this state, or any out-of-state distributor or vapor distributor 82862  
who sells tobacco products or vapor products to wholesale or 82863  
retail dealers located in this state for resale by those wholesale 82864  
or retail dealers is liable for the tax imposed by this section. 82865  
Only one sale of the same article shall be used in computing the 82866  
amount of the tax due. If a vapor product is repackaged, 82867  
reconstituted, diluted, or reprocessed, the subsequent sale of 82868  
that vapor product shall be considered another sale of the same 82869  
article for purposes of computing the amount of tax due. 82870

(B) The treasurer of state shall place to the credit of the 82871  
tax refund fund created by section 5703.052 of the Revised Code, 82872  
out of the receipts from the tax levied by this section, amounts 82873  
equal to the refunds certified by the tax commissioner pursuant to 82874  
section 5743.53 of the Revised Code. The balance of the taxes 82875  
collected under this section shall be paid into the general 82876  
revenue fund. 82877

(C) The commissioner may adopt rules as are necessary to 82878  
assist in the enforcement and administration of sections 5743.51 82879

to 5743.66 of the Revised Code, including rules providing for the 82880  
remission of penalties imposed. 82881

(D) A manufacturer is not liable for payment of the tax 82882  
imposed by this section for sales of tobacco products or vapor 82883  
products to a retail dealer that has filed a signed statement with 82884  
the manufacturer in which the retail dealer agrees to pay and be 82885  
liable for the tax, as long as the manufacturer has provided a 82886  
copy of the statement to the tax commissioner. 82887

**Sec. 5743.52.** (A) Each distributor of tobacco products or 82888  
vapor distributor subject to the tax levied by section 5743.51 of 82889  
the Revised Code, on or before the twenty-third day of each month, 82890  
shall file with the tax commissioner a return for the preceding 82891  
month showing any information the tax commissioner finds necessary 82892  
for the proper administration of ~~sections 5743.51 to 5743.66 of~~ 82893  
~~the Revised Code~~ this chapter, together with remittance of the tax 82894  
due. The return and payment of the tax required by this section 82895  
shall be filed ~~in such a manner that it is received by the~~ 82896  
~~commissioner~~ and made electronically on or before the twenty-third 82897  
day of the month following the reporting period. If the return is 82898  
filed and the amount of tax shown on the return to be due is paid 82899  
on or before the date the return is required to be filed, the 82900  
distributor or vapor distributor is entitled to a discount equal 82901  
to two and five-tenths per cent of the amount shown on the return 82902  
to be due. 82903

(B) Any person who fails to timely file the return and make 82904  
payment of taxes as required under this section, section 5743.62, 82905  
or section 5743.63 of the Revised Code may be required to pay an 82906  
additional charge not exceeding the greater of fifty dollars or 82907  
ten per cent of the tax due. Any additional charge imposed under 82908  
this section may be collected by assessment as provided in section 82909  
5743.56 of the Revised Code. 82910

(C) If any tax due is not paid timely in accordance with sections 5743.52, 5743.62, or 5743.63 of the Revised Code, the person liable for the tax shall pay interest, calculated at the rate per annum as prescribed by section 5703.47 of the Revised Code, from the date the tax payment was due to the date of payment or to the date an assessment is issued under section 5743.56 of the Revised Code, whichever occurs first. The commissioner may collect such interest by assessment pursuant to section 5743.56 of the Revised Code.

(D) The commissioner may authorize the filing of returns and the payment of the tax required by this section, section 5743.62, or section 5743.63 of the Revised Code for periods longer than a calendar month.

(E) The commissioner may order any taxpayer to file with the commissioner security to the satisfaction of the commissioner conditioned upon filing the return and paying the taxes required under this section, section 5743.62, or section 5743.63 of the Revised Code if the commissioner believes that the collection of the tax may be in jeopardy.

**Sec. 5743.53.** (A) The treasurer of state shall refund to a taxpayer any of the following:

(1) Any tobacco products or vapor products tax paid erroneously;

(2) Any tobacco products or vapor products tax paid on an illegal or erroneous assessment;

(3) Any tax paid on tobacco products or vapor products that have been sold or shipped to retail ~~or dealers,~~ wholesale dealers, or vapor distributors outside this state, returned to the manufacturer, or destroyed by the taxpayer with the prior approval of the tax commissioner.

Any application for refund shall be filed with the ~~tax~~ commissioner on a form prescribed by the commissioner for that purpose. The commissioner may not pay any refund on an application for refund filed with the commissioner more than three years from the date of payment of the tax.

(B) On the filing of the application for refund, the commissioner shall determine the amount of the refund to which the applicant is entitled. If the amount is not less than that claimed, the commissioner shall certify the amount to the director of budget and management and to the treasurer of state for payment from the tax refund fund created by section 5703.052 of the Revised Code. If the amount is less than that claimed, the commissioner shall proceed in accordance with section 5703.70 of the Revised Code.

If a refund is granted for payment of an illegal or erroneous assessment issued by the department of taxation, the refund shall include interest on the amount of the refund from the date of the overpayment. The interest shall be computed at the rate per annum in the manner prescribed by section 5703.47 of the Revised Code.

(C) If any person entitled to a refund of tax under this section or section 5703.70 of the Revised Code is indebted to the state for any tax administered by the tax commissioner, or any charge, penalties, or interest arising from such tax, the amount allowable on the application for refund first shall be applied in satisfaction of the debt.

(D) In lieu of granting a refund payable under division (A)(3) of this section, the tax commissioner may allow a taxpayer to claim a credit of the amount of refundable tax on the return for the period during which the tax became refundable. The commissioner may require taxpayers to submit any information necessary to support a claim for a credit under this section, and the commissioner shall allow no credit if that information is not

provided. 82973

**Sec. 5743.54.** (A) Each distributor of tobacco products and 82974  
each vapor distributor of vapor products shall maintain complete 82975  
and accurate records of all purchases and sales of tobacco 82976  
products or vapor products, and shall procure and retain all 82977  
invoices, bills of lading, and other documents relating to the 82978  
purchases and sales of ~~tobacco~~ those products. The distributor or 82979  
vapor distributor shall keep open records and documents during 82980  
business hours for the inspection of the tax commissioner, and 82981  
shall preserve them for a period of three years from the date the 82982  
return was due or was filed, whichever is later, unless the 82983  
commissioner, in writing, consents to their destruction within 82984  
that period, or orders that they be kept for a longer period of 82985  
time. 82986

(B)(1) Each distributor of tobacco products and each vapor 82987  
distributor of vapor products subject to the tax levied by section 82988  
5743.51 of the Revised Code shall mark on the invoices of tobacco 82989  
products or vapor products sold that the tax levied by that 82990  
section has been paid and shall indicate the distributor's or 82991  
vapor distributor's account number as assigned by the ~~tax~~ 82992  
commissioner. 82993

(2) Each vapor distributor subject to the tax imposed by 82994  
section 5743.51 of the Revised Code shall mark on all invoices the 82995  
total weight of the vapor product, rounded to the nearest 82996  
one-tenth of one gram, if the vapor product is not sold in liquid 82997  
form. If the vapor product is sold in liquid form, the invoice 82998  
shall instead indicate the total volume of the vapor product, 82999  
rounded to the nearest one-tenth of one milliliter. 83000

(C) No person shall make a false entry upon any invoice or 83001  
record upon which an entry is required by this section and no 83002  
person shall present any false entry for the inspection of the 83003

commissioner with the intent to evade the tax levied under section 83004  
5743.51, 5743.62, or 5743.63 of the Revised Code. 83005

**Sec. 5743.55.** Whenever the tax commissioner discovers any 83006  
tobacco products or vapor products, subject to the tax levied 83007  
under section 5743.51, 5743.62, or 5743.63 of the Revised Code, 83008  
~~and~~ upon which the tax has not been paid or the commissioner has 83009  
reason to believe the tax is being avoided, the commissioner may 83010  
seize and take possession of the tobacco products or vapor 83011  
products, which, upon seizure, shall be forfeited to the state. 83012  
Within a reasonable time after seizure, the commissioner may sell 83013  
the forfeited ~~tobacco~~ products. From the proceeds of this sale, 83014  
the ~~tax~~ commissioner shall pay the costs incurred in the seizure 83015  
and sale, and any proceeds remaining after the sale shall be 83016  
considered as revenue arising from the tax. The seizure and sale 83017  
shall not relieve any person from the fine or imprisonment 83018  
provided for violation of sections 5743.51 to 5743.66 of the 83019  
Revised Code. The commissioner shall make the sale where it is 83020  
most convenient and economical, but may order the destruction of 83021  
the forfeited ~~tobacco~~ products if the quantity or quality ~~of~~ 83022  
~~tobacco products~~ is not sufficient to warrant their sale. 83023

**Sec. 5743.59.** (A) No retail dealer of tobacco products or 83024  
vapor products shall have in the retail dealer's possession 83025  
tobacco products or vapor products on which the tax imposed by 83026  
section 5743.51 of the Revised Code has not been paid, unless the 83027  
retail dealer is licensed under section 5743.61 of the Revised 83028  
Code. Payment may be evidenced by invoices from distributors or 83029  
vapor distributors stating the tax has been paid. 83030

(B) The tax commissioner may inspect any place where tobacco 83031  
products or vapor products subject to the tax levied under section 83032  
5743.51 of the Revised Code are sold or stored. 83033

(C) No person shall prevent or hinder the ~~tax~~ commissioner 83034  
from making a full inspection of any place where tobacco products 83035  
or vapor products subject to the tax imposed by section 5743.51 of 83036  
the Revised Code are sold or stored, or prevent or hinder the full 83037  
inspection of invoices, books, or records required to be kept by 83038  
section 5743.54 of the Revised Code. 83039

**Sec. 5743.60.** No person shall prepare for shipment, ship, 83040  
transport, deliver, prepare for distribution, or distribute 83041  
tobacco products or vapor products, or otherwise engage or 83042  
participate in the business of distributing tobacco products or 83043  
vapor products, with the intent to avoid payment of the tax levied 83044  
by section 5743.51, 5743.62, or 5743.63 of the Revised Code, when 83045  
the wholesale price of the tobacco products exceeds three hundred 83046  
dollars, or when the vapor volume of the vapor products exceeds 83047  
five hundred milliliters or five hundred grams, as applicable, 83048  
during any twelve-month period. 83049

**Sec. 5743.61.** (A) ~~Except as otherwise provided in this~~ 83050  
~~division, no~~ (1) No distributor or vapor distributor shall engage 83051  
in the business of distributing tobacco products, vapor products, 83052  
or both within this state without having a license issued by the 83053  
department of taxation to engage in that business. ~~On~~ 83054

(2) On the dissolution of a partnership by death, the 83055  
surviving partner may operate under the license of the partnership 83056  
until the expiration of the license, and the heirs or legal 83057  
representatives of deceased persons, and receivers and trustees in 83058  
bankruptcy appointed by any competent authority, may operate under 83059  
the license of the person succeeded in possession by the heir, 83060  
representative, receiver, or trustee in bankruptcy if the partner 83061  
or successor notifies the department of taxation of the 83062  
dissolution or succession within thirty days after the dissolution 83063  
or succession. 83064

(B)(1) Each applicant for a license ~~to engage in the business~~ 83065  
~~of distributing tobacco products~~ described by division (A)(1) of 83066  
this section, annually, on or before the first day of February, 83067  
shall make and deliver to the tax commissioner, upon a form 83068  
furnished by the commissioner for that purpose, a statement 83069  
showing the name of the applicant, each physical place from which 83070  
the applicant distributes to distributors, vapor distributors, 83071  
retail dealers, or wholesale dealers, and any other information 83072  
the commissioner considers necessary for the administration of 83073  
sections 5743.51 to 5743.66 of the Revised Code. 83074

(2) At the time of making the ~~license~~ application for a 83075  
license to engage either in the business of distributing tobacco 83076  
products or in the business of distributing both tobacco products 83077  
and vapor products, the applicant shall pay an application fee of 83078  
one thousand dollars for each place listed on the application 83079  
where the applicant proposes to carry on that business. The 83080  
application fee for a license to engage solely in the business of 83081  
distributing vapor products shall be one hundred twenty-five 83082  
dollars for each place listed on the application where the 83083  
applicant proposes to carry on that business. The fee charged for 83084  
the application shall accompany the application and shall be made 83085  
payable to the treasurer of state for deposit into the cigarette 83086  
tax enforcement fund. 83087

(3) Upon receipt of the application and payment of any 83088  
licensing fee required by this section, the commissioner shall 83089  
verify that the applicant has filed all returns, submitted all 83090  
information, and paid all outstanding taxes, charges, or fees as 83091  
required for any taxes, charges, or fees administered by the 83092  
commissioner, to the extent the commissioner is aware of the 83093  
returns, information, taxes, charges, or fees at the time of the 83094  
application. Upon approval, the commissioner shall issue to the 83095  
applicant a license for each place of distribution designated in 83096



the application authorizing the applicant to engage in business at 83097  
that location for one year commencing on the first day of 83098  
February. For licenses issued after the first day of February, the 83099  
license application fee shall be reduced proportionately by the 83100  
remainder of the twelve-month period for which the license is 83101  
issued, except that the application fee required to be paid under 83102  
this section shall be not less than two hundred dollars. If the 83103  
original license is lost, destroyed, or defaced, a duplicate 83104  
license may be obtained from the commissioner upon payment of a 83105  
license replacement fee of twenty-five dollars. 83106

(C) The holder of a tobacco or vapor products license may 83107  
transfer the license to a place of business on condition that the 83108  
licensee's ownership and business structure remains unchanged and 83109  
the licensee applies to the commissioner for the transfer on a 83110  
form issued by the commissioner, and pays a transfer fee of 83111  
twenty-five dollars. 83112

(D) If a distributor or vapor distributor fails to file forms 83113  
as required under Chapter 1346. or section 5743.52 of the Revised 83114  
Code or pay the tax due for two consecutive periods or three 83115  
periods during any twelve-month period, the commissioner may 83116  
suspend the license issued to the distributor or vapor distributor 83117  
under this section. The suspension is effective ten days after the 83118  
commissioner notifies the distributor or vapor distributor of the 83119  
suspension in writing personally or by certified mail. The 83120  
commissioner shall lift the suspension when the distributor or 83121  
vapor distributor files the delinquent forms and pays the tax due, 83122  
including any penalties, interest, and additional charges. The 83123  
commissioner may refuse to issue the annual renewal of the license 83124  
required by this section and may refuse to issue a new license for 83125  
a location of the distributor until all delinquent forms are filed 83126  
and outstanding taxes are paid. This division does not apply to 83127  
any unpaid or underpaid tax liability that is the subject of a 83128

petition or appeal filed pursuant to section 5743.56, 5717.02, or 83129  
5717.04 of the Revised Code. 83130

(E)(1) The tax commissioner may impose a penalty of up to one 83131  
thousand dollars on any person found to be engaging in the 83132  
business of distributing tobacco products or vapor products 83133  
without a license as required by this section. 83134

(2) Any person engaging in the business of distributing 83135  
tobacco products or vapor products without a license as required 83136  
by this section shall comply with divisions (B)(1) and (2) of this 83137  
section within ten days after being notified of the requirement to 83138  
do so. Failure to comply with division (E)(2) of this section 83139  
subjects a person to penalties imposed under section 5743.99 of 83140  
the Revised Code. 83141

**Sec. 5743.62.** (A) To provide revenue for the general revenue 83142  
fund of the state, an excise tax is hereby levied on the seller of 83143  
tobacco products or vapor products in this state at one of the 83144  
following rates: 83145

(1) For tobacco products other than little cigars or premium 83146  
cigars, seventeen per cent of the wholesale price of the tobacco 83147  
product whenever the tobacco product is delivered to a consumer in 83148  
this state for the storage, use, or other consumption of such 83149  
tobacco products. 83150

(2) For little cigars, thirty-seven per cent of the wholesale 83151  
price of the little cigars whenever the little cigars are 83152  
delivered to a consumer in this state for the storage, use, or 83153  
other consumption of the little cigars. 83154

(3) For premium cigars, whenever the premium cigars are 83155  
delivered to a consumer in this state for the storage, use, or 83156  
other consumption of the premium cigars, the lesser of seventeen 83157  
per cent of the wholesale price of such premium cigars or the 83158

maximum tax amount per each such premium cigar. 83159

(4) For vapor products, one cent multiplied by the vapor 83160  
volume of vapor products when the vapor products are delivered to 83161  
a consumer in this state for the storage, use, or other 83162  
consumption of the vapor products. 83163

The tax imposed by this section applies only to sellers 83164  
having substantial nexus ~~in~~ with this state, as defined in section 83165  
5741.01 of the Revised Code. 83166

(B) A seller of tobacco products or vapor products who has 83167  
substantial nexus ~~in~~ with this state as defined in section 5741.01 83168  
of the Revised Code shall register with the tax commissioner and 83169  
supply any information concerning the seller's contacts with this 83170  
state as may be required by the tax commissioner. A seller who 83171  
does not have substantial nexus ~~in~~ with this state may voluntarily 83172  
register with the tax commissioner. A seller who voluntarily 83173  
registers with the tax commissioner is entitled to the same 83174  
benefits and is subject to the same duties and requirements as a 83175  
seller required to be registered with the tax commissioner under 83176  
this division. 83177

(C) Each seller of tobacco products or vapor products subject 83178  
to the tax levied by this section, on or before the ~~last~~ 83179  
twenty-third day of each month, shall file with the tax 83180  
commissioner a return for the preceding month showing any 83181  
information the tax commissioner finds necessary for the proper 83182  
administration of sections 5743.51 to 5743.66 of the Revised Code, 83183  
together with remittance of the tax due, payable to the treasurer 83184  
of state. The return and payment of the tax required by this 83185  
section shall be filed in such a manner that it is received by the 83186  
tax commissioner on or before the ~~last~~ twenty-third day of the 83187  
month following the reporting period. If the return is filed and 83188  
the amount of the tax shown on the return to be due is paid on or 83189  
before the date the return is required to be filed, the seller is 83190

entitled to a discount equal to two and five-tenths per cent of 83191  
the amount shown on the return to be due. 83192

(D) The tax commissioner shall immediately forward to the 83193  
treasurer of state all money received from the tax levied by this 83194  
section, and the treasurer shall credit the amount to the general 83195  
revenue fund. 83196

(E) Each seller of tobacco products or vapor products subject 83197  
to the tax levied by this section shall mark on the invoices of 83198  
tobacco products or vapor products sold that the tax levied by 83199  
that section has been paid and shall indicate the seller's account 83200  
number as assigned by the tax commissioner. 83201

**Sec. 5743.63.** (A) To provide revenue for the general revenue 83202  
fund of the state, an excise tax is hereby levied on the storage, 83203  
use, or other consumption of tobacco products or vapor products at 83204  
one of the following rates: 83205

(1) For tobacco products other than little cigars or premium 83206  
cigars, seventeen per cent of the wholesale price of the tobacco 83207  
product. 83208

(2) For little cigars, thirty-seven per cent of the wholesale 83209  
price of the little cigars. 83210

(3) For premium cigars, the lesser of seventeen per cent of 83211  
the wholesale price of the premium cigars or the maximum tax 83212  
amount per each premium cigar. 83213

(4) For vapor products, one cent multiplied by the vapor 83214  
volume of the vapor products. 83215

The tax levied under division (A) of this section is imposed 83216  
only if the tax has not been paid by the seller as provided in 83217  
section 5743.62 of the Revised Code, or by the distributor or 83218  
vapor distributor as provided in section 5743.51 of the Revised 83219  
Code. 83220

(B) Each person subject to the tax levied by this section, on 83221  
or before the ~~last~~ twenty-third day of each month, shall file with 83222  
the tax commissioner a return for the preceding month showing any 83223  
information the ~~tax~~ commissioner finds necessary for the proper 83224  
administration of sections 5743.51 to 5743.66 of the Revised Code, 83225  
together with remittance of the tax due, payable to the treasurer 83226  
of state. The return and payment of the tax required by this 83227  
section shall be filed in such a manner that it is received by the 83228  
~~tax~~ commissioner on or before the ~~last~~ twenty-third day of the 83229  
month following the reporting period. 83230

(C) The tax commissioner shall immediately forward to the 83231  
treasurer of state all money received from the tax levied by this 83232  
section, and the treasurer shall credit the amount to the general 83233  
revenue fund. 83234

**Sec. 5743.64.** No person shall transport within this state, 83235  
tobacco products that have a wholesale value in excess of three 83236  
hundred dollars, or vapor products with a vapor volume in excess 83237  
of five hundred milliliters or five hundred grams, as applicable, 83238  
unless ~~he~~ the person has obtained consent to transport the tobacco 83239  
products or vapor products from the tax commissioner prior to 83240  
transportation. The consent is not required if the applicable tax 83241  
levied under section 5743.51, 5743.62, or 5743.63 of the Revised 83242  
Code has been paid or will be paid by the distributor, vapor 83243  
distributor, or seller. Application for the consent shall be in 83244  
the form prescribed by the commissioner. 83245

Every person transporting tobacco products or vapor products 83246  
with the department's consent shall have the consent with ~~him~~ the 83247  
person while transporting or possessing the tobacco products or 83248  
vapor products within this state and shall produce the consent 83249  
upon request of any law enforcement officer or authorized agent of 83250  
the tax commissioner. 83251

Any person transporting tobacco products or vapor products 83252  
without the consent required by this section shall be subject to 83253  
the provisions of sections 5743.51 to 5743.66 of the Revised Code, 83254  
including the tax imposed by section 5743.51, 5743.62, or 5743.63 83255  
of the Revised Code. 83256

**Sec. 5743.66.** (A) Each manufacturer or importer of tobacco 83257  
products or vapor products shall register with the tax 83258  
commissioner before it sells or distributes tobacco products or 83259  
vapor products to distributors in this state, and, upon the 83260  
request of the commissioner, shall provide complete information on 83261  
sales made to distributors in this state and a current list of 83262  
prices charged for tobacco products or vapor products sold to 83263  
distributors in this state. 83264

(B) On or before the ~~last~~ twenty-third day of each month, 83265  
every manufacturer or importer of tobacco products or vapor 83266  
products shall file a report with the commissioner listing all 83267  
sales of tobacco products or vapor products to distributors 83268  
located in this state during the preceding month and any other 83269  
information the commissioner finds necessary for the proper 83270  
administration of sections 5743.51 to 5743.66 of the Revised Code. 83271

**Sec. 5745.05.** (A) Prior to the first day of March, June, 83272  
September, and December, the tax commissioner shall certify to the 83273  
director of budget and management the amount to be paid to each 83274  
municipal corporation, as indicated on the declaration of 83275  
estimated tax reports and annual reports received under sections 83276  
5745.03 and 5745.04 of the Revised Code, less any amounts 83277  
previously distributed and net of any audit adjustments made by 83278  
the tax commissioner. Not later than the first day of March, June, 83279  
September, and December, the director of budget and management 83280  
shall provide for payment of the amount certified to each 83281  
municipal corporation from the municipal income tax fund, plus a 83282

pro rata share of any investment earnings accruing to the fund 83283  
since the previous payment under this section apportioned among 83284  
municipal corporations entitled to such payments in proportion to 83285  
the amount certified by the tax commissioner, and minus any 83286  
reduction required by the commissioner under division (D) of 83287  
section 718.83 of the Revised Code. All investment earnings on 83288  
money in the municipal income tax fund shall be credited to that 83289  
fund. 83290

(B) If the tax commissioner determines that the amount of tax 83291  
paid by a taxpayer and distributed to a municipal corporation 83292  
under this section for a taxable year exceeds the amount payable 83293  
to that municipal corporation under this chapter after accounting 83294  
for amounts remitted with the annual report and as estimated 83295  
taxes, the tax commissioner shall permit the taxpayer to credit 83296  
the excess against the taxpayer's payments to the municipal 83297  
corporation of estimated taxes remitted for an ensuing taxable 83298  
year under section 5745.04 of the Revised Code. If, upon the 83299  
written request of the taxpayer, the tax commissioner determines 83300  
that the excess to be so credited is likely to exceed the amount 83301  
of estimated taxes payable by the taxpayer to the municipal 83302  
corporation during the ensuing twelve months, the tax commissioner 83303  
shall so notify the municipal corporation and the municipal 83304  
corporation shall issue a refund of the excess to the taxpayer 83305  
within ninety days after receiving such a notice. Interest shall 83306  
accrue on the amount to be refunded and is payable to the taxpayer 83307  
at the rate per annum prescribed by section 5703.47 of the Revised 83308  
Code from the ninety-first day after the notice is received by the 83309  
municipal corporation until the day the refund is paid. 83310  
Immediately after notifying a municipal corporation under this 83311  
division of an excess to be refunded, the commissioner also shall 83312  
notify the director of budget and management of the amount of the 83313  
excess, and the director shall transfer from the municipal income 83314  
tax administrative fund to the municipal income tax fund one and 83315

one-half per cent of the amount of the excess. The commissioner 83316  
shall include the transferred amount in the computation of the 83317  
amount due the municipal corporation in the next certification to 83318  
the director under division (A) of this section. 83319

**Sec. 5747.01.** Except as otherwise expressly provided or 83320  
clearly appearing from the context, any term used in this chapter 83321  
that is not otherwise defined in this section has the same meaning 83322  
as when used in a comparable context in the laws of the United 83323  
States relating to federal income taxes or if not used in a 83324  
comparable context in those laws, has the same meaning as in 83325  
section 5733.40 of the Revised Code. Any reference in this chapter 83326  
to the Internal Revenue Code includes other laws of the United 83327  
States relating to federal income taxes. 83328

As used in this chapter: 83329

(A) "Adjusted gross income" or "Ohio adjusted gross income" 83330  
means federal adjusted gross income, as defined and used in the 83331  
Internal Revenue Code, adjusted as provided in this section: 83332

(1) Add interest or dividends on obligations or securities of 83333  
any state or of any political subdivision or authority of any 83334  
state, other than this state and its subdivisions and authorities. 83335

(2) Add interest or dividends on obligations of any 83336  
authority, commission, instrumentality, territory, or possession 83337  
of the United States to the extent that the interest or dividends 83338  
are exempt from federal income taxes but not from state income 83339  
taxes. 83340

(3) Deduct interest or dividends on obligations of the United 83341  
States and its territories and possessions or of any authority, 83342  
commission, or instrumentality of the United States to the extent 83343  
that the interest or dividends are included in federal adjusted 83344  
gross income but exempt from state income taxes under the laws of 83345



the United States. 83346

(4) Deduct disability and survivor's benefits to the extent 83347  
included in federal adjusted gross income. 83348

(5) Deduct benefits under Title II of the Social Security Act 83349  
and tier 1 railroad retirement benefits to the extent included in 83350  
federal adjusted gross income under section 86 of the Internal 83351  
Revenue Code. 83352

(6) In the case of a taxpayer who is a beneficiary of a trust 83353  
that makes an accumulation distribution as defined in section 665 83354  
of the Internal Revenue Code, add, for the beneficiary's taxable 83355  
years beginning before 2002, the portion, if any, of such 83356  
distribution that does not exceed the undistributed net income of 83357  
the trust for the three taxable years preceding the taxable year 83358  
in which the distribution is made to the extent that the portion 83359  
was not included in the trust's taxable income for any of the 83360  
trust's taxable years beginning in 2002 or thereafter. 83361  
"Undistributed net income of a trust" means the taxable income of 83362  
the trust increased by (a)(i) the additions to adjusted gross 83363  
income required under division (A) of this section and (ii) the 83364  
personal exemptions allowed to the trust pursuant to section 83365  
642(b) of the Internal Revenue Code, and decreased by (b)(i) the 83366  
deductions to adjusted gross income required under division (A) of 83367  
this section, (ii) the amount of federal income taxes attributable 83368  
to such income, and (iii) the amount of taxable income that has 83369  
been included in the adjusted gross income of a beneficiary by 83370  
reason of a prior accumulation distribution. Any undistributed net 83371  
income included in the adjusted gross income of a beneficiary 83372  
shall reduce the undistributed net income of the trust commencing 83373  
with the earliest years of the accumulation period. 83374

(7) Deduct the amount of wages and salaries, if any, not 83375  
otherwise allowable as a deduction but that would have been 83376  
allowable as a deduction in computing federal adjusted gross 83377

income for the taxable year, had the targeted jobs credit allowed 83378  
and determined under sections 38, 51, and 52 of the Internal 83379  
Revenue Code not been in effect. 83380

(8) Deduct any interest or interest equivalent on public 83381  
obligations and purchase obligations to the extent that the 83382  
interest or interest equivalent is included in federal adjusted 83383  
gross income. 83384

(9) Add any loss or deduct any gain resulting from the sale, 83385  
exchange, or other disposition of public obligations to the extent 83386  
that the loss has been deducted or the gain has been included in 83387  
computing federal adjusted gross income. 83388

(10) Deduct or add amounts, as provided under section 5747.70 83389  
of the Revised Code, related to contributions to variable college 83390  
savings program accounts made or tuition units purchased pursuant 83391  
to Chapter 3334. of the Revised Code. 83392

(11)(a) Deduct, to the extent not otherwise allowable as a 83393  
deduction or exclusion in computing federal or Ohio adjusted gross 83394  
income for the taxable year, the amount the taxpayer paid during 83395  
the taxable year for medical care insurance and qualified 83396  
long-term care insurance for the taxpayer, the taxpayer's spouse, 83397  
and dependents. No deduction for medical care insurance under 83398  
division (A)(11) of this section shall be allowed either to any 83399  
taxpayer who is eligible to participate in any subsidized health 83400  
plan maintained by any employer of the taxpayer or of the 83401  
taxpayer's spouse, or to any taxpayer who is entitled to, or on 83402  
application would be entitled to, benefits under part A of Title 83403  
XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 83404  
301, as amended. For the purposes of division (A)(11)(a) of this 83405  
section, "subsidized health plan" means a health plan for which 83406  
the employer pays any portion of the plan's cost. The deduction 83407  
allowed under division (A)(11)(a) of this section shall be the net 83408  
of any related premium refunds, related premium reimbursements, or 83409

related insurance premium dividends received during the taxable year. 83410  
83411

(b) Deduct, to the extent not otherwise deducted or excluded 83412  
in computing federal or Ohio adjusted gross income during the 83413  
taxable year, the amount the taxpayer paid during the taxable 83414  
year, not compensated for by any insurance or otherwise, for 83415  
medical care of the taxpayer, the taxpayer's spouse, and 83416  
dependents, to the extent the expenses exceed seven and one-half 83417  
per cent of the taxpayer's federal adjusted gross income. 83418

(c) Deduct, to the extent not otherwise deducted or excluded 83419  
in computing federal or Ohio adjusted gross income, any amount 83420  
included in federal adjusted gross income under section 105 or not 83421  
excluded under section 106 of the Internal Revenue Code solely 83422  
because it relates to an accident and health plan for a person who 83423  
otherwise would be a "qualifying relative" and thus a "dependent" 83424  
under section 152 of the Internal Revenue Code but for the fact 83425  
that the person fails to meet the income and support limitations 83426  
under section 152(d)(1)(B) and (C) of the Internal Revenue Code. 83427

(d) For purposes of division (A)(11) of this section, 83428  
"medical care" has the meaning given in section 213 of the 83429  
Internal Revenue Code, subject to the special rules, limitations, 83430  
and exclusions set forth therein, and "qualified long-term care" 83431  
has the same meaning given in section 7702B(c) of the Internal 83432  
Revenue Code. Solely for purposes of divisions (A)(11)(a) and (c) 83433  
of this section, "dependent" includes a person who otherwise would 83434  
be a "qualifying relative" and thus a "dependent" under section 83435  
152 of the Internal Revenue Code but for the fact that the person 83436  
fails to meet the income and support limitations under section 83437  
152(d)(1)(B) and (C) of the Internal Revenue Code. 83438

(12)(a) Deduct any amount included in federal adjusted gross 83439  
income solely because the amount represents a reimbursement or 83440  
refund of expenses that in any year the taxpayer had deducted as 83441

an itemized deduction pursuant to section 63 of the Internal 83442  
Revenue Code and applicable United States department of the 83443  
treasury regulations. The deduction otherwise allowed under 83444  
division (A)(12)(a) of this section shall be reduced to the extent 83445  
the reimbursement is attributable to an amount the taxpayer 83446  
deducted under this section in any taxable year. 83447

(b) Add any amount not otherwise included in Ohio adjusted 83448  
gross income for any taxable year to the extent that the amount is 83449  
attributable to the recovery during the taxable year of any amount 83450  
deducted or excluded in computing federal or Ohio adjusted gross 83451  
income in any taxable year. 83452

(13) Deduct any portion of the deduction described in section 83453  
1341(a)(2) of the Internal Revenue Code, for repaying previously 83454  
reported income received under a claim of right, that meets both 83455  
of the following requirements: 83456

(a) It is allowable for repayment of an item that was 83457  
included in the taxpayer's adjusted gross income for a prior 83458  
taxable year and did not qualify for a credit under division (A) 83459  
or (B) of section 5747.05 of the Revised Code for that year; 83460

(b) It does not otherwise reduce the taxpayer's adjusted 83461  
gross income for the current or any other taxable year. 83462

(14) Deduct an amount equal to the deposits made to, and net 83463  
investment earnings of, a medical savings account during the 83464  
taxable year, in accordance with section 3924.66 of the Revised 83465  
Code. The deduction allowed by division (A)(14) of this section 83466  
does not apply to medical savings account deposits and earnings 83467  
otherwise deducted or excluded for the current or any other 83468  
taxable year from the taxpayer's federal adjusted gross income. 83469

(15)(a) Add an amount equal to the funds withdrawn from a 83470  
medical savings account during the taxable year, and the net 83471  
investment earnings on those funds, when the funds withdrawn were 83472

used for any purpose other than to reimburse an account holder 83473  
for, or to pay, eligible medical expenses, in accordance with 83474  
section 3924.66 of the Revised Code; 83475

(b) Add the amounts distributed from a medical savings 83476  
account under division (A)(2) of section 3924.68 of the Revised 83477  
Code during the taxable year. 83478

(16) Add any amount claimed as a credit under section 83479  
5747.059 ~~or 5747.65~~ of the Revised Code to the extent that such 83480  
amount satisfies either of the following: 83481

(a) The amount was deducted or excluded from the computation 83482  
of the taxpayer's federal adjusted gross income as required to be 83483  
reported for the taxpayer's taxable year under the Internal 83484  
Revenue Code; 83485

(b) The amount resulted in a reduction of the taxpayer's 83486  
federal adjusted gross income as required to be reported for any 83487  
of the taxpayer's taxable years under the Internal Revenue Code. 83488

(17) Deduct the amount contributed by the taxpayer to an 83489  
individual development account program established by a county 83490  
department of job and family services pursuant to sections 329.11 83491  
to 329.14 of the Revised Code for the purpose of matching funds 83492  
deposited by program participants. On request of the tax 83493  
commissioner, the taxpayer shall provide any information that, in 83494  
the tax commissioner's opinion, is necessary to establish the 83495  
amount deducted under division (A)(17) of this section. 83496

(18) Beginning in taxable year 2001 but not for any taxable 83497  
year beginning after December 31, 2005, if the taxpayer is married 83498  
and files a joint return and the combined federal adjusted gross 83499  
income of the taxpayer and the taxpayer's spouse for the taxable 83500  
year does not exceed one hundred thousand dollars, or if the 83501  
taxpayer is single and has a federal adjusted gross income for the 83502  
taxable year not exceeding fifty thousand dollars, deduct amounts 83503

paid during the taxable year for qualified tuition and fees paid 83504  
to an eligible institution for the taxpayer, the taxpayer's 83505  
spouse, or any dependent of the taxpayer, who is a resident of 83506  
this state and is enrolled in or attending a program that 83507  
culminates in a degree or diploma at an eligible institution. The 83508  
deduction may be claimed only to the extent that qualified tuition 83509  
and fees are not otherwise deducted or excluded for any taxable 83510  
year from federal or Ohio adjusted gross income. The deduction may 83511  
not be claimed for educational expenses for which the taxpayer 83512  
claims a credit under section 5747.27 of the Revised Code. 83513

(19) Add any reimbursement received during the taxable year 83514  
of any amount the taxpayer deducted under division (A)(18) of this 83515  
section in any previous taxable year to the extent the amount is 83516  
not otherwise included in Ohio adjusted gross income. 83517

(20)(a)(i) Subject to divisions (A)(20)(a)(iii), (iv), and 83518  
(v) of this section, add five-sixths of the amount of depreciation 83519  
expense allowed by subsection (k) of section 168 of the Internal 83520  
Revenue Code, including the taxpayer's proportionate or 83521  
distributive share of the amount of depreciation expense allowed 83522  
by that subsection to a pass-through entity in which the taxpayer 83523  
has a direct or indirect ownership interest. 83524

(ii) Subject to divisions (A)(20)(a)(iii), (iv), and (v) of 83525  
this section, add five-sixths of the amount of qualifying section 83526  
179 depreciation expense, including the taxpayer's proportionate 83527  
or distributive share of the amount of qualifying section 179 83528  
depreciation expense allowed to any pass-through entity in which 83529  
the taxpayer has a direct or indirect ownership interest. 83530

(iii) Subject to division (A)(20)(a)(v) of this section, for 83531  
taxable years beginning in 2012 or thereafter, if the increase in 83532  
income taxes withheld by the taxpayer is equal to or greater than 83533  
ten per cent of income taxes withheld by the taxpayer during the 83534  
taxpayer's immediately preceding taxable year, "two-thirds" shall 83535

be substituted for "five-sixths" for the purpose of divisions 83536  
(A)(20)(a)(i) and (ii) of this section. 83537

(iv) Subject to division (A)(20)(a)(v) of this section, for 83538  
taxable years beginning in 2012 or thereafter, a taxpayer is not 83539  
required to add an amount under division (A)(20) of this section 83540  
if the increase in income taxes withheld by the taxpayer and by 83541  
any pass-through entity in which the taxpayer has a direct or 83542  
indirect ownership interest is equal to or greater than the sum of 83543  
(I) the amount of qualifying section 179 depreciation expense and 83544  
(II) the amount of depreciation expense allowed to the taxpayer by 83545  
subsection (k) of section 168 of the Internal Revenue Code, and 83546  
including the taxpayer's proportionate or distributive shares of 83547  
such amounts allowed to any such pass-through entities. 83548

(v) If a taxpayer directly or indirectly incurs a net 83549  
operating loss for the taxable year for federal income tax 83550  
purposes, to the extent such loss resulted from depreciation 83551  
expense allowed by subsection (k) of section 168 of the Internal 83552  
Revenue Code and by qualifying section 179 depreciation expense, 83553  
"the entire" shall be substituted for "five-sixths of the" for the 83554  
purpose of divisions (A)(20)(a)(i) and (ii) of this section. 83555

The tax commissioner, under procedures established by the 83556  
commissioner, may waive the add-backs related to a pass-through 83557  
entity if the taxpayer owns, directly or indirectly, less than 83558  
five per cent of the pass-through entity. 83559

(b) Nothing in division (A)(20) of this section shall be 83560  
construed to adjust or modify the adjusted basis of any asset. 83561

(c) To the extent the add-back required under division 83562  
(A)(20)(a) of this section is attributable to property generating 83563  
nonbusiness income or loss allocated under section 5747.20 of the 83564  
Revised Code, the add-back shall be situated to the same location 83565  
as the nonbusiness income or loss generated by the property for 83566

the purpose of determining the credit under division (A) of 83567  
section 5747.05 of the Revised Code. Otherwise, the add-back shall 83568  
be apportioned, subject to one or more of the four alternative 83569  
methods of apportionment enumerated in section 5747.21 of the 83570  
Revised Code. 83571

(d) For the purposes of division (A)(20)(a)(v) of this 83572  
section, net operating loss carryback and carryforward shall not 83573  
include the allowance of any net operating loss deduction 83574  
carryback or carryforward to the taxable year to the extent such 83575  
loss resulted from depreciation allowed by section 168(k) of the 83576  
Internal Revenue Code and by the qualifying section 179 83577  
depreciation expense amount. 83578

(e) For the purposes of divisions (A)(20) and (21) of this 83579  
section: 83580

(i) "Income taxes withheld" means the total amount withheld 83581  
and remitted under sections 5747.06 and 5747.07 of the Revised 83582  
Code by an employer during the employer's taxable year. 83583

(ii) "Increase in income taxes withheld" means the amount by 83584  
which the amount of income taxes withheld by an employer during 83585  
the employer's current taxable year exceeds the amount of income 83586  
taxes withheld by that employer during the employer's immediately 83587  
preceding taxable year. 83588

(iii) "Qualifying section 179 depreciation expense" means the 83589  
difference between (I) the amount of depreciation expense directly 83590  
or indirectly allowed to a taxpayer under section 179 of the 83591  
Internal Revised Code, and (II) the amount of depreciation expense 83592  
directly or indirectly allowed to the taxpayer under section 179 83593  
of the Internal Revenue Code as that section existed on December 83594  
31, 2002. 83595

(21)(a) If the taxpayer was required to add an amount under 83596  
division (A)(20)(a) of this section for a taxable year, deduct one 83597



of the following: 83598

(i) One-fifth of the amount so added for each of the five 83599  
succeeding taxable years if the amount so added was five-sixths of 83600  
qualifying section 179 depreciation expense or depreciation 83601  
expense allowed by subsection (k) of section 168 of the Internal 83602  
Revenue Code; 83603

(ii) One-half of the amount so added for each of the two 83604  
succeeding taxable years if the amount so added was two-thirds of 83605  
such depreciation expense; 83606

(iii) One-sixth of the amount so added for each of the six 83607  
succeeding taxable years if the entire amount of such depreciation 83608  
expense was so added. 83609

(b) If the amount deducted under division (A)(21)(a) of this 83610  
section is attributable to an add-back allocated under division 83611  
(A)(20)(c) of this section, the amount deducted shall be situated 83612  
to the same location. Otherwise, the add-back shall be apportioned 83613  
using the apportionment factors for the taxable year in which the 83614  
deduction is taken, subject to one or more of the four alternative 83615  
methods of apportionment enumerated in section 5747.21 of the 83616  
Revised Code. 83617

(c) No deduction is available under division (A)(21)(a) of 83618  
this section with regard to any depreciation allowed by section 83619  
168(k) of the Internal Revenue Code and by the qualifying section 83620  
179 depreciation expense amount to the extent that such 83621  
depreciation results in or increases a federal net operating loss 83622  
carryback or carryforward. If no such deduction is available for a 83623  
taxable year, the taxpayer may carry forward the amount not 83624  
deducted in such taxable year to the next taxable year and add 83625  
that amount to any deduction otherwise available under division 83626  
(A)(21)(a) of this section for that next taxable year. The 83627  
carryforward of amounts not so deducted shall continue until the 83628

entire addition required by division (A)(20)(a) of this section 83629  
has been deducted. 83630

(d) No refund shall be allowed as a result of adjustments 83631  
made by division (A)(21) of this section. 83632

(22) Deduct, to the extent not otherwise deducted or excluded 83633  
in computing federal or Ohio adjusted gross income for the taxable 83634  
year, the amount the taxpayer received during the taxable year as 83635  
reimbursement for life insurance premiums under section 5919.31 of 83636  
the Revised Code. 83637

(23) Deduct, to the extent not otherwise deducted or excluded 83638  
in computing federal or Ohio adjusted gross income for the taxable 83639  
year, the amount the taxpayer received during the taxable year as 83640  
a death benefit paid by the adjutant general under section 5919.33 83641  
of the Revised Code. 83642

(24) Deduct, to the extent included in federal adjusted gross 83643  
income and not otherwise allowable as a deduction or exclusion in 83644  
computing federal or Ohio adjusted gross income for the taxable 83645  
year, military pay and allowances received by the taxpayer during 83646  
the taxable year for active duty service in the United States 83647  
army, air force, navy, marine corps, or coast guard or reserve 83648  
components thereof or the national guard. The deduction may not be 83649  
claimed for military pay and allowances received by the taxpayer 83650  
while the taxpayer is stationed in this state. 83651

(25) Deduct, to the extent not otherwise allowable as a 83652  
deduction or exclusion in computing federal or Ohio adjusted gross 83653  
income for the taxable year and not otherwise compensated for by 83654  
any other source, the amount of qualified organ donation expenses 83655  
incurred by the taxpayer during the taxable year, not to exceed 83656  
ten thousand dollars. A taxpayer may deduct qualified organ 83657  
donation expenses only once for all taxable years beginning with 83658  
taxable years beginning in 2007. 83659

For the purposes of division (A)(25) of this section: 83660

(a) "Human organ" means all or any portion of a human liver, 83661  
pancreas, kidney, intestine, or lung, and any portion of human 83662  
bone marrow. 83663

(b) "Qualified organ donation expenses" means travel 83664  
expenses, lodging expenses, and wages and salary forgone by a 83665  
taxpayer in connection with the taxpayer's donation, while living, 83666  
of one or more of the taxpayer's human organs to another human 83667  
being. 83668

(26) Deduct, to the extent not otherwise deducted or excluded 83669  
in computing federal or Ohio adjusted gross income for the taxable 83670  
year, amounts received by the taxpayer as retired personnel pay 83671  
for service in the uniformed services or reserve components 83672  
thereof, or the national guard, or received by the surviving 83673  
spouse or former spouse of such a taxpayer under the survivor 83674  
benefit plan on account of such a taxpayer's death. If the 83675  
taxpayer receives income on account of retirement paid under the 83676  
federal civil service retirement system or federal employees 83677  
retirement system, or under any successor retirement program 83678  
enacted by the congress of the United States that is established 83679  
and maintained for retired employees of the United States 83680  
government, and such retirement income is based, in whole or in 83681  
part, on credit for the taxpayer's uniformed service, the 83682  
deduction allowed under this division shall include only that 83683  
portion of such retirement income that is attributable to the 83684  
taxpayer's uniformed service, to the extent that portion of such 83685  
retirement income is otherwise included in federal adjusted gross 83686  
income and is not otherwise deducted under this section. Any 83687  
amount deducted under division (A)(26) of this section is not 83688  
included in a taxpayer's adjusted gross income for the purposes of 83689  
section 5747.055 of the Revised Code. No amount may be deducted 83690  
under division (A)(26) of this section on the basis of which a 83691

credit was claimed under section 5747.055 of the Revised Code. 83692

(27) Deduct, to the extent not otherwise deducted or excluded 83693  
in computing federal or Ohio adjusted gross income for the taxable 83694  
year, the amount the taxpayer received during the taxable year 83695  
from the military injury relief fund created in section 5902.05 of 83696  
the Revised Code. 83697

(28) Deduct, to the extent not otherwise deducted or excluded 83698  
in computing federal or Ohio adjusted gross income for the taxable 83699  
year, the amount the taxpayer received as a veterans bonus during 83700  
the taxable year from the Ohio department of veterans services as 83701  
authorized by Section 2r of Article VIII, Ohio Constitution. 83702

(29) Deduct, to the extent not otherwise deducted or excluded 83703  
in computing federal or Ohio adjusted gross income for the taxable 83704  
year, any income derived from a transfer agreement or from the 83705  
enterprise transferred under that agreement under section 4313.02 83706  
of the Revised Code. 83707

(30) Deduct, to the extent not otherwise deducted or excluded 83708  
in computing federal or Ohio adjusted gross income for the taxable 83709  
year, Ohio college opportunity or federal Pell grant amounts 83710  
received by the taxpayer or the taxpayer's spouse or dependent 83711  
pursuant to section 3333.122 of the Revised Code or 20 U.S.C. 83712  
1070a, et seq., and used to pay room or board furnished by the 83713  
educational institution for which the grant was awarded at the 83714  
institution's facilities, including meal plans administered by the 83715  
institution. For the purposes of this division, receipt of a grant 83716  
includes the distribution of a grant directly to an educational 83717  
institution and the crediting of the grant to the enrollee's 83718  
account with the institution. 83719

~~(31)(a) For taxable years beginning in 2015, deduct from the 83720  
portion of an individual's adjusted gross income that is business 83721  
income, to the extent not otherwise deducted or excluded in 83722~~

~~computing federal or Ohio adjusted gross income for the taxable year, the lesser of the following amounts:~~ 83723  
83724

~~(i) Seventy five per cent of the individual's business income;~~ 83725  
83726

~~(ii) Ninety three thousand seven hundred fifty dollars for each spouse if spouses file separate returns under section 5747.08 of the Revised Code or one hundred eighty seven thousand five hundred dollars for all other individuals.~~ 83727  
83728  
83729  
83730

~~(b) For taxable years beginning in 2016 or thereafter, deduct~~ 83731  
Deduct from the portion of an individual's federal adjusted gross income that is eligible business income, to the extent not 83732  
83733  
otherwise deducted or excluded in computing federal adjusted gross 83734  
income for the taxable year, one hundred twenty-five thousand 83735  
dollars for each spouse if spouses file separate returns under 83736  
section 5747.08 of the Revised Code or two hundred fifty thousand 83737  
dollars for all other individuals. 83738

(32) Deduct, as provided under section 5747.78 of the Revised 83739  
Code, contributions to ABLE savings accounts made in accordance 83740  
with sections 113.50 to 113.56 of the Revised Code. 83741

(33)(a) Deduct, to the extent not otherwise deducted or 83742  
excluded in computing federal or Ohio adjusted gross income during 83743  
the taxable year, all of the following: 83744

(i) Compensation paid to a qualifying employee described in 83745  
division (A)(14)(a) of section 5703.94 of the Revised Code to the 83746  
extent such compensation is for disaster work conducted in this 83747  
state during a disaster response period pursuant to a qualifying 83748  
solicitation received by the employee's employer; 83749

(ii) Compensation paid to a qualifying employee described in 83750  
division (A)(14)(b) of section 5703.94 of the Revised Code to the 83751  
extent such compensation is for disaster work conducted in this 83752  
state by the employee during the disaster response period on 83753

critical infrastructure owned or used by the employee's employer; 83754

(iii) Income received by an out-of-state disaster business 83755  
for disaster work conducted in this state during a disaster 83756  
response period, or, if the out-of-state disaster business is a 83757  
pass-through entity, a taxpayer's distributive share of the 83758  
pass-through entity's income from the business conducting disaster 83759  
work in this state during a disaster response period, if, in 83760  
either case, the disaster work is conducted pursuant to a 83761  
qualifying solicitation received by the business. 83762

(b) All terms used in division (A)(33) of this section have 83763  
the same meanings as in section 5703.94 of the Revised Code. 83764

(B)(1) "Business income" means income, including gain or 83765  
loss, arising from transactions, activities, and sources in the 83766  
regular course of a trade or business and includes income, gain, 83767  
or loss from real property, tangible property, and intangible 83768  
property if the acquisition, rental, management, and disposition 83769  
of the property constitute integral parts of the regular course of 83770  
a trade or business operation. "Business income" includes income, 83771  
including gain or loss, from a partial or complete liquidation of 83772  
a business, including, but not limited to, gain or loss from the 83773  
sale or other disposition of goodwill. 83774

(2) "Eligible business income" means business income 83775  
excluding income from a trade or business that performs either or 83776  
both of the following: 83777

(a) Legal services provided by an active attorney admitted to 83778  
the practice of law in this state or by an attorney registered for 83779  
corporate counsel status under section 6 of rule VI of the Ohio 83780  
supreme court rules for the government of the bar of Ohio; 83781

(b) Executive agency lobbying activity, retirement system 83782  
lobbying activity, or actively advocating by a person required to 83783  
register with the joint legislative ethics committee under section 83784

101.78, 101.92, or 121.62 of the Revised Code. Terms used in 83785  
division (B)(2) of this section have the same meaning as in 83786  
section 101.70, 101.92, or 121.60 of the Revised Code. 83787

(C) "Nonbusiness income" means all income other than business 83788  
income and may include, but is not limited to, compensation, rents 83789  
and royalties from real or tangible personal property, capital 83790  
gains, interest, dividends and distributions, patent or copyright 83791  
royalties, or lottery winnings, prizes, and awards. 83792

(D) "Compensation" means any form of remuneration paid to an 83793  
employee for personal services. 83794

(E) "Fiduciary" means a guardian, trustee, executor, 83795  
administrator, receiver, conservator, or any other person acting 83796  
in any fiduciary capacity for any individual, trust, or estate. 83797

(F) "Fiscal year" means an accounting period of twelve months 83798  
ending on the last day of any month other than December. 83799

(G) "Individual" means any natural person. 83800

(H) "Internal Revenue Code" means the "Internal Revenue Code 83801  
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 83802

(I) "Resident" means any of the following, provided that 83803  
division (I)(3) of this section applies only to taxable years of a 83804  
trust beginning in 2002 or thereafter: 83805

(1) An individual who is domiciled in this state, subject to 83806  
section 5747.24 of the Revised Code; 83807

(2) The estate of a decedent who at the time of death was 83808  
domiciled in this state. The domicile tests of section 5747.24 of 83809  
the Revised Code are not controlling for purposes of division 83810  
(I)(2) of this section. 83811

(3) A trust that, in whole or part, resides in this state. If 83812  
only part of a trust resides in this state, the trust is a 83813  
resident only with respect to that part. 83814

For the purposes of division (I)(3) of this section: 83815

(a) A trust resides in this state for the trust's current 83816  
taxable year to the extent, as described in division (I)(3)(d) of 83817  
this section, that the trust consists directly or indirectly, in 83818  
whole or in part, of assets, net of any related liabilities, that 83819  
were transferred, or caused to be transferred, directly or 83820  
indirectly, to the trust by any of the following: 83821

(i) A person, a court, or a governmental entity or 83822  
instrumentality on account of the death of a decedent, but only if 83823  
the trust is described in division (I)(3)(e)(i) or (ii) of this 83824  
section; 83825

(ii) A person who was domiciled in this state for the 83826  
purposes of this chapter when the person directly or indirectly 83827  
transferred assets to an irrevocable trust, but only if at least 83828  
one of the trust's qualifying beneficiaries is domiciled in this 83829  
state for the purposes of this chapter during all or some portion 83830  
of the trust's current taxable year; 83831

(iii) A person who was domiciled in this state for the 83832  
purposes of this chapter when the trust document or instrument or 83833  
part of the trust document or instrument became irrevocable, but 83834  
only if at least one of the trust's qualifying beneficiaries is a 83835  
resident domiciled in this state for the purposes of this chapter 83836  
during all or some portion of the trust's current taxable year. If 83837  
a trust document or instrument became irrevocable upon the death 83838  
of a person who at the time of death was domiciled in this state 83839  
for purposes of this chapter, that person is a person described in 83840  
division (I)(3)(a)(iii) of this section. 83841

(b) A trust is irrevocable to the extent that the transferor 83842  
is not considered to be the owner of the net assets of the trust 83843  
under sections 671 to 678 of the Internal Revenue Code. 83844

(c) With respect to a trust other than a charitable lead 83845



trust, "qualifying beneficiary" has the same meaning as "potential 83846  
current beneficiary" as defined in section 1361(e)(2) of the 83847  
Internal Revenue Code, and with respect to a charitable lead trust 83848  
"qualifying beneficiary" is any current, future, or contingent 83849  
beneficiary, but with respect to any trust "qualifying 83850  
beneficiary" excludes a person or a governmental entity or 83851  
instrumentality to any of which a contribution would qualify for 83852  
the charitable deduction under section 170 of the Internal Revenue 83853  
Code. 83854

(d) For the purposes of division (I)(3)(a) of this section, 83855  
the extent to which a trust consists directly or indirectly, in 83856  
whole or in part, of assets, net of any related liabilities, that 83857  
were transferred directly or indirectly, in whole or part, to the 83858  
trust by any of the sources enumerated in that division shall be 83859  
ascertained by multiplying the fair market value of the trust's 83860  
assets, net of related liabilities, by the qualifying ratio, which 83861  
shall be computed as follows: 83862

(i) The first time the trust receives assets, the numerator 83863  
of the qualifying ratio is the fair market value of those assets 83864  
at that time, net of any related liabilities, from sources 83865  
enumerated in division (I)(3)(a) of this section. The denominator 83866  
of the qualifying ratio is the fair market value of all the 83867  
trust's assets at that time, net of any related liabilities. 83868

(ii) Each subsequent time the trust receives assets, a 83869  
revised qualifying ratio shall be computed. The numerator of the 83870  
revised qualifying ratio is the sum of (1) the fair market value 83871  
of the trust's assets immediately prior to the subsequent 83872  
transfer, net of any related liabilities, multiplied by the 83873  
qualifying ratio last computed without regard to the subsequent 83874  
transfer, and (2) the fair market value of the subsequently 83875  
transferred assets at the time transferred, net of any related 83876  
liabilities, from sources enumerated in division (I)(3)(a) of this 83877

section. The denominator of the revised qualifying ratio is the 83878  
fair market value of all the trust's assets immediately after the 83879  
subsequent transfer, net of any related liabilities. 83880

(iii) Whether a transfer to the trust is by or from any of 83881  
the sources enumerated in division (I)(3)(a) of this section shall 83882  
be ascertained without regard to the domicile of the trust's 83883  
beneficiaries. 83884

(e) For the purposes of division (I)(3)(a)(i) of this 83885  
section: 83886

(i) A trust is described in division (I)(3)(e)(i) of this 83887  
section if the trust is a testamentary trust and the testator of 83888  
that testamentary trust was domiciled in this state at the time of 83889  
the testator's death for purposes of the taxes levied under 83890  
Chapter 5731. of the Revised Code. 83891

(ii) A trust is described in division (I)(3)(e)(ii) of this 83892  
section if the transfer is a qualifying transfer described in any 83893  
of divisions (I)(3)(f)(i) to (vi) of this section, the trust is an 83894  
irrevocable inter vivos trust, and at least one of the trust's 83895  
qualifying beneficiaries is domiciled in this state for purposes 83896  
of this chapter during all or some portion of the trust's current 83897  
taxable year. 83898

(f) For the purposes of division (I)(3)(e)(ii) of this 83899  
section, a "qualifying transfer" is a transfer of assets, net of 83900  
any related liabilities, directly or indirectly to a trust, if the 83901  
transfer is described in any of the following: 83902

(i) The transfer is made to a trust, created by the decedent 83903  
before the decedent's death and while the decedent was domiciled 83904  
in this state for the purposes of this chapter, and, prior to the 83905  
death of the decedent, the trust became irrevocable while the 83906  
decedent was domiciled in this state for the purposes of this 83907  
chapter. 83908

(ii) The transfer is made to a trust to which the decedent, 83909  
prior to the decedent's death, had directly or indirectly 83910  
transferred assets, net of any related liabilities, while the 83911  
decedent was domiciled in this state for the purposes of this 83912  
chapter, and prior to the death of the decedent the trust became 83913  
irrevocable while the decedent was domiciled in this state for the 83914  
purposes of this chapter. 83915

(iii) The transfer is made on account of a contractual 83916  
relationship existing directly or indirectly between the 83917  
transferor and either the decedent or the estate of the decedent 83918  
at any time prior to the date of the decedent's death, and the 83919  
decedent was domiciled in this state at the time of death for 83920  
purposes of the taxes levied under Chapter 5731. of the Revised 83921  
Code. 83922

(iv) The transfer is made to a trust on account of a 83923  
contractual relationship existing directly or indirectly between 83924  
the transferor and another person who at the time of the 83925  
decedent's death was domiciled in this state for purposes of this 83926  
chapter. 83927

(v) The transfer is made to a trust on account of the will of 83928  
a testator who was domiciled in this state at the time of the 83929  
testator's death for purposes of the taxes levied under Chapter 83930  
5731. of the Revised Code. 83931

(vi) The transfer is made to a trust created by or caused to 83932  
be created by a court, and the trust was directly or indirectly 83933  
created in connection with or as a result of the death of an 83934  
individual who, for purposes of the taxes levied under Chapter 83935  
5731. of the Revised Code, was domiciled in this state at the time 83936  
of the individual's death. 83937

(g) The tax commissioner may adopt rules to ascertain the 83938  
part of a trust residing in this state. 83939

(J) "Nonresident" means an individual or estate that is not a resident. An individual who is a resident for only part of a taxable year is a nonresident for the remainder of that taxable year.

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

(L) "Return" means the notifications and reports required to be filed pursuant to this chapter for the purpose of reporting the tax due and includes declarations of estimated tax when so required.

(M) "Taxable year" means the calendar year or the taxpayer's fiscal year ending during the calendar year, or fractional part thereof, upon which the adjusted gross income is calculated pursuant to this chapter.

(N) "Taxpayer" means any person subject to the tax imposed by section 5747.02 of the Revised Code or any pass-through entity that makes the election under division (D) of section 5747.08 of the Revised Code.

(O) "Dependents" means dependents as defined in the Internal Revenue Code and as claimed in the taxpayer's federal income tax return for the taxable year or which the taxpayer would have been permitted to claim had the taxpayer filed a federal income tax return.

(P) "Principal county of employment" means, in the case of a nonresident, the county within the state in which a taxpayer performs services for an employer or, if those services are performed in more than one county, the county in which the major portion of the services are performed.

(Q) As used in sections 5747.50 to 5747.55 of the Revised Code:

(1) "Subdivision" means any county, municipal corporation, 83970  
park district, or township. 83971

(2) "Essential local government purposes" includes all 83972  
functions that any subdivision is required by general law to 83973  
exercise, including like functions that are exercised under a 83974  
charter adopted pursuant to the Ohio Constitution. 83975

(R) "Overpayment" means any amount already paid that exceeds 83976  
the figure determined to be the correct amount of the tax. 83977

(S) "Taxable income" or "Ohio taxable income" applies only to 83978  
estates and trusts, and means federal taxable income, as defined 83979  
and used in the Internal Revenue Code, adjusted as follows: 83980

(1) Add interest or dividends, net of ordinary, necessary, 83981  
and reasonable expenses not deducted in computing federal taxable 83982  
income, on obligations or securities of any state or of any 83983  
political subdivision or authority of any state, other than this 83984  
state and its subdivisions and authorities, but only to the extent 83985  
that such net amount is not otherwise includible in Ohio taxable 83986  
income and is described in either division (S)(1)(a) or (b) of 83987  
this section: 83988

(a) The net amount is not attributable to the S portion of an 83989  
electing small business trust and has not been distributed to 83990  
beneficiaries for the taxable year; 83991

(b) The net amount is attributable to the S portion of an 83992  
electing small business trust for the taxable year. 83993

(2) Add interest or dividends, net of ordinary, necessary, 83994  
and reasonable expenses not deducted in computing federal taxable 83995  
income, on obligations of any authority, commission, 83996  
instrumentality, territory, or possession of the United States to 83997  
the extent that the interest or dividends are exempt from federal 83998  
income taxes but not from state income taxes, but only to the 83999  
extent that such net amount is not otherwise includible in Ohio 84000

taxable income and is described in either division (S)(1)(a) or 84001  
(b) of this section; 84002

(3) Add the amount of personal exemption allowed to the 84003  
estate pursuant to section 642(b) of the Internal Revenue Code; 84004

(4) Deduct interest or dividends, net of related expenses 84005  
deducted in computing federal taxable income, on obligations of 84006  
the United States and its territories and possessions or of any 84007  
authority, commission, or instrumentality of the United States to 84008  
the extent that the interest or dividends are exempt from state 84009  
taxes under the laws of the United States, but only to the extent 84010  
that such amount is included in federal taxable income and is 84011  
described in either division (S)(1)(a) or (b) of this section; 84012

(5) Deduct the amount of wages and salaries, if any, not 84013  
otherwise allowable as a deduction but that would have been 84014  
allowable as a deduction in computing federal taxable income for 84015  
the taxable year, had the targeted jobs credit allowed under 84016  
sections 38, 51, and 52 of the Internal Revenue Code not been in 84017  
effect, but only to the extent such amount relates either to 84018  
income included in federal taxable income for the taxable year or 84019  
to income of the S portion of an electing small business trust for 84020  
the taxable year; 84021

(6) Deduct any interest or interest equivalent, net of 84022  
related expenses deducted in computing federal taxable income, on 84023  
public obligations and purchase obligations, but only to the 84024  
extent that such net amount relates either to income included in 84025  
federal taxable income for the taxable year or to income of the S 84026  
portion of an electing small business trust for the taxable year; 84027

(7) Add any loss or deduct any gain resulting from sale, 84028  
exchange, or other disposition of public obligations to the extent 84029  
that such loss has been deducted or such gain has been included in 84030  
computing either federal taxable income or income of the S portion 84031

of an electing small business trust for the taxable year; 84032

(8) Except in the case of the final return of an estate, add 84033  
any amount deducted by the taxpayer on both its Ohio estate tax 84034  
return pursuant to section 5731.14 of the Revised Code, and on its 84035  
federal income tax return in determining federal taxable income; 84036

(9)(a) Deduct any amount included in federal taxable income 84037  
solely because the amount represents a reimbursement or refund of 84038  
expenses that in a previous year the decedent had deducted as an 84039  
itemized deduction pursuant to section 63 of the Internal Revenue 84040  
Code and applicable treasury regulations. The deduction otherwise 84041  
allowed under division (S)(9)(a) of this section shall be reduced 84042  
to the extent the reimbursement is attributable to an amount the 84043  
taxpayer or decedent deducted under this section in any taxable 84044  
year. 84045

(b) Add any amount not otherwise included in Ohio taxable 84046  
income for any taxable year to the extent that the amount is 84047  
attributable to the recovery during the taxable year of any amount 84048  
deducted or excluded in computing federal or Ohio taxable income 84049  
in any taxable year, but only to the extent such amount has not 84050  
been distributed to beneficiaries for the taxable year. 84051

(10) Deduct any portion of the deduction described in section 84052  
1341(a)(2) of the Internal Revenue Code, for repaying previously 84053  
reported income received under a claim of right, that meets both 84054  
of the following requirements: 84055

(a) It is allowable for repayment of an item that was 84056  
included in the taxpayer's taxable income or the decedent's 84057  
adjusted gross income for a prior taxable year and did not qualify 84058  
for a credit under division (A) or (B) of section 5747.05 of the 84059  
Revised Code for that year. 84060

(b) It does not otherwise reduce the taxpayer's taxable 84061  
income or the decedent's adjusted gross income for the current or 84062

any other taxable year. 84063

(11) Add any amount claimed as a credit under section 84064  
5747.059 ~~or 5747.65~~ of the Revised Code to the extent that the 84065  
amount satisfies either of the following: 84066

(a) The amount was deducted or excluded from the computation 84067  
of the taxpayer's federal taxable income as required to be 84068  
reported for the taxpayer's taxable year under the Internal 84069  
Revenue Code; 84070

(b) The amount resulted in a reduction in the taxpayer's 84071  
federal taxable income as required to be reported for any of the 84072  
taxpayer's taxable years under the Internal Revenue Code. 84073

(12) Deduct any amount, net of related expenses deducted in 84074  
computing federal taxable income, that a trust is required to 84075  
report as farm income on its federal income tax return, but only 84076  
if the assets of the trust include at least ten acres of land 84077  
satisfying the definition of "land devoted exclusively to 84078  
agricultural use" under section 5713.30 of the Revised Code, 84079  
regardless of whether the land is valued for tax purposes as such 84080  
land under sections 5713.30 to 5713.38 of the Revised Code. If the 84081  
trust is a pass-through entity investor, section 5747.231 of the 84082  
Revised Code applies in ascertaining if the trust is eligible to 84083  
claim the deduction provided by division (S)(12) of this section 84084  
in connection with the pass-through entity's farm income. 84085

Except for farm income attributable to the S portion of an 84086  
electing small business trust, the deduction provided by division 84087  
(S)(12) of this section is allowed only to the extent that the 84088  
trust has not distributed such farm income. Division (S)(12) of 84089  
this section applies only to taxable years of a trust beginning in 84090  
2002 or thereafter. 84091

(13) Add the net amount of income described in section 641(c) 84092  
of the Internal Revenue Code to the extent that amount is not 84093



included in federal taxable income. 84094

(14) Add or deduct the amount the taxpayer would be required 84095  
to add or deduct under division (A)(20) or (21) of this section if 84096  
the taxpayer's Ohio taxable income were computed in the same 84097  
manner as an individual's Ohio adjusted gross income is computed 84098  
under this section. In the case of a trust, division (S)(14) of 84099  
this section applies only to any of the trust's taxable years 84100  
beginning in 2002 or thereafter. 84101

(T) "School district income" and "school district income tax" 84102  
have the same meanings as in section 5748.01 of the Revised Code. 84103

(U) As used in divisions (A)(8), (A)(9), (S)(6), and (S)(7) 84104  
of this section, "public obligations," "purchase obligations," and 84105  
"interest or interest equivalent" have the same meanings as in 84106  
section 5709.76 of the Revised Code. 84107

(V) "Limited liability company" means any limited liability 84108  
company formed under Chapter 1705. of the Revised Code or under 84109  
the laws of any other state. 84110

(W) "Pass-through entity investor" means any person who, 84111  
during any portion of a taxable year of a pass-through entity, is 84112  
a partner, member, shareholder, or equity investor in that 84113  
pass-through entity. 84114

(X) "Banking day" has the same meaning as in section 1304.01 84115  
of the Revised Code. 84116

(Y) "Month" means a calendar month. 84117

(Z) "Quarter" means the first three months, the second three 84118  
months, the third three months, or the last three months of the 84119  
taxpayer's taxable year. 84120

(AA)(1) "Eligible institution" means a state university or 84121  
state institution of higher education as defined in section 84122  
3345.011 of the Revised Code, or a private, nonprofit college, 84123

university, or other post-secondary institution located in this 84124  
state that possesses a certificate of authorization issued by the 84125  
chancellor of higher education pursuant to Chapter 1713. of the 84126  
Revised Code or a certificate of registration issued by the state 84127  
board of career colleges and schools under Chapter 3332. of the 84128  
Revised Code. 84129

(2) "Qualified tuition and fees" means tuition and fees 84130  
imposed by an eligible institution as a condition of enrollment or 84131  
attendance, not exceeding two thousand five hundred dollars in 84132  
each of the individual's first two years of post-secondary 84133  
education. If the individual is a part-time student, "qualified 84134  
tuition and fees" includes tuition and fees paid for the academic 84135  
equivalent of the first two years of post-secondary education 84136  
during a maximum of five taxable years, not exceeding a total of 84137  
five thousand dollars. "Qualified tuition and fees" does not 84138  
include: 84139

(a) Expenses for any course or activity involving sports, 84140  
games, or hobbies unless the course or activity is part of the 84141  
individual's degree or diploma program; 84142

(b) The cost of books, room and board, student activity fees, 84143  
athletic fees, insurance expenses, or other expenses unrelated to 84144  
the individual's academic course of instruction; 84145

(c) Tuition, fees, or other expenses paid or reimbursed 84146  
through an employer, scholarship, grant in aid, or other 84147  
educational benefit program. 84148

(BB)(1) "Modified business income" means the business income 84149  
included in a trust's Ohio taxable income after such taxable 84150  
income is first reduced by the qualifying trust amount, if any. 84151

(2) "Qualifying trust amount" of a trust means capital gains 84152  
and losses from the sale, exchange, or other disposition of equity 84153  
or ownership interests in, or debt obligations of, a qualifying 84154

investee to the extent included in the trust's Ohio taxable income, but only if the following requirements are satisfied: 84155  
84156

(a) The book value of the qualifying investee's physical assets in this state and everywhere, as of the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the gain or loss, is available to the trust. 84157  
84158  
84159  
84160  
84161

(b) The requirements of section 5747.011 of the Revised Code are satisfied for the trust's taxable year in which the trust recognizes the gain or loss. 84162  
84163  
84164

Any gain or loss that is not a qualifying trust amount is modified business income, qualifying investment income, or modified nonbusiness income, as the case may be. 84165  
84166  
84167

(3) "Modified nonbusiness income" means a trust's Ohio taxable income other than modified business income, other than the qualifying trust amount, and other than qualifying investment income, as defined in section 5747.012 of the Revised Code, to the extent such qualifying investment income is not otherwise part of modified business income. 84168  
84169  
84170  
84171  
84172  
84173

(4) "Modified Ohio taxable income" applies only to trusts, and means the sum of the amounts described in divisions (BB)(4)(a) to (c) of this section: 84174  
84175  
84176

(a) The fraction, calculated under section 5747.013, and applying section 5747.231 of the Revised Code, multiplied by the sum of the following amounts: 84177  
84178  
84179

(i) The trust's modified business income; 84180

(ii) The trust's qualifying investment income, as defined in section 5747.012 of the Revised Code, but only to the extent the qualifying investment income does not otherwise constitute modified business income and does not otherwise constitute a 84181  
84182  
84183  
84184

qualifying trust amount. 84185

(b) The qualifying trust amount multiplied by a fraction, the 84186  
numerator of which is the sum of the book value of the qualifying 84187  
investee's physical assets in this state on the last day of the 84188  
qualifying investee's fiscal or calendar year ending immediately 84189  
prior to the day on which the trust recognizes the qualifying 84190  
trust amount, and the denominator of which is the sum of the book 84191  
value of the qualifying investee's total physical assets 84192  
everywhere on the last day of the qualifying investee's fiscal or 84193  
calendar year ending immediately prior to the day on which the 84194  
trust recognizes the qualifying trust amount. If, for a taxable 84195  
year, the trust recognizes a qualifying trust amount with respect 84196  
to more than one qualifying investee, the amount described in 84197  
division (BB)(4)(b) of this section shall equal the sum of the 84198  
products so computed for each such qualifying investee. 84199

(c)(i) With respect to a trust or portion of a trust that is 84200  
a resident as ascertained in accordance with division (I)(3)(d) of 84201  
this section, its modified nonbusiness income. 84202

(ii) With respect to a trust or portion of a trust that is 84203  
not a resident as ascertained in accordance with division 84204  
(I)(3)(d) of this section, the amount of its modified nonbusiness 84205  
income satisfying the descriptions in divisions (B)(2) to (5) of 84206  
section 5747.20 of the Revised Code, except as otherwise provided 84207  
in division (BB)(4)(c)(ii) of this section. With respect to a 84208  
trust or portion of a trust that is not a resident as ascertained 84209  
in accordance with division (I)(3)(d) of this section, the trust's 84210  
portion of modified nonbusiness income recognized from the sale, 84211  
exchange, or other disposition of a debt interest in or equity 84212  
interest in a section 5747.212 entity, as defined in section 84213  
5747.212 of the Revised Code, without regard to division (A) of 84214  
that section, shall not be allocated to this state in accordance 84215  
with section 5747.20 of the Revised Code but shall be apportioned 84216

to this state in accordance with division (B) of section 5747.212 84217  
of the Revised Code without regard to division (A) of that 84218  
section. 84219

If the allocation and apportionment of a trust's income under 84220  
divisions (BB)(4)(a) and (c) of this section do not fairly 84221  
represent the modified Ohio taxable income of the trust in this 84222  
state, the alternative methods described in division (C) of 84223  
section 5747.21 of the Revised Code may be applied in the manner 84224  
and to the same extent provided in that section. 84225

(5)(a) Except as set forth in division (BB)(5)(b) of this 84226  
section, "qualifying investee" means a person in which a trust has 84227  
an equity or ownership interest, or a person or unit of government 84228  
the debt obligations of either of which are owned by a trust. For 84229  
the purposes of division (BB)(2)(a) of this section and for the 84230  
purpose of computing the fraction described in division (BB)(4)(b) 84231  
of this section, all of the following apply: 84232

(i) If the qualifying investee is a member of a qualifying 84233  
controlled group on the last day of the qualifying investee's 84234  
fiscal or calendar year ending immediately prior to the date on 84235  
which the trust recognizes the gain or loss, then "qualifying 84236  
investee" includes all persons in the qualifying controlled group 84237  
on such last day. 84238

(ii) If the qualifying investee, or if the qualifying 84239  
investee and any members of the qualifying controlled group of 84240  
which the qualifying investee is a member on the last day of the 84241  
qualifying investee's fiscal or calendar year ending immediately 84242  
prior to the date on which the trust recognizes the gain or loss, 84243  
separately or cumulatively own, directly or indirectly, on the 84244  
last day of the qualifying investee's fiscal or calendar year 84245  
ending immediately prior to the date on which the trust recognizes 84246  
the qualifying trust amount, more than fifty per cent of the 84247  
equity of a pass-through entity, then the qualifying investee and 84248

the other members are deemed to own the proportionate share of the 84249  
pass-through entity's physical assets which the pass-through 84250  
entity directly or indirectly owns on the last day of the 84251  
pass-through entity's calendar or fiscal year ending within or 84252  
with the last day of the qualifying investee's fiscal or calendar 84253  
year ending immediately prior to the date on which the trust 84254  
recognizes the qualifying trust amount. 84255

(iii) For the purposes of division (BB)(5)(a)(iii) of this 84256  
section, "upper level pass-through entity" means a pass-through 84257  
entity directly or indirectly owning any equity of another 84258  
pass-through entity, and "lower level pass-through entity" means 84259  
that other pass-through entity. 84260

An upper level pass-through entity, whether or not it is also 84261  
a qualifying investee, is deemed to own, on the last day of the 84262  
upper level pass-through entity's calendar or fiscal year, the 84263  
proportionate share of the lower level pass-through entity's 84264  
physical assets that the lower level pass-through entity directly 84265  
or indirectly owns on the last day of the lower level pass-through 84266  
entity's calendar or fiscal year ending within or with the last 84267  
day of the upper level pass-through entity's fiscal or calendar 84268  
year. If the upper level pass-through entity directly and 84269  
indirectly owns less than fifty per cent of the equity of the 84270  
lower level pass-through entity on each day of the upper level 84271  
pass-through entity's calendar or fiscal year in which or with 84272  
which ends the calendar or fiscal year of the lower level 84273  
pass-through entity and if, based upon clear and convincing 84274  
evidence, complete information about the location and cost of the 84275  
physical assets of the lower pass-through entity is not available 84276  
to the upper level pass-through entity, then solely for purposes 84277  
of ascertaining if a gain or loss constitutes a qualifying trust 84278  
amount, the upper level pass-through entity shall be deemed as 84279  
owning no equity of the lower level pass-through entity for each 84280

day during the upper level pass-through entity's calendar or 84281  
fiscal year in which or with which ends the lower level 84282  
pass-through entity's calendar or fiscal year. Nothing in division 84283  
(BB)(5)(a)(iii) of this section shall be construed to provide for 84284  
any deduction or exclusion in computing any trust's Ohio taxable 84285  
income. 84286

(b) With respect to a trust that is not a resident for the 84287  
taxable year and with respect to a part of a trust that is not a 84288  
resident for the taxable year, "qualifying investee" for that 84289  
taxable year does not include a C corporation if both of the 84290  
following apply: 84291

(i) During the taxable year the trust or part of the trust 84292  
recognizes a gain or loss from the sale, exchange, or other 84293  
disposition of equity or ownership interests in, or debt 84294  
obligations of, the C corporation. 84295

(ii) Such gain or loss constitutes nonbusiness income. 84296

(6) "Available" means information is such that a person is 84297  
able to learn of the information by the due date plus extensions, 84298  
if any, for filing the return for the taxable year in which the 84299  
trust recognizes the gain or loss. 84300

(CC) "Qualifying controlled group" has the same meaning as in 84301  
section 5733.04 of the Revised Code. 84302

(DD) "Related member" has the same meaning as in section 84303  
5733.042 of the Revised Code. 84304

(EE)(1) For the purposes of division (EE) of this section: 84305

(a) "Qualifying person" means any person other than a 84306  
qualifying corporation. 84307

(b) "Qualifying corporation" means any person classified for 84308  
federal income tax purposes as an association taxable as a 84309  
corporation, except either of the following: 84310

(i) A corporation that has made an election under subchapter S, chapter one, subtitle A, of the Internal Revenue Code for its taxable year ending within, or on the last day of, the investor's taxable year;

(ii) A subsidiary that is wholly owned by any corporation that has made an election under subchapter S, chapter one, subtitle A of the Internal Revenue Code for its taxable year ending within, or on the last day of, the investor's taxable year.

(2) For the purposes of this chapter, unless expressly stated otherwise, no qualifying person indirectly owns any asset directly or indirectly owned by any qualifying corporation.

(FF) For purposes of this chapter and Chapter 5751. of the Revised Code:

(1) "Trust" does not include a qualified pre-income tax trust.

(2) A "qualified pre-income tax trust" is any pre-income tax trust that makes a qualifying pre-income tax trust election as described in division (FF)(3) of this section.

(3) A "qualifying pre-income tax trust election" is an election by a pre-income tax trust to subject to the tax imposed by section 5751.02 of the Revised Code the pre-income tax trust and all pass-through entities of which the trust owns or controls, directly, indirectly, or constructively through related interests, five per cent or more of the ownership or equity interests. The trustee shall notify the tax commissioner in writing of the election on or before April 15, 2006. The election, if timely made, shall be effective on and after January 1, 2006, and shall apply for all tax periods and tax years until revoked by the trustee of the trust.

(4) A "pre-income tax trust" is a trust that satisfies all of the following requirements:



(a) The document or instrument creating the trust was 84342  
executed by the grantor before January 1, 1972; 84343

(b) The trust became irrevocable upon the creation of the 84344  
trust; and 84345

(c) The grantor was domiciled in this state at the time the 84346  
trust was created. 84347

(GG) "Uniformed services" has the same meaning as in 10 84348  
U.S.C. 101. 84349

(HH) "Taxable business income" means the amount by which an 84350  
individual's eligible business income that is included in federal 84351  
adjusted gross income exceeds the amount of eligible business 84352  
income the individual is authorized to deduct under division 84353  
(A)(31) of this section for the taxable year. 84354

(II) "Employer" does not include a franchisor with respect to 84355  
the franchisor's relationship with a franchisee or an employee of 84356  
a franchisee, unless the franchisor agrees to assume that role in 84357  
writing or a court of competent jurisdiction determines that the 84358  
franchisor exercises a type or degree of control over the 84359  
franchisee or the franchisee's employees that is not customarily 84360  
exercised by a franchisor for the purpose of protecting the 84361  
franchisor's trademark, brand, or both. For purposes of this 84362  
division, "franchisor" and "franchisee" have the same meanings as 84363  
in 16 C.F.R. 436.1. 84364

(JJ) "Modified adjusted gross income" means Ohio adjusted 84365  
gross income plus any amount deducted under division (A)(31) of 84366  
this section for the taxable year. 84367

**Sec. 5747.02.** (A) For the purpose of providing revenue for 84368  
the support of schools and local government functions, to provide 84369  
relief to property taxpayers, to provide revenue for the general 84370  
revenue fund, and to meet the expenses of administering the tax 84371

levied by this chapter, there is hereby levied on every 84372  
individual, trust, and estate residing in or earning or receiving 84373  
income in this state, on every individual, trust, and estate 84374  
earning or receiving lottery winnings, prizes, or awards pursuant 84375  
to Chapter 3770. of the Revised Code, on every individual, trust, 84376  
and estate earning or receiving winnings on casino gaming, and on 84377  
every individual, trust, and estate otherwise having nexus with or 84378  
in this state under the Constitution of the United States, an 84379  
annual tax measured as prescribed in divisions (A)(1) to (4) of 84380  
this section. 84381

(1) In the case of trusts, the tax imposed by this section 84382  
shall be measured by modified Ohio taxable income under division 84383  
(D) of this section and levied in the same amount as the tax is 84384  
imposed on estates as prescribed in division (A)(2) of this 84385  
section. 84386

(2) In the case of estates, the tax imposed by this section 84387  
shall be measured by Ohio taxable income ~~and~~. The tax shall be 84388  
levied at the rate of ~~seven thousand four hundred twenty five~~ 84389  
~~ten thousandths~~ one and forty-two thousand seven hundred 84390  
forty-four hundred-thousandths per cent for the first ~~ten~~ 84391  
twenty-one thousand ~~five~~ seven hundred fifty dollars of such 84392  
income and, for income in excess of that amount, the tax shall be 84393  
levied at the same rates prescribed in division (A)(3) of this 84394  
section for individuals. 84395

(3) In the case of individuals, ~~for taxable years beginning~~ 84396  
~~in 2017 or thereafter~~, the tax imposed by this section on income 84397  
other than taxable business income shall be measured by Ohio 84398  
adjusted gross income, less taxable business income and less an 84399  
exemption for the taxpayer, the taxpayer's spouse, and each 84400  
dependent as provided in section 5747.025 of the Revised Code. If 84401  
the balance thus obtained is equal to or less than ~~ten~~ twenty-one 84402

thousand <del>five</del> <u>seven</u> hundred <del>fifty</del> dollars, no tax shall be imposed		84403
on that balance. If the balance thus obtained is greater than <del>ten</del>		84404
<u>twenty-one</u> thousand <del>five</del> <u>seven</u> hundred <del>fifty</del> dollars, the tax is		84405
hereby levied as follows:		84406
OHIO ADJUSTED GROSS INCOME LESS		84407
TAXABLE BUSINESS INCOME AND		
EXEMPTIONS (INDIVIDUALS)		
OR		84408
MODIFIED OHIO		84409
TAXABLE INCOME (TRUSTS)		84410
OR		84411
OHIO TAXABLE INCOME (ESTATES)	TAX	84412
		84413
		84414
<del>More than \$10,500 but not more</del>	<del>\$77.96 plus 1.980% of the amount</del>	84415
<del>than \$15,800</del>	<del>in excess of \$10,500</del>	
<del>More than \$15,800 but not more</del>	<del>\$182.90 plus 2.476% of the</del>	84416
<del>than \$21,100</del>	<del>amount in excess of \$15,800</del>	
More than <del>\$21,100</del> <u>21,750</u> but not	<del>\$314.13</del> <u>310.47</u> plus <del>2.96</del> <u>2.850%</u>	84417
more than <del>\$42,100</del> <u>43,450</u>	of the amount in excess of	
	<del>\$21,100</del> <u>21,750</u>	
More than <del>\$42,100</del> <u>43,450</u> but not	<del>\$937.62</del> <u>928.92</u> plus <del>3.46</del> <u>3.326%</u>	84418
more than <del>\$84,200</del> <u>86,900</u>	of the amount in excess of	
	<del>\$42,100</del> <u>43,450</u>	
More than <del>\$84,200</del> <u>86,900</u> but not	<del>\$2,396.39</del> <u>2,374.07</u> plus	84419
more than <del>\$105,300</del> <u>108,700</u>	<del>3.96</del> <u>3.802%</u> of the amount in	
	excess of <del>\$84,200</del> <u>86,900</u>	
More than <del>\$105,300</del> <u>108,700</u> but not	<del>\$3,231.95</del> <u>3,202.91</u> plus	84420
more than <del>\$210,600</del> <u>217,400</u>	<del>4.59</del> <u>4.413%</u> of the amount in	
	excess of <del>\$105,300</del> <u>108,700</u>	
More than <del>\$210,600</del> <u>217,400</u>	<del>\$8,072.59</del> <u>7,999.84</u> plus	84421
	<del>4.99</del> <u>4.797%</u> of the amount in	
	excess of <del>\$210,600</del> <u>217,400</u>	

(4)(a) In the case of individuals, ~~for taxable years~~ 84422  
~~beginning in 2016 or thereafter,~~ the tax imposed by this section 84423  
on taxable business income shall equal three per cent of the 84424  
result obtained by subtracting any amount allowed under division 84425  
(A)(4)(b) of this section from the individual's taxable business 84426  
income. 84427

(b) If the exemptions allowed to an individual under division 84428  
(A)(3) of this section exceed the taxpayer's Ohio adjusted gross 84429  
income less taxable business income, the excess shall be deducted 84430  
from taxable business income before computing the tax under 84431  
division (A)(4)(a) of this section. 84432

(5) Except as otherwise provided in this division, in August 84433  
of each year, the tax commissioner shall make a new adjustment to 84434  
the income amounts prescribed in divisions (A)(2) and (3) of this 84435  
section by multiplying the percentage increase in the gross 84436  
domestic product deflator computed that year under section 84437  
5747.025 of the Revised Code by each of the income amounts 84438  
resulting from the adjustment under this division in the preceding 84439  
year, adding the resulting product to the corresponding income 84440  
amount resulting from the adjustment in the preceding year, and 84441  
rounding the resulting sum to the nearest multiple of fifty 84442  
dollars. The tax commissioner also shall recompute each of the tax 84443  
dollar amounts to the extent necessary to reflect the new 84444  
adjustment of the income amounts. To recompute the tax dollar 84445  
amount corresponding to the lowest tax rate in division (A)(3) of 84446  
this section, the commissioner shall multiply the tax rate 84447  
prescribed in division (A)(2) of this section by the income amount 84448  
specified in that division and as adjusted according to this 84449  
paragraph. The rates of taxation shall not be adjusted. 84450

The adjusted amounts apply to taxable years beginning in the 84451  
calendar year in which the adjustments are made and to taxable 84452  
years beginning in each ensuing calendar year until a calendar 84453

year in which a new adjustment is made pursuant to this division. 84454  
The tax commissioner shall not make a new adjustment in any year 84455  
in which the amount resulting from the adjustment would be less 84456  
than the amount resulting from the adjustment in the preceding 84457  
year. 84458

(B) If the director of budget and management makes a 84459  
certification to the tax commissioner under division (B) of 84460  
section 131.44 of the Revised Code, the amount of tax as 84461  
determined under divisions (A)(1) to (3) of this section shall be 84462  
reduced by the percentage prescribed in that certification for 84463  
taxable years beginning in the calendar year in which that 84464  
certification is made. 84465

(C) The levy of this tax on income does not prevent a 84466  
municipal corporation, a joint economic development zone created 84467  
under section 715.691, or a joint economic development district 84468  
created under section 715.70, 715.71, or 715.72 of the Revised 84469  
Code from levying a tax on income. 84470

(D) This division applies only to taxable years of a trust 84471  
beginning in 2002 or thereafter. 84472

(1) The tax imposed by this section on a trust shall be 84473  
computed by multiplying the Ohio modified taxable income of the 84474  
trust by the rates prescribed by division (A) of this section. 84475

(2) A resident trust may claim a credit against the tax 84476  
computed under division (D) of this section equal to the lesser of 84477  
(a) the tax paid to another state or the District of Columbia on 84478  
the resident trust's modified nonbusiness income, other than the 84479  
portion of the resident trust's nonbusiness income that is 84480  
qualifying investment income as defined in section 5747.012 of the 84481  
Revised Code, or (b) the effective tax rate, based on modified 84482  
Ohio taxable income, multiplied by the resident trust's modified 84483  
nonbusiness income other than the portion of the resident trust's 84484

nonbusiness income that is qualifying investment income. The 84485  
credit applies before any other applicable credits. 84486

(3) The credits ~~enumerated in divisions (A)(1) to (9) and~~ 84487  
~~(A)(18) to (20) of section 5747.98~~ authorized by the following 84488  
sections of the Revised Code do not apply to a trust subject to 84489  
division (D) of this section: section 5747.022, 5747.05, 5747.054, 84490  
5747.055, 5747.27, 5747.37, 5747.66, or 5747.71 of the Revised 84491  
Code. Any ~~credits enumerated in other divisions of credit~~ 84492  
authorized against the tax imposed by this section 5747.98 of the 84493  
~~Revised Code apply~~ applies to a trust subject to division (D) of 84494  
this section that otherwise qualifies for such a credit. To the 84495  
extent that the trust distributes income for the taxable year for 84496  
which a credit is available to the trust, the credit shall be 84497  
shared by the trust and its beneficiaries. The tax commissioner 84498  
and the trust shall be guided by applicable regulations of the 84499  
United States treasury regarding the sharing of credits. 84500

(E) For the purposes of this section, "trust" means any trust 84501  
described in Subchapter J of Chapter 1 of the Internal Revenue 84502  
Code, excluding trusts that are not irrevocable as defined in 84503  
division (I)(3)(b) of section 5747.01 of the Revised Code and that 84504  
have no modified Ohio taxable income for the taxable year, 84505  
charitable remainder trusts, qualified funeral trusts and preneed 84506  
funeral contract trusts established pursuant to sections 4717.31 84507  
to 4717.38 of the Revised Code that are not qualified funeral 84508  
trusts, endowment and perpetual care trusts, qualified settlement 84509  
trusts and funds, designated settlement trusts and funds, and 84510  
trusts exempted from taxation under section 501(a) of the Internal 84511  
Revenue Code. 84512

(F) Nothing in division (A)(3) of this section shall prohibit 84513  
an individual with an Ohio adjusted gross income, less taxable 84514  
business income and exemptions, of ~~ten~~ twenty-one thousand ~~five~~ 84515  
seven hundred fifty dollars or less from filing a return under 84516

this chapter to receive a refund of taxes withheld or to claim any 84517  
refundable credit allowed under this chapter. 84518

**Sec. 5747.022.** An individual subject to the tax imposed by 84519  
section 5747.02 of the Revised Code whose ~~Ohio~~ modified adjusted 84520  
gross income, less applicable exemptions under section 5747.025 of 84521  
the Revised Code, for the taxable year as shown on an individual 84522  
or joint annual return is less than thirty thousand dollars may 84523  
claim a credit equal to twenty dollars times the number of 84524  
exemptions allowed for the taxpayer, the taxpayer's spouse, and 84525  
each dependent under section 5747.02 of the Revised Code. The 84526  
credit shall be claimed in the order required under section 84527  
5747.98 of the Revised Code. The credit shall not be considered in 84528  
determining the taxes required to be withheld under section 84529  
5747.06 of the Revised Code or the estimated taxes required to be 84530  
paid under section 5747.09 of the Revised Code. In the case of an 84531  
individual with respect to whom an exemption under section 5747.02 84532  
of the Revised Code is allowable to another taxpayer for a taxable 84533  
year beginning in the calendar year in which the individual's 84534  
taxable year begins, the "number of exemptions allowed" for 84535  
purposes of calculating the credit allowed under this section to 84536  
such individual for the individual's taxable year shall not 84537  
include an exemption for the individual. 84538

**Sec. 5747.025.** (A) ~~For taxable years beginning in 2014 or~~ 84539  
~~2015, the~~ The personal exemption for the taxpayer, the taxpayer's 84540  
spouse, and each dependent shall be one of the following amounts: 84541

(1) Two thousand ~~two~~ three hundred fifty dollars if the 84542  
taxpayer's ~~Ohio~~ modified adjusted gross income for the taxable 84543  
year as shown on an individual or joint annual return is less than 84544  
or equal to forty thousand dollars; 84545

(2) ~~One~~ Two thousand ~~nine~~ one hundred ~~fifty~~ dollars if the 84546

taxpayer's ~~Ohio~~ modified adjusted gross income for the taxable 84547  
year as shown on an individual or joint annual return is greater 84548  
than forty thousand dollars but less than or equal to eighty 84549  
thousand dollars; 84550

(3) One thousand ~~seven~~ eight hundred fifty dollars if the 84551  
taxpayer's ~~Ohio~~ modified adjusted gross income for the taxable 84552  
year as shown on an individual or joint annual return is greater 84553  
than eighty thousand dollars. 84554

(B) For taxable years beginning in ~~2016~~ 2020 and thereafter, 84555  
the personal exemption amounts prescribed in division (A) of this 84556  
section shall be adjusted each year in the manner prescribed in 84557  
division (C) of this section. In the case of an individual with 84558  
respect to whom an exemption under section 5747.02 of the Revised 84559  
Code is allowable to another taxpayer for a taxable year beginning 84560  
in the calendar year in which the individual's taxable year 84561  
begins, the exemption amount applicable to such individual for 84562  
such individual's taxable year shall be zero. 84563

(C) Except as otherwise provided in this division, in August 84564  
of each year, the tax commissioner shall determine the percentage 84565  
increase in the gross domestic product deflator determined by the 84566  
bureau of economic analysis of the United States department of 84567  
commerce from the first day of January of the preceding calendar 84568  
year to the last day of December of the preceding year, and make a 84569  
new adjustment to the personal exemption amount for taxable years 84570  
beginning in the current calendar year by multiplying that amount 84571  
by the percentage increase in the gross domestic product deflator 84572  
for that period; adding the resulting product to the personal 84573  
exemption amount for taxable years beginning in the preceding 84574  
calendar year; and rounding the resulting sum upward to the 84575  
nearest multiple of fifty dollars. The adjusted amount applies to 84576  
taxable years beginning in the calendar year in which the 84577  
adjustment is made and to taxable years beginning in each ensuing 84578



calendar year until a calendar year in which a new adjustment is 84579  
made pursuant to this division. The commissioner shall not make a 84580  
new adjustment in any calendar year in which the amount resulting 84581  
from the adjustment would be less than the amount resulting from 84582  
the adjustment in the preceding calendar year. 84583

**Sec. 5747.03.** (A)~~(1)~~ All money collected under this chapter 84584  
arising from the taxes imposed by section 5747.02 or 5747.41 of 84585  
the Revised Code shall be credited to the general revenue fund, 84586  
~~except that the treasurer of state shall, at the beginning of each~~ 84587  
~~calendar quarter, credit to the Ohio political party fund,~~ 84588  
~~pursuant to section 3517.16 of the Revised Code, an amount equal~~ 84589  
~~to the total dollar value realized from the taxpayer exercise of~~ 84590  
~~the income tax checkoff option on tax forms processed during the~~ 84591  
~~preceding calendar quarter.~~ 84592

~~(B)(1) Following the crediting of moneys pursuant to division~~ 84593  
~~(A) of this section, the remainder deposited in the general~~ 84594  
~~revenue fund shall be and distributed pursuant to division (F) of~~ 84595  
section 321.24 and section 323.156 of the Revised Code; to make 84596  
subsidy payments to institutions of higher education from 84597  
appropriations to the ~~Ohio board of regents~~ department of higher 84598  
education; to support expenditures for programs and services for 84599  
the mentally ill, persons with developmental disabilities, and the 84600  
elderly; for primary and secondary education; for medical 84601  
assistance; and for any other purposes authorized by law, subject 84602  
to the limitation that at least fifty per cent of the income tax 84603  
collected by the state from the tax imposed by section 5747.02 of 84604  
the Revised Code shall be returned pursuant to Section 9 of 84605  
Article XII, Ohio Constitution. 84606

(2) To ensure that such constitutional requirement is 84607  
satisfied the tax commissioner shall, on or before the thirtieth 84608  
day of June of each year, from the best information available to 84609

the tax commissioner, determine and certify for each county to the 84610  
director of budget and management the amount of taxes collected 84611  
under this chapter from the tax imposed under section 5747.02 of 84612  
the Revised Code during the preceding calendar year that are 84613  
required to be returned to the county by Section 9 of Article XII, 84614  
Ohio Constitution. The director shall provide for payment from the 84615  
general revenue fund to the county in the amount, if any, that the 84616  
sum of the amount so certified for that county exceeds the sum of 84617  
the following: 84618

(a) The sum of the payments from the general revenue fund for 84619  
the preceding calendar year credited to the county's undivided 84620  
income tax fund pursuant to division (F) of section 321.24 and 84621  
section 323.156 of the Revised Code or made directly from the 84622  
general revenue fund to political subdivisions located in the 84623  
county; 84624

(b) The sum of the amounts from the general revenue fund 84625  
distributed in the county during the preceding calendar year for 84626  
subsidy payments to institutions of higher education from 84627  
appropriations to the ~~Ohio board of regents~~ department of higher 84628  
education; for programs and services for mentally ill persons, 84629  
persons with developmental disabilities, and elderly persons; for 84630  
primary and secondary education; and for medical assistance. 84631

(c) In the case of payments made by the director under this 84632  
division in 2007, the total amount distributed to the county 84633  
during the preceding calendar year from the local government fund 84634  
and the local government revenue assistance fund, and, in the case 84635  
of payments made by the director under this division in subsequent 84636  
calendar years, the amount distributed to the county from the 84637  
local government fund; 84638

(d) In the case of payments made by the director under this 84639  
division, the total amount distributed to the county during the 84640  
preceding calendar year from the public library fund. 84641

Payments under this division shall be credited to the 84642  
county's undivided income tax fund, except that, notwithstanding 84643  
section 5705.14 of the Revised Code, such payments may be 84644  
transferred by the board of county commissioners to the county 84645  
general fund by resolution adopted with the affirmative vote of 84646  
two-thirds of the members thereof. 84647

~~(C)~~(B) All payments received in each month from taxes imposed 84648  
under Chapter 5748. of the Revised Code and any penalties or 84649  
interest thereon shall be paid into the school district income tax 84650  
fund, which is hereby created in the state treasury, except that 84651  
an amount equal to the following portion of such payments shall be 84652  
paid into the general school district income tax administrative 84653  
fund, which is hereby created in the state treasury: 84654

(1) One and three-quarters of one per cent of those received 84655  
in fiscal year 1996; 84656

(2) One and one-half per cent of those received in fiscal 84657  
year 1997 and thereafter. 84658

Money in the school district income tax administrative fund 84659  
shall be used by the tax commissioner to defray costs incurred in 84660  
administering the school district's income tax, including the cost 84661  
of providing employers with information regarding the rate of tax 84662  
imposed by any school district. Any moneys remaining in the fund 84663  
after such use shall be deposited in the school district income 84664  
tax fund. 84665

All interest earned on moneys in the school district income 84666  
tax fund shall be credited to the fund. 84667

~~(D)~~(C)(1)(a) Within thirty days of the end of each calendar 84668  
quarter ending on the last day of March, June, September, and 84669  
December, the director of budget and management shall make a 84670  
payment from the school district income tax fund to each school 84671  
district for which school district income tax revenue was received 84672

during that quarter. The amount of the payment shall equal the 84673  
balance in the school district's account at the end of that 84674  
quarter. 84675

(b) After a school district ceases to levy an income tax, the 84676  
director of budget and management shall adjust the payments under 84677  
division ~~(D)~~(C)(1)(a) of this section to retain sufficient money 84678  
in the school district's account to pay refunds. For the calendar 84679  
quarters ending on the last day of March and December of the 84680  
calendar year following the last calendar year the tax is levied, 84681  
the director shall make the payments in the amount required under 84682  
division ~~(D)~~(C)(1)(a) of this section. For the calendar quarter 84683  
ending on the last day of June of the calendar year following the 84684  
last calendar year the tax is levied, the director shall make a 84685  
payment equal to nine-tenths of the balance in the account at the 84686  
end of that quarter. For the calendar quarter ending on the last 84687  
day of September of the calendar year following the last calendar 84688  
year the tax is levied, the director shall make no payment. For 84689  
the second and succeeding calendar years following the last 84690  
calendar year the tax is levied, the director shall make one 84691  
payment each year, within thirty days of the last day of June, in 84692  
an amount equal to the balance in the district's account on the 84693  
last day of June. 84694

(2) Moneys paid to a school district under this division 84695  
shall be deposited in its school district income tax fund. All 84696  
interest earned on moneys in the school district income tax fund 84697  
shall be apportioned by the tax commissioner pro rata among the 84698  
school districts in the proportions and at the times the districts 84699  
are entitled to receive payments under this division. 84700

**Sec. 5747.04.** All reports, returns, and payments required of 84701  
a taxpayer or employer by this chapter, except payments by 84702  
electronic funds transfer as required under section 5747.072 of 84703

the Revised Code, shall be filed with the tax commissioner. 84704

Upon receipt by ~~him~~ the commissioner of any payments under 84705  
this chapter arising from a tax imposed under section 5747.02 of 84706  
the Revised Code, the commissioner shall estimate and annually 84707  
reconcile and determine for any amount paid by or on behalf of any 84708  
taxpayer and for any amount shown due or owed to any taxpayer, the 84709  
county to which such amount is attributable. The county of 84710  
attribution is the county in which the taxpayer was a resident for 84711  
one more than half of the number of days of the payroll period 84712  
during which any income subject to taxation under this chapter was 84713  
earned or, in the case of a nonresident taxpayer, ~~his~~ the 84714  
nonresident taxpayer's principal county of employment. If there is 84715  
no payroll period to which such income can be attributed, the 84716  
county of attribution is the county in which the taxpayer resided 84717  
at the time ~~he~~ the taxpayer received such income. 84718

The commissioner shall adopt such rules, including a 84719  
requirement that each taxpayer indicate ~~his~~ the taxpayer's school 84720  
district of residence on ~~his~~ the taxpayer's tax return, as are 84721  
reasonably necessary to insure the efficient administration of 84722  
this section and the distribution required by division ~~(B)~~(A) of 84723  
section 5747.03 of the Revised Code. 84724

**Sec. 5747.05.** As used in this section, "income tax" includes 84725  
both a tax on net income and a tax measured by net income. 84726

The following credits shall be allowed against the aggregate 84727  
income tax liability imposed by section 5747.02 of the Revised 84728  
Code on individuals and estates: 84729

(A)(1) The amount of tax otherwise due under section 5747.02 84730  
of the Revised Code on such portion of the combined adjusted gross 84731  
income and business income of any nonresident taxpayer that is not 84732  
allocable or apportionable to this state pursuant to sections 84733  
5747.20 to 5747.23 of the Revised Code. The credit provided under 84734

this division shall not exceed the total tax due under section 84735  
5747.02 of the Revised Code. 84736

(2) The tax commissioner may enter into an agreement with the 84737  
taxing authorities of any state or of the District of Columbia 84738  
that imposes an income tax to provide that compensation paid in 84739  
this state to a nonresident taxpayer shall not be subject to the 84740  
tax levied in section 5747.02 of the Revised Code so long as 84741  
compensation paid in such other state or in the District of 84742  
Columbia to a resident taxpayer shall likewise not be subject to 84743  
the income tax of such other state or of the District of Columbia. 84744

(B) The lesser of division (B)(1) or (2) of this section: 84745

(1) The aggregate amount of tax otherwise due under section 84746  
5747.02 of the Revised Code on such portion of the combined 84747  
adjusted gross income and business income of a resident taxpayer 84748  
that in another state or in the District of Columbia is subjected 84749  
to an income tax. The credit provided under division (B)(1) of 84750  
this section shall not exceed the total tax due under section 84751  
5747.02 of the Revised Code. 84752

(2) The amount of income tax liability to another state or 84753  
the District of Columbia on the portion of the combined adjusted 84754  
gross income and business income of a resident taxpayer that in 84755  
another state or in the District of Columbia is subjected to an 84756  
income tax. The credit provided under division (B)(2) of this 84757  
section shall not exceed the total amount of tax otherwise due 84758  
under section 5747.02 of the Revised Code. 84759

(3) If the credit provided under division (B) of this section 84760  
is affected by a change in either the portion of the combined 84761  
adjusted gross income and business income of a resident taxpayer 84762  
subjected to an income tax in another state or the District of 84763  
Columbia or the amount of income tax liability that has been paid 84764  
to another state or the District of Columbia, the taxpayer shall 84765

report the change to the tax commissioner within sixty days of the 84766  
change in such form as the commissioner requires. 84767

(a) In the case of an underpayment, the report shall be 84768  
accompanied by payment of any additional tax due as a result of 84769  
the reduction in credit together with interest on the additional 84770  
tax and is a return subject to assessment under section 5747.13 of 84771  
the Revised Code solely for the purpose of assessing any 84772  
additional tax due under this division, together with any 84773  
applicable penalty and interest. It shall not reopen the 84774  
computation of the taxpayer's tax liability under this chapter 84775  
from a previously filed return no longer subject to assessment 84776  
except to the extent that such liability is affected by an 84777  
adjustment to the credit allowed by division (B) of this section. 84778

(b) In the case of an overpayment, an application for refund 84779  
may be filed under this division within the sixty-day period 84780  
prescribed for filing the report even if it is beyond the period 84781  
prescribed in section 5747.11 of the Revised Code if it otherwise 84782  
conforms to the requirements of such section. An application filed 84783  
under this division shall only claim refund of overpayments 84784  
resulting from an adjustment to the credit allowed by division (B) 84785  
of this section unless it is also filed within the time prescribed 84786  
in section 5747.11 of the Revised Code. It shall not reopen the 84787  
computation of the taxpayer's tax liability except to the extent 84788  
that such liability is affected by an adjustment to the credit 84789  
allowed by division (B) of this section. 84790

(4) No credit shall be allowed under division (B) of this 84791  
section: 84792

(a) For income tax paid or accrued to another state or to the 84793  
District of Columbia if the taxpayer, when computing federal 84794  
adjusted gross income, has directly or indirectly deducted, or was 84795  
required to directly or indirectly deduct, the amount of that 84796  
income tax; 84797

(b) For compensation that is not subject to the income tax of 84798  
another state or the District of Columbia as the result of an 84799  
agreement entered into by the tax commissioner under division 84800  
(A)(3) of this section; or 84801

(c) For income tax paid or accrued to another state or the 84802  
District of Columbia if the taxpayer fails to furnish such proof 84803  
as the tax commissioner shall require that such income tax 84804  
liability has been paid. 84805

(C) An individual who is a resident for part of a taxable 84806  
year and a nonresident for the remainder of the taxable year is 84807  
allowed the credits under divisions (A) and (B) of this section in 84808  
accordance with rules prescribed by the tax commissioner. In no 84809  
event shall the same income be subject to both credits. 84810

(D) The credit allowed under division (A) of this section 84811  
shall be calculated based upon the amount of tax due under section 84812  
5747.02 of the Revised Code after subtracting any other credits 84813  
that precede the credit under that division in the order required 84814  
under section 5747.98 of the Revised Code. The credit allowed 84815  
under division (B) of this section shall be calculated based upon 84816  
the amount of tax due under section 5747.02 of the Revised Code 84817  
after subtracting any other credits that precede the credit under 84818  
that division in the order required under section 5747.98 of the 84819  
Revised Code. 84820

(E)(1) On a joint return filed by a husband and wife, each of 84821  
whom had adjusted gross income of at least five hundred dollars, 84822  
exclusive of interest, dividends and distributions, royalties, 84823  
rent, and capital gains, a credit equal to the lesser of six 84824  
hundred fifty dollars or the percentage shown in column B that 84825  
corresponds with the taxpayer's modified adjusted gross income, 84826  
less exemptions for the taxable year, of the total amount of tax 84827  
due after allowing for any other credit that precedes this credit 84828  
as required under section 5747.98 of the Revised Code: 84829



A.	B.	84830
IF THE <u>MODIFIED</u> ADJUSTED GROSS	THE CREDIT FOR THE TAXABLE	84831
INCOME, LESS EXEMPTIONS, FOR THE	YEAR IS:	
TAX YEAR IS:		
\$25,000 or less	20%	84832
More than \$25,000 but not more	15%	84833
than \$50,000		
More than \$50,000 but not more	10%	84834
than \$75,000		
More than \$75,000	5%	84835
(2) The credit shall be claimed in the order required under		84836
section 5747.98 of the Revised Code.		84837
(F) No claim for credit under this section shall be allowed		84838
unless the claimant furnishes such supporting information as the		84839
tax commissioner prescribes by rules.		84840
<b>Sec. 5747.054.</b> In addition to all other credits allowed by		84841
this chapter, a credit shall be allowed against a taxpayer's		84842
aggregate tax liability under section 5747.02 of the Revised Code		84843
for taxpayers with <u>modified</u> adjusted gross income of less than		84844
forty thousand dollars. The amount of the credit shall equal		84845
twenty-five per cent of the federal dependent care credit for		84846
which the taxpayer is eligible for the taxable year under section		84847
21 of the Internal Revenue Code, 26 U.S.C.A. 21; except that the		84848
amount of the credit for a taxpayer with <u>modified</u> adjusted gross		84849
income of less than twenty thousand dollars shall equal the		84850
federal credit for which the taxpayer is eligible, in any case		84851
without regard to any limitation imposed by section 26 of the		84852
Internal Revenue Code, 26 U.S.C.A. 26.		84853
The credit allowed by this section shall be claimed in the		84854
order required under section 5747.98 of the Revised Code.		84855

**Sec. 5747.055.** (A) As used in this section "retirement income" means retirement benefits, annuities, or distributions that are made from or pursuant to a pension, retirement, or profit-sharing plan and that:

(1) In the case of an individual, are received by the individual on account of retirement and are included in the individual's adjusted gross income;

(2) In the case of an estate, are payable to the estate for the benefit of the surviving spouse of the decedent and are included in the estate's taxable income.

(B) A credit shall be allowed against a taxpayer's aggregate tax liability under section 5747.02 of the Revised Code for taxpayers who received retirement income during the taxable year and whose modified adjusted gross income for the taxable year, less applicable exemptions under section 5747.025 of the Revised Code, as shown on an individual or joint annual return is less than one hundred thousand dollars. Only one such credit shall be allowed for each return, and the amount of the credit shall be computed in accordance with the following schedule:

AMOUNT OF RETIREMENT INCOME RECEIVED DURING THE TAXABLE YEAR	CREDIT FOR THE TAXABLE YEAR	
\$500 or less	\$ 0	84877
Over \$500 but not more than \$1,500	\$ 25	84878
Over \$1,500 but not more than \$3,000	\$ 50	84879
Over \$3,000 but not more than \$5,000	\$ 80	84880
Over \$5,000 but not more than \$8,000	\$130	84881
Over \$8,000	\$200	84882

(C) A taxpayer who received a lump-sum distribution from a pension, retirement, or profit-sharing plan in the taxable year and whose modified adjusted gross income for the taxable year, less applicable exemptions under section 5747.025 of the Revised

Code, as shown on an individual or joint annual return is less 84887  
than one hundred thousand dollars, may elect to receive a credit 84888  
under this division in lieu of the credit allowed under division 84889  
(B) of this section. A taxpayer making such an election is not 84890  
entitled to the credit authorized under this division or division 84891  
(B) of this section in subsequent taxable years. A taxpayer 84892  
electing the credit under this division shall receive a credit for 84893  
the taxable year against the taxpayer's aggregate tax liability 84894  
under section 5747.02 of the Revised Code computed as follows: 84895

(1) Divide the amount of retirement income received during 84896  
the taxable year by the taxpayer's expected remaining life on the 84897  
last day of the taxable year, as shown by annuity tables issued 84898  
under the provisions of the Internal Revenue Code and in effect 84899  
for the calendar year that includes the last day of the taxable 84900  
year; 84901

(2) Using the quotient thus obtained as the amount of 84902  
retirement income received during the taxable year, compute the 84903  
credit for the taxable year in accordance with division (B) of 84904  
this section; 84905

(3) Multiply the credit thus obtained by the taxpayer's 84906  
expected remaining life. The product thus obtained shall be the 84907  
credit under this division for the taxable year. 84908

(D) If the credit under division (C) or (E) of this section 84909  
exceeds the taxpayer's aggregate tax liability under section 84910  
5747.02 of the Revised Code for the taxable year after allowing 84911  
for any other credit that precedes that credit in the order 84912  
required under section 5747.98 of the Revised Code, the taxpayer 84913  
may elect to receive a credit for each subsequent taxable year. 84914  
The amount of the credit for each such year shall be computed as 84915  
follows: 84916

(1) Determine the amount by which the unused credit elected 84917

under division (C) or (E) of this section exceeded the total tax 84918  
due for the taxable year after allowing for any preceding credit 84919  
in the required order; 84920

(2) Divide the amount of such excess by one year less than 84921  
the taxpayer's expected remaining life on the last day of the 84922  
taxable year of the distribution for which the credit was allowed 84923  
under division (C) or (E) of this section. The quotient thus 84924  
obtained shall be the credit for each subsequent year. 84925

(E) If subsequent to the receipt of a lump-sum distribution 84926  
and an election under division (C) of this section an individual 84927  
receives another lump-sum distribution within one taxable year, 84928  
and the taxpayer's modified adjusted gross income for the taxable 84929  
year, less applicable exemptions under section 5747.025 of the 84930  
Revised Code, as shown on an individual or joint annual return is 84931  
less than one hundred thousand dollars, the taxpayer may elect to 84932  
receive a credit for that taxable year. The credit shall equal the 84933  
lesser of: 84934

(1) A credit computed in the manner prescribed in division 84935  
(C) of this section; 84936

(2) The amount of credit, if any, to which the taxpayer would 84937  
otherwise be entitled for the taxable year under division (D) of 84938  
this section times the taxpayer's expected remaining life on the 84939  
last day of the taxable year. A taxpayer who elects to receive a 84940  
credit under this division is not entitled to a credit under this 84941  
division or division (B) or (C) of this section for any subsequent 84942  
year except as provided in division (D) of this section. 84943

(F) A credit equal to fifty dollars for each return required 84944  
to be filed under section 5747.08 of the Revised Code shall be 84945  
allowed against a taxpayer's aggregate tax liability under section 84946  
5747.02 of the Revised Code for taxpayers sixty-five years of age 84947  
or older during the taxable year whose modified adjusted gross 84948

income, less applicable exemptions under section 5747.025 of the Revised Code, as shown on an individual or joint annual return is less than one hundred thousand dollars for that taxable year.

(G) A taxpayer sixty-five years of age or older during the taxable year who has received a lump-sum distribution from a pension, retirement, or profit-sharing plan in the taxable year, and whose modified adjusted gross income, less applicable exemptions under section 5747.025 of the Revised Code, as shown on an individual or joint annual return is less than one hundred thousand dollars for that taxable year may elect to receive a credit under this division in lieu of the credit to which the taxpayer is entitled under division (F) of this section. A taxpayer making such an election shall receive a credit for the taxable year against the taxpayer's aggregate tax liability under section 5747.02 of the Revised Code equal to fifty dollars times the taxpayer's expected remaining life as shown by annuity tables issued under the Internal Revenue Code and in effect for the calendar year that includes the last day of the taxable year. A taxpayer making an election under this division is not entitled to the credit authorized under this division or division (F) of this section in subsequent taxable years.

(H) The credits allowed by this section shall be claimed in the order required under section 5747.98 of the Revised Code. The tax commissioner may require a taxpayer to furnish any information necessary to support a claim for credit under this section, and no credit shall be allowed unless such information is provided.

**Sec. 5747.06.** (A) Except as provided in division (E)(3) of this section, every employer, including the state and its political subdivisions, maintaining an office or transacting business within this state and making payment of any compensation to an employee who is a taxpayer shall deduct and withhold from

such compensation for each payroll period a tax computed in such 84980  
manner as to result, as far as practicable, in withholding from 84981  
the employee's compensation during each calendar year an amount 84982  
substantially equivalent to the tax reasonably estimated to be due 84983  
from the employee under this chapter and Chapter 5748. of the 84984  
Revised Code with respect to the amount of such compensation 84985  
included in the employee's adjusted gross income during the 84986  
calendar year. The employer shall deduct and withhold the tax on 84987  
the date that the employer directly, indirectly, or constructively 84988  
pays the compensation to, or credits the compensation to the 84989  
benefit of, the employee. 84990

The method of determining the amount to be withheld shall be 84991  
prescribed by rule of the tax commissioner. ~~Notwithstanding~~ 84992  
~~section 5747.02 of the Revised Code, the rule prescribed by the~~ 84993  
~~commissioner~~ The rule shall require that taxes are withheld on ~~the~~ 84994  
~~first ten thousand dollars of~~ a taxpayer's compensation at rates 84995  
sufficient to ensure payment of the appropriate amount of tax 84996  
reasonably estimated to be due. 84997

In addition to any other exclusions from withholding 84998  
permitted under this section, no tax shall be withheld by an 84999  
employer from the compensation of an employee when such 85000  
compensation is paid for: 85001

(1) Agricultural labor as defined in division G of section 85002  
3121 of Title 26 of the United States Code; 85003

(2) Domestic service in a private home, local college club, 85004  
or local chapter of a college fraternity or sorority; 85005

(3) Service performed in any calendar quarter by an employee 85006  
unless the cash remuneration paid for such service is three 85007  
hundred dollars or more and such service is performed by an 85008  
individual who is regularly employed by such employer to perform 85009  
such service; 85010

(4) Services performed for a foreign government or an international organization; 85011  
85012

(5) Services performed by an individual under the age of eighteen in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution, or when performed by such individual under the age of eighteen under an arrangement where newspapers or magazines are to be sold by the individual at a fixed price, the individual's compensation being based on the retention of the excess of such price over the amount at which the newspapers or magazines are charged to the individual; 85013  
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(6) Services not in the course of the employer's trade or business to the extent paid in any medium other than cash. 85022  
85023

(B) Every employer required to deduct and withhold tax from the compensation of an employee under this chapter shall furnish to each employee, with respect to the compensation paid by such employer to such employee during the calendar year, on or before the thirty-first day of January of the succeeding year, or, if the employee's employment is terminated before the close of such calendar year, within thirty days from the date on which the last payment of compensation was made, a written statement as prescribed by the tax commissioner showing the amount of compensation paid by the employer to the employee, the amount deducted and withheld as state income tax, any amount deducted and withheld as school district income tax for each applicable school district, and any other information as the commissioner prescribes. 85024  
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(C) The failure of an employer to withhold tax as required by this section does not relieve an employee from the liability for the tax. The failure of an employer to remit the tax as required by law does not relieve an employee from liability for the tax if the tax commissioner ascertains that the employee colluded with 85038  
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the employer with respect to the failure to remit the tax. 85043

(D) If an employer fails to deduct and withhold any tax as 85044  
required, and thereafter the tax is paid, the tax so required to 85045  
be deducted and withheld shall not be collected from the employer, 85046  
but the employer is not relieved from liability for penalties and 85047  
interest otherwise applicable in respect to the failure to deduct 85048  
and withhold the tax. 85049

(E) To ensure that taxes imposed pursuant to Chapter 5748. of 85050  
the Revised Code are deducted and withheld as provided in this 85051  
section: 85052

(1) An employer shall request that each employee furnish the 85053  
name of the employee's school district of residence; 85054

(2) Each employee shall furnish the employer with sufficient 85055  
and correct information to enable the employer to withhold the 85056  
taxes imposed under Chapter 5748. of the Revised Code. The 85057  
employee shall provide additional or corrected information 85058  
whenever information previously provided to the employer becomes 85059  
insufficient or incorrect. 85060

(3) If the employer complies with the requirements of 85061  
division (E)(1) of this section and if the employee fails to 85062  
comply with the requirements of division (E)(2) of this section, 85063  
the employer is not required to withhold and pay the taxes imposed 85064  
under Chapter 5748. of the Revised Code and is not subject to any 85065  
penalties and interest otherwise applicable for failing to deduct 85066  
and withhold such taxes. 85067

**Sec. 5747.08.** An annual return with respect to the tax 85068  
imposed by section 5747.02 of the Revised Code and each tax 85069  
imposed under Chapter 5748. of the Revised Code shall be made by 85070  
every taxpayer for any taxable year for which the taxpayer is 85071  
liable for the tax imposed by that section or under that chapter, 85072



unless the total credits allowed under division (E) of section 85073  
5747.05 and divisions (F) and (G) of section 5747.055 of the 85074  
Revised Code for the year are equal to or exceed the tax imposed 85075  
by section 5747.02 of the Revised Code, in which case no return 85076  
shall be required unless the taxpayer is liable for a tax imposed 85077  
pursuant to Chapter 5748. of the Revised Code. 85078

(A) If an individual is deceased, any return or notice 85079  
required of that individual under this chapter shall be made and 85080  
filed by that decedent's executor, administrator, or other person 85081  
charged with the property of that decedent. 85082

(B) If an individual is unable to make a return or notice 85083  
required by this chapter, the return or notice required of that 85084  
individual shall be made and filed by the individual's duly 85085  
authorized agent, guardian, conservator, fiduciary, or other 85086  
person charged with the care of the person or property of that 85087  
individual. 85088

(C) Returns or notices required of an estate or a trust shall 85089  
be made and filed by the fiduciary of the estate or trust. 85090

(D)(1)(a) Except as otherwise provided in division (D)(1)(b) 85091  
of this section, any pass-through entity may file a single return 85092  
on behalf of one or more of the entity's investors other than an 85093  
investor that is a person subject to the tax imposed under section 85094  
5733.06 of the Revised Code. The single return shall set forth the 85095  
name, address, and social security number or other identifying 85096  
number of each of those pass-through entity investors and shall 85097  
indicate the distributive share of each of those pass-through 85098  
entity investor's income taxable in this state in accordance with 85099  
sections 5747.20 to 5747.231 of the Revised Code. Such 85100  
pass-through entity investors for whom the pass-through entity 85101  
elects to file a single return are not entitled to the exemption 85102  
or credit provided for by sections 5747.02 and 5747.022 of the 85103  
Revised Code; shall calculate the tax before business credits at 85104

the highest rate of tax set forth in section 5747.02 of the Revised Code for the taxable year for which the return is filed; and are entitled to only their distributive share of the business credits as defined in division (D)(2) of this section. A single check drawn by the pass-through entity shall accompany the return in full payment of the tax due, as shown on the single return, for such investors, other than investors who are persons subject to the tax imposed under section 5733.06 of the Revised Code.

(b)(i) A pass-through entity shall not include in such a single return any investor that is a trust to the extent that any direct or indirect current, future, or contingent beneficiary of the trust is a person subject to the tax imposed under section 5733.06 of the Revised Code.

(ii) A pass-through entity shall not include in such a single return any investor that is itself a pass-through entity to the extent that any direct or indirect investor in the second pass-through entity is a person subject to the tax imposed under section 5733.06 of the Revised Code.

(c) Nothing in division (D) of this section precludes the tax commissioner from requiring such investors to file the return and make the payment of taxes and related interest, penalty, and interest penalty required by this section or section 5747.02, 5747.09, or 5747.15 of the Revised Code. Nothing in division (D) of this section precludes such an investor from filing the annual return under this section, utilizing the refundable credit equal to the investor's proportionate share of the tax paid by the pass-through entity on behalf of the investor under division (I) of this section, and making the payment of taxes imposed under section 5747.02 of the Revised Code. Nothing in division (D) of this section shall be construed to provide to such an investor or pass-through entity any additional deduction or credit, other than the credit provided by division (I) of this section, solely on

account of the entity's filing a return in accordance with this 85137  
section. Such a pass-through entity also shall make the filing and 85138  
payment of estimated taxes on behalf of the pass-through entity 85139  
investors other than an investor that is a person subject to the 85140  
tax imposed under section 5733.06 of the Revised Code. 85141

(2) For the purposes of this section, "business credits" 85142  
means the credits listed in section 5747.98 of the Revised Code 85143  
excluding the following credits: 85144

(a) The retirement income credit under division (B) of 85145  
section 5747.055 of the Revised Code; 85146

(b) The senior citizen credit under division (F) of section 85147  
5747.055 of the Revised Code; 85148

(c) The lump sum distribution credit under division (G) of 85149  
section 5747.055 of the Revised Code; 85150

(d) The dependent care credit under section 5747.054 of the 85151  
Revised Code; 85152

(e) The lump sum retirement income credit under division (C) 85153  
of section 5747.055 of the Revised Code; 85154

(f) The lump sum retirement income credit under division (D) 85155  
of section 5747.055 of the Revised Code; 85156

(g) The lump sum retirement income credit under division (E) 85157  
of section 5747.055 of the Revised Code; 85158

(h) The credit for displaced workers who pay for job training 85159  
under section 5747.27 of the Revised Code; 85160

(i) The twenty-dollar personal exemption credit under section 85161  
5747.022 of the Revised Code; 85162

(j) The joint filing credit under division (E) of section 85163  
5747.05 of the Revised Code; 85164

(k) The nonresident credit under division (A) of section 85165

5747.05 of the Revised Code;	85166
(l) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	85167 85168
(m) The earned income tax credit under section 5747.71 of the Revised Code;	85169 85170
<u>(n) The lead abatement credit under section 5747.26 of the Revised Code.</u>	85171 85172
(3) The election provided for under division (D) of this section applies only to the taxable year for which the election is made by the pass-through entity. Unless the tax commissioner provides otherwise, this election, once made, is binding and irrevocable for the taxable year for which the election is made. Nothing in this division shall be construed to provide for any deduction or credit that would not be allowable if a nonresident pass-through entity investor were to file an annual return.	85173 85174 85175 85176 85177 85178 85179 85180
(4) If a pass-through entity makes the election provided for under division (D) of this section, the pass-through entity shall be liable for any additional taxes, interest, interest penalty, or penalties imposed by this chapter if the tax commissioner finds that the single return does not reflect the correct tax due by the pass-through entity investors covered by that return. Nothing in this division shall be construed to limit or alter the liability, if any, imposed on pass-through entity investors for unpaid or underpaid taxes, interest, interest penalty, or penalties as a result of the pass-through entity's making the election provided for under division (D) of this section. For the purposes of division (D) of this section, "correct tax due" means the tax that would have been paid by the pass-through entity had the single return been filed in a manner reflecting the commissioner's findings. Nothing in division (D) of this section shall be construed to make or hold a pass-through entity liable for tax	85181 85182 85183 85184 85185 85186 85187 85188 85189 85190 85191 85192 85193 85194 85195 85196

attributable to a pass-through entity investor's income from a 85197  
source other than the pass-through entity electing to file the 85198  
single return. 85199

(E) If a husband and wife file a joint federal income tax 85200  
return for a taxable year, they shall file a joint return under 85201  
this section for that taxable year, and their liabilities are 85202  
joint and several, but, if the federal income tax liability of 85203  
either spouse is determined on a separate federal income tax 85204  
return, they shall file separate returns under this section. 85205

If either spouse is not required to file a federal income tax 85206  
return and either or both are required to file a return pursuant 85207  
to this chapter, they may elect to file separate or joint returns, 85208  
and, pursuant to that election, their liabilities are separate or 85209  
joint and several. If a husband and wife file separate returns 85210  
pursuant to this chapter, each must claim the taxpayer's own 85211  
exemption, but not both, as authorized under section 5747.02 of 85212  
the Revised Code on the taxpayer's own return. 85213

(F) Each return or notice required to be filed under this 85214  
section shall contain the signature of the taxpayer or the 85215  
taxpayer's duly authorized agent and of the person who prepared 85216  
the return for the taxpayer, and shall include the taxpayer's 85217  
social security number. Each return shall be verified by a 85218  
declaration under the penalties of perjury. The tax commissioner 85219  
shall prescribe the form that the signature and declaration shall 85220  
take. 85221

(G) Each return or notice required to be filed under this 85222  
section shall be made and filed as required by section 5747.04 of 85223  
the Revised Code, on or before the fifteenth day of April of each 85224  
year, on forms that the tax commissioner shall prescribe, together 85225  
with remittance made payable to the treasurer of state in the 85226  
combined amount of the state and all school district income taxes 85227  
shown to be due on the form. 85228

Upon good cause shown, the commissioner may extend the period 85229  
for filing any notice or return required to be filed under this 85230  
section and may adopt rules relating to extensions. If the 85231  
extension results in an extension of time for the payment of any 85232  
state or school district income tax liability with respect to 85233  
which the return is filed, the taxpayer shall pay at the time the 85234  
tax liability is paid an amount of interest computed at the rate 85235  
per annum prescribed by section 5703.47 of the Revised Code on 85236  
that liability from the time that payment is due without extension 85237  
to the time of actual payment. Except as provided in section 85238  
5747.132 of the Revised Code, in addition to all other interest 85239  
charges and penalties, all taxes imposed under this chapter or 85240  
Chapter 5748. of the Revised Code and remaining unpaid after they 85241  
become due, except combined amounts due of one dollar or less, 85242  
bear interest at the rate per annum prescribed by section 5703.47 85243  
of the Revised Code until paid or until the day an assessment is 85244  
issued under section 5747.13 of the Revised Code, whichever occurs 85245  
first. 85246

If the commissioner considers it necessary in order to ensure 85247  
the payment of the tax imposed by section 5747.02 of the Revised 85248  
Code or any tax imposed under Chapter 5748. of the Revised Code, 85249  
the commissioner may require returns and payments to be made 85250  
otherwise than as provided in this section. 85251

To the extent that any provision in this division conflicts 85252  
with any provision in section 5747.026 of the Revised Code, the 85253  
provision in that section prevails. 85254

(H) The amounts withheld by an employer pursuant to section 85255  
5747.06 of the Revised Code, a casino operator pursuant to section 85256  
5747.063 of the Revised Code, or a lottery sales agent pursuant to 85257  
section 5747.064 of the Revised Code shall be allowed to the 85258  
recipient of the compensation casino winnings, or lottery prize 85259  
award as credits against payment of the appropriate taxes imposed 85260

on the recipient by section 5747.02 and under Chapter 5748. of the Revised Code. 85261  
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(I) If a pass-through entity elects to file a single return under division (D) of this section and if any investor is required to file the annual return and make the payment of taxes required by this chapter on account of the investor's other income that is not included in a single return filed by a pass-through entity or any other investor elects to file the annual return, the investor is entitled to a refundable credit equal to the investor's proportionate share of the tax paid by the pass-through entity on behalf of the investor. The investor shall claim the credit for the investor's taxable year in which or with which ends the taxable year of the pass-through entity. Nothing in this chapter shall be construed to allow any credit provided in this chapter to be claimed more than once. For the purpose of computing any interest, penalty, or interest penalty, the investor shall be deemed to have paid the refundable credit provided by this division on the day that the pass-through entity paid the estimated tax or the tax giving rise to the credit. 85263  
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(J) The tax commissioner shall ensure that each return required to be filed under this section includes a box that the taxpayer may check to authorize a paid tax preparer who prepared the return to communicate with the department of taxation about matters pertaining to the return. The return or instructions accompanying the return shall indicate that by checking the box the taxpayer authorizes the department of taxation to contact the preparer concerning questions that arise during the processing of the return and authorizes the preparer only to provide the department with information that is missing from the return, to contact the department for information about the processing of the return or the status of the taxpayer's refund or payments, and to respond to notices about mathematical errors, offsets, or return 85280  
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preparation that the taxpayer has received from the department and 85293  
has shown to the preparer. 85294

(K) The tax commissioner shall permit individual taxpayers to 85295  
instruct the department of taxation to cause any refund of 85296  
overpaid taxes to be deposited directly into a checking account, 85297  
savings account, or an individual retirement account or individual 85298  
retirement annuity, or preexisting college savings plan or program 85299  
account offered by the Ohio tuition trust authority under Chapter 85300  
3334. of the Revised Code, as designated by the taxpayer, when the 85301  
taxpayer files the annual return required by this section 85302  
electronically. 85303

(L) The tax commissioner may adopt rules to administer this 85304  
section. 85305

**Sec. 5747.10. (A) As used in this section:** 85306

(1) "Audited partnership" means a partnership subject to an 85307  
examination by the internal revenue service pursuant to subchapter 85308  
C, chapter 63, subtitle F of the Internal Revenue Code resulting 85309  
in a federal adjustment. 85310

(2)(a) "Direct investor" means a partner or other investor 85311  
that holds a direct interest in a pass-through entity. 85312

(b) "Indirect investor" means a partner or other investor 85313  
that holds an interest in a pass-through entity that itself holds 85314  
an interest, directly or through another indirect partner or other 85315  
investor, in a pass-through entity. 85316

(3) "Exempt partner" means a partner that is neither a 85317  
pass-through entity nor a person subject to the tax imposed by 85318  
section 5747.02 of the Revised Code. 85319

(4) "Federal adjustment" means a change to an item or amount 85320  
required to be determined under the Internal Revenue Code that 85321  
directly or indirectly affects a taxpayer's aggregate tax 85322



liability under section 5747.02 or Chapter 5748. of the Revised 85323  
Code and that results from an action or examination by the 85324  
internal revenue service, or from the filing of an amended federal 85325  
tax return, a claim for a federal tax refund, or an administrative 85326  
adjustment request filed by a partnership under section 6227 of 85327  
the Internal Revenue Code. 85328

(5) "Federal adjustments return" means the form or other 85329  
document prescribed by the tax commissioner for use by a taxpayer 85330  
in reporting final federal adjustments. 85331

(6) "State partnership representative" means either of the 85332  
following: 85333

(a) The person who served as the partnership's representative 85334  
for federal income tax purposes, pursuant to section 6223(a) of 85335  
the Internal Revenue Code, during the corresponding federal 85336  
partnership audit; 85337

(b) The person designated, on a form prescribed by the tax 85338  
commissioner, to serve as the partnership's representative during 85339  
the state partnership audit. The commissioner may establish 85340  
reasonable qualifications and procedures for a person to be 85341  
designated as a state partnership representative under this 85342  
division. 85343

(7) A federal adjustment is "final" or "agreed to or finally 85344  
determined for federal income tax purposes" on any of the 85345  
following: 85346

(a) The day after which the period for appeal of a federal 85347  
assessment has expired; 85348

(b) The date on a refund check issued by the internal revenue 85349  
service; or 85350

(c) For agreements required to be signed by the internal 85351  
revenue service and the taxpayer or audited partnership, the date 85352

on which the last party signed the agreement. 85353

(B) If any of the facts, figures, computations, or 85354  
attachments required in a taxpayer's annual return to determine 85355  
the tax charged by this chapter or Chapter 5748. of the Revised 85356  
Code must be altered as the result of ~~an~~ a final federal 85357  
adjustment to the taxpayer's federal income tax return, whether 85358  
initiated by the taxpayer or the internal revenue service, and 85359  
such alteration affects the taxpayer's tax liability under this 85360  
chapter or Chapter 5748. of the Revised Code, and the federal 85361  
adjustment is not required to be reported under division (C) of 85362  
this section, the taxpayer shall file an amended return with the 85363  
tax commissioner in such form as the commissioner requires. The 85364  
amended return shall be filed not later than ~~sixty~~ ninety days 85365  
after the federal adjustment has been agreed to or finally 85366  
determined for federal income tax purposes ~~or any federal income~~ 85367  
~~tax deficiency or refund, or the abatement or credit resulting~~ 85368  
~~therefrom, has been assessed or paid, whichever occurs first.~~ 85369

~~(A)~~(C) Except for adjustments required to be reported for 85370  
federal purposes pursuant to section 6225(a)(2) of the Internal 85371  
Revenue Code and adjustments that are taken into account on a 85372  
federal amended return or similar report filed pursuant to section 85373  
6225(c)(2) of the Internal Revenue Code, partnerships and partners 85374  
shall report final federal adjustments and make payments as 85375  
required under division (C) of this section. 85376

(1) With respect to an action required or permitted to be 85377  
taken by a partnership under this section, and any petition for 85378  
reassessment or appeal to the board of tax appeals or any court 85379  
with respect to such an action, the state partnership 85380  
representative shall have the sole authority to act on behalf of 85381  
the audited partnership, and the partnership's direct and indirect 85382  
investors shall be bound by those actions. 85383

(2) Unless an audited partnership makes the election under 85384

division (C)(3) of this section: 85385

(a) The audited partnership, through its state partnership representative, shall do all of the following within ninety days after the federal adjustment is final: 85386  
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(i) File a federal adjustments return with the tax commissioner, including a copy of the notifications provided under division (C)(2)(a)(ii) of this section; 85389  
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(ii) Notify each of its direct investors, on a form prescribed by the commissioner, of the investor's distributive share of the final federal adjustments; 85392  
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(iii) File an amended tax return on behalf of its nonresident direct investors and pay any additional tax that would have been due under sections 5733.41 and 5747.41, or division (D) of section 5747.08, of the Revised Code with respect to those direct investors had the final federal adjustments been reported properly on the original filing. 85395  
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(b) Each direct investor that is subject to the tax imposed by section 5747.02 of the Revised Code shall file an original or amended tax return to include the investor's distributive share of the adjustments reported to the direct investor under division (C)(2)(a) of this section, and pay any additional tax due, within ninety days after the audited partnership files its federal adjustments return with the commissioner. 85401  
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(c)(i) Each direct and indirect investor of an audited partnership that is a pass-through entity and all investors in such a pass-through entity that are subject to the filing and payment requirements of Chapters 5733. and 5747. of the Revised Code are subject to the reporting and payment requirements of division (C)(2) or, upon a timely election, division (C)(3) of this section. 85408  
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(ii) Such direct and indirect investors shall make the 85415

required returns and payments within ninety days after the 85416  
deadline for filing and furnishing statements under section 85417  
6226(b)(4) of the Internal Revenue Code and applicable treasury 85418  
regulations. 85419

(3) If an audited partnership makes the election under this 85420  
division, the audited partnership, through its state partnership 85421  
representative, shall do all of the following within ninety days 85422  
after all federal adjustments are final: 85423

(a) File a federal adjustments return with the tax 85424  
commissioner indicating the partnership has made the election 85425  
under division (C)(3) of this section; 85426

(b) Pay the amount of combined additional tax due under 85427  
division (D)(2) of this section, calculated by multiplying the 85428  
highest rate of tax set forth in section 5747.02 of the Revised 85429  
Code by the sum of the following: 85430

(i) The distributive shares of the final federal adjustments 85431  
that are allocable or apportionable to this state of each investor 85432  
who is a nonresident taxpayer or pass-through entity; 85433

(ii) The distributive share of the final federal adjustments 85434  
for each investor who is a resident taxpayer. 85435

(c) Notify each of its direct investors, on a form prescribed 85436  
by the commissioner, of the investor's distributive share of the 85437  
final federal adjustments and the amount paid on their behalf 85438  
pursuant to division (C)(3)(b) of this section. 85439

(4)(a) A direct investor of an audited partnership is not 85440  
required to file an amended return or pay tax otherwise due under 85441  
section 5747.02 of the Revised Code if the audited partnership 85442  
properly reports and pays the tax under division (C)(3) of this 85443  
section. 85444

(b)(i) Nothing in division (C) of this section precludes a 85445

direct or indirect investor in the audited partnership from filing a return to report the investor's share of the final federal adjustments. Such an investor who files a return and reports the income related to the final federal adjustments is entitled to a refundable credit for taxes paid by the audited partnership under division (C)(3)(b) of this section. The credit shall be computed and claimed in the same manner as the credit allowed under division (I) of section 5747.08 of the Revised Code.

(ii) Notwithstanding division (C)(4)(b)(i) of this section, an exempt partner, whether a direct or indirect investor, may file an application for refund of its proportionate share of the amounts erroneously paid by the audited partnership pursuant to division (C)(3)(b) of this section on the exempt partner's behalf.

(5) Upon request by an audited partnership, the tax commissioner may agree, in writing, to allow an alternative method of reporting and payment than required by divisions (C)(2) or (3) of this section. The request must be submitted to the commissioner in writing before the applicable deadline for filing a return under division (C)(2)(a) or (3) of this section. The commissioner's decision on whether to enter into an agreement under this division is not subject to further administrative review or appeal.

(6) Nothing in division (C) of this section precludes either of the following:

(a) A resident taxpayer from filing a return to claim the credit under division (B) of section 5747.05 or division (D)(2) of section 5747.02 of the Revised Code based upon any amounts paid by the audited partnership on such investor's behalf to another state.

(b) The tax commissioner from issuing an assessment under this chapter against any direct or indirect investor for taxes due

from the investor if an audited partnership, or direct and 85477  
indirect investor of an audited partnership that is a pass-through 85478  
entity, fails to timely file any return or remit any payment 85479  
required by this section or underreports income or underpays tax 85480  
on behalf of an indirect investor who is a resident taxpayer. 85481

(D) In the case of an underpayment, ~~the~~ and unless otherwise 85482  
agreed to in writing by the tax commissioner: 85483

(1) The taxpayer's amended return shall be accompanied by 85484  
payment of any combined additional tax due together with interest 85485  
thereon. An amended return required by this section is a return 85486  
subject to assessment under section 5747.13 of the Revised Code 85487  
for the purpose of assessing any additional tax due under this 85488  
section, together with any applicable penalty and interest. It 85489  
shall not reopen those facts, figures, computations, or 85490  
attachments from a previously filed return no longer subject to 85491  
assessment that are not affected, either directly or indirectly, 85492  
by the final federal adjustment to the taxpayer's federal income 85493  
tax return. 85494

~~(B)~~(2) The audited partnership's federal adjustments return 85495  
shall be accompanied by payment of any combined additional tax due 85496  
together with interest thereon. The federal adjustments return 85497  
required by this section is a return subject to assessment under 85498  
section 5747.13 of the Revised Code for the purpose of assessing 85499  
any additional tax due under this section, together with any 85500  
applicable penalty and interest. It shall not reopen those facts, 85501  
figures, computations, or attachments from a previously filed 85502  
return no longer subject to assessment that are not affected, 85503  
either directly or indirectly, by the final federal adjustment. 85504

(3) The tax commissioner may accept estimated payments of the 85505  
tax arising from pending federal adjustments before the date for 85506  
filing a federal adjustments return. The commissioner may adopt 85507  
rules for the payment of such estimated taxes. 85508

(E) In the case of an overpayment, and unless otherwise 85509  
agreed to in writing by the tax commissioner: 85510

(1) A taxpayer may file an application for refund ~~may be~~ 85511  
filed under this division within the ~~sixty-day~~ ninety-day period 85512  
prescribed for filing the amended return even if it is filed 85513  
beyond the period prescribed in section 5747.11 of the Revised 85514  
Code if it otherwise conforms to the requirements of such section. 85515  
An application filed under this division shall claim refund of 85516  
overpayments resulting from alterations to only those facts, 85517  
figures, computations, or attachments required in the taxpayer's 85518  
annual return that are affected, either directly or indirectly, by 85519  
the final federal adjustment to the taxpayer's federal income tax 85520  
return unless it is also filed within the time prescribed in 85521  
section 5747.11 of the Revised Code. It shall not reopen those 85522  
facts, figures, computations, or attachments that are not 85523  
affected, either directly or indirectly, by the adjustment to the 85524  
taxpayer's federal income tax return. 85525

(2)(a) Except as otherwise provided in division (E)(2)(b) of 85526  
this section, an audited partnership may file an application for a 85527  
refund under this division within the ninety-day period prescribed 85528  
for filing the federal adjustments return, even if it is filed 85529  
beyond the period prescribed by section 5747.11 of the Revised 85530  
Code, if it otherwise conforms to the requirements of that 85531  
section. An application filed under this division may claim a 85532  
refund of overpayments resulting only from final federal 85533  
adjustments unless it is also filed within the time prescribed by 85534  
section 5747.11 of the Revised Code. It shall not reopen those 85535  
facts, figures, computations, or attachments that are not 85536  
affected, either directly or indirectly, by the federal 85537  
adjustment. 85538

(b) An audited partnership may not file an application for 85539  
refund under division (E) of this section based on final federal 85540

adjustments described in section 6225(a)(2) of the Internal Revenue Code. 85541  
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(3) Any refund granted to a pass-through entity filing an application for refund under division (E) of this section shall be reduced by amounts previously claimed as a credit under section 5747.059 or division (I) of section 5747.08 of the Revised Code by the pass-through entity's direct or indirect investors. 85543  
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(F) Excluding the deadline in division (C)(2)(c)(ii) of this section, an audited partnership, or a direct or indirect investor of an audited partnership that is a pass-through entity, may automatically extend the deadline for reporting, payments, and refunds under this section by sixty days if the entity has ten thousand or more direct investors and notifies the commissioner of such extension, in writing, before the unextended deadline. 85548  
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**Sec. 5747.11.** (A) The tax commissioner shall refund to employers, qualifying entities, or taxpayers subject to a tax imposed under section 5733.41, 5747.02, or 5747.41, or Chapter 5748. of the Revised Code the amount of any overpayment of such tax. 85555  
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(B) Except as otherwise provided under divisions (D) and (E) of this section, applications for refund shall be filed with the tax commissioner, on the form prescribed by the commissioner, within four years from the date of the illegal, erroneous, or excessive payment of the tax, or within any additional period allowed by division (B)(3)(b) of section 5747.05, division ~~(B)~~(E) of section 5747.10, division (A) of section 5747.13, or division (C) of section 5747.45 of the Revised Code. 85560  
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On filing of the refund application, the commissioner shall determine the amount of refund due and, if that amount exceeds one dollar, certify such amount to the director of budget and management and treasurer of state for payment from the tax refund 85568  
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fund created by section 5703.052 of the Revised Code. Payment 85572  
shall be made as provided in division (C) of section 126.35 of the 85573  
Revised Code. 85574

(C)(1) Interest shall be allowed and paid at the rate per 85575  
annum prescribed by section 5703.47 of the Revised Code on amounts 85576  
refunded with respect to the tax imposed under section 5747.02 or 85577  
Chapter 5748. of the Revised Code from the date of the overpayment 85578  
until the date of the refund of the overpayment, except that if 85579  
any overpayment is refunded within ninety days after the final 85580  
filing date of the annual return or ninety days after the return 85581  
is filed, whichever is later, no interest shall be allowed on such 85582  
overpayment. If the overpayment results from the carryback of a 85583  
net operating loss or net capital loss to a previous taxable year, 85584  
the overpayment is deemed not to have been made prior to the 85585  
filing date, including any extension thereof, for the taxable year 85586  
in which the net operating loss or net capital loss arises. For 85587  
purposes of the payment of interest on overpayments, no amount of 85588  
tax, for any taxable year, shall be treated as having been paid 85589  
before the date on which the tax return for that year was due 85590  
without regard to any extension of time for filing such return. 85591

(2) Interest shall be allowed at the rate per annum 85592  
prescribed by section 5703.47 of the Revised Code on amounts 85593  
refunded with respect to the taxes imposed under sections 5733.41 85594  
and 5747.41 of the Revised Code. The interest shall run from 85595  
whichever of the following days is the latest until the day the 85596  
refund is paid: the day the illegal, erroneous, or excessive 85597  
payment was made; the ninetieth day after the final day the annual 85598  
report was required to be filed under section 5747.42 of the 85599  
Revised Code; or the ninetieth day after the day that report was 85600  
filed. 85601

(D) "Ninety days" shall be substituted for "four years" in 85602  
division (B) of this section if the taxpayer satisfies both of the 85603

following conditions: 85604

(1) The taxpayer has applied for a refund based in whole or 85605  
in part upon section 5747.059 of the Revised Code; 85606

(2) The taxpayer asserts that either the imposition or 85607  
collection of the tax imposed or charged by this chapter or any 85608  
portion of such tax violates the Constitution of the United States 85609  
or the Constitution of Ohio. 85610

(E)(1) Division (E)(2) of this section applies only if all of 85611  
the following conditions are satisfied: 85612

(a) A qualifying entity pays an amount of the tax imposed by 85613  
section 5733.41 or 5747.41 of the Revised Code; 85614

(b) The taxpayer is a qualifying investor as to that 85615  
qualifying entity; 85616

(c) The taxpayer did not claim the credit provided for in 85617  
section 5747.059 of the Revised Code as to the tax described in 85618  
division (E)(1)(a) of this section; 85619

(d) The four-year period described in division (B) of this 85620  
section has ended as to the taxable year for which the taxpayer 85621  
otherwise would have claimed that credit. 85622

(2) A taxpayer shall file an application for refund pursuant 85623  
to division (E) of this section within one year after the date the 85624  
payment described in division (E)(1)(a) of this section is made. 85625  
An application filed under division (E)(2) of this section shall 85626  
claim refund only of overpayments resulting from the taxpayer's 85627  
failure to claim the credit described in division (E)(1)(c) of 85628  
this section. Nothing in division (E) of this section shall be 85629  
construed to relieve a taxpayer from complying with division 85630  
(A)(16) of section 5747.01 of the Revised Code. 85631

Sec. 5747.26. (A) Terms used in this section have the same 85632  
meanings as in section 3742.50 of the Revised Code. 85633

(B) There is hereby allowed a nonrefundable credit against a taxpayer's aggregate tax liability under section 5747.02 of the Revised Code for a taxpayer to whom a lead abatement tax credit certificate was issued under section 3742.50 of the Revised Code. The credit equals the amount listed on the certificate and shall be claimed for the taxable year in which the certificate was issued. 85634  
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The credit shall be claimed in the order required under section 5747.98 of the Revised Code. If the credit exceeds the taxpayer's aggregate tax due under section 5747.02 of the Revised Code for that taxable year after allowing for credits that precede the credit under this section in that order, such excess shall be allowed as a credit in each of the ensuing seven taxable years, but the amount of any excess credit allowed in any such taxable year shall be deducted from the balance carried forward to the ensuing taxable year. 85641  
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(C) The taxpayer shall provide, upon request of the tax commissioner, any documentation necessary to verify the taxpayer is entitled to the credit under this section. 85650  
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**Sec. 5747.50.** (A) As used in this section: 85653

(1) "County's proportionate share of the calendar year 2007 LGF and LGRAF distributions" means the percentage computed for the county under division (B)(1)(a) of section 5747.501 of the Revised Code. 85654  
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(2) "County's proportionate share of the total amount of the local government fund additional revenue formula" means each county's proportionate share of the state's population as determined for and certified to the county for distributions to be made during the current calendar year under division (B)(2)(a) of section 5747.501 of the Revised Code. If prior to the first day of January of the current calendar year the federal government has 85658  
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issued a revision to the population figures reflected in the 85665  
estimate produced pursuant to division (B)(2)(a) of section 85666  
5747.501 of the Revised Code, such revised population figures 85667  
shall be used for making the distributions during the current 85668  
calendar year. 85669

(3) "2007 LGF and LGRAF county distribution base available in 85670  
that month" means the lesser of the amounts described in division 85671  
(A)(3)(a) and (b) of this section, provided that the amount shall 85672  
not be less than zero: 85673

(a) The total amount available for distribution to counties 85674  
from the local government fund during the current month. 85675

(b) The total amount distributed to counties from the local 85676  
government fund and the local government revenue assistance fund 85677  
to counties in calendar year 2007 less the total amount 85678  
distributed to counties under division (B)(1) of this section 85679  
during previous months of the current calendar year. 85680

(4) "Local government fund additional revenue distribution 85681  
base available during that month" means the total amount available 85682  
for distribution to counties during the month from the local 85683  
government fund, less any amounts to be distributed in that month 85684  
from the local government fund under division (B)(1) of this 85685  
section, provided that the local government fund additional 85686  
revenue distribution base available during that month shall not be 85687  
less than zero. 85688

(5) "Total amount available for distribution to counties" 85689  
means the total amount available for distribution from the local 85690  
government fund during the current month less the total amount 85691  
available for distribution to municipal corporations during the 85692  
current month under division (C) of this section. 85693

(B) On or before the tenth day of each month, the tax 85694  
commissioner shall provide for payment to each county an amount 85695

equal to the sum of: 85696

(1) The county's proportionate share of the calendar year 85697  
2007 LGF and LGRAF distributions multiplied by the 2007 LGF and 85698  
LGRAF county distribution base available in that month, provided 85699  
that if the 2007 LGF and LGRAF county distribution base available 85700  
in that month is zero, no payment shall be made under division 85701  
(B)(1) of this section for the month or the remainder of the 85702  
calendar year; and 85703

(2) The county's proportionate share of the total amount of 85704  
the local government fund additional revenue formula multiplied by 85705  
the local government fund additional revenue distribution base 85706  
available during that month. 85707

Money received into the treasury of a county under this 85708  
division shall be credited to the undivided local government fund 85709  
in the treasury of the county on or before the fifteenth day of 85710  
each month. On or before the twentieth day of each month, the 85711  
county auditor shall issue warrants against all of the undivided 85712  
local government fund in the county treasury in the respective 85713  
amounts allowed as provided in section 5747.51 of the Revised 85714  
Code, and the treasurer shall distribute and pay such sums to the 85715  
subdivision therein. 85716

(C)(1) As used in division (C) of this section: 85717

(a) "Total amount available for distribution to 85718  
municipalities during the current month" means the difference 85719  
obtained by subtracting one million dollars from the product 85720  
obtained by multiplying the total amount available for 85721  
distribution from the local government fund during the current 85722  
month by the aggregate municipal share. 85723

(b) "Aggregate municipal share" means the quotient obtained 85724  
by dividing the total amount distributed directly from the local 85725  
government fund to municipal corporations during calendar year 85726

2007 by the total distributions from the local government fund and 85727  
local government revenue assistance fund during calendar year 85728  
2007. 85729

(c) A municipal corporation's "distribution share" equals one 85730  
of the following: 85731

(i) For municipal corporations with a population of more than 85732  
fifty thousand, fifty thousand; 85733

(ii) For municipal corporations with a population of less 85734  
than one thousand, zero; 85735

(iii) For all other municipal corporations, the municipal 85736  
corporation's population. 85737

(d) A municipal corporation's "distribution percentage" 85738  
equals the percentage that a municipal corporation's distribution 85739  
share is of the total of all municipal corporations' distribution 85740  
shares. 85741

(2) On or before the tenth day of each month, the tax 85742  
commissioner shall provide for payment from the local government 85743  
fund to each municipal corporation an amount equal to the product 85744  
derived by multiplying the municipal corporation's distribution 85745  
~~percentage of the total amount distributed to all such municipal~~ 85746  
~~corporations under this division during calendar year 2007~~ by the 85747  
total amount available for distribution to municipal corporations 85748  
during the current month. 85749

(3) Payments received by a municipal corporation under this 85750  
division shall be paid into its general fund and may be used for 85751  
any lawful purpose. 85752

(4) The amount distributed to municipal corporations under 85753  
this division during any calendar year shall not exceed the amount 85754  
distributed directly from the local government fund to municipal 85755  
corporations during calendar year 2007. If that maximum amount is 85756

reached during any month, distributions to municipal corporations 85757  
in that month shall be as provided in divisions (C)(1) and (2) of 85758  
this section, but no further distributions shall be made to 85759  
municipal corporations under division (C) of this section during 85760  
the remainder of the calendar year. 85761

(5) Upon being informed of a municipal corporation's 85762  
dissolution, the tax commissioner shall cease providing for 85763  
payments to that municipal corporation under division (C) of this 85764  
section. The proportionate shares of the total amount available 85765  
for distribution to each of the remaining municipal corporations 85766  
under this division shall be increased on a pro rata basis. 85767

The tax commissioner shall reduce payments under division (C) 85768  
of this section to municipal corporations for which reduced 85769  
payments are required under section 5747.502 of the Revised Code. 85770

(D) Each municipal corporation which has in effect a tax 85771  
imposed under Chapter 718. of the Revised Code shall, no later 85772  
than the thirty-first day of August of each year, certify to the 85773  
tax commissioner, on a form prescribed by the commissioner, the 85774  
amount of income tax revenue collected and refunded by such 85775  
municipal corporation pursuant to such chapter during the 85776  
preceding calendar year, arranged, when possible, by the type of 85777  
income from which the revenue was collected or the refund was 85778  
issued. The municipal corporation shall also report the amount of 85779  
income tax revenue collected and refunded on behalf of a joint 85780  
economic development district or a joint economic development zone 85781  
that levies an income tax administered by the municipal 85782  
corporation and the amount of such revenue distributed to 85783  
contracting parties during the preceding calendar year. The tax 85784  
commissioner may withhold payment of local government fund moneys 85785  
pursuant to division (C) of this section from any municipal 85786  
corporation for failure to comply with this reporting requirement. 85787

(E)(1) For the purposes of division (E) of this section: 85788

(a) "Eligible taxing district" means a township, township fire district, or joint fire district for which the total taxable value of eligible power plants for tax year 2017 is at least thirty per cent less than the total taxable value of eligible power plants for tax year 2016.

(b) "Eligible power plant" means a power plant that is subject to the requirements of 10 C.F.R. part 73.

(c) "Total taxable value of eligible power plants" of an eligible taxing district means the total taxable value of the taxable property of eligible power plants apportioned to the district as shown in a preliminary assessment or amended preliminary assessment and listed on the tax list of real and public utility property.

(d) "Taxable property" has the same meaning as in section 5727.01 of the Revised Code.

(e) "Tax rate" of an eligible taxing district means one of the following:

(i) For townships, the sum of the rates of levies imposed under section 505.39, 505.51, or division (I), (J), (U), or (JJ) of section 5705.19 of the Revised Code and extended on the tax list of real and public utility property for tax year 2017, excluding any levy imposed at whatever rate is required to raise a fixed sum of money;

(ii) For township fire districts and joint fire districts, the sum of the rates of levies extended on the tax list of real and public utility property for tax year 2017, excluding any levy imposed at whatever rate is required to raise a fixed sum of money.

(2) Each fiscal year from fiscal year 2018 through fiscal year 2028, the tax commissioner shall compute the following amount for each eligible taxing district:



(a) For fiscal years 2018 and 2019, the amount obtained by 85820  
multiplying the eligible taxing district's tax rate by the 85821  
difference obtained by subtracting (i) the total taxable value of 85822  
eligible power plants of the district for tax year 2017 from (ii) 85823  
the total taxable value of eligible power plants of the district 85824  
for tax year 2016; 85825

(b) For fiscal years 2020 through 2028, ninety per cent of 85826  
the amount calculated for the district under division (E)(2)(a) or 85827  
(b) of this section for the preceding fiscal year. 85828

The commissioner shall certify the sum of the amounts 85829  
calculated for all eligible taxing districts under this division 85830  
for a fiscal year to the director of budget and management who, on 85831  
or before the seventh day of each month of that fiscal year, shall 85832  
transfer from the general revenue fund to the local government 85833  
fund one-twelfth of the amount certified. 85834

(3) On or before the tenth day of each month, the tax 85835  
commissioner shall provide for payment to each county treasury in 85836  
which an eligible taxing district is located an amount equal to 85837  
one-twelfth of the amount computed for the district for that 85838  
fiscal year under division (E)(2) of this section. 85839

Money received into the treasury of a county under division 85840  
(E) of this section shall be credited to the undivided local 85841  
government fund in the treasury of the county on or before the 85842  
fifteenth day of each month. On or before the twentieth day of 85843  
each month, the county auditor shall issue warrants against the 85844  
undivided local government fund for the amounts attributable to 85845  
each eligible taxing district, and the treasurer shall distribute 85846  
and pay such amounts to each eligible taxing district. Money 85847  
received by a township fire district or joint fire district under 85848  
this division shall be credited to the district's general fund and 85849  
may be used for any lawful purpose of the district. Money received 85850  
by a township under this division shall be credited to the 85851

township's general fund and shall be used for the purpose of 85852  
funding fire, police, emergency medical, or ambulance services. 85853

**Sec. 5747.98.** (A) To provide a uniform procedure for 85854  
calculating a taxpayer's aggregate tax liability under section 85855  
5747.02 of the Revised Code, a taxpayer shall claim any credits to 85856  
which the taxpayer is entitled in the following order: 85857

(1) Either the retirement income credit under division (B) of 85858  
section 5747.055 of the Revised Code or the lump sum retirement 85859  
income credits under divisions (C), (D), and (E) of that section; 85860

(2) Either the senior citizen credit under division (F) of 85861  
section 5747.055 of the Revised Code or the lump sum distribution 85862  
credit under division (G) of that section; 85863

(3) The dependent care credit under section 5747.054 of the 85864  
Revised Code; 85865

(4) The credit for displaced workers who pay for job training 85866  
under section 5747.27 of the Revised Code; 85867

~~(5) The campaign contribution credit under section 5747.29 of~~ 85868  
~~the Revised Code;~~ 85869

~~(6)~~ The twenty-dollar personal exemption credit under section 85870  
5747.022 of the Revised Code; 85871

~~(7)~~(6) The joint filing credit under division (G) of section 85872  
5747.05 of the Revised Code; 85873

~~(8)~~(7) The earned income credit under section 5747.71 of the 85874  
Revised Code; 85875

~~(9)~~(8) The credit for adoption of a minor child under section 85876  
5747.37 of the Revised Code; 85877

~~(10)~~(9) The nonrefundable job retention credit under division 85878  
(B) of section 5747.058 of the Revised Code; 85879

~~(11)~~(10) The enterprise zone credit under section 5709.66 of 85880

the Revised Code;	85881
<del>(12)</del> (11) The ethanol plant investment credit under section 5747.75 of the Revised Code;	85882 85883
<del>(13)</del> (12) The credit for purchases of qualifying grape production property under section 5747.28 of the Revised Code;	85884 85885
<del>(14)</del> (13) The small business investment credit under section 5747.81 of the Revised Code;	85886 85887
<del>(15)</del> (14) <u>The nonrefundable lead abatement credit under section 5747.26 of the Revised Code;</u>	85888 85889
<u>(15) The opportunity zone investment credit under section 122.84 of the Revised Code;</u>	85890 85891
<u>(16) The enterprise zone credits under section 5709.65 of the Revised Code;</u>	85892 85893
<del>(16)</del> (17) The research and development credit under section 5747.331 of the Revised Code;	85894 85895
<del>(17)</del> (18) The credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	85896 85897
<del>(18)</del> (19) The nonresident credit under division (A) of section 5747.05 of the Revised Code;	85898 85899
<del>(19)</del> (20) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	85900 85901
<del>(20)</del> (21) The refundable motion picture <u>and Broadway theatrical</u> production credit under section 5747.66 of the Revised Code;	85902 85903 85904
<del>(21)</del> (22) The refundable jobs creation credit or job retention credit under division (A) of section 5747.058 of the Revised Code;	85905 85906
<del>(22)</del> (23) The refundable credit for taxes paid by a qualifying entity granted under section 5747.059 of the Revised Code;	85907 85908
<del>(23)</del> (24) The refundable credits for taxes paid by a	85909

qualifying pass-through entity granted under division (I) of 85910  
section 5747.08 of the Revised Code; 85911

~~(24)~~(25) The refundable credit under section 5747.80 of the 85912  
Revised Code for losses on loans made to the Ohio venture capital 85913  
program under sections 150.01 to 150.10 of the Revised Code; 85914

~~(25)~~(26) The refundable credit for rehabilitating a historic 85915  
building under section 5747.76 of the Revised Code; 85916

~~(26)~~ The refundable credit for financial institution taxes 85917  
paid by a pass-through entity granted under section 5747.65 of the 85918  
Revised Code. 85919

(B) For any credit, except the refundable credits enumerated 85920  
in this section and the credit granted under division (H) of 85921  
section 5747.08 of the Revised Code, the amount of the credit for 85922  
a taxable year shall not exceed the taxpayer's aggregate amount of 85923  
tax due under section 5747.02 of the Revised Code, after allowing 85924  
for any other credit that precedes it in the order required under 85925  
this section. Any excess amount of a particular credit may be 85926  
carried forward if authorized under the section creating that 85927  
credit. Nothing in this chapter shall be construed to allow a 85928  
taxpayer to claim, directly or indirectly, a credit more than once 85929  
for a taxable year. 85930

**Sec. 5748.01.** As used in this chapter: 85931

(A) "School district income tax" means an income tax adopted 85932  
under one of the following: 85933

(1) Former section 5748.03 of the Revised Code as it existed 85934  
prior to its repeal by Amended Substitute House Bill No. 291 of 85935  
the 115th general assembly; 85936

(2) Section 5748.03 of the Revised Code as enacted in 85937  
Substitute Senate Bill No. 28 of the 118th general assembly; 85938

(3) Section 5748.08 of the Revised Code as enacted in Amended 85939

Substitute Senate Bill No. 17 of the 122nd general assembly;	85940
(4) Section 5748.021 of the Revised Code;	85941
(5) Section 5748.081 of the Revised Code;	85942
(6) Section 5748.09 of the Revised Code.	85943
(B) "Individual" means an individual subject to the tax levied by section 5747.02 of the Revised Code.	85944 85945
(C) "Estate" means an estate subject to the tax levied by section 5747.02 of the Revised Code.	85946 85947
(D) "Taxable year" means a taxable year as defined in division (M) of section 5747.01 of the Revised Code.	85948 85949
(E) "Taxable income" means:	85950
(1) In the case of an individual, one of the following, as specified in the resolution imposing the tax:	85951 85952
(a) <del>Ohio</del> <u>Modified</u> adjusted gross income for the taxable year, as defined in <del>division (A) of</del> section 5747.01 of the Revised Code, less the exemptions provided by section 5747.02 of the Revised Code, <del>plus any amount deducted under division (A)(31) of section</del> <del>5747.01 of the Revised Code for the taxable year;</del>	85953 85954 85955 85956 85957
(b) Wages, salaries, tips, and other employee compensation to the extent included in <del>Ohio</del> <u>modified</u> adjusted gross income as defined in section 5747.01 of the Revised Code, and net earnings from self-employment, as defined in section 1402(a) of the Internal Revenue Code, to the extent included in <del>Ohio</del> <u>modified</u> adjusted gross income.	85958 85959 85960 85961 85962 85963
(2) In the case of an estate, taxable income for the taxable year as defined in division (S) of section 5747.01 of the Revised Code.	85964 85965 85966
(F) "Resident" of the school district means:	85967
(1) An individual who is a resident of this state as defined	85968

in division (I) of section 5747.01 of the Revised Code during all 85969  
or a portion of the taxable year and who, during all or a portion 85970  
of such period of state residency, is domiciled in the school 85971  
district or lives in and maintains a permanent place of abode in 85972  
the school district; 85973

(2) An estate of a decedent who, at the time of death, was 85974  
domiciled in the school district. 85975

(G) "School district income" means: 85976

(1) With respect to an individual, the portion of the taxable 85977  
income of an individual that is received by the individual during 85978  
the portion of the taxable year that the individual is a resident 85979  
of the school district and the school district income tax is in 85980  
effect in that school district. An individual may have school 85981  
district income with respect to more than one school district. 85982

(2) With respect to an estate, the taxable income of the 85983  
estate for the portion of the taxable year that the school 85984  
district income tax is in effect in that school district. 85985

(H) "Taxpayer" means an individual or estate having school 85986  
district income upon which a school district income tax is 85987  
imposed. 85988

(I) "School district purposes" means any of the purposes for 85989  
which a tax may be levied pursuant to division (A) of section 85990  
5705.21 of the Revised Code, including the combined purposes 85991  
authorized by section 5705.217 of the Revised Code. 85992

**Sec. 5751.01.** As used in this chapter: 85993

(A) "Person" means, but is not limited to, individuals, 85994  
combinations of individuals of any form, receivers, assignees, 85995  
trustees in bankruptcy, firms, companies, joint-stock companies, 85996  
business trusts, estates, partnerships, limited liability 85997  
partnerships, limited liability companies, associations, joint 85998

ventures, clubs, societies, for-profit corporations, S 85999  
corporations, qualified subchapter S subsidiaries, qualified 86000  
subchapter S trusts, trusts, entities that are disregarded for 86001  
federal income tax purposes, and any other entities. 86002

(B) "Consolidated elected taxpayer" means a group of two or 86003  
more persons treated as a single taxpayer for purposes of this 86004  
chapter as the result of an election made under section 5751.011 86005  
of the Revised Code. 86006

(C) "Combined taxpayer" means a group of two or more persons 86007  
treated as a single taxpayer for purposes of this chapter under 86008  
section 5751.012 of the Revised Code. 86009

(D) "Taxpayer" means any person, or any group of persons in 86010  
the case of a consolidated elected taxpayer or combined taxpayer 86011  
treated as one taxpayer, required to register or pay tax under 86012  
this chapter. "Taxpayer" does not include excluded persons. 86013

(E) "Excluded person" means any of the following: 86014

(1) Any person with not more than one hundred fifty thousand 86015  
dollars of taxable gross receipts during the calendar year. 86016  
Division (E)(1) of this section does not apply to a person that is 86017  
a member of a consolidated elected taxpayer; 86018

(2) A public utility that paid the excise tax imposed by 86019  
section 5727.24 or 5727.30 of the Revised Code based on one or 86020  
more measurement periods that include the entire tax period under 86021  
this chapter, except that a public utility that is a combined 86022  
company is a taxpayer with regard to the following gross receipts: 86023

(a) Taxable gross receipts directly attributed to a public 86024  
utility activity, but not directly attributed to an activity that 86025  
is subject to the excise tax imposed by section 5727.24 or 5727.30 86026  
of the Revised Code; 86027

(b) Taxable gross receipts that cannot be directly attributed 86028

to any activity, multiplied by a fraction whose numerator is the taxable gross receipts described in division (E)(2)(a) of this section and whose denominator is the total taxable gross receipts that can be directly attributed to any activity;

(c) Except for any differences resulting from the use of an accrual basis method of accounting for purposes of determining gross receipts under this chapter and the use of the cash basis method of accounting for purposes of determining gross receipts under section 5727.24 of the Revised Code, the gross receipts directly attributed to the activity of a natural gas company shall be determined in a manner consistent with division (D) of section 5727.03 of the Revised Code.

As used in division (E)(2) of this section, "combined company" and "public utility" have the same meanings as in section 5727.01 of the Revised Code.

(3) A financial institution, as defined in section 5726.01 of the Revised Code, that paid the tax imposed by section 5726.02 of the Revised Code based on one or more taxable years that include the entire tax period under this chapter;

(4) A person directly or indirectly owned by one or more financial institutions, as defined in section 5726.01 of the Revised Code, that paid the tax imposed by section 5726.02 of the Revised Code based on one or more taxable years that include the entire tax period under this chapter.

For the purposes of division (E)(4) of this section, a person owns another person under the following circumstances:

(a) In the case of corporations issuing capital stock, one corporation owns another corporation if it owns fifty per cent or more of the other corporation's capital stock with current voting rights;

(b) In the case of a limited liability company, one person



owns the company if that person's membership interest, as defined 86060  
in section 1705.01 of the Revised Code, is fifty per cent or more 86061  
of the combined membership interests of all persons owning such 86062  
interests in the company; 86063

(c) In the case of a partnership, trust, or other 86064  
unincorporated business organization other than a limited 86065  
liability company, one person owns the organization if, under the 86066  
articles of organization or other instrument governing the affairs 86067  
of the organization, that person has a beneficial interest in the 86068  
organization's profits, surpluses, losses, or distributions of 86069  
fifty per cent or more of the combined beneficial interests of all 86070  
persons having such an interest in the organization. 86071

(5) A domestic insurance company or foreign insurance 86072  
company, as defined in section 5725.01 of the Revised Code, that 86073  
paid the insurance company premiums tax imposed by section 5725.18 86074  
or Chapter 5729. of the Revised Code, or an unauthorized insurance 86075  
company whose gross premiums are subject to tax under section 86076  
3905.36 of the Revised Code based on one or more measurement 86077  
periods that include the entire tax period under this chapter; 86078

(6) A person that solely facilitates or services one or more 86079  
securitizations of phase-in-recovery property pursuant to a final 86080  
financing order as those terms are defined in section 4928.23 of 86081  
the Revised Code. For purposes of this division, "securitization" 86082  
means transferring one or more assets to one or more persons and 86083  
then issuing securities backed by the right to receive payment 86084  
from the asset or assets so transferred. 86085

(7) Except as otherwise provided in this division, a 86086  
pre-income tax trust as defined in division (FF)(4) of section 86087  
5747.01 of the Revised Code and any pass-through entity of which 86088  
such pre-income tax trust owns or controls, directly, indirectly, 86089  
or constructively through related interests, more than five per 86090  
cent of the ownership or equity interests. If the pre-income tax 86091

trust has made a qualifying pre-income tax trust election under 86092  
division (FF)(3) of section 5747.01 of the Revised Code, then the 86093  
trust and the pass-through entities of which it owns or controls, 86094  
directly, indirectly, or constructively through related interests, 86095  
more than five per cent of the ownership or equity interests, 86096  
shall not be excluded persons for purposes of the tax imposed 86097  
under section 5751.02 of the Revised Code. 86098

(8) Nonprofit organizations or the state and its agencies, 86099  
instrumentalities, or political subdivisions. 86100

(F) Except as otherwise provided in divisions (F)(2), (3), 86101  
and (4) of this section, "gross receipts" means the total amount 86102  
realized by a person, without deduction for the cost of goods sold 86103  
or other expenses incurred, that contributes to the production of 86104  
gross income of the person, including the fair market value of any 86105  
property and any services received, and any debt transferred or 86106  
forgiven as consideration. 86107

(1) The following are examples of gross receipts: 86108

(a) Amounts realized from the sale, exchange, or other 86109  
disposition of the taxpayer's property to or with another; 86110

(b) Amounts realized from the taxpayer's performance of 86111  
services for another; 86112

(c) Amounts realized from another's use or possession of the 86113  
taxpayer's property or capital; 86114

(d) Any combination of the foregoing amounts. 86115

(2) "Gross receipts" excludes the following amounts: 86116

(a) Interest income except interest on credit sales; 86117

(b) Dividends and distributions from corporations, and 86118  
distributive or proportionate shares of receipts and income from a 86119  
pass-through entity as defined under section 5733.04 of the 86120  
Revised Code; 86121

(c) Receipts from the sale, exchange, or other disposition of 86122  
an asset described in section 1221 or 1231 of the Internal Revenue 86123  
Code, without regard to the length of time the person held the 86124  
asset. Notwithstanding section 1221 of the Internal Revenue Code, 86125  
receipts from hedging transactions also are excluded to the extent 86126  
the transactions are entered into primarily to protect a financial 86127  
position, such as managing the risk of exposure to (i) foreign 86128  
currency fluctuations that affect assets, liabilities, profits, 86129  
losses, equity, or investments in foreign operations; (ii) 86130  
interest rate fluctuations; or (iii) commodity price fluctuations. 86131  
As used in division (F)(2)(c) of this section, "hedging 86132  
transaction" has the same meaning as used in section 1221 of the 86133  
Internal Revenue Code and also includes transactions accorded 86134  
hedge accounting treatment under statement of financial accounting 86135  
standards number 133 of the financial accounting standards board. 86136  
For the purposes of division (F)(2)(c) of this section, the actual 86137  
transfer of title of real or tangible personal property to another 86138  
entity is not a hedging transaction. 86139

(d) Proceeds received attributable to the repayment, 86140  
maturity, or redemption of the principal of a loan, bond, mutual 86141  
fund, certificate of deposit, or marketable instrument; 86142

(e) The principal amount received under a repurchase 86143  
agreement or on account of any transaction properly characterized 86144  
as a loan to the person; 86145

(f) Contributions received by a trust, plan, or other 86146  
arrangement, any of which is described in section 501(a) of the 86147  
Internal Revenue Code, or to which Title 26, Subtitle A, Chapter 86148  
1, Subchapter (D) of the Internal Revenue Code applies; 86149

(g) Compensation, whether current or deferred, and whether in 86150  
cash or in kind, received or to be received by an employee, former 86151  
employee, or the employee's legal successor for services rendered 86152  
to or for an employer, including reimbursements received by or for 86153

an individual for medical or education expenses, health insurance 86154  
premiums, or employee expenses, or on account of a dependent care 86155  
spending account, legal services plan, any cafeteria plan 86156  
described in section 125 of the Internal Revenue Code, or any 86157  
similar employee reimbursement; 86158

(h) Proceeds received from the issuance of the taxpayer's own 86159  
stock, options, warrants, puts, or calls, or from the sale of the 86160  
taxpayer's treasury stock; 86161

(i) Proceeds received on the account of payments from 86162  
insurance policies, except those proceeds received for the loss of 86163  
business revenue; 86164

(j) Gifts or charitable contributions received; membership 86165  
dues received by trade, professional, homeowners', or condominium 86166  
associations; and payments received for educational courses, 86167  
meetings, meals, or similar payments to a trade, professional, or 86168  
other similar association; and fundraising receipts received by 86169  
any person when any excess receipts are donated or used 86170  
exclusively for charitable purposes; 86171

(k) Damages received as the result of litigation in excess of 86172  
amounts that, if received without litigation, would be gross 86173  
receipts; 86174

(l) Property, money, and other amounts received or acquired 86175  
by an agent on behalf of another in excess of the agent's 86176  
commission, fee, or other remuneration; 86177

(m) Tax refunds, other tax benefit recoveries, and 86178  
reimbursements for the tax imposed under this chapter made by 86179  
entities that are part of the same combined taxpayer or 86180  
consolidated elected taxpayer group, and reimbursements made by 86181  
entities that are not members of a combined taxpayer or 86182  
consolidated elected taxpayer group that are required to be made 86183  
for economic parity among multiple owners of an entity whose tax 86184

obligation under this chapter is required to be reported and paid 86185  
entirely by one owner, pursuant to the requirements of sections 86186  
5751.011 and 5751.012 of the Revised Code; 86187

(n) Pension reversions; 86188

(o) Contributions to capital; 86189

(p) Sales or use taxes collected as a vendor or an 86190  
out-of-state seller on behalf of the taxing jurisdiction from a 86191  
consumer or other taxes the taxpayer is required by law to collect 86192  
directly from a purchaser and remit to a local, state, or federal 86193  
tax authority; 86194

(q) In the case of receipts from the sale of cigarettes ~~or~~, 86195  
tobacco products, or vapor products by a wholesale dealer, retail 86196  
dealer, distributor, manufacturer, vapor distributor, or seller, 86197  
all as defined in section 5743.01 of the Revised Code, an amount 86198  
equal to the federal and state excise taxes paid by any person on 86199  
or for such cigarettes ~~or~~, tobacco products, or vapor products 86200  
under subtitle E of the Internal Revenue Code or Chapter 5743. of 86201  
the Revised Code; 86202

(r) In the case of receipts from the sale, transfer, 86203  
exchange, or other disposition of motor fuel as "motor fuel" is 86204  
defined in section 5736.01 of the Revised Code, an amount equal to 86205  
the value of the motor fuel, including federal and state motor 86206  
fuel excise taxes and receipts from billing or invoicing the tax 86207  
imposed under section 5736.02 of the Revised Code to another 86208  
person; 86209

(s) In the case of receipts from the sale of beer or 86210  
intoxicating liquor, as defined in section 4301.01 of the Revised 86211  
Code, by a person holding a permit issued under Chapter 4301. or 86212  
4303. of the Revised Code, an amount equal to federal and state 86213  
excise taxes paid by any person on or for such beer or 86214  
intoxicating liquor under subtitle E of the Internal Revenue Code 86215

or Chapter 4301. or 4305. of the Revised Code; 86216

(t) Receipts realized by a new motor vehicle dealer or used 86217  
motor vehicle dealer, as defined in section 4517.01 of the Revised 86218  
Code, from the sale or other transfer of a motor vehicle, as 86219  
defined in that section, to another motor vehicle dealer for the 86220  
purpose of resale by the transferee motor vehicle dealer, but only 86221  
if the sale or other transfer was based upon the transferee's need 86222  
to meet a specific customer's preference for a motor vehicle; 86223

(u) Receipts from a financial institution described in 86224  
division (E)(3) of this section for services provided to the 86225  
financial institution in connection with the issuance, processing, 86226  
servicing, and management of loans or credit accounts, if such 86227  
financial institution and the recipient of such receipts have at 86228  
least fifty per cent of their ownership interests owned or 86229  
controlled, directly or constructively through related interests, 86230  
by common owners; 86231

(v) Receipts realized from administering anti-neoplastic 86232  
drugs and other cancer chemotherapy, biologicals, therapeutic 86233  
agents, and supportive drugs in a physician's office to patients 86234  
with cancer; 86235

(w) Funds received or used by a mortgage broker that is not a 86236  
dealer in intangibles, other than fees or other consideration, 86237  
pursuant to a table-funding mortgage loan or warehouse-lending 86238  
mortgage loan. Terms used in division (F)(2)(w) of this section 86239  
have the same meanings as in section 1322.01 of the Revised Code, 86240  
except "mortgage broker" means a person assisting a buyer in 86241  
obtaining a mortgage loan for a fee or other consideration paid by 86242  
the buyer or a lender, or a person engaged in table-funding or 86243  
warehouse-lending mortgage loans that are first lien mortgage 86244  
loans. 86245

(x) Property, money, and other amounts received by a 86246

professional employer organization, as defined in section 4125.01 86247  
of the Revised Code, from a client employer, as defined in that 86248  
section, in excess of the administrative fee charged by the 86249  
professional employer organization to the client employer; 86250

(y) In the case of amounts retained as commissions by a 86251  
permit holder under Chapter 3769. of the Revised Code, an amount 86252  
equal to the amounts specified under that chapter that must be 86253  
paid to or collected by the tax commissioner as a tax and the 86254  
amounts specified under that chapter to be used as purse money; 86255

(z) Qualifying distribution center receipts. 86256

(i) For purposes of division (F)(2)(z) of this section: 86257

(I) "Qualifying distribution center receipts" means receipts 86258  
of a supplier from qualified property that is delivered to a 86259  
qualified distribution center, multiplied by a quantity that 86260  
equals one minus the Ohio delivery percentage. If the qualified 86261  
distribution center is a refining facility, "supplier" includes 86262  
all dealers, brokers, processors, sellers, vendors, cosigners, and 86263  
distributors of qualified property. 86264

(II) "Qualified property" means tangible personal property 86265  
delivered to a qualified distribution center that is shipped to 86266  
that qualified distribution center solely for further shipping by 86267  
the qualified distribution center to another location in this 86268  
state or elsewhere or, in the case of gold, silver, platinum, or 86269  
palladium delivered to a refining facility solely for refining to 86270  
a grade and fineness acceptable for delivery to a registered 86271  
commodities exchange. "Further shipping" includes storing and 86272  
repackaging property into smaller or larger bundles, so long as 86273  
the property is not subject to further manufacturing or 86274  
processing. "Refining" is limited to extracting impurities from 86275  
gold, silver, platinum, or palladium through smelting or some 86276  
other process at a refining facility. 86277

(III) "Qualified distribution center" means a warehouse, a facility similar to a warehouse, or a refining facility in this state that, for the qualifying year, is operated by a person that is not part of a combined taxpayer group and that has a qualifying certificate. All warehouses or facilities similar to warehouses that are operated by persons in the same taxpayer group and that are located within one mile of each other shall be treated as one qualified distribution center. All refining facilities that are operated by persons in the same taxpayer group and that are located in the same or adjacent counties may be treated as one qualified distribution center.

(IV) "Qualifying year" means the calendar year to which the qualifying certificate applies.

(V) "Qualifying period" means the period of the first day of July of the second year preceding the qualifying year through the thirtieth day of June of the year preceding the qualifying year.

(VI) "Qualifying certificate" means the certificate issued by the tax commissioner after the operator of a distribution center files an annual application with the commissioner. The application and annual fee shall be filed and paid for each qualified distribution center on or before the first day of September before the qualifying year or within forty-five days after the distribution center opens, whichever is later.

The applicant must substantiate to the commissioner's satisfaction that, for the qualifying period, all persons operating the distribution center have more than fifty per cent of the cost of the qualified property shipped to a location such that it would be situated outside this state under the provisions of division (E) of section 5751.033 of the Revised Code. The applicant must also substantiate that the distribution center cumulatively had costs from its suppliers equal to or exceeding five hundred million dollars during the qualifying period. (For



purposes of division (F)(2)(z)(i)(VI) of this section, "supplier" 86310  
excludes any person that is part of the consolidated elected 86311  
taxpayer group, if applicable, of the operator of the qualified 86312  
distribution center.) The commissioner may require the applicant 86313  
to have an independent certified public accountant certify that 86314  
the calculation of the minimum thresholds required for a qualified 86315  
distribution center by the operator of a distribution center has 86316  
been made in accordance with generally accepted accounting 86317  
principles. The commissioner shall issue or deny the issuance of a 86318  
certificate within sixty days after the receipt of the 86319  
application. A denial is subject to appeal under section 5717.02 86320  
of the Revised Code. If the operator files a timely appeal under 86321  
section 5717.02 of the Revised Code, the operator shall be granted 86322  
a qualifying certificate effective for the remainder of the 86323  
qualifying year or until the appeal is finalized, whichever is 86324  
earlier. If the operator does not prevail in the appeal, the 86325  
operator shall pay the ineligible operator's supplier tax 86326  
liability. 86327

(VII) "Ohio delivery percentage" means the proportion of the 86328  
total property delivered to a destination inside Ohio from the 86329  
qualified distribution center during the qualifying period 86330  
compared with total deliveries from such distribution center 86331  
everywhere during the qualifying period. 86332

(VIII) "Refining facility" means one or more buildings 86333  
located in a county in the Appalachian region of this state as 86334  
defined by section 107.21 of the Revised Code and utilized for 86335  
refining or smelting gold, silver, platinum, or palladium to a 86336  
grade and fineness acceptable for delivery to a registered 86337  
commodities exchange. 86338

(IX) "Registered commodities exchange" means a board of 86339  
trade, such as New York mercantile exchange, inc. or commodity 86340  
exchange, inc., designated as a contract market by the commodity 86341

futures trading commission under the "Commodity Exchange Act," 7 86342  
U.S.C. 1 et seq., as amended. 86343

(X) "Ineligible operator's supplier tax liability" means an 86344  
amount equal to the tax liability of all suppliers of a 86345  
distribution center had the distribution center not been issued a 86346  
qualifying certificate for the qualifying year. Ineligible 86347  
operator's supplier tax liability shall not include interest or 86348  
penalties. The tax commissioner shall determine an ineligible 86349  
operator's supplier tax liability based on information that the 86350  
commissioner may request from the operator of the distribution 86351  
center. An operator shall provide a list of all suppliers of the 86352  
distribution center and the corresponding costs of qualified 86353  
property for the qualifying year at issue within sixty days of a 86354  
request by the commissioner under this division. 86355

(ii)(I) If the distribution center is new and was not open 86356  
for the entire qualifying period, the operator of the distribution 86357  
center may request that the commissioner grant a qualifying 86358  
certificate. If the certificate is granted and it is later 86359  
determined that more than fifty per cent of the qualified property 86360  
during that year was not shipped to a location such that it would 86361  
be situated outside of this state under the provisions of division 86362  
(E) of section 5751.033 of the Revised Code or if it is later 86363  
determined that the person that operates the distribution center 86364  
had average monthly costs from its suppliers of less than forty 86365  
million dollars during that year, then the operator of the 86366  
distribution center shall pay the ineligible operator's supplier 86367  
tax liability. (For purposes of division (F)(2)(z)(ii) of this 86368  
section, "supplier" excludes any person that is part of the 86369  
consolidated elected taxpayer group, if applicable, of the 86370  
operator of the qualified distribution center.) 86371

(II) The commissioner may grant a qualifying certificate to a 86372  
distribution center that does not qualify as a qualified 86373

distribution center for an entire qualifying period if the 86374  
operator of the distribution center demonstrates that the business 86375  
operations of the distribution center have changed or will change 86376  
such that the distribution center will qualify as a qualified 86377  
distribution center within thirty-six months after the date the 86378  
operator first applies for a certificate. If, at the end of that 86379  
thirty-six-month period, the business operations of the 86380  
distribution center have not changed such that the distribution 86381  
center qualifies as a qualified distribution center, the operator 86382  
of the distribution center shall pay the ineligible operator's 86383  
supplier tax liability for each year that the distribution center 86384  
received a certificate but did not qualify as a qualified 86385  
distribution center. For each year the distribution center 86386  
receives a certificate under division (F)(2)(z)(ii)(II) of this 86387  
section, the distribution center shall pay all applicable fees 86388  
required under division (F)(2)(z) of this section and shall submit 86389  
an updated business plan showing the progress the distribution 86390  
center made toward qualifying as a qualified distribution center 86391  
during the preceding year. 86392

(III) An operator may appeal a determination under division 86393  
(F)(2)(z)(ii)(I) or (II) of this section that the ineligible 86394  
operator is liable for the operator's supplier tax liability as a 86395  
result of not qualifying as a qualified distribution center, as 86396  
provided in section 5717.02 of the Revised Code. 86397

(iii) When filing an application for a qualifying certificate 86398  
under division (F)(2)(z)(i)(VI) of this section, the operator of a 86399  
qualified distribution center also shall provide documentation, as 86400  
the commissioner requires, for the commissioner to ascertain the 86401  
Ohio delivery percentage. The commissioner, upon issuing the 86402  
qualifying certificate, also shall certify the Ohio delivery 86403  
percentage. The operator of the qualified distribution center may 86404  
appeal the commissioner's certification of the Ohio delivery 86405

percentage in the same manner as an appeal is taken from the 86406  
denial of a qualifying certificate under division (F)(2)(z)(i)(VI) 86407  
of this section. 86408

(iv)(I) In the case where the distribution center is new and 86409  
not open for the entire qualifying period, the operator shall make 86410  
a good faith estimate of an Ohio delivery percentage for use by 86411  
suppliers in their reports of taxable gross receipts for the 86412  
remainder of the qualifying period. The operator of the facility 86413  
shall disclose to the suppliers that such Ohio delivery percentage 86414  
is an estimate and is subject to recalculation. By the due date of 86415  
the next application for a qualifying certificate, the operator 86416  
shall determine the actual Ohio delivery percentage for the 86417  
estimated qualifying period and proceed as provided in division 86418  
(F)(2)(z)(iii) of this section with respect to the calculation and 86419  
recalculation of the Ohio delivery percentage. The supplier is 86420  
required to file, within sixty days after receiving notice from 86421  
the operator of the qualified distribution center, amended reports 86422  
for the impacted calendar quarter or quarters or calendar year, 86423  
whichever the case may be. Any additional tax liability or tax 86424  
overpayment shall be subject to interest but shall not be subject 86425  
to the imposition of any penalty so long as the amended returns 86426  
are timely filed. 86427

(II) The operator of a distribution center that receives a 86428  
qualifying certificate under division (F)(2)(z)(ii)(II) of this 86429  
section shall make a good faith estimate of the Ohio delivery 86430  
percentage that the operator estimates will apply to the 86431  
distribution center at the end of the thirty-six-month period 86432  
after the operator first applied for a qualifying certificate 86433  
under that division. The result of the estimate shall be 86434  
multiplied by a factor of one and seventy-five one-hundredths. The 86435  
product of that calculation shall be the Ohio delivery percentage 86436  
used by suppliers in their reports of taxable gross receipts for 86437

each qualifying year that the distribution center receives a 86438  
qualifying certificate under division (F)(2)(z)(ii)(II) of this 86439  
section, except that, if the product is less than five per cent, 86440  
the Ohio delivery percentage used shall be five per cent and that, 86441  
if the product exceeds forty-nine per cent, the Ohio delivery 86442  
percentage used shall be forty-nine per cent. 86443

(v) Qualifying certificates and Ohio delivery percentages 86444  
issued by the commissioner shall be open to public inspection and 86445  
shall be timely published by the commissioner. A supplier relying 86446  
in good faith on a certificate issued under this division shall 86447  
not be subject to tax on the qualifying distribution center 86448  
receipts under division (F)(2)(z) of this section. An operator 86449  
receiving a qualifying certificate is liable for the ineligible 86450  
operator's supplier tax liability for each year the operator 86451  
received a certificate but did not qualify as a qualified 86452  
distribution center. 86453

(vi) The annual fee for a qualifying certificate shall be one 86454  
hundred thousand dollars for each qualified distribution center. 86455  
If a qualifying certificate is not issued, the annual fee is 86456  
subject to refund after the exhaustion of all appeals provided for 86457  
in division (F)(2)(z)(i)(VI) of this section. The first one 86458  
hundred thousand dollars of the annual application fees collected 86459  
each calendar year shall be credited to the revenue enhancement 86460  
fund. The remainder of the annual application fees collected shall 86461  
be distributed in the same manner required under section 5751.20 86462  
of the Revised Code. 86463

(vii) The tax commissioner may require that adequate security 86464  
be posted by the operator of the distribution center on appeal 86465  
when the commissioner disagrees that the applicant has met the 86466  
minimum thresholds for a qualified distribution center as set 86467  
forth in division (F)(2)(z) of this section. 86468

(aa) Receipts of an employer from payroll deductions relating 86469

to the reimbursement of the employer for advancing moneys to an 86470  
unrelated third party on an employee's behalf; 86471

(bb) Cash discounts allowed and taken; 86472

(cc) Returns and allowances; 86473

(dd) Bad debts from receipts on the basis of which the tax 86474  
imposed by this chapter was paid in a prior quarterly tax payment 86475  
period. For the purpose of this division, "bad debts" means any 86476  
debts that have become worthless or uncollectible between the 86477  
preceding and current quarterly tax payment periods, have been 86478  
uncollected for at least six months, and that may be claimed as a 86479  
deduction under section 166 of the Internal Revenue Code and the 86480  
regulations adopted under that section, or that could be claimed 86481  
as such if the taxpayer kept its accounts on the accrual basis. 86482  
"Bad debts" does not include repossessed property, uncollectible 86483  
amounts on property that remains in the possession of the taxpayer 86484  
until the full purchase price is paid, or expenses in attempting 86485  
to collect any account receivable or for any portion of the debt 86486  
recovered; 86487

(ee) Any amount realized from the sale of an account 86488  
receivable to the extent the receipts from the underlying 86489  
transaction giving rise to the account receivable were included in 86490  
the gross receipts of the taxpayer; 86491

(ff) Any receipts directly attributed to a transfer agreement 86492  
or to the enterprise transferred under that agreement under 86493  
section 4313.02 of the Revised Code. 86494

(gg)(i) As used in this division: 86495

(I) "Qualified uranium receipts" means receipts from the 86496  
sale, exchange, lease, loan, production, processing, or other 86497  
disposition of uranium within a uranium enrichment zone certified 86498  
by the tax commissioner under division (F)(2)(gg)(ii) of this 86499  
section. "Qualified uranium receipts" does not include any 86500

receipts with a situs in this state outside a uranium enrichment 86501  
zone certified by the tax commissioner under division 86502  
(F)(2)(gg)(ii) of this section. 86503

(II) "Uranium enrichment zone" means all real property that 86504  
is part of a uranium enrichment facility licensed by the United 86505  
States nuclear regulatory commission and that was or is owned or 86506  
controlled by the United States department of energy or its 86507  
successor. 86508

(ii) Any person that owns, leases, or operates real or 86509  
tangible personal property constituting or located within a 86510  
uranium enrichment zone may apply to the tax commissioner to have 86511  
the uranium enrichment zone certified for the purpose of excluding 86512  
qualified uranium receipts under division (F)(2)(gg) of this 86513  
section. The application shall include such information that the 86514  
tax commissioner prescribes. Within sixty days after receiving the 86515  
application, the tax commissioner shall certify the zone for that 86516  
purpose if the commissioner determines that the property qualifies 86517  
as a uranium enrichment zone as defined in division (F)(2)(gg) of 86518  
this section, or, if the tax commissioner determines that the 86519  
property does not qualify, the commissioner shall deny the 86520  
application or request additional information from the applicant. 86521  
If the tax commissioner denies an application, the commissioner 86522  
shall state the reasons for the denial. The applicant may appeal 86523  
the denial of an application to the board of tax appeals pursuant 86524  
to section 5717.02 of the Revised Code. If the applicant files a 86525  
timely appeal, the tax commissioner shall conditionally certify 86526  
the applicant's property. The conditional certification shall 86527  
expire when all of the applicant's appeals are exhausted. Until 86528  
final resolution of the appeal, the applicant shall retain the 86529  
applicant's records in accordance with section 5751.12 of the 86530  
Revised Code, notwithstanding any time limit on the preservation 86531  
of records under that section. 86532

(hh) In the case of amounts collected by a licensed casino operator from casino gaming, amounts in excess of the casino operator's gross casino revenue. In this division, "casino operator" and "casino gaming" have the meanings defined in section 3772.01 of the Revised Code, and "gross casino revenue" has the meaning defined in section 5753.01 of the Revised Code.

(ii) Receipts realized from the sale of agricultural commodities by an agricultural commodity handler, both as defined in section 926.01 of the Revised Code, that is licensed by the director of agriculture to handle agricultural commodities in this state.

(jj) Qualifying integrated supply chain receipts.

As used in division (F)(2)(jj) of this section:

(i) "Qualifying integrated supply chain receipts" means receipts of a qualified integrated supply chain vendor from the sale of qualified property delivered to, or integrated supply chain services provided to, another qualified integrated supply chain vendor or to a retailer that is a member of the integrated supply chain. "Qualifying integrated supply chain receipts" does not include receipts of a person that is not a qualified integrated supply chain vendor from the sale of raw materials to a member of an integrated supply chain, or receipts of a member of an integrated supply chain from the sale of qualified property or integrated supply chain services to a person that is not a member of the integrated supply chain.

(ii) "Qualified property" means any of the following:

(I) Component parts used to hold, contain, package, or dispense qualified products, excluding equipment;

(II) Work-in-process inventory that will become, comprise, or form a component part of a qualified product capable of being sold at retail, excluding equipment, machinery, furniture, and



fixtures; 86564

(III) Finished goods inventory that is a qualified product 86565  
capable of being sold at retail in the inventory's present form. 86566

(iii) "Qualified integrated supply chain vendor" means a 86567  
person that is a member of an integrated supply chain and that 86568  
provides integrated supply chain services within a qualified 86569  
integrated supply chain district to a retailer that is a member of 86570  
the integrated supply chain or to another qualified integrated 86571  
supply chain vendor that is located within the same such district 86572  
as the person but does not share a common owner with that person. 86573

(iv) "Qualified product" means a personal care, health, or 86574  
beauty product or an aromatic product, including a candle. 86575  
"Qualified product" does not include a drug that may be dispensed 86576  
only pursuant to a prescription, durable medical equipment, 86577  
mobility enhancing equipment, or a prosthetic device, as those 86578  
terms are defined in section 5739.01 of the Revised Code. 86579

(v) "Integrated supply chain" means two or more qualified 86580  
integrated supply chain vendors certified on the most recent list 86581  
certified to the tax commissioner under this division that 86582  
systematically collaborate and coordinate business operations with 86583  
a retailer on the flow of tangible personal property from material 86584  
sourcing through manufacturing, assembly, packaging, and delivery 86585  
to the retailer to improve long-term financial performance of each 86586  
vendor and the supply chain that includes the retailer. 86587

For the purpose of the certification required under this 86588  
division, the reporting person for each retailer, on or before the 86589  
first day of October of each year, shall certify to the tax 86590  
commissioner a list of the qualified integrated supply chain 86591  
vendors providing or receiving integrated supply chain services 86592  
within a qualified integrated supply chain district for the 86593  
ensuing calendar year. On or before the following first day of 86594

November, the commissioner shall issue a certificate to the 86595  
retailer and to each vendor certified to the commissioner on that 86596  
list. The certificate shall include the names of the retailer and 86597  
of the qualified integrated supply chain vendors. 86598

The retailer shall notify the commissioner of any changes to 86599  
the list, including additions to or subtractions from the list or 86600  
changes in the name or legal entity of vendors certified on the 86601  
list, within sixty days after the date the retailer becomes aware 86602  
of the change. Within thirty days after receiving that 86603  
notification, the commissioner shall issue a revised certificate 86604  
to the retailer and to each vendor certified on the list. The 86605  
revised certificate shall include the effective date of the 86606  
change. 86607

Each recipient of a certificate issued pursuant to this 86608  
division shall maintain a copy of the certificate for four years 86609  
from the date the certificate was received. 86610

(vi) "Integrated supply chain services" means procuring raw 86611  
materials or manufacturing, processing, refining, assembling, 86612  
packaging, or repackaging tangible personal property that will 86613  
become finished goods inventory capable of being sold at retail by 86614  
a retailer that is a member of an integrated supply chain. 86615

(vii) "Retailer" means a person primarily engaged in making 86616  
retail sales and any member of that person's consolidated elected 86617  
taxpayer group or combined taxpayer group, whether or not that 86618  
member is primarily engaged in making retail sales. 86619

(viii) "Qualified integrated supply chain district" means the 86620  
parcel or parcels of land from which a retailer's integrated 86621  
supply chain that existed on September 29, 2015, provides or 86622  
receives integrated supply chain services, and to which all of the 86623  
following apply: 86624

(I) The parcel or parcels are located wholly in a county 86625

having a population of greater than one hundred sixty-five 86626  
thousand but less than one hundred seventy thousand based on the 86627  
2010 federal decennial census. 86628

(II) The parcel or parcels are located wholly in the 86629  
corporate limits of a municipal corporation with a population 86630  
greater than seven thousand five hundred and less than eight 86631  
thousand based on the 2010 federal decennial census that is partly 86632  
located in the county described in division (F)(2)(jj)(viii)(I) of 86633  
this section, as those corporate limits existed on September 29, 86634  
2015. 86635

(III) The aggregate acreage of the parcel or parcels equals 86636  
or exceeds one hundred acres. 86637

(kk) In the case of a railroad company described in division 86638  
(D)(9) of section 5727.01 of the Revised Code that purchases dyed 86639  
diesel fuel directly from a supplier as defined by section 5736.01 86640  
of the Revised Code, an amount equal to the product of the number 86641  
of gallons of dyed diesel fuel purchased directly from such a 86642  
supplier multiplied by the average wholesale price for a gallon of 86643  
diesel fuel as determined under section 5736.02 of the Revised 86644  
Code for the period during which the fuel was purchased multiplied 86645  
by a fraction, the numerator of which equals the rate of tax 86646  
levied by section 5736.02 of the Revised Code less the rate of tax 86647  
computed in section 5751.03 of the Revised Code, and the 86648  
denominator of which equals the rate of tax computed in section 86649  
5751.03 of the Revised Code. 86650

(ll) Receipts realized by an out-of-state disaster business 86651  
from disaster work conducted in this state during a disaster 86652  
response period pursuant to a qualifying solicitation received by 86653  
the business. Terms used in ~~this~~ division (F)(2)(ll) of this 86654  
section have the same meanings as in section 5703.94 of the 86655  
Revised Code. 86656

(mm) Any receipts for which the tax imposed by this chapter is prohibited by the constitution or laws of the United States or the constitution of this state. 86657  
86658  
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(3) In the case of a taxpayer when acting as a real estate broker, "gross receipts" includes only the portion of any fee for the service of a real estate broker, or service of a real estate salesperson associated with that broker, that is retained by the broker and not paid to an associated real estate salesperson or another real estate broker. For the purposes of this division, "real estate broker" and "real estate salesperson" have the same meanings as in section 4735.01 of the Revised Code. 86660  
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(4) A taxpayer's method of accounting for gross receipts for a tax period shall be the same as the taxpayer's method of accounting for federal income tax purposes for the taxpayer's federal taxable year that includes the tax period. If a taxpayer's method of accounting for federal income tax purposes changes, its method of accounting for gross receipts under this chapter shall be changed accordingly. 86668  
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(G) "Taxable gross receipts" means gross receipts situated to this state under section 5751.033 of the Revised Code. 86675  
86676

(H) A person has "substantial nexus with this state" if any of the following applies. The person: 86677  
86678

(1) Owns or uses a part or all of its capital in this state; 86679

(2) Holds a certificate of compliance with the laws of this state authorizing the person to do business in this state; 86680  
86681

(3) Has bright-line presence in this state; 86682

(4) Otherwise has nexus with this state to an extent that the person can be required to remit the tax imposed under this chapter under the Constitution of the United States. 86683  
86684  
86685

(I) A person has "bright-line presence" in this state for a 86686

reporting period and for the remaining portion of the calendar 86687  
year if any of the following applies. The person: 86688

(1) Has at any time during the calendar year property in this 86689  
state with an aggregate value of at least fifty thousand dollars. 86690  
For the purpose of division (I)(1) of this section, owned property 86691  
is valued at original cost and rented property is valued at eight 86692  
times the net annual rental charge. 86693

(2) Has during the calendar year payroll in this state of at 86694  
least fifty thousand dollars. Payroll in this state includes all 86695  
of the following: 86696

(a) Any amount subject to withholding by the person under 86697  
section 5747.06 of the Revised Code; 86698

(b) Any other amount the person pays as compensation to an 86699  
individual under the supervision or control of the person for work 86700  
done in this state; and 86701

(c) Any amount the person pays for services performed in this 86702  
state on its behalf by another. 86703

(3) Has during the calendar year taxable gross receipts of at 86704  
least five hundred thousand dollars. 86705

(4) Has at any time during the calendar year within this 86706  
state at least twenty-five per cent of the person's total 86707  
property, total payroll, or total gross receipts. 86708

(5) Is domiciled in this state as an individual or for 86709  
corporate, commercial, or other business purposes. 86710

(J) "Tangible personal property" has the same meaning as in 86711  
section 5739.01 of the Revised Code. 86712

(K) "Internal Revenue Code" means the Internal Revenue Code 86713  
of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. Any term used in 86714  
this chapter that is not otherwise defined has the same meaning as 86715  
when used in a comparable context in the laws of the United States 86716

relating to federal income taxes unless a different meaning is 86717  
clearly required. Any reference in this chapter to the Internal 86718  
Revenue Code includes other laws of the United States relating to 86719  
federal income taxes. 86720

(L) "Calendar quarter" means a three-month period ending on 86721  
the thirty-first day of March, the thirtieth day of June, the 86722  
thirtieth day of September, or the thirty-first day of December. 86723

(M) "Tax period" means the calendar quarter or calendar year 86724  
on the basis of which a taxpayer is required to pay the tax 86725  
imposed under this chapter. 86726

(N) "Calendar year taxpayer" means a taxpayer for which the 86727  
tax period is a calendar year. 86728

(O) "Calendar quarter taxpayer" means a taxpayer for which 86729  
the tax period is a calendar quarter. 86730

(P) "Agent" means a person authorized by another person to 86731  
act on its behalf to undertake a transaction for the other, 86732  
including any of the following: 86733

(1) A person receiving a fee to sell financial instruments; 86734

(2) A person retaining only a commission from a transaction 86735  
with the other proceeds from the transaction being remitted to 86736  
another person; 86737

(3) A person issuing licenses and permits under section 86738  
1533.13 of the Revised Code; 86739

(4) A lottery sales agent holding a valid license issued 86740  
under section 3770.05 of the Revised Code; 86741

(5) A person acting as an agent of the division of liquor 86742  
control under section 4301.17 of the Revised Code. 86743

(Q) "Received" includes amounts accrued under the accrual 86744  
method of accounting. 86745

(R) "Reporting person" means a person in a consolidated 86746  
elected taxpayer or combined taxpayer group that is designated by 86747  
that group to legally bind the group for all filings and tax 86748  
liabilities and to receive all legal notices with respect to 86749  
matters under this chapter, or, for the purposes of section 86750  
5751.04 of the Revised Code, a separate taxpayer that is not a 86751  
member of such a group. 86752

**Sec. 5751.02.** (A) For the purpose of funding the needs of 86753  
this state and its local governments, there is hereby levied a 86754  
commercial activity tax on each person with taxable gross receipts 86755  
for the privilege of doing business in this state. For the 86756  
purposes of this chapter, "doing business" means engaging in any 86757  
activity, whether legal or illegal, that is conducted for, or 86758  
results in, gain, profit, or income, at any time during a calendar 86759  
year. Persons on which the commercial activity tax is levied 86760  
include, but are not limited to, persons with substantial nexus 86761  
with this state. The tax imposed under this section is not a 86762  
transactional tax and is not subject to Public Law No. 86-272, 73 86763  
Stat. 555. The tax imposed under this section is in addition to 86764  
any other taxes or fees imposed under the Revised Code. The tax 86765  
levied under this section is imposed on the person receiving the 86766  
gross receipts and is not a tax imposed directly on a purchaser. 86767  
The tax imposed by this section is an annual privilege tax for the 86768  
calendar year that, in the case of calendar year taxpayers, is the 86769  
annual tax period and, in the case of calendar quarter taxpayers, 86770  
contains all quarterly tax periods in the calendar year. A 86771  
taxpayer is subject to the annual privilege tax for doing business 86772  
during any portion of such calendar year. 86773

(B) The tax imposed by this section is a tax on the taxpayer 86774  
and shall not be billed or invoiced to another person. Even if the 86775  
tax or any portion thereof is billed or invoiced and separately 86776  
stated, such amounts remain part of the price for purposes of the 86777

sales and use taxes levied under Chapters 5739. and 5741. of the Revised Code. Nothing in division (B) of this section prohibits:

(1) A person from including in the price charged for a good or service an amount sufficient to recover the tax imposed by this section; or

(2) A lessor from including an amount sufficient to recover the tax imposed by this section in a lease payment charged, or from including such an amount on a billing or invoice pursuant to the terms of a written lease agreement providing for the recovery of the lessor's tax costs. The recovery of such costs shall be based on an estimate of the total tax cost of the lessor during the tax period, as the tax liability of the lessor cannot be calculated until the end of that period.

(C)(1) The commercial activities tax receipts fund is hereby created in the state treasury and shall consist of money arising from the tax imposed under this chapter. ~~Seventy-five~~ Sixty-five one-hundredths of one per cent of the money credited to that fund shall be credited to the revenue enhancement fund and shall be used to defray the costs incurred by the department of taxation in administering the tax imposed by this chapter and in implementing tax reform measures. The remainder of the money in the commercial activities tax receipts fund shall first be credited to the commercial activity tax motor fuel receipts fund, pursuant to division (C)(2) of this section, and the remainder shall be credited in the following percentages each fiscal year to the general revenue fund, to the school district tangible property tax replacement fund, which is hereby created in the state treasury for the purpose of making the payments described in section 5709.92 of the Revised Code, and to the local government tangible property tax replacement fund, which is hereby created in the state treasury for the purpose of making the payments described in section 5709.93 of the Revised Code, in the following percentages:



Fiscal year	General Revenue Fund	School District Tangible Property Tax Replacement Fund	Local Government Tangible Property Tax Replacement Fund	
2014 and 2015	50.0%	35.0%	15.0%	86811
2016 and 2017	75.0%	20.0%	5.0%	86812
2018 and thereafter	85.0%	13.0%	2.0%	86813

(2) Not later than the twentieth day of February, May, August, and November of each year, the commissioner shall provide for payment from the commercial activities tax receipts fund to the commercial activity tax motor fuel receipts fund an amount that bears the same ratio to the balance in the commercial activities tax receipts fund that (a) the taxable gross receipts attributed to motor fuel used for propelling vehicles on public highways as indicated by returns filed by the tenth day of that month for a liability that is due and payable on or after July 1, 2013, for a tax period ending before July 1, 2014, bears to (b) all taxable gross receipts as indicated by those returns for such liabilities.

(D)(1) If the total amount in the school district tangible property tax replacement fund is insufficient to make all payments under section 5709.92 of the Revised Code at the times the payments are to be made, the director of budget and management shall transfer from the general revenue fund to the school district tangible property tax replacement fund the difference between the total amount to be paid and the amount in the school district tangible property tax replacement fund.

(2) If the total amount in the local government tangible property tax replacement fund is insufficient to make all payments under section 5709.93 of the Revised Code at the times the payments are to be made, the director of budget and management

shall transfer from the general revenue fund to the local 86838  
government tangible property tax replacement fund the difference 86839  
between the total amount to be paid and the amount in the local 86840  
government tangible property tax replacement fund. 86841

(E)(1) On or after the first day of June of each year, the 86842  
director of budget and management may transfer any balance in the 86843  
school district tangible property tax replacement fund to the 86844  
general revenue fund. 86845

(2) On or after the first day of June of each year, the 86846  
director of budget and management may transfer any balance in the 86847  
local government tangible property tax replacement fund to the 86848  
general revenue fund. 86849

(F)(1) There is hereby created in the state treasury the 86850  
commercial activity tax motor fuel receipts fund. 86851

(2) On or before the fifteenth day of June of each fiscal 86852  
year beginning with fiscal year 2015, the director of the Ohio 86853  
public works commission shall certify to the director of budget 86854  
and management the amount of debt service paid from the general 86855  
revenue fund in the current fiscal year on bonds issued to finance 86856  
or assist in the financing of the cost of local subdivision public 86857  
infrastructure capital improvement projects, as provided for in 86858  
Sections 2k, 2m, 2p, and 2s of Article VIII, Ohio Constitution, 86859  
that are attributable to costs for construction, reconstruction, 86860  
maintenance, or repair of public highways and bridges and other 86861  
statutory highway purposes. That certification shall allocate the 86862  
total amount of debt service paid from the general revenue fund 86863  
and attributable to those costs in the current fiscal year 86864  
according to the applicable section of the Ohio Constitution under 86865  
which the bonds were originally issued. 86866

(3) On or before the thirtieth day of June of each fiscal 86867  
year beginning with fiscal year 2015, the director of budget and 86868

management shall determine an amount up to but not exceeding the 86869  
amount certified under division (F)(2) of this section and shall 86870  
reserve that amount from the cash balance in the petroleum 86871  
activity tax public highways fund or the commercial activity tax 86872  
motor fuel receipts fund for transfer to the general revenue fund 86873  
at times and in amounts to be determined by the director. The 86874  
director shall transfer the cash balance in the petroleum activity 86875  
tax public highways fund or the commercial activity tax motor fuel 86876  
receipts fund in excess of the amount so reserved to the highway 86877  
operating fund on or before the thirtieth day of June of the 86878  
current fiscal year. 86879

**Sec. 5751.98.** (A) To provide a uniform procedure for 86880  
calculating the amount of tax due under this chapter, a taxpayer 86881  
shall claim any credits to which it is entitled in the following 86882  
order: 86883

(1) The nonrefundable jobs retention credit under division 86884  
(B) of section 5751.50 of the Revised Code; 86885

(2) The nonrefundable credit for qualified research expenses 86886  
under division (B) of section 5751.51 of the Revised Code; 86887

(3) The nonrefundable credit for a borrower's qualified 86888  
research and development loan payments under division (B) of 86889  
section 5751.52 of the Revised Code; 86890

(4) The nonrefundable credit for calendar years 2010 to 2029 86891  
for unused net operating losses under division (B) of section 86892  
5751.53 of the Revised Code; 86893

(5) The refundable motion picture and Broadway theatrical 86894  
production credit under section 5751.54 of the Revised Code; 86895

(6) The refundable jobs creation credit or job retention 86896  
credit under division (A) of section 5751.50 of the Revised Code; 86897

(7) The refundable credit for calendar year 2030 for unused 86898

net operating losses under division (C) of section 5751.53 of the Revised Code. 86899  
86900

(B) For any credit except the refundable credits enumerated in this section, the amount of the credit for a tax period shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating the credit. 86901  
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Sec. 5902.09. (A) As used in this section, "AMVETS" means the American Veterans of World War II (AMVETS), Department of Ohio. 86907  
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(B) The directors of veterans services and mental health and addiction services shall establish a pilot program to make transcranial magnetic stimulation available for veterans with substance use disorders or mental illness, and shall operate the program for three years. The program shall be operated in conjunction with a supplier selected under this section. 86910  
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(C) The directors by mutual agreement shall enter into a contract for the purchase of services related to the pilot program. The contract shall include provisions requiring the supplier to create, implement, operate, and evaluate outcomes of the pilot program, to choose a location for the pilot program, to expend payments received from the state as needed for purposes of the program, and to report quarterly regarding the pilot program to the president of the senate and to the standing committee of the senate that generally considers legislation regarding veterans affairs. 86916  
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(D) There is the transcranial magnetic stimulation fund in the state treasury. It shall consist of moneys appropriated to it by the general assembly. The directors, with the approval of controlling board, may authorize a disbursement from the fund for 86926  
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services rendered under the contract. 86930

(E) One or both of the directors shall adopt rules under 86931  
Chapter 119. of the Revised Code as necessary to administer this 86932  
section, including a rule requiring that clinical protocols and 86933  
outcomes are collected and reported quarterly in a report provided 86934  
by the supplier. The report shall also include a thorough 86935  
accounting of the use and expenditure of all funds received from 86936  
the state under this section. 86937

(F) Contracts entered into under this section are subject to 86938  
section 9.231 and Chapter 125. of the Revised Code. 86939

**Sec. 5903.12.** (A) As used in this section: 86940

"Continuing education" means continuing education required of 86941  
a licensee by law and includes, but is not limited to, the 86942  
continuing education required of licensees under sections 86943  
3737.881, 3781.10, 4701.11, 4715.141, 4715.25, 4717.09, 4723.24, 86944  
4725.16, 4725.51, 4730.14, 4730.49, 4731.155, 4731.282, 4734.25, 86945  
4735.141, 4736.11, 4741.16, 4741.19, ~~4751.07~~ 4751.24, 4751.25, 86946  
4755.63, 4757.33, 4759.06, 4761.06, and 4763.07 of the Revised 86947  
Code. 86948

"Reporting period" means the period of time during which a 86949  
licensee must complete the number of hours of continuing education 86950  
required of the licensee by law. 86951

(B) A licensee may submit an application to a licensing 86952  
agency, stating that the licensee requires an extension of the 86953  
current reporting period because the licensee has served on active 86954  
duty during the current or a prior reporting period. The licensee 86955  
shall submit proper documentation certifying the active duty 86956  
service and the length of that active duty service. Upon receiving 86957  
the application and proper documentation, the licensing agency 86958  
shall extend the current reporting period by an amount of time 86959

equal to the total number of months that the licensee spent on 86960  
active duty during the current reporting period. For purposes of 86961  
this division, any portion of a month served on active duty shall 86962  
be considered one full month. 86963

**Sec. 5910.01.** As used in this chapter and section 5919.34 of 86964  
the Revised Code: 86965

(A) "Child" includes natural and adopted children and 86966  
stepchildren who have not been legally adopted by the veteran 86967  
parent provided that the relationship between the stepchild and 86968  
the veteran parent meets the following criteria: 86969

(1) The veteran parent is married to the child's natural or 86970  
adoptive parent at the time application for a scholarship granted 86971  
under this chapter is made; or if the veteran parent is deceased, 86972  
the child's natural or adoptive parent was married to the veteran 86973  
parent at the time of the veteran parent's death; 86974

(2) The child resided with the veteran parent for a period of 86975  
not less than ten consecutive years immediately prior to making 86976  
application for the scholarship; or if the veteran parent is 86977  
deceased, the child resided with the veteran parent for a period 86978  
of not less than ten consecutive years immediately prior to the 86979  
veteran parent's death; 86980

(3) The child received financial support from the veteran 86981  
parent for a period of not less than ten consecutive years 86982  
immediately prior to making application for the scholarship; or if 86983  
the veteran parent is deceased, the child received financial 86984  
support from the veteran parent for a period of not less than ten 86985  
consecutive years immediately prior to the veteran parent's death. 86986

(B) "Veteran" includes any of the following: 86987

(1) Any person who was a member of the armed services of the 86988  
United States for a period of ninety days or more, or who was 86989

discharged from the armed services due to a disability incurred 86990  
while a member with less than ninety days' service, or who died 86991  
while a member of the armed services; provided that such service, 86992  
disability, or death occurred during one of the following periods: 86993  
April 6, 1917, to November 11, 1918; December 7, 1941, to December 86994  
31, 1946; June 25, 1950, to January 31, 1955; January 1, 1960, to 86995  
May 7, 1975; August 2, 1990, to the end of operations conducted as 86996  
a result of the invasion of Kuwait by Iraq, including support for 86997  
operation desert shield and operation desert storm, as declared by 86998  
the president of the United States or the congress; October 7, 86999  
2001, to the end of operation enduring freedom as declared by the 87000  
president of the United States or the congress; March 20, 2003, to 87001  
the end of operation Iraqi freedom as declared by the president of 87002  
the United States or the congress; or any other period of conflict 87003  
established by the United States department of veterans affairs 87004  
for pension purposes; 87005

(2) Any person who was a member of the armed services of the 87006  
United States and participated in an operation for which the armed 87007  
forces expeditionary medal was awarded; 87008

(3) Any person who served as a member of the United States 87009  
merchant marine and to whom either of the following applies: 87010

(a) The person has an honorable report of separation from the 87011  
active duty military service, form DD214 or DD215. 87012

(b) The person served in the United States merchant marine 87013  
between December 7, 1941, and December 31, 1946, and died on 87014  
active duty while serving in a war zone during that period of 87015  
service. 87016

(C) "Armed services of the United States" or "United States 87017  
armed forces" includes the army, air force, navy, marine corps, 87018  
coast guard, and such other military service branch as may be 87019  
designated by congress as a part of the armed forces of the United 87020

States. 87021

(D) "Board" means the Ohio war orphans and severely disabled 87022  
veterans' children scholarship board created by section 5910.02 of 87023  
the Revised Code. 87024

(E) "Disabled" means having a sixty per cent or greater 87025  
service-connected disability or receiving benefits for permanent 87026  
and total nonservice-connected disability, as determined by the 87027  
United States department of veterans affairs. 87028

(F) "United States merchant marine" includes the United 87029  
States army transport service and the United States naval 87030  
transport service. 87031

**Sec. 5910.02.** There is hereby created an Ohio war orphans and 87032  
severely disabled veterans' children scholarship board as part of 87033  
the department of veterans services. The board consists of eight 87034  
members as follows: the chancellor of ~~the Ohio board of regents~~ 87035  
higher education or the chancellor's designee; the director of 87036  
veterans services or the director's designee; one member of the 87037  
house of representatives, appointed by the speaker; one member of 87038  
the senate, appointed by the president of the senate; and four 87039  
members appointed by the governor, one of whom shall be a 87040  
representative of the American Legion, one of whom shall be a 87041  
representative of the Veterans of Foreign Wars, one of whom shall 87042  
be a representative of the Disabled American Veterans, and one of 87043  
whom shall be a representative of the AMVETS. At least ninety days 87044  
prior to the expiration of the term of office of the 87045  
representative of a veterans organization appointed by the 87046  
governor, the governor shall notify the state headquarters of the 87047  
affected organization of the need for an appointment and request 87048  
the organization to make at least three nominations. Within sixty 87049  
days after making the request for nominations, the governor may 87050  
make the appointment from the nominations received, or may reject 87051



all the nominations and request at least three new nominations, 87052  
from which the governor shall make an appointment within thirty 87053  
days after making the request for the new nominations. If the 87054  
governor receives no nominations during this thirty-day period, 87055  
the governor may appoint any veteran. 87056

Terms of office for the four members appointed by the 87057  
governor shall be for four years, commencing on the first day of 87058  
January and ending on the thirty-first day of December, except 87059  
that the term of the AMVETS representative shall expire December 87060  
31, 1998, and the new term that succeeds it shall commence on 87061  
January 1, 1999, and end on December 31, 2002. Each member shall 87062  
hold office from the date of the member's appointment until the 87063  
end of the term for which the member was appointed. The other 87064  
members shall serve during their terms of office. Any vacancy 87065  
shall be filled by appointment in the same manner as by original 87066  
appointment. Any member appointed to fill a vacancy occurring 87067  
prior to the expiration of the term for which the member's 87068  
predecessor was appointed shall hold office for the remainder of 87069  
such term. Any appointed member shall continue in office 87070  
subsequent to the expiration date of the member's term until the 87071  
member's successor takes office, or until a period of sixty days 87072  
has elapsed, whichever occurs first. The members of the board 87073  
shall serve without pay but shall be reimbursed for travel 87074  
expenses and for other actual and necessary expenses incurred in 87075  
the performance of their duties, not to exceed ten dollars per day 87076  
for ten days in any one year to be appropriated out of any moneys 87077  
in the state treasury to the credit of the general revenue fund. 87078

The chancellor ~~of the board of regents~~ shall act as secretary 87079  
to the board and shall furnish such clerical and other assistance 87080  
as may be necessary to the performance of the duties of the board. 87081

The board shall determine the number of scholarships to be 87082  
made available, receive applications for scholarships, pass upon 87083

the eligibility of applicants, decide which applicants are to 87084  
receive scholarships, and do all other things necessary for the 87085  
proper administration of this chapter. 87086

The board may apply for, and may receive and accept, grants, 87087  
and may receive and accept gifts, bequests, and contributions, 87088  
from public and private sources, including agencies and 87089  
instrumentalities of the United States and this state, and shall 87090  
deposit the grants, gifts, bequests, or contributions into the 87091  
Ohio war orphans and severely disabled veterans' children 87092  
scholarship donation fund. 87093

**Sec. 5910.031.** War orphans<sup>+</sup> and severely disabled veterans' 87094  
children scholarships provided in sections 5910.01 to 5910.06 of 87095  
the Revised Code, shall be granted to children of members of the 87096  
Ohio national guard and the reserve components of any of the armed 87097  
services of the United States who are killed or permanently and 87098  
totally disabled while on active duty pursuant to bona fide orders 87099  
of the governor or the president of the United States, or who are 87100  
killed or permanently and totally disabled while at a scheduled 87101  
training assembly, a field training period of any duration or 87102  
length, or active duty for training, pursuant to bona fide orders 87103  
issued by a competent authority. Such scholarships shall be 87104  
granted within the total number of scholarships provided under 87105  
section 5910.05 of the Revised Code and are available only to 87106  
children who further qualify pursuant to divisions (A), (B), and 87107  
(C), ~~and (D)~~ of section 5910.03 of the Revised Code. 87108

As used in this section, "permanently and totally disabled" 87109  
means having a disability which renders the person incapable of 87110  
engaging in substantially gainful employment and which is presumed 87111  
to be permanent, as determined by a special board of three 87112  
officers of the Ohio national guard named by the governor, one of 87113  
whom shall be a medical officer licensed to practice in this 87114

state. 87115

**Sec. 5910.032.** (A) A war orphans and severely disabled 87116  
veterans' children scholarship, as provided under sections 5910.01 87117  
to 5910.06 of the Revised Code, shall be granted to the child of 87118  
any person who, in the course of honorable service in the armed 87119  
services of the United States, was declared by the United States 87120  
department of defense to be a prisoner of war or missing in action 87121  
as a result of the United States' participation in armed conflict 87122  
on or after January 1, 1960, if either of the following apply: 87123

(1) The parent, at the time of entry into the armed services 87124  
of the United States, or at the time the parent was declared to be 87125  
a prisoner of war or missing in action, was a resident of Ohio; 87126

(2) If the parent did not enter the armed services as a 87127  
resident of Ohio and was not a resident of Ohio when declared a 87128  
prisoner of war or missing in action, the child has resided in 87129  
Ohio for the year immediately preceding the year in which the 87130  
application for the scholarship is made and any four of the last 87131  
ten years. 87132

The scholarships shall be in addition to the total number of 87133  
scholarships provided under section 5910.05 of the Revised Code. 87134  
Notwithstanding section 5910.03 of the Revised Code, scholarships 87135  
provided under this section shall be made to any such child who, 87136  
at the time of application, has attained the sixteenth, but not 87137  
the twenty-first, birthday. The termination of a child's parent or 87138  
guardian's status as a prisoner of war or being missing in action 87139  
does not affect such child's eligibility for the benefit provided 87140  
by this section. 87141

(B) Scholarships provided under this section shall consist of 87142  
either of the following: 87143

(1) A scholarship of the type described in division (A) of 87144

section 5910.04 of the Revised Code together with reasonable and 87145  
necessary expenses for room, board, books, and laboratory fees. 87146  
The additional amount for such expenses shall be paid from moneys 87147  
appropriated by the general assembly for such purpose. 87148

(2) A scholarship of the type described in division (B) of 87149  
section 5910.04 of the Revised Code together with an additional 87150  
grant equal to the average value of the reasonable and necessary 87151  
expenses granted under division (B)(1) of this section during the 87152  
preceding year for room, board, books, and laboratory fees. The 87153  
additional grant shall be paid from moneys appropriated by the 87154  
general assembly for such purpose, and shall be paid to the child 87155  
through the institution in which the child is enrolled. In no case 87156  
shall the additional grant exceed the amount actually expended by 87157  
the child for room, board, books, and laboratory fees. 87158

**Sec. 5910.04.** Scholarships granted under sections 5910.01 to 87159  
5910.06 of the Revised Code shall consist of either of the 87160  
following: 87161

(A) An exemption from the payment of one hundred per cent of 87162  
the general and instructional fees at colleges and universities 87163  
which receive support from the state of Ohio and are approved by 87164  
the chancellor of ~~the board of regents~~ higher education, except 87165  
that the percentage may be reduced by the war orphans and severely 87166  
disabled veterans' children scholarship board in any year that 87167  
insufficient funds are appropriated to fully fund scholarships for 87168  
all eligible students; 87169

(B) A grant to an eligible child who is enrolled in an 87170  
institution that has received a certificate of authorization ~~from~~ 87171  
~~the board of regents~~ under Chapter 1713. of the Revised Code, or a 87172  
private institution exempt from regulation under Chapter 3332. of 87173  
the Revised Code as prescribed in section 3333.046 of the Revised 87174  
Code, or an institution that has received a certificate of 87175

registration from the state board of ~~proprietary school~~ 87176  
~~registration~~ career colleges and schools. Students who attend an 87177  
institution that holds a certificate of registration shall be 87178  
enrolled in either a program leading to an associate degree or a 87179  
program leading to a bachelor's degree for which associate or 87180  
bachelor's degree program the institution has received program 87181  
authorization issued under section 3332.05 of the Revised Code to 87182  
offer such degree program. The grant shall be paid to the child 87183  
through the institution in which the child is enrolled, and shall 87184  
equal one hundred per cent of the average value of all 87185  
scholarships granted under division (A) of this section during the 87186  
preceding year, except that the percentage may be reduced by the 87187  
war orphans and severely disabled veterans' children scholarship 87188  
board in any year that insufficient funds are appropriated to 87189  
fully fund scholarships for all eligible students. In no case 87190  
shall the grant exceed the total general and instructional charges 87191  
of the institution. 87192

The board shall not reduce the percentage to be paid for 87193  
scholarships awarded pursuant to section 5910.032 of the Revised 87194  
Code below one hundred per cent. 87195

**Sec. 5910.05.** The Ohio war orphans and severely disabled 87196  
veterans' children scholarship board shall determine how many 87197  
scholarships are to be granted based upon available funds provided 87198  
by the Ohio general assembly. If funds are available all eligible 87199  
applicants shall be granted a scholarship. There shall be no 87200  
limitation on the number of scholarships granted under section 87201  
5910.032 of the Revised Code, nor any limitation on the number of 87202  
scholarships granted to any college or university under such 87203  
section. No person shall be granted a scholarship for more than 87204  
five academic years of education, which shall be at the 87205  
undergraduate level. The board shall provide minimum scholastic 87206  
requirements for recipients and shall withdraw the aid from any 87207

person who fails to maintain such requirements. 87208

**Sec. 5910.06.** The Ohio war orphans and severely disabled veterans' children scholarship board shall make a complete report of its administration of this chapter, to each first regular session of the general assembly. 87209  
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**Sec. 5910.07.** The Ohio war orphans and severely disabled veterans' children scholarship donation fund is created in the state treasury. The fund shall consist of gifts, bequests, grants, and contributions made to the fund under section 5910.02 of the Revised Code. Investment earnings of the fund shall be deposited into the fund. The fund shall be used to operate the war orphans and severely disabled veterans' children scholarship program and to provide grants under sections 5910.01 to 5910.06 of the Revised Code. 87213  
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**Sec. 5910.08.** There is hereby created in the state treasury the war orphans and severely disabled veterans' children scholarship reserve fund. As soon as possible following the end of each fiscal year, the chancellor of higher education shall certify to the director of budget and management the unencumbered balance of the general revenue fund appropriations made in the immediately preceding fiscal year for purposes of the war orphans and severely disabled veterans' children scholarship program created in Chapter 5910. of the Revised Code. Upon receipt of the certification, the director of budget and management may transfer an amount not exceeding the certified amount from the general revenue fund to the war orphans and severely disabled veterans' children scholarship reserve fund. Moneys in the war orphans and severely disabled veterans' children scholarship reserve fund shall be used to pay scholarship obligations in excess of the general revenue fund appropriations made for that purpose. 87222  
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The director of budget and management may transfer any unencumbered balance from the war orphans and severely disabled veterans' children scholarship reserve fund to the general revenue fund. 87238  
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If it is determined that general revenue fund appropriations are insufficient to meet the obligations of the war orphans and severely disabled veterans' children scholarship in a fiscal year, the director of budget and management may transfer funds from the war orphans and severely disabled veterans' children scholarship reserve fund to the general revenue fund in order to meet those obligations. The amount transferred is hereby appropriated. If the funds transferred from the war orphans and severely disabled veterans' children scholarship reserve fund are not needed, the director of budget and management may transfer the unexpended balance from the general revenue fund back to the war orphans and severely disabled veterans' children scholarship reserve fund. 87242  
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**Sec. 5919.34.** (A) As used in this section: 87254

(1) "Academic term" means any one of the following: 87255

(a) Fall term, which consists of fall semester or fall quarter, as appropriate; 87256  
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(b) Winter term, which consists of winter semester, winter quarter, or spring semester, as appropriate; 87258  
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(c) Spring term, which consists of spring quarter; 87260

(d) Summer term, which consists of summer semester or summer quarter, as appropriate. 87261  
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(2) "Eligible applicant" means any individual to whom all of the following apply: 87263  
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(a) The individual does not possess a baccalaureate degree. 87265

(b) The individual has enlisted, re-enlisted, or extended 87266

current enlistment in the Ohio national guard or is an individual 87267  
to which division (F) of this section applies. 87268

(c) The individual is actively enrolled as a full-time or 87269  
part-time student for at least three credit hours of course work 87270  
in a semester or quarter in a two-year or four-year 87271  
degree-granting program at a state institution of higher education 87272  
or a private institution of higher education, or in a 87273  
diploma-granting program at a state or private institution of 87274  
higher education that is a school of nursing. 87275

(d) The individual has not accumulated ninety-six eligibility 87276  
units under division (E) of this section. 87277

(3) "State institution of higher education" means any state 87278  
university or college as defined in division (A)(1) of section 87279  
3345.12 of the Revised Code, community college established under 87280  
Chapter 3354. of the Revised Code, state community college 87281  
established under Chapter 3358. of the Revised Code, university 87282  
branch established under Chapter 3355. of the Revised Code, or 87283  
technical college established under Chapter 3357. of the Revised 87284  
Code. 87285

(4) "Private institution of higher education" means an Ohio 87286  
institution of higher education that is nonprofit and has received 87287  
a certificate of authorization pursuant to Chapter 1713. of the 87288  
Revised Code, that is a private institution exempt from regulation 87289  
under Chapter 3332. of the Revised Code as prescribed in section 87290  
3333.046 of the Revised Code, or that holds a certificate of 87291  
registration and program authorization issued by the state board 87292  
of career colleges and schools pursuant to section 3332.05 of the 87293  
Revised Code. 87294

(5) "Tuition" means the charges imposed to attend an 87295  
institution of higher education and includes general and 87296  
instructional fees. "Tuition" does not include laboratory fees, 87297



room and board, or other similar fees and charges. 87298

(B) There is hereby created a scholarship program to be known 87299  
as the Ohio national guard scholarship program. 87300

(C)(1) The adjutant general shall approve scholarships for 87301  
all eligible applicants. The adjutant general shall process all 87302  
applications for scholarships for each academic term in the order 87303  
in which they are received. The scholarships shall be made without 87304  
regard to financial need. At no time shall one person be placed in 87305  
priority over another because of sex, race, or religion. 87306

(2) The adjutant general shall develop and provide a written 87307  
explanation that informs all eligible scholarship recipients that 87308  
the recipient may become ineligible and liable for repayment for 87309  
an amount of scholarship payments received in accordance with 87310  
division (G) of this section. The written explanation shall be 87311  
reviewed by the scholarship recipient before acceptance of the 87312  
scholarship and before acceptance of an enlistment, warrant, 87313  
commission, or appointment for a term not less than the 87314  
recipient's remaining term in the national guard or in the active 87315  
duty component of the United States armed forces. 87316

(D)(1) Except as provided in divisions (I) and (J) of this 87317  
section, for each academic term that an eligible applicant is 87318  
approved for a scholarship under this section and either remains a 87319  
current member in good standing of the Ohio national guard or is 87320  
eligible for a scholarship under division (F)(1) of this section, 87321  
the institution of higher education in which the applicant is 87322  
enrolled shall, if the applicant's enlistment obligation extends 87323  
beyond the end of that academic term or if division (F)(1) of this 87324  
section applies, be paid on the applicant's behalf the applicable 87325  
one of the following amounts: 87326

(a) If the institution is a state institution of higher 87327  
education, an amount equal to one hundred per cent of the 87328

institution's tuition charges; 87329

(b) If the institution is a nonprofit private institution or 87330  
a private institution exempt from regulation under Chapter 3332. 87331  
of the Revised Code as prescribed in section 3333.046 of the 87332  
Revised Code, an amount equal to one hundred per cent of the 87333  
average tuition charges of all state universities; 87334

(c) If the institution is an institution that holds a 87335  
certificate of registration from the state board of career 87336  
colleges and schools, the lesser of the following: 87337

(i) An amount equal to one hundred per cent of the 87338  
institution's tuition; 87339

(ii) An amount equal to one hundred per cent of the average 87340  
tuition charges of all state universities, as that term is defined 87341  
in section 3345.011 of the Revised Code. 87342

(2) The adjutant general and the chancellor of higher 87343  
education may jointly adopt rules to require the use of other 87344  
federal educational financial assistance programs, including such 87345  
programs offered by the United States department of defense, for 87346  
which an applicant is eligible based on the applicant's military 87347  
service. If such rules are adopted, the rules shall require that 87348  
financial assistance received by a scholarship recipient under 87349  
those programs be applied to all eligible expenses prior to the 87350  
use of scholarship funds awarded under this section. Scholarship 87351  
funds awarded under this section shall then be applied to the 87352  
recipient's remaining eligible expenses. 87353

(3) An eligible applicant's scholarship shall not be reduced 87354  
by the amount of that applicant's benefits under "the Montgomery 87355  
G.I. Bill Act of 1984," Pub. L. No. 98-525, 98 Stat. 2553 (1984). 87356

(E) A scholarship recipient under this section shall be 87357  
entitled to receive scholarships under this section for the number 87358  
of quarters or semesters it takes the recipient to accumulate 87359

ninety-six eligibility units as determined under divisions (E)(1) 87360  
to (3) of this section. 87361

(1) To determine the maximum number of semesters or quarters 87362  
for which a recipient is entitled to a scholarship under this 87363  
section, the adjutant general shall convert a recipient's credit 87364  
hours of enrollment for each academic term into eligibility units 87365  
in accordance with the following table: 87366

		The				87367
Number of credit hours of enrollment in an academic term	equals	following		The following		87368
		number of	eligibility	number of	eligibility	87369
		units if a	semester	units if a	quarter	87370
			or			87371
						87372
12 or more hours		12 units		8 units		87373
9 but less than 12		9 units		6 units		87374
6 but less than 9		6 units		4 units		87375
3 but less than 6		3 units		2 units		87376

(2) A scholarship recipient under this section may continue 87378  
to apply for scholarships under this section until the recipient 87379  
has accumulated ninety-six eligibility units. 87380

(3) If a scholarship recipient withdraws from courses prior 87381  
to the end of an academic term so that the recipient's enrollment 87382  
for that academic term is less than three credit hours, no 87383  
scholarship shall be paid on behalf of that person for that 87384  
academic term. Except as provided in division (F)(3) of this 87385  
section, if a scholarship has already been paid on behalf of the 87386  
person for that academic term, the adjutant general shall add to 87387  
that person's accumulated eligibility units the number of 87388  
eligibility units for which the scholarship was paid. 87389

(F) This division applies to any eligible applicant called 87390  
into active duty on or after September 11, 2001. As used in this 87391

division, "active duty" means active duty pursuant to an executive 87392  
order of the president of the United States, an act of the 87393  
congress of the United States, or section 5919.29 or 5923.21 of 87394  
the Revised Code. 87395

(1) For a period of up to five years from when an 87396  
individual's enlistment obligation in the Ohio national guard 87397  
ends, an individual to whom this division applies is eligible for 87398  
scholarships under this section for those academic terms that were 87399  
missed or could have been missed as a result of the individual's 87400  
call into active duty. Scholarships shall not be paid for the 87401  
academic term in which an eligible applicant's enlistment 87402  
obligation ends unless an applicant is eligible under this 87403  
division for a scholarship for such academic term due to previous 87404  
active duty. 87405

(2) When an individual to whom this division applies 87406  
withdraws or otherwise fails to complete courses, for which 87407  
scholarships have been awarded under this section, because the 87408  
individual was called into active duty, the institution of higher 87409  
education shall grant the individual a leave of absence from the 87410  
individual's education program and shall not impose any academic 87411  
penalty for such withdrawal or failure to complete courses. 87412  
Division (F)(2) of this section applies regardless of whether or 87413  
not the scholarship amount was paid to the institution of higher 87414  
education. 87415

(3) If an individual to whom this division applies withdraws 87416  
or otherwise fails to complete courses because the individual was 87417  
called into active duty, and if scholarships for those courses 87418  
have already been paid, either: 87419

(a) The adjutant general shall not add to that person's 87420  
accumulated eligibility units calculated under division (E) of 87421  
this section the number of eligibility units for the academic 87422  
courses or term for which the scholarship was paid and the 87423

institution of higher education shall repay the scholarship amount 87424  
to the state. 87425

(b) The adjutant general shall add to that individual's 87426  
accumulated eligibility units calculated under division (E) of 87427  
this section the number of eligibility units for the academic 87428  
courses or term for which the scholarship was paid if the 87429  
institution of higher education agrees to permit the individual to 87430  
complete the remainder of the academic courses in which the 87431  
individual was enrolled at the time the individual was called into 87432  
active duty. 87433

(4) No individual who is discharged from the Ohio national 87434  
guard under other than honorable conditions shall be eligible for 87435  
scholarships under this division. 87436

(G) A scholarship recipient under this section who fails to 87437  
complete the term of enlistment, re-enlistment, or extension of 87438  
current enlistment the recipient was serving at the time a 87439  
scholarship was paid on behalf of the recipient under this section 87440  
is liable to the state for repayment of a percentage of all Ohio 87441  
national guard scholarships paid on behalf of the recipient under 87442  
this section, plus interest at the rate of ten per cent per annum 87443  
calculated from the dates the scholarships were paid. This 87444  
percentage shall equal the percentage of the current term of 87445  
enlistment, re-enlistment, or extension of enlistment a recipient 87446  
has not completed as of the date the recipient is discharged from 87447  
the Ohio national guard. 87448

The attorney general may commence a civil action on behalf of 87449  
the chancellor to recover the amount of the scholarships and the 87450  
interest provided for in this division and the expenses incurred 87451  
in prosecuting the action, including court costs and reasonable 87452  
attorney's fees. A scholarship recipient is not liable under this 87453  
division if the recipient's failure to complete the term of 87454  
enlistment being served at the time a scholarship was paid on 87455

behalf of the recipient under this section is due to the 87456  
recipient's death or discharge from the national guard due to 87457  
disability ~~or the recipient's enlistment, warrant, commission, or~~ 87458  
~~appointment for a term not less than the recipient's remaining~~ 87459  
~~term in the national guard or in the active duty component of the~~ 87460  
~~United States armed forces.~~ 87461

(H) On or before the first day of each academic term, the 87462  
adjutant general shall provide an eligibility roster to the 87463  
chancellor and to each institution of higher education at which 87464  
one or more scholarship recipients have applied for enrollment. 87465  
The institution shall use the roster to certify the actual 87466  
full-time or part-time enrollment of each scholarship recipient 87467  
listed as enrolled at the institution and return the roster to the 87468  
adjutant general and the chancellor. Except as provided in 87469  
division (J) of this section, the chancellor shall provide for 87470  
payment of the appropriate number and amount of scholarships to 87471  
each institution of higher education pursuant to division (D) of 87472  
this section. If an institution of higher education fails to 87473  
certify the actual enrollment of a scholarship recipient listed as 87474  
enrolled at the institution within thirty days of the end of an 87475  
academic term, the institution shall not be eligible to receive 87476  
payment from the Ohio national guard scholarship program or from 87477  
the individual enrollee. The adjutant general shall report on a 87478  
semiannual basis to the director of budget and management, the 87479  
speaker of the house of representatives, the president of the 87480  
senate, and the chancellor the number of Ohio national guard 87481  
scholarship recipients, the size of the scholarship-eligible 87482  
population, and a projection of the cost of the program for the 87483  
remainder of the biennium. 87484

(I) The chancellor and the adjutant general may adopt rules 87485  
pursuant to Chapter 119. of the Revised Code governing the 87486  
administration and fiscal management of the Ohio national guard 87487

scholarship program and the procedure by which the chancellor and 87488  
the department of the adjutant general may modify the amount of 87489  
scholarships a member receives based on the amount of other state 87490  
financial aid a member receives. 87491

(J) The adjutant general, the chancellor, and the director, 87492  
or their designees, shall jointly estimate the costs of the Ohio 87493  
national guard scholarship program for each upcoming fiscal 87494  
biennium, and shall report that estimate prior to the beginning of 87495  
the fiscal biennium to the chairpersons of the finance committees 87496  
in the general assembly. During each fiscal year of the biennium, 87497  
the adjutant general, the chancellor, and the director, or their 87498  
designees, shall meet regularly to monitor the actual costs of the 87499  
Ohio national guard scholarship program and update cost 87500  
projections for the remainder of the biennium as necessary. If the 87501  
amounts appropriated for the Ohio national guard scholarship 87502  
program and any funds in the Ohio national guard scholarship 87503  
reserve fund and the Ohio national guard scholarship donation fund 87504  
are not adequate to provide scholarships in the amounts specified 87505  
in division (D)(1) of this section for all eligible applicants, 87506  
the chancellor shall do all of the following: 87507

(1) Notify each private institution of higher education, 87508  
where a scholarship recipient is enrolled, that, by accepting the 87509  
Ohio national guard scholarship program as payment for all or part 87510  
of the institution's tuition, the institution agrees that if the 87511  
chancellor reduces the amount of each scholarship, the institution 87512  
shall provide each scholarship recipient a grant or tuition waiver 87513  
in an amount equal to the amount the recipient's scholarship was 87514  
reduced by the chancellor. 87515

(2) Reduce the amount of each scholarship under division 87516  
(D)(1)(a) of this section proportionally based on the amount of 87517  
remaining available funds. Each state institution of higher 87518  
education shall provide each scholarship recipient under division 87519

(D)(1)(a) of this section a grant or tuition waiver in an amount 87520  
equal to the amount the recipient's scholarship was reduced by the 87521  
chancellor. 87522

(K) Notwithstanding division (A) of section 127.14 of the 87523  
Revised Code, the controlling board shall not transfer all or part 87524  
of any appropriation for the Ohio national guard scholarship 87525  
program. 87526

(L) The chancellor and the adjutant general may apply for, 87527  
and may receive and accept grants, and may receive and accept 87528  
gifts, bequests, and contributions, from public and private 87529  
sources, including agencies and instrumentalities of the United 87530  
States and this state, and shall deposit the grants, gifts, 87531  
bequests, or contributions into the national guard scholarship 87532  
donation fund. 87533

Sec. 6109.071. (A) As used in this section and section 87534  
6109.072 of the Revised Code: 87535

(1) "Public water system well" means a well for use by a 87536  
public water system. 87537

(2) "Well" means any excavation by digging, boring, drilling, 87538  
driving, or other method for the purpose of removing ground water 87539  
from an aquifer. "Well" does not include a private water system 87540  
well or a monitoring well. 87541

(B) The director of environmental protection may require a 87542  
public water system to decrease its pumping rates if either of the 87543  
following applies: 87544

(1) The public water system is pumping at a rate that is 87545  
drawing or has the potential to draw contaminants into the public 87546  
water system or a public water system well. 87547

(2) The chief of the division of water resources in the 87548  
department of natural resources revokes, suspends, or amends a 87549



permit issued under section 1521.29 or 1522.12 of the Revised Code 87550  
or requires a decrease in withdrawal with respect to either such 87551  
permit. 87552

Sec. 6109.072. (A) No person shall install a public water 87553  
system well without an approved well siting application issued by 87554  
the director of environmental protection in accordance with this 87555  
chapter and any rules adopted under it. 87556

(B) In addition to meeting the siting requirements 87557  
established under section 6109.04 of the Revised Code and the 87558  
rules adopted under it, a person that submits a well siting 87559  
application for a public water system well shall include all of 87560  
the following in the application: 87561

(1) For a new public water system or an existing public water 87562  
system that proposes an increase in the withdrawal of waters of 87563  
the state, an evaluation of alternatives for the provision of 87564  
drinking water, including the potential for tie-in to a regional 87565  
water system; 87566

(2) For a new public water system or an existing public water 87567  
system that proposes an increase in the withdrawal of waters of 87568  
the state, asset management program information in accordance with 87569  
section 6109.24 of the Revised Code and the rules adopted under 87570  
it; 87571

(3) For an existing public water system, a description of the 87572  
asset management program impacts of installing the well, including 87573  
impacts to any existing asset management program and the potential 87574  
for tie-in to a regional water system; 87575

(4) For a public water system well that has the capacity to 87576  
withdraw waters of the state in an amount requiring registration 87577  
pursuant to section 1521.16 of the Revised Code, a general plan, 87578  
subject to approval of the director, that includes both of the 87579

following: 87580

(a) The information required to be submitted under section 6109.07 of the Revised Code and the rules adopted under it; 87581  
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(b) Verification of registration pursuant to section 1521.16 of the Revised Code. 87583  
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(5) For a public water system well that has new or increased capacities for withdrawal or consumptive use that require a permit issued under either section 1521.29 or 1522.12 of the Revised Code, a permit approved by the chief of the division of water resources in the department of natural resources pursuant to section 1521.29 or 1522.12 of the Revised Code. 87585  
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(C) If the director approves a well siting application for an applicant that meets the requirements of division (B)(5) of this section, the applicant then shall submit to the director a copy of any certification, continuing monitoring, or other data or reports required by the chief of the division of water resources pursuant to a permit issued under either section 1521.29 or 1522.12 of the Revised Code and any revised ground water model required by the chief. 87591  
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(D) The director may require the well site applicant to include, in the application, additional information, including but not limited to hydrologic information, in a form prescribed by the director for any public water system that is not required to obtain a permit under either section 1521.23 or 1522.12 of the Revised Code. 87599  
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(E) The director may adopt rules in accordance with Chapter 119. of the Revised Code as is necessary for the implementation of this section. 87605  
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**Sec. 6111.03.** The director of environmental protection may do any of the following: 87608  
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(A) Develop plans and programs for the prevention, control, and abatement of new or existing pollution of the waters of the state;

(B) Advise, consult, and cooperate with other agencies of the state, the federal government, other states, and interstate agencies and with affected groups, political subdivisions, and industries in furtherance of the purposes of this chapter. Before adopting, amending, or rescinding a standard or rule pursuant to division (G) of this section or section 6111.041 or 6111.042 of the Revised Code, the director shall do all of the following:

(1) Mail notice to each statewide organization that the director determines represents persons who would be affected by the proposed standard or rule, amendment thereto, or rescission thereof at least thirty-five days before any public hearing thereon;

(2) Mail a copy of each proposed standard or rule, amendment thereto, or rescission thereof to any person who requests a copy, within five days after receipt of the request therefor;

(3) Consult with appropriate state and local government agencies or their representatives, including statewide organizations of local government officials, industrial representatives, and other interested persons.

Although the director is expected to discharge these duties diligently, failure to mail any such notice or copy or to so consult with any person shall not invalidate any proceeding or action of the director.

(C) Administer grants from the federal government and from other sources, public or private, for carrying out any of its functions, all such moneys to be deposited in the state treasury and kept by the treasurer of state in a separate fund subject to the lawful orders of the director;

(D) Administer state grants for the construction of sewage and waste collection and treatment works;	87641 87642
(E) Encourage, participate in, or conduct studies, investigations, research, and demonstrations relating to water pollution, and the causes, prevention, control, and abatement thereof, that are advisable and necessary for the discharge of the director's duties under this chapter;	87643 87644 87645 87646 87647
(F) Collect and disseminate information relating to water pollution and prevention, control, and abatement thereof;	87648 87649
(G) Adopt, amend, and rescind rules in accordance with Chapter 119. of the Revised Code governing the procedure for hearings, the filing of reports, the issuance of permits, the issuance of industrial water pollution control certificates, and all other matters relating to procedure;	87650 87651 87652 87653 87654
(H) Issue, modify, or revoke orders to prevent, control, or abate water pollution by such means as the following:	87655 87656
(1) Prohibiting or abating discharges of sewage, industrial waste, or other wastes into the waters of the state;	87657 87658
(2) Requiring the construction of new disposal systems or any parts thereof, or the modification, extension, or alteration of existing disposal systems or any parts thereof;	87659 87660 87661
(3) Prohibiting additional connections to or extensions of a sewerage system when the connections or extensions would result in an increase in the polluting properties of the effluent from the system when discharged into any waters of the state;	87662 87663 87664 87665
(4) Requiring compliance with any standard or rule adopted under sections 6111.01 to 6111.05 of the Revised Code or term or condition of a permit.	87666 87667 87668
In the making of those orders, wherever compliance with a rule adopted under section 6111.042 of the Revised Code is not	87669 87670

involved, consistent with the Federal Water Pollution Control Act, 87671  
the director shall give consideration to, and base the 87672  
determination on, evidence relating to the technical feasibility 87673  
and economic reasonableness of complying with those orders and to 87674  
evidence relating to conditions calculated to result from 87675  
compliance with those orders, and their relation to benefits to 87676  
the people of the state to be derived from such compliance in 87677  
accomplishing the purposes of this chapter. 87678

(I) Review plans, specifications, or other data relative to 87679  
disposal systems or any part thereof in connection with the 87680  
issuance of orders, permits, and industrial water pollution 87681  
control certificates under this chapter; 87682

(J)(1) Issue, revoke, modify, or deny sludge management 87683  
permits and permits for the discharge of sewage, industrial waste, 87684  
or other wastes into the waters of the state, and for the 87685  
installation or modification of disposal systems or any parts 87686  
thereof in compliance with all requirements of the Federal Water 87687  
Pollution Control Act and mandatory regulations adopted 87688  
thereunder, including regulations adopted under section 405 of the 87689  
Federal Water Pollution Control Act, and set terms and conditions 87690  
of permits, including schedules of compliance, where necessary. In 87691  
issuing permits for sludge management, the director shall not 87692  
allow the placement of sewage sludge on frozen ground in conflict 87693  
with rules adopted under this chapter. Any person who discharges, 87694  
transports, or handles storm water from an animal feeding 87695  
facility, as defined in section 903.01 of the Revised Code, or 87696  
pollutants from a concentrated animal feeding operation, as both 87697  
terms are defined in that section, is not required to obtain a 87698  
permit under division (J)(1) of this section for the installation 87699  
or modification of a disposal system involving pollutants or storm 87700  
water or any parts of such a system on and after the date on which 87701  
the director of agriculture has finalized the program required 87702

under division (A)(1) of section 903.02 of the Revised Code. In 87703  
addition, any person who discharges, transports, or handles storm 87704  
water from an animal feeding facility, as defined in section 87705  
903.01 of the Revised Code, or pollutants from a concentrated 87706  
animal feeding operation, as both terms are defined in that 87707  
section, is not required to obtain a permit under division (J)(1) 87708  
of this section for the discharge of storm water from an animal 87709  
feeding facility or pollutants from a concentrated animal feeding 87710  
operation on and after the date on which the United States 87711  
environmental protection agency approves the NPDES program 87712  
submitted by the director of agriculture under section 903.08 of 87713  
the Revised Code. 87714

Any permit terms and conditions set by the director shall be 87715  
designed to achieve and maintain full compliance with the national 87716  
effluent limitations, national standards of performance for new 87717  
sources, and national toxic and pretreatment effluent standards 87718  
set under that act, and any other mandatory requirements of that 87719  
act that are imposed by regulation of the administrator of the 87720  
United States environmental protection agency. If an applicant for 87721  
a sludge management permit also applies for a related permit for 87722  
the discharge of sewage, industrial waste, or other wastes into 87723  
the waters of the state, the director may combine the two permits 87724  
and issue one permit to the applicant. 87725

A sludge management permit is not required for an entity that 87726  
treats or transports sewage sludge or for a sanitary landfill when 87727  
all of the following apply: 87728

(a) The entity or sanitary landfill does not generate the 87729  
sewage sludge. 87730

(b) Prior to receipt at the sanitary landfill, the entity has 87731  
ensured that the sewage sludge meets the requirements established 87732  
in rules adopted by the director under section 3734.02 of the 87733  
Revised Code concerning disposal of municipal solid waste in a 87734

sanitary landfill. 87735

(c) Disposal of the sewage sludge occurs at a sanitary 87736  
landfill that complies with rules adopted by the director under 87737  
section 3734.02 of the Revised Code. 87738

As used in division (J)(1) of this section, "sanitary 87739  
landfill" means a sanitary landfill facility, as defined in rules 87740  
adopted under section 3734.02 of the Revised Code, that is 87741  
licensed as a solid waste facility under section 3734.05 of the 87742  
Revised Code. 87743

(2) An application for a permit or renewal thereof shall be 87744  
denied if any of the following applies: 87745

(a) The secretary of the army determines in writing that 87746  
anchorage or navigation would be substantially impaired thereby; 87747

(b) The director determines that the proposed discharge or 87748  
source would conflict with an areawide waste treatment management 87749  
plan adopted in accordance with section 208 of the Federal Water 87750  
Pollution Control Act; 87751

(c) The administrator of the United States environmental 87752  
protection agency objects in writing to the issuance or renewal of 87753  
the permit in accordance with section 402 (d) of the Federal Water 87754  
Pollution Control Act; 87755

(d) The application is for the discharge of any radiological, 87756  
chemical, or biological warfare agent or high-level radioactive 87757  
waste into the waters of the United States. 87758

(3) To achieve and maintain applicable standards of quality 87759  
for the waters of the state adopted pursuant to section 6111.041 87760  
of the Revised Code, the director shall impose, where necessary 87761  
and appropriate, as conditions of each permit, water quality 87762  
related effluent limitations in accordance with sections 301, 302, 87763  
306, 307, and 405 of the Federal Water Pollution Control Act and, 87764

to the extent consistent with that act, shall give consideration 87765  
to, and base the determination on, evidence relating to the 87766  
technical feasibility and economic reasonableness of removing the 87767  
polluting properties from those wastes and to evidence relating to 87768  
conditions calculated to result from that action and their 87769  
relation to benefits to the people of the state and to 87770  
accomplishment of the purposes of this chapter. 87771

(4) Where a discharge having a thermal component from a 87772  
source that is constructed or modified on or after October 18, 87773  
1972, meets national or state effluent limitations or more 87774  
stringent permit conditions designed to achieve and maintain 87775  
compliance with applicable standards of quality for the waters of 87776  
the state, which limitations or conditions will ensure protection 87777  
and propagation of a balanced, indigenous population of shellfish, 87778  
fish, and wildlife in or on the body of water into which the 87779  
discharge is made, taking into account the interaction of the 87780  
thermal component with sewage, industrial waste, or other wastes, 87781  
the director shall not impose any more stringent limitation on the 87782  
thermal component of the discharge, as a condition of a permit or 87783  
renewal thereof for the discharge, during a ten-year period 87784  
beginning on the date of completion of the construction or 87785  
modification of the source, or during the period of depreciation 87786  
or amortization of the source for the purpose of section 167 or 87787  
169 of the Internal Revenue Code of 1954, whichever period ends 87788  
first. 87789

(5) The director shall specify in permits for the discharge 87790  
of sewage, industrial waste, and other wastes, the net volume, net 87791  
weight, duration, frequency, and, where necessary, concentration 87792  
of the sewage, industrial waste, and other wastes that may be 87793  
discharged into the waters of the state. The director shall 87794  
specify in those permits and in sludge management permits that the 87795  
permit is conditioned upon payment of applicable fees as required 87796



by section 3745.11 of the Revised Code and upon the right of the 87797  
director's authorized representatives to enter upon the premises 87798  
of the person to whom the permit has been issued for the purpose 87799  
of determining compliance with this chapter, rules adopted 87800  
thereunder, or the terms and conditions of a permit, order, or 87801  
other determination. The director shall issue or deny an 87802  
application for a sludge management permit or a permit for a new 87803  
discharge, for the installation or modification of a disposal 87804  
system, or for the renewal of a permit, within one hundred eighty 87805  
days of the date on which a complete application with all plans, 87806  
specifications, construction schedules, and other pertinent 87807  
information required by the director is received. 87808

(6) The director may condition permits upon the installation 87809  
of discharge or water quality monitoring equipment or devices and 87810  
the filing of periodic reports on the amounts and contents of 87811  
discharges and the quality of receiving waters that the director 87812  
prescribes. The director shall condition each permit for a 87813  
government-owned disposal system or any other "treatment works" as 87814  
defined in the Federal Water Pollution Control Act upon the 87815  
reporting of new introductions of industrial waste or other wastes 87816  
and substantial changes in volume or character thereof being 87817  
introduced into those systems or works from "industrial users" as 87818  
defined in section 502 of that act, as necessary to comply with 87819  
section 402(b)(8) of that act; upon the identification of the 87820  
character and volume of pollutants subject to pretreatment 87821  
standards being introduced into the system or works; and upon the 87822  
existence of a program to ensure compliance with pretreatment 87823  
standards by "industrial users" of the system or works. In 87824  
requiring monitoring devices and reports, the director, to the 87825  
extent consistent with the Federal Water Pollution Control Act, 87826  
shall give consideration to technical feasibility and economic 87827  
reasonableness and shall allow reasonable time for compliance. 87828

(7) A permit may be issued for a period not to exceed five 87829  
years and may be renewed upon application for renewal. In renewing 87830  
a permit, the director shall consider the compliance history of 87831  
the permit holder and may deny the renewal if the director 87832  
determines that the permit holder has not complied with the terms 87833  
and conditions of the existing permit. A permit may be modified, 87834  
suspended, or revoked for cause, including, but not limited to, 87835  
violation of any condition of the permit, obtaining a permit by 87836  
misrepresentation or failure to disclose fully all relevant facts 87837  
of the permitted discharge or of the sludge use, storage, 87838  
treatment, or disposal practice, or changes in any condition that 87839  
requires either a temporary or permanent reduction or elimination 87840  
of the permitted activity. No application shall be denied or 87841  
permit revoked or modified without a written order stating the 87842  
findings upon which the denial, revocation, or modification is 87843  
based. A copy of the order shall be sent to the applicant or 87844  
permit holder by certified mail. 87845

(K) Institute or cause to be instituted in any court of 87846  
competent jurisdiction proceedings to compel compliance with this 87847  
chapter or with the orders of the director issued under this 87848  
chapter, or to ensure compliance with sections 204(b), 307, 308, 87849  
and 405 of the Federal Water Pollution Control Act; 87850

(L) Certify to the government of the United States or any 87851  
agency thereof that an industrial water pollution control facility 87852  
is in conformity with the state program or requirements for the 87853  
control of water pollution whenever the certification may be 87854  
required for a taxpayer under the Internal Revenue Code of the 87855  
United States, as amended; 87856

(M) Issue, modify, and revoke orders requiring any 87857  
"industrial user" of any publicly owned "treatment works" as 87858  
defined in sections 212(2) and 502(18) of the Federal Water 87859  
Pollution Control Act to comply with pretreatment standards; 87860

establish and maintain records; make reports; install, use, and 87861  
maintain monitoring equipment or methods, including, where 87862  
appropriate, biological monitoring methods; sample discharges in 87863  
accordance with methods, at locations, at intervals, and in a 87864  
manner that the director determines; and provide other information 87865  
that is necessary to ascertain whether or not there is compliance 87866  
with toxic and pretreatment effluent standards. In issuing, 87867  
modifying, and revoking those orders, the director, to the extent 87868  
consistent with the Federal Water Pollution Control Act, shall 87869  
give consideration to technical feasibility and economic 87870  
reasonableness and shall allow reasonable time for compliance. 87871

(N) Exercise all incidental powers necessary to carry out the 87872  
purposes of this chapter; 87873

(O) Pursuant to section 401 of the Federal Water Pollution 87874  
Control Act, do any of the following: 87875

(1) Issue or deny a section 401 water quality certification 87876  
to, or, pursuant to an appealable action, waive a section 401 87877  
water quality certification for, any applicant for a federal 87878  
license or permit to conduct any activity that may result in any 87879  
discharge into the waters of the state. Any waiver shall contain a 87880  
justification for the action. 87881

(2) At the request or concurrence of the certification 87882  
holder, transfer or modify a section 401 water quality 87883  
certification; 87884

(3) Revoke a section 401 water quality certification when the 87885  
director determines that the certification approval was based on 87886  
false or misleading information. 87887

(P) Administer and enforce the publicly owned treatment works 87888  
pretreatment program in accordance with the Federal Water 87889  
Pollution Control Act. In the administration of that program, the 87890  
director may do any of the following: 87891

(1) Apply and enforce pretreatment standards;	87892
(2) Approve and deny requests for approval of publicly owned treatment works pretreatment programs, oversee those programs, and implement, in whole or in part, those programs under any of the following conditions:	87893 87894 87895 87896
(a) The director has denied a request for approval of the publicly owned treatment works pretreatment program;	87897 87898
(b) The director has revoked the publicly owned treatment works pretreatment program;	87899 87900
(c) There is no pretreatment program currently being implemented by the publicly owned treatment works;	87901 87902
(d) The publicly owned treatment works has requested the director to implement, in whole or in part, the pretreatment program.	87903 87904 87905
(3) Require that a publicly owned treatment works pretreatment program be incorporated in a permit issued to a publicly owned treatment works as required by the Federal Water Pollution Control Act, require compliance by publicly owned treatment works with those programs, and require compliance by industrial users with pretreatment standards;	87906 87907 87908 87909 87910 87911
(4) Approve and deny requests for authority to modify categorical pretreatment standards to reflect removal of pollutants achieved by publicly owned treatment works;	87912 87913 87914
(5) Deny and recommend approval of requests for fundamentally different factors variances submitted by industrial users;	87915 87916
(6) Make determinations on categorization of industrial users;	87917 87918
(7) Adopt, amend, or rescind rules and issue, modify, or revoke orders necessary for the administration and enforcement of the publicly owned treatment works pretreatment program.	87919 87920 87921

Any approval of a publicly owned treatment works pretreatment program may contain any terms and conditions, including schedules of compliance, that are necessary to achieve compliance with this chapter.

(Q) Except as otherwise provided in this division, adopt rules in accordance with Chapter 119. of the Revised Code establishing procedures, methods, and equipment and other requirements for equipment to prevent and contain discharges of oil and hazardous substances into the waters of the state. The rules shall be consistent with and equivalent in scope, content, and coverage to section 311(j)(1)(c) of the Federal Water Pollution Control Act and regulations adopted under it. The director shall not adopt rules under this division relating to discharges of oil from oil production facilities and oil drilling and workover facilities as those terms are defined in that act and regulations adopted under it.

(R)(1) Administer and enforce a program for the regulation of sludge management in this state. In administering the program, the director, in addition to exercising the authority provided in any other applicable sections of this chapter, may do any of the following:

(a) Develop plans and programs for the disposal and utilization of sludge and sludge materials;

(b) Encourage, participate in, or conduct studies, investigations, research, and demonstrations relating to the disposal and use of sludge and sludge materials and the impact of sludge and sludge materials on land located in the state and on the air and waters of the state;

(c) Collect and disseminate information relating to the disposal and use of sludge and sludge materials and the impact of sludge and sludge materials on land located in the state and on

the air and waters of the state; 87953

(d) Issue, modify, or revoke orders to prevent, control, or 87954  
abate the use and disposal of sludge and sludge materials or the 87955  
effects of the use of sludge and sludge materials on land located 87956  
in the state and on the air and waters of the state; 87957

(e) Adopt and enforce, modify, or rescind rules necessary for 87958  
the implementation of division (R) of this section. The rules 87959  
reasonably shall protect public health and the environment, 87960  
encourage the beneficial reuse of sludge and sludge materials, and 87961  
minimize the creation of nuisance odors. 87962

The director may specify in sludge management permits the net 87963  
volume, net weight, quality, and pollutant concentration of the 87964  
sludge or sludge materials that may be used, stored, treated, or 87965  
disposed of, and the manner and frequency of the use, storage, 87966  
treatment, or disposal, to protect public health and the 87967  
environment from adverse effects relating to those activities. The 87968  
director shall impose other terms and conditions to protect public 87969  
health and the environment, minimize the creation of nuisance 87970  
odors, and achieve compliance with this chapter and rules adopted 87971  
under it and, in doing so, shall consider whether the terms and 87972  
conditions are consistent with the goal of encouraging the 87973  
beneficial reuse of sludge and sludge materials. 87974

The director may condition permits on the implementation of 87975  
treatment, storage, disposal, distribution, or application 87976  
management methods and the filing of periodic reports on the 87977  
amounts, composition, and quality of sludge and sludge materials 87978  
that are disposed of, used, treated, or stored. 87979

An approval of a treatment works sludge disposal program may 87980  
contain any terms and conditions, including schedules of 87981  
compliance, necessary to achieve compliance with this chapter and 87982  
rules adopted under it. 87983

(2) As a part of the program established under division 87984  
(R)(1) of this section, the director has exclusive authority to 87985  
regulate sewage sludge management in this state. For purposes of 87986  
division (R)(2) of this section, that program shall be consistent 87987  
with section 405 of the Federal Water Pollution Control Act and 87988  
regulations adopted under it and with this section, except that 87989  
the director may adopt rules under division (R) of this section 87990  
that establish requirements that are more stringent than section 87991  
405 of the Federal Water Pollution Control Act and regulations 87992  
adopted under it with regard to monitoring sewage sludge and 87993  
sewage sludge materials and establishing acceptable sewage sludge 87994  
management practices and pollutant levels in sewage sludge and 87995  
sewage sludge materials. 87996

This chapter authorizes the state to participate in any 87997  
national sludge management program and the national pollutant 87998  
discharge elimination system, to administer and enforce the 87999  
publicly owned treatment works pretreatment program, and to issue 88000  
permits for the discharge of dredged or fill materials, in 88001  
accordance with the Federal Water Pollution Control Act. This 88002  
chapter shall be administered, consistent with the laws of this 88003  
state and federal law, in the same manner that the Federal Water 88004  
Pollution Control Act is required to be administered. 88005

(S) Develop technical guidance and offer technical 88006  
assistance, upon request, for the purpose of minimizing wind or 88007  
water erosion of soil, and assist in compliance with permits for 88008  
storm water management issued under this chapter and rules adopted 88009  
under it. 88010

(T) Study, examine, and calculate nutrient loading from point 88011  
and nonpoint sources in order to determine comparative 88012  
contributions by those sources and to utilize the information 88013  
derived from those calculations to determine the most 88014  
environmentally beneficial and cost-effective mechanisms to reduce 88015

nutrient loading to watersheds in the Lake Erie basin and the Ohio 88016  
river basin. In order to evaluate nutrient loading contributions, 88017  
the director or the director's designee shall conduct a study of 88018  
the nutrient mass balance for both point and nonpoint sources in 88019  
watersheds in the Lake Erie basin and the Ohio river basin using 88020  
available data, including both of the following: 88021

(1) Data on water quality and stream flow; 88022

(2) Data on point source discharges into those watersheds. 88023

The director or the director's designee shall report and 88024  
update the results of the study to coincide with the release of 88025  
the Ohio integrated water quality monitoring and assessment report 88026  
prepared by the director. 88027

(U) Establish the total maximum daily load (TMDL) for waters 88028  
of the state where a TMDL is required under the Federal Water 88029  
Pollution Control Act. 88030

(V) Coordinate with the supervisors of a soil and water 88031  
conservation district to ensure compliance with rules adopted by 88032  
the director that pertain to urban sediment and storm water runoff 88033  
pollution abatement. As used in this division "urban sediment and 88034  
storm water runoff pollution abatement" has the same meaning as in 88035  
section 939.01 of the Revised Code. 88036

This section does not apply to residual farm products and 88037  
manure disposal systems and related management and conservation 88038  
practices subject to rules adopted pursuant to division (E)(1) of 88039  
section 939.02 of the Revised Code. For purposes of this 88040  
exclusion, "residual farm products" and "manure" have the same 88041  
meanings as in section 939.01 of the Revised Code. However, until 88042  
the date on which the United States environmental protection 88043  
agency approves the NPDES program submitted by the director of 88044  
agriculture under section 903.08 of the Revised Code, this 88045  
exclusion does not apply to animal waste treatment works having a 88046



controlled direct discharge to the waters of the state or any 88047  
concentrated animal feeding operation, as defined in 40 C.F.R. 88048  
122.23(b)(2). On and after the date on which the United States 88049  
environmental protection agency approves the NPDES program 88050  
submitted by the director of agriculture under section 903.08 of 88051  
the Revised Code, this section does not apply to storm water from 88052  
an animal feeding facility, as defined in section 903.01 of the 88053  
Revised Code, or to pollutants discharged from a concentrated 88054  
animal feeding operation, as both terms are defined in that 88055  
section. Neither of these exclusions applies to the discharge of 88056  
animal waste into a publicly owned treatment works. 88057

Not later than December 1, 2016, a publicly owned treatment 88058  
works with a design flow of one million gallons per day or more, 88059  
or designated as a major discharger by the director, shall be 88060  
required to begin monthly monitoring of total and dissolved 88061  
reactive phosphorus pursuant to a new NPDES permit, an NPDES 88062  
permit renewal, or a director-initiated modification. The director 88063  
shall include in each applicable new NPDES permit, NPDES permit 88064  
renewal, or director-initiated modification a requirement that 88065  
such monitoring be conducted. A director-initiated modification 88066  
for that purpose shall be considered and processed as a minor 88067  
modification pursuant to Ohio Administrative Code 3745-33-04. In 88068  
addition, not later than December 1, 2017, a publicly owned 88069  
treatment works with a design flow of one million gallons per day 88070  
or more that, on July 3, 2015, is not subject to a phosphorus 88071  
limit shall complete and submit to the director a study that 88072  
evaluates the technical and financial capability of the existing 88073  
treatment facility to reduce the final effluent discharge of 88074  
phosphorus to one milligram per liter using possible source 88075  
reduction measures, operational procedures, and unit process 88076  
configurations. 88077

**Sec. 6119.06.** Upon the declaration of the court of common 88078

pleas organizing the regional water and sewer district pursuant to 88079  
section 6119.04 of the Revised Code and upon the qualifying of its 88080  
board of trustees and the election of a president and a secretary, 88081  
said district shall exercise in its own name all the rights, 88082  
powers, and duties vested in it by Chapter 6119. of the Revised 88083  
Code, and, subject to such reservations, limitations and 88084  
qualifications as are set forth in this chapter, such district 88085  
may: 88086

(A) Adopt bylaws for the regulation of its affairs, the 88087  
conduct of its business, and notice of its actions; 88088

(B) Adopt an official seal; 88089

(C) Maintain a principal office and suboffices at such places 88090  
within the district as it designates; 88091

(D) Sue and plead in its own name; be sued and impleaded in 88092  
its own name with respect to its contracts or torts of its 88093  
members, employees, or agents acting within the scope of their 88094  
employment, or to enforce its obligations and covenants made under 88095  
sections 6119.09, 6119.12, and 6119.14 of the Revised Code. Any 88096  
such actions against the district shall be brought in the court of 88097  
common pleas of the county in which the principal office of the 88098  
district is located, or in the court of common pleas of the county 88099  
in which the cause of action arose, and all summonses, exceptions, 88100  
and notices of every kind shall be served on the district by 88101  
leaving a copy thereof at the principal office with the person in 88102  
charge thereof or with the secretary of the district. 88103

(E) Assume any liability or obligation of any person or 88104  
political subdivision, including a right on the part of such 88105  
district to indemnify and save harmless the other contracting 88106  
party from any loss, cost, or liability by reason of the failure, 88107  
refusal, neglect, or omission of such district to perform any 88108  
agreement assumed by it or to act or discharge any such 88109

obligation;	88110
(F) Make loans and grants to <u>any person or</u> political	88111
subdivisions for the <u>design,</u> acquisition, or construction of water	88112
resource projects by such <u>person or</u> political subdivisions and	88113
adopt rules, regulations, and procedures for making such loans and	88114
grants;	88115
(G) Acquire, construct, reconstruct, enlarge, improve,	88116
furnish, equip, maintain, repair, operate, lease or rent to or	88117
from, or contract for operation by or for, a political subdivision	88118
or person, water resource projects within or without the district;	88119
(H) Make available the use or service of any water resource	88120
project to one or more persons, one or more political	88121
subdivisions, or any combination thereof;	88122
(I) Levy and collect taxes and special assessments;	88123
(J) Issue bonds and notes and refunding bonds and notes as	88124
provided in Chapter 6119. of the Revised Code;	88125
(K) Acquire by gift or purchase, hold, and dispose of real	88126
and personal property in the exercise of its powers and the	88127
performance of its duties under Chapter 6119. of the Revised Code;	88128
(L) Dispose of, by public or private sale, or lease any real	88129
or personal property determined by the board of trustees to be no	88130
longer necessary or needed for the operation or purposes of the	88131
district;	88132
(M) Acquire, in the name of the district, by purchase or	88133
otherwise, on such terms and in such manner as it considers	88134
proper, or by the exercise of the right of condemnation in the	88135
manner provided by section 6119.11 of the Revised Code, such	88136
public or private lands, including public parks, playgrounds, or	88137
reservations, or parts thereof or rights therein, rights-of-way,	88138
property, rights, easements, and interests as it considers	88139

necessary for carrying out Chapter 6119. of the Revised Code, but 88140  
excluding the acquisition by the exercise of the right of 88141  
condemnation of any waste water facility or water management 88142  
facility owned by any person or political subdivision, and 88143  
compensation shall be paid for public or private lands so taken; 88144

(N) Adopt rules and regulations to protect augmented flow by 88145  
the district in waters of the state, to the extent augmented by a 88146  
water resource project, from depletion so it will be available for 88147  
beneficial use, to provide standards for the withdrawal from 88148  
waters of the state of the augmented flow created by a water 88149  
resource project which is not returned to the waters of the state 88150  
so augmented, and to establish reasonable charges therefor, if 88151  
considered necessary by the district; 88152

(O) Make and enter into all contracts and agreements and 88153  
execute all instruments necessary or incidental to the performance 88154  
of its duties and the execution of its powers under Chapter 6119. 88155  
of the Revised Code; 88156

(P) Enter into contracts with any person or any political 88157  
subdivision to render services to such contracting party for any 88158  
service the district is authorized to provide; 88159

(Q) Enter into agreements for grants or the receipt and 88160  
repayment of loans from a board of township trustees under section 88161  
505.705 of the Revised Code; 88162

(R) Make provision for, contract for, or sell any of its 88163  
by-products or waste; 88164

(S) Exercise the power of eminent domain in the manner 88165  
provided in Chapter 6119. of the Revised Code; 88166

(T) Remove or change the location of any fence, building, 88167  
railroad, canal, or other structure or improvement located in or 88168  
out of the district, and in case it is not feasible or economical 88169  
to move any such building, structure, or improvement situated in 88170

or upon lands required, and if the cost is determined by the board 88171  
to be less than that of purchase or condemnation, to acquire land 88172  
and construct, acquire, or install therein or thereon buildings, 88173  
structures, or improvements similar in purpose, to be exchanged 88174  
for such buildings, structures, or improvements under contracts 88175  
entered into between the owner thereof and the district; 88176

(U) Receive and accept, from any federal or state agency, 88177  
grants for or in aid of the construction of any water resource 88178  
project, and receive and accept aid or contributions from any 88179  
source of money, property, labor, or other things of value, to be 88180  
held, used, and applied only for the purposes for which such 88181  
grants and contributions are made; 88182

(V) Purchase fire and extended coverage and liability 88183  
insurance for any water resource project and for the principal 88184  
office and suboffices of the district, insurance protecting the 88185  
district and its officers and employees against liability for 88186  
damage to property or injury to or death of persons arising from 88187  
its operations, and any other insurance the district may agree to 88188  
provide under any resolution authorizing its water resource 88189  
revenue bonds or in any trust agreement securing the same; 88190

(W)(1) Charge, alter, and collect rentals and other charges 88191  
for the use of services of any water resource project as provided 88192  
in section 6119.09 of the Revised Code. Such district may refuse 88193  
the services of any of its projects if any of such rentals or 88194  
other charges, including penalties for late payment, are not paid 88195  
by the user thereof, and, if such rentals or other charges are not 88196  
paid when due and upon certification of nonpayment to the county 88197  
auditor, such rentals or other charges constitute a lien upon the 88198  
property so served, shall be placed by the auditor upon the real 88199  
property tax list and duplicate, and shall be collected in the 88200  
same manner as other taxes. 88201

(2) A district shall not certify to the county auditor for 88202

placement upon the tax list and duplicate and the county auditor 88203  
shall not place upon the tax list or duplicate as a charge against 88204  
the property the amount of unpaid rentals or other charges 88205  
including any penalties for late payment as described in division 88206  
(W)(1) of this section if any of the following apply: 88207

(a) The property served has been transferred or sold to an 88208  
electing subdivision as defined in section 5722.01 of the Revised 88209  
Code, regardless of whether the electing subdivision is still the 88210  
owner of the property, and the unpaid rentals or other charges 88211  
including penalties for late payment have arisen from a period of 88212  
time prior to the transfer or confirmation of sale to the electing 88213  
subdivision. 88214

(b) The property served has been sold to a purchaser at 88215  
sheriff's sale or auditor's sale, the unpaid rentals or other 88216  
charges including penalties for late payment have arisen from a 88217  
period of time prior to the confirmation of sale, and the 88218  
purchaser is not the owner of record of the property immediately 88219  
prior to the judgment of foreclosure nor any of the following: 88220

(i) A member of that owner's immediate family; 88221

(ii) A person with a power of attorney appointed by that 88222  
owner who subsequently transfers the property to the owner; 88223

(iii) A sole proprietorship owned by that owner or a member 88224  
of that owner's immediate family; 88225

(iv) A partnership, trust, business trust, corporation, or 88226  
association of which the owner or a member of the owner's 88227  
immediate family owns or controls directly or indirectly more than 88228  
fifty per cent. 88229

(c) The property served has been forfeited to this state for 88230  
delinquent taxes, unless the owner of record redeems the property. 88231

(3) Upon valid written notice to the county auditor by any 88232

owner possessing an ownership interest of record of the property 88233  
or an electing subdivision previously in the chain of title to the 88234  
property that the unpaid water rents or charges together with any 88235  
penalties have been certified for placement or placed upon the tax 88236  
list and duplicate as a charge against the property in violation 88237  
of division (W)(2) of this section, the county auditor shall 88238  
promptly remove such charge from the tax duplicate. This written 88239  
notice to the county auditor shall include all of the following: 88240

- (a) The parcel number of the property; 88241
- (b) The common address of the property; 88242
- (c) The date of the recording of the transfer of the property 88243  
to the owner or electing subdivision; 88244
- (d) The charge allegedly placed in violation of division 88245  
(W)(2) of this section. 88246

(4) When title to property is transferred to a county land 88247  
reutilization corporation, any lien placed on the property under 88248  
this division shall be extinguished, and the corporation shall not 88249  
be held liable for any rentals or charges certified under this 88250  
division with respect to the property, if the rentals or charges 88251  
were incurred before the date of the transfer to the corporation 88252  
and if the corporation did not incur the rentals or charges, 88253  
regardless of whether the rentals or charges were certified, or 88254  
the lien was attached, before the date of transfer. In such a 88255  
case, the corporation and its successors in title shall take title 88256  
to the property free and clear of any such lien and shall be 88257  
immune from liability in any collection action brought with 88258  
respect to such rentals or charges. If a lien placed on property 88259  
is extinguished as provided in this division, the district shall 88260  
retain the ability to recoup the rents and charges incurred with 88261  
respect to the property from any owner, tenant, or other person 88262  
liable to pay such rents and charges before the property was 88263

transferred to the corporation. 88264

(X) Provide coverage for its employees under Chapters 145., 88265  
4123., and 4141. of the Revised Code; 88266

(Y) Merge or combine with any other regional water and sewer 88267  
district into a single district, which shall be one of the 88268  
constituent districts, on terms so that the surviving district 88269  
shall be possessed of all rights, capacity, privileges, powers, 88270  
franchises, and authority of the constituent districts and shall 88271  
be subject to all the liabilities, obligations, and duties of each 88272  
of the constituent districts and all rights of creditors of such 88273  
constituent districts shall be preserved unimpaired, limited in 88274  
lien to the property affected by such liens immediately prior to 88275  
the time of the merger and all debts, liabilities, and duties of 88276  
the respective constituent districts shall thereafter attach to 88277  
the surviving district and may be enforced against it, and such 88278  
other terms as are agreed upon, provided two-thirds of the members 88279  
of each of the boards consent to such merger or combination. Such 88280  
merger or combination shall become legally effective unless, prior 88281  
to the ninetieth day following the later of the consents, 88282  
qualified electors residing in either district equal in number to 88283  
a majority of the qualified electors voting at the last general 88284  
election in such district file with the secretary of the board of 88285  
trustees of their regional water and sewer district a petition of 88286  
remonstrance against such merger or combination. The secretary 88287  
shall cause the board of elections of the proper county or 88288  
counties to check the sufficiency of the signatures on such 88289  
petition. 88290

(Z) Exercise the powers of the district without obtaining the 88291  
consent of any other political subdivision, provided that all 88292  
public or private property damaged or destroyed in carrying out 88293  
the powers of the district shall be restored or repaired and 88294  
placed in its original condition as nearly as practicable or 88295



adequate compensation made therefor by the district; 88296

(AA) Require the owner of any premises located within the 88297  
district to connect the owner's premises to a water resource 88298  
project determined to be accessible to such premises and found to 88299  
require such connection so as to prevent or abate pollution or 88300  
protect the health and property of persons in the district. Such 88301  
connection shall be made in accordance with procedures established 88302  
by the board of trustees of such district and pursuant to such 88303  
orders as the board may find necessary to ensure and enforce 88304  
compliance with such procedures. 88305

(BB) Do all acts necessary or proper to carry out the powers 88306  
granted in Chapter 6119. of the Revised Code. 88307

**Sec. 6119.09.** A regional water and sewer district may charge, 88308  
alter, and collect rentals or other charges, including penalties 88309  
for late payment, for the use or services of any water resource 88310  
project or any benefit conferred thereby and contract in the 88311  
manner provided by this section with one or more persons, one or 88312  
more political subdivisions, or any combination thereof, desiring 88313  
the use or services thereof, and fix the terms, conditions, 88314  
rentals, or other charges, including penalties for late payment, 88315  
for such use or services. Such rentals or other charges shall not 88316  
be subject to supervision or regulation by any authority, 88317  
commission, board, bureau, or agency of the state or any political 88318  
subdivision, and such contract may provide for acquisition by such 88319  
political subdivision of all or any part of such water resource 88320  
project for such consideration payable over the period of the 88321  
contract or otherwise as the district in its sole discretion 88322  
determines to be appropriate, but subject to the provisions of any 88323  
resolution authorizing the issuance of water resource revenue 88324  
bonds or notes or water resource revenue refunding bonds of the 88325  
district or any trust agreement securing the same. Any political 88326

subdivision, which has power to construct, operate, and maintain 88327  
waste water facilities or water management facilities may enter 88328  
into a contract or lease with the district whereby the use or 88329  
services of any water resource project of the district will be 88330  
made available to such political subdivision and pay for such use 88331  
or services such rentals or other charges as may be agreed to by 88332  
the district and such political subdivision. 88333

Any political subdivision, person, or combination thereof may 88334  
cooperate with the district in the acquisition or construction of 88335  
a water resource project and shall enter into such agreements with 88336  
the district as are necessary, with a view to effective 88337  
cooperative action and safeguarding of the respective interests of 88338  
the parties thereto, which agreements shall provide for such 88339  
contributions by the parties thereto in such proportion as may be 88340  
agreed upon and such other terms as may be mutually satisfactory 88341  
to the parties, including without limitation the authorization of 88342  
the construction of the project by one of the parties acting as 88343  
agent for all of the parties and the ownership and control of the 88344  
project by the district or one or more of the other parties or any 88345  
combination thereof to the extent determined necessary or 88346  
appropriate. Any political subdivision may provide the funds for 88347  
the payment of such contribution as is required under such 88348  
agreements by the levy of taxes, assessments, or rentals and other 88349  
charges for the use of the system of which the water resource 88350  
project is a part or to which it is connected, if otherwise 88351  
authorized by the laws governing such political subdivision in the 88352  
construction of the type of water resource project provided for in 88353  
the agreements, and may pay the proceeds from the collection of 88354  
such taxes, assessments, rentals, or other charges to the district 88355  
pursuant to such agreements; or the political subdivision may 88356  
issue bonds or notes, if authorized by such laws, in anticipation 88357  
of the collection of such taxes, assessments, rentals or other 88358  
charges and may pay the proceeds of such bonds or notes to the 88359

district pursuant to such agreements. In addition, any political 88360  
subdivision may provide the funds for the payment of such 88361  
contribution by the appropriation of money or, if otherwise 88362  
authorized by law, by the issuance of bonds or notes and may pay 88363  
such appropriated money or the proceeds of such bonds or notes to 88364  
the district pursuant to such agreements. The agreement by the 88365  
political subdivision to provide such contribution, whether from 88366  
appropriated money or from the proceeds of such taxes, 88367  
assessments, rentals, or other charges, or such bonds or notes, or 88368  
any combination thereof, is not subject to Chapter 133. of the 88369  
Revised Code. The proceeds from the collection of such taxes or 88370  
assessments, and any interest earned thereon, shall be paid into a 88371  
special fund immediately upon the collection thereof by the 88372  
political subdivision for the purpose of providing such 88373  
contribution at the times required under such agreements. 88374

When the contribution of any political subdivision is to be 88375  
made over a period of time from the proceeds of the collection of 88376  
special assessments, the interest accrued and to accrue before the 88377  
first installment of such assessments is collected, which is 88378  
payable by such political subdivision on such contribution under 88379  
the terms of such an agreement, shall be treated as part of the 88380  
cost of the improvement for which such assessments are levied, and 88381  
that portion of such assessments as is collected in installments 88382  
shall bear interest at the same rate as such political subdivision 88383  
is obligated to pay on such contribution under the terms and 88384  
provisions of such agreement and for the same period of time as 88385  
the contribution is to be made under such agreement. If the 88386  
assessment or any installment thereof is not paid when due, it 88387  
shall bear interest until the payment thereof at the same rate as 88388  
such contribution and the county auditor shall annually place on 88389  
the tax list and duplicate the interest applicable to such 88390  
assessment and the penalty and any additional interest thereon as 88391  
otherwise authorized by law. 88392

Any political subdivision, pursuant to a favorable vote of 88393  
the electors in an election held before or after November 19, 88394  
1971, for the purpose of issuing bonds to provide funds to 88395  
acquire, construct, or equip, or provide real estate and interests 88396  
in real estate for, a waste water facility or a water management 88397  
facility, whether or not the political subdivision, at the time of 88398  
such election, had the authority to pay the proceeds from such 88399  
bonds or notes issued in anticipation thereof to a regional water 88400  
and sewer district as provided in this section, may issue such 88401  
bonds or notes in anticipation of the issuance thereof and pay the 88402  
proceeds thereof to the district in accordance with its agreement 88403  
with the district; provided, that the legislative authority of the 88404  
political subdivision determines that the water resource project 88405  
to be acquired or constructed by the district in cooperation with 88406  
such political subdivision will serve the same public purpose and 88407  
meet substantially the same public need as the facility otherwise 88408  
proposed to be acquired or constructed by the political 88409  
subdivision with the proceeds of such bonds or notes. 88410

**Sec. 6119.091.** When fixing rentals or other charges under 88411  
section 6119.09 of the Revised Code, a board of trustees of a 88412  
regional water and sewer district may establish discounted rentals 88413  
or charges or may establish another mechanism for providing a 88414  
reduction in rentals or charges ~~for persons who are sixty five~~ 88415  
~~years of age or older. The~~ If the board does so, the board shall 88416  
establish eligibility requirements for such discounted or reduced 88417  
rentals or charges, including a requirement that a person be 88418  
eligible for the homestead exemption or qualify as a low- and 88419  
moderate-income person. 88420

**Section 101.02.** That existing sections 9.54, 101.38, 102.02, 88421  
102.021, 103.41, 103.416, 107.036, 109.572, 111.15, 111.28, 88422  
113.55, 113.56, 115.56, 117.11, 117.13, 117.14, 120.04, 120.06, 88423

120.08, 120.18, 120.28, 120.33, 120.34, 120.35, 120.52, 120.521, 88424  
120.53, 121.083, 121.22, 121.37, 121.93, 122.075, 122.121, 88425  
122.171, 122.175, 122.85, 122.86, 123.21, 124.132, 124.82, 88426  
124.824, 125.01, 125.14, 125.18, 125.25, 125.66, 125.661, 126.48, 88427  
128.021, 131.02, 131.35, 131.44, 141.04, 141.16, 147.591, 149.11, 88428  
149.43, 153.02, 166.01, 169.06, 173.04, 173.27, 173.38, 173.391, 88429  
174.02, 177.02, 183.18, 183.33, 307.622, 311.42, 317.32, 317.321, 88430  
319.302, 319.63, 321.24, 323.131, 323.151, 323.155, 341.34, 88431  
349.01, 349.03, 349.07, 351.021, 503.56, 505.37, 505.371, 701.10, 88432  
711.131, 715.014, 718.01, 718.80, 718.83, 718.85, 718.90, 753.21, 88433  
755.16, 905.31, 929.04, 939.02, 939.04, 940.01, 940.02, 940.06, 88434  
956.01, 956.031, 956.051, 956.20, 991.02, 1321.73, 1346.04, 88435  
1347.08, 1349.43, 1501.31, 1501.32, 1501.33, 1501.34, 1501.35, 88436  
1505.09, 1509.28, 1509.31, 1509.36, 1509.50, 1521.01, 1521.03, 88437  
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5910.07, 5910.08, 5919.34, 6111.03, 6119.06, 6119.09, and 6119.091 88530  
of the Revised Code are hereby repealed. 88531

**Section 105.01.** That sections 103.44, 103.45, 103.46, 103.47, 88532  
103.48, 103.49, 103.50, 166.30, 174.09, 191.01, 191.02, 191.04, 88533  
191.06, 191.08, 191.09, 191.10, 1501.20, 1501.30, 1501.99, 88534  
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4751.04, 4751.09, 5101.852, 5104.035, 5104.036, 5104.20, 5104.37, 88539  
5120.135, 5162.58, 5162.60, 5162.62, 5162.64, 5164.37, 5164.77, 88540  
5167.25, 5168.62, 5747.081, 5747.29, and 5747.65 of the Revised 88541  
Code are hereby repealed. 88542

**Section 125.10.** Section 103.416 of the Revised Code is hereby 88544  
repealed, effective July 1, 2020. The amendment by this act to 88545  
section 103.416 of the Revised Code does not affect this repeal. 88546

**Section 130.70.** That sections 921.06, 955.43, 3301.07, 88547  
3301.071, 3301.0711, 3301.16, 3301.162, 3301.164, 3301.52, 88548  
3301.541, 3302.07, 3302.41, 3310.01, 3312.01, 3312.04, 3312.05, 88549



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3313.5311, 3313.603, 3313.62, 3313.716, 3313.717, 3313.718, 88551  
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3313.976, 3317.024, 3317.03, 3317.06, 3317.062, 3317.063, 3317.13, 88553  
3319.311, 3319.313, 3319.314, 3319.317, 3319.39, 3319.391, 88554  
3319.392, 3319.40, 3319.52, 3321.01, 3326.01, 3326.03, 3326.032, 88555  
3326.04, 3326.09, 3327.07, 3327.10, 3365.01, 3365.02, 3701.133, 88556  
3781.106, 3781.11, 4729.513, 4729.541, 5104.01, 5104.02, and 88557  
5139.18 be amended and section 3301.165 of the Revised Code be 88558  
enacted to read as follows: 88559

**Sec. 921.06.** (A)(1) No individual shall do any of the 88560  
following without having a commercial applicator license issued by 88561  
the director of agriculture: 88562

(a) Apply pesticides for a pesticide business without direct 88563  
supervision; 88564

(b) Apply pesticides as part of the individual's duties while 88565  
acting as an employee of the United States government, a state, 88566  
county, township, or municipal corporation, or a park district, 88567  
port authority, or sanitary district created under Chapter 1545., 88568  
4582., or 6115. of the Revised Code, respectively; 88569

(c) Apply restricted use pesticides. Division (A)(1)(c) of 88570  
this section does not apply to a private applicator or an 88571  
immediate family member or a subordinate employee of a private 88572  
applicator who is acting under the direct supervision of that 88573  
private applicator. 88574

(d) If the individual is the owner of a business other than a 88575  
pesticide business or an employee of such an owner, apply 88576  
pesticides at any of the following publicly accessible sites that 88577  
are located on the property: 88578

(i) Food service operations that are licensed under Chapter 88579

3717. of the Revised Code;	88580
(ii) Retail food establishments that are licensed under	88581
Chapter 3717. of the Revised Code;	88582
(iii) Golf courses;	88583
(iv) Rental properties of more than four apartment units at	88584
one location;	88585
(v) Hospitals or medical facilities as defined in section	88586
3701.01 of the Revised Code;	88587
(vi) Child day-care centers or school child day-care centers	88588
as defined in section 5104.01 of the Revised Code;	88589
(vii) Facilities owned or operated by a school district	88590
established under Chapter 3311. of the Revised Code, including an	88591
educational service center, a community school established under	88592
Chapter 3314. of the Revised Code, <del>or</del> a chartered or nonchartered	88593
nonpublic school that meets minimum standards established by the	88594
state board of education, <u>or an accredited nonpublic school as</u>	88595
<u>described in section 3301.165 of the Revised Code;</u>	88596
(viii) State institutions of higher education as defined in	88597
section 3345.011 of the Revised Code, nonprofit institutions	88598
holding a certificate of authorization pursuant to Chapter 1713.	88599
of the Revised Code, institutions holding a certificate of	88600
registration from the state board of career colleges and schools	88601
and program authorization for an associate or bachelor's degree	88602
program issued under section 3332.05 of the Revised Code, and	88603
private institutions exempt from regulation under Chapter 3332. of	88604
the Revised Code as prescribed in section 3333.046 of the Revised	88605
Code;	88606
(ix) Food processing establishments as defined in section	88607
3715.021 of the Revised Code;	88608
(x) Any other site designated by rule.	88609

(e) Conduct authorized diagnostic inspections. 88610

(2) Divisions (A)(1)(a) to (d) of this section do not apply 88611  
to an individual who is acting as a trained serviceperson under 88612  
the direct supervision of a commercial applicator. 88613

(3) Licenses shall be issued for a period of time established 88614  
by rule and shall be renewed in accordance with deadlines 88615  
established by rule. The fee for each such license shall be 88616  
established by rule. If a license is not issued or renewed, the 88617  
application fee shall be retained by the state as payment for the 88618  
reasonable expense of processing the application. The director 88619  
shall by rule classify by pesticide-use category licenses to be 88620  
issued under this section. A single license may include more than 88621  
one pesticide-use category. No individual shall be required to pay 88622  
an additional license fee if the individual is licensed for more 88623  
than one category. 88624

The fee for each license or renewal does not apply to an 88625  
applicant who is an employee of the department of agriculture 88626  
whose job duties require licensure as a commercial applicator as a 88627  
condition of employment. 88628

(B) Application for a commercial applicator license shall be 88629  
made on a form prescribed by the director. Each application for a 88630  
license shall state the pesticide-use category or categories of 88631  
license for which the applicant is applying and other information 88632  
that the director determines essential to the administration of 88633  
this chapter. 88634

(C) If the director finds that the applicant is competent to 88635  
apply pesticides and conduct diagnostic inspections and that the 88636  
applicant has passed both the general examination and each 88637  
applicable pesticide-use category examination as required under 88638  
division (A) of section 921.12 of the Revised Code, the director 88639  
shall issue a commercial applicator license limited to the 88640

pesticide-use category or categories for which the applicant is 88641  
found to be competent. If the director rejects an application, the 88642  
director may explain why the application was rejected, describe 88643  
the additional requirements necessary for the applicant to obtain 88644  
a license, and return the application. The applicant may resubmit 88645  
the application without payment of any additional fee. 88646

(D)(1) A person who is a commercial applicator shall be 88647  
deemed to hold a private applicator's license for purposes of 88648  
applying pesticides on agricultural commodities that are produced 88649  
by the commercial applicator. 88650

(2) A commercial applicator shall apply pesticides only in 88651  
the pesticide-use category or categories in which the applicator 88652  
is licensed under this chapter. 88653

(E) All money collected under this section shall be credited 88654  
to the pesticide, fertilizer, and lime program fund created in 88655  
section 921.22 of the Revised Code. 88656

**Sec. 955.43.** (A) When either a blind, deaf or hearing 88657  
impaired, or mobility impaired person or a trainer of an 88658  
assistance dog is accompanied by an assistance dog, the person or 88659  
the trainer, as applicable, is entitled to the full and equal 88660  
accommodations, advantages, facilities, and privileges of all 88661  
public conveyances, hotels, lodging places, all places of public 88662  
accommodation, amusement, or resort, all institutions of 88663  
education, and other places to which the general public is 88664  
invited, and may take the dog into such conveyances and places, 88665  
subject only to the conditions and limitations applicable to all 88666  
persons not so accompanied, except that: 88667

(1) The dog shall not occupy a seat in any public conveyance. 88668

(2) The dog shall be upon a leash while using the facilities 88669  
of a common carrier. 88670

(3) Any dog in training to become an assistance dog shall be covered by a liability insurance policy provided by the nonprofit special agency engaged in such work protecting members of the public against personal injury or property damage caused by the dog.

(B) No person shall deprive a blind, deaf or hearing impaired, or mobility impaired person or a trainer of an assistance dog who is accompanied by an assistance dog of any of the advantages, facilities, or privileges provided in division (A) of this section, nor charge the person or trainer a fee or charge for the dog.

(C) As used in this section, "institutions of education" means:

(1) Any state university or college as defined in section 3345.32 of the Revised Code;

(2) Any private college or university that holds a certificate of authorization issued by the Ohio board of regents pursuant to Chapter 1713. of the Revised Code;

(3) Any elementary or secondary school operated by a board of education;

(4) Any chartered, accredited, or nonchartered nonpublic elementary or secondary school; As used in this section, "accredited nonpublic school" means an accredited nonpublic school as described in section 3301.165 of the Revised Code.

(5) Any school issued a certificate of registration by the state board of career colleges and schools.

**Sec. 3301.07.** The state board of education shall exercise under the acts of the general assembly general supervision of the system of public education in the state. In addition to the powers otherwise imposed on the state board under the provisions of law,

the board shall have the powers described in this section. 88701

(A) The state board shall exercise policy forming, planning, 88702  
and evaluative functions for the public schools of the state 88703  
except as otherwise provided by law. 88704

(B)(1) The state board shall exercise leadership in the 88705  
improvement of public education in this state, and administer the 88706  
educational policies of this state relating to public schools, and 88707  
relating to instruction and instructional material, building and 88708  
equipment, transportation of pupils, administrative 88709  
responsibilities of school officials and personnel, and finance 88710  
and organization of school districts, educational service centers, 88711  
and territory. Consultative and advisory services in such matters 88712  
shall be provided by the board to school districts and educational 88713  
service centers of this state. 88714

(2) The state board also shall develop a standard of 88715  
financial reporting which shall be used by each school district 88716  
board of education and each governing board of an educational 88717  
service center, each governing authority of a community school 88718  
established under Chapter 3314., each governing body of a STEM 88719  
school established under Chapter 3328., and each board of trustees 88720  
of a college-preparatory boarding school established under Chapter 88721  
3328. of the Revised Code to make its financial information and 88722  
annual budgets for each school building under its control 88723  
available to the public in a format understandable by the average 88724  
citizen. The format shall show, both at the district and at the 88725  
school building level, revenue by source; expenditures for 88726  
salaries, wages, and benefits of employees, showing such amounts 88727  
separately for classroom teachers, other employees required to 88728  
hold licenses issued pursuant to sections 3319.22 to 3319.31 of 88729  
the Revised Code, and all other employees; expenditures other than 88730  
for personnel, by category, including utilities, textbooks and 88731  
other educational materials, equipment, permanent improvements, 88732

pupil transportation, extracurricular athletics, and other 88733  
extracurricular activities; and per pupil expenditures. The format 88734  
shall also include information on total revenue and expenditures, 88735  
per pupil revenue, and expenditures for both classroom and 88736  
nonclassroom purposes, as defined by the standards adopted under 88737  
section 3302.20 of the Revised Code in the aggregate and for each 88738  
subgroup of students, as defined by section 3317.40 of the Revised 88739  
Code, that receives services provided for by state or federal 88740  
funding. 88741

(3) Each school district board, governing authority, 88742  
governing body, or board of trustees, or its respective designee, 88743  
shall annually report, to the department of education, all 88744  
financial information required by the standards for financial 88745  
reporting, as prescribed by division (B)(2) of this section and 88746  
adopted by the state board. The department shall make all reports 88747  
submitted pursuant to this division available in such a way that 88748  
allows for comparison between financial information included in 88749  
these reports and financial information included in reports 88750  
produced prior to July 1, 2013. The department shall post these 88751  
reports in a prominent location on its web site and shall notify 88752  
each school when reports are made available. 88753

(C) The state board shall administer and supervise the 88754  
allocation and distribution of all state and federal funds for 88755  
public school education under the provisions of law, and may 88756  
prescribe such systems of accounting as are necessary and proper 88757  
to this function. It may require county auditors and treasurers, 88758  
boards of education, educational service center governing boards, 88759  
treasurers of such boards, teachers, and other school officers and 88760  
employees, or other public officers or employees, to file with it 88761  
such reports as it may prescribe relating to such funds, or to the 88762  
management and condition of such funds. 88763

(D)(1) Wherever in Titles IX, XXIII, XXIX, XXXIII, XXXVII, 88764

XLVII, and LI of the Revised Code a reference is made to standards 88765  
prescribed under this section or division (D) of this section, 88766  
that reference shall be construed to refer to the standards 88767  
prescribed under division (D)(2) of this section, unless the 88768  
context specifically indicates a different meaning or intent. 88769

(2) The state board shall formulate and prescribe minimum 88770  
standards to be applied to all elementary and secondary schools in 88771  
this state for the purpose of providing children access to a 88772  
general education of high quality according to the learning needs 88773  
of each individual, including students with disabilities, 88774  
economically disadvantaged students, limited English proficient 88775  
students, and students identified as gifted. Such standards shall 88776  
provide adequately for: the licensing of teachers, administrators, 88777  
and other professional personnel and their assignment according to 88778  
training and qualifications; efficient and effective instructional 88779  
materials and equipment, including library facilities; the proper 88780  
organization, administration, and supervision of each school, 88781  
including regulations for preparing all necessary records and 88782  
reports and the preparation of a statement of policies and 88783  
objectives for each school; the provision of safe buildings, 88784  
grounds, health and sanitary facilities and services; admission of 88785  
pupils, and such requirements for their promotion from grade to 88786  
grade as will assure that they are capable and prepared for the 88787  
level of study to which they are certified; requirements for 88788  
graduation; and such other factors as the board finds necessary. 88789

The state board shall base any standards governing the 88790  
promotion of students or requirements for graduation on the 88791  
ability of students, at any grade level, to earn credits or 88792  
advance upon demonstration of mastery of knowledge and skills 88793  
through competency-based learning models. Credits of grade level 88794  
advancement shall not require a minimum number of days or hours in 88795  
a classroom. 88796



The state board shall base any standards governing the 88797  
assignment of staff on ensuring each school has a sufficient 88798  
number of teachers to ensure a student has an appropriate level of 88799  
interaction to meet each student's personal learning goals. 88800

In the formulation and administration of such standards for 88801  
nonpublic schools the board shall also consider the particular 88802  
needs, methods and objectives of those schools, provided they do 88803  
not conflict with the provision of a general education of a high 88804  
quality and provided that regular procedures shall be followed for 88805  
promotion from grade to grade of pupils who have met the 88806  
educational requirements prescribed. 88807

All chartered, nonchartered, and accredited nonpublic schools 88808  
shall comply with the minimum education standards adopted by the 88809  
state board under this division. However, the state board shall 88810  
not prescribe additional operating standards for nonchartered or 88811  
accredited nonpublic schools. As used in this section, "accredited 88812  
nonpublic school" means an accredited nonpublic school as 88813  
described in section 3301.165 of the Revised Code. 88814

(3) In addition to the minimum standards required by division 88815  
(D)(2) of this section, the state board may formulate and 88816  
prescribe the following additional minimum operating standards for 88817  
school districts: 88818

(a) Standards for the effective and efficient organization, 88819  
administration, and supervision of each school district with a 88820  
commitment to high expectations for every student based on the 88821  
learning needs of each individual, including students with 88822  
disabilities, economically disadvantaged students, limited English 88823  
proficient students, and students identified as gifted, and 88824  
commitment to closing the achievement gap without suppressing the 88825  
achievement levels of higher achieving students so that all 88826  
students achieve core knowledge and skills in accordance with the 88827  
statewide academic standards adopted under section 3301.079 of the 88828

Revised Code; 88829

(b) Standards for the establishment of business advisory 88830  
councils under section 3313.82 of the Revised Code; 88831

(c) Standards for school district buildings that may require 88832  
the effective and efficient organization, administration, and 88833  
supervision of each school district building with a commitment to 88834  
high expectations for every student based on the learning needs of 88835  
each individual, including students with disabilities, 88836  
economically disadvantaged students, limited English proficient 88837  
students, and students identified as gifted, and commitment to 88838  
closing the achievement gap without suppressing the achievement 88839  
levels of higher achieving students so that all students achieve 88840  
core knowledge and skills in accordance with the statewide 88841  
academic standards adopted under section 3301.079 of the Revised 88842  
Code. 88843

(E) The state board may require as part of the health 88844  
curriculum information developed under section 2108.34 of the 88845  
Revised Code promoting the donation of anatomical gifts pursuant 88846  
to Chapter 2108. of the Revised Code and may provide the 88847  
information to high schools, educational service centers, and 88848  
joint vocational school district boards of education; 88849

(F) The state board shall prepare and submit annually to the 88850  
governor and the general assembly a report on the status, needs, 88851  
and major problems of the public schools of the state, with 88852  
recommendations for necessary legislative action and a ten-year 88853  
projection of the state's public and nonpublic school enrollment, 88854  
by year and by grade level. 88855

(G) The state board shall prepare and submit to the director 88856  
of budget and management the biennial budgetary requests of the 88857  
state board of education, for its agencies and for the public 88858  
schools of the state. 88859

(H) The state board shall cooperate with federal, state, and local agencies concerned with the health and welfare of children and youth of the state.

(I) The state board shall require such reports from school districts and educational service centers, school officers, and employees as are necessary and desirable. The superintendents and treasurers of school districts and educational service centers shall certify as to the accuracy of all reports required by law or state board or state department of education rules to be submitted by the district or educational service center and which contain information necessary for calculation of state funding. Any superintendent who knowingly falsifies such report shall be subject to license revocation pursuant to section 3319.31 of the Revised Code.

(J) In accordance with Chapter 119. of the Revised Code, the state board shall adopt procedures, standards, and guidelines for the education of children with disabilities pursuant to Chapter 3323. of the Revised Code, including procedures, standards, and guidelines governing programs and services operated by county boards of developmental disabilities pursuant to section 3323.09 of the Revised Code.

(K) For the purpose of encouraging the development of special programs of education for academically gifted children, the state board shall employ competent persons to analyze and publish data, promote research, advise and counsel with boards of education, and encourage the training of teachers in the special instruction of gifted children. The board may provide financial assistance out of any funds appropriated for this purpose to boards of education and educational service center governing boards for developing and conducting programs of education for academically gifted children.

(L) The state board shall require that all public schools emphasize and encourage, within existing units of study, the

teaching of energy and resource conservation as recommended to 88892  
each district board of education by leading business persons 88893  
involved in energy production and conservation, beginning in the 88894  
primary grades. 88895

(M) The state board shall formulate and prescribe minimum 88896  
standards requiring the use of phonics as a technique in the 88897  
teaching of reading in grades kindergarten through three. In 88898  
addition, the state board shall provide in-service training 88899  
programs for teachers on the use of phonics as a technique in the 88900  
teaching of reading in grades kindergarten through three. 88901

(N) The state board may adopt rules necessary for carrying 88902  
out any function imposed on it by law, and may provide rules as 88903  
are necessary for its government and the government of its 88904  
employees, and may delegate to the superintendent of public 88905  
instruction the management and administration of any function 88906  
imposed on it by law. It may provide for the appointment of board 88907  
members to serve on temporary committees established by the board 88908  
for such purposes as are necessary. Permanent or standing 88909  
committees shall not be created. 88910

(O) Upon application from the board of education of a school 88911  
district, the superintendent of public instruction may issue a 88912  
waiver exempting the district from compliance with the standards 88913  
adopted under divisions (B)(2) and (D) of this section, as they 88914  
relate to the operation of a school operated by the district. The 88915  
state board shall adopt standards for the approval or disapproval 88916  
of waivers under this division. The state superintendent shall 88917  
consider every application for a waiver, and shall determine 88918  
whether to grant or deny a waiver in accordance with the state 88919  
board's standards. For each waiver granted, the state 88920  
superintendent shall specify the period of time during which the 88921  
waiver is in effect, which shall not exceed five years. A district 88922  
board may apply to renew a waiver. 88923

Sec. 3301.071. (A)(1) In the case of nontax-supported schools 88924  
other than accredited nonpublic schools, as described in section 88925  
3301.165 of the Revised Code, standards for teacher certification 88926  
prescribed under section 3301.07 of the Revised Code shall provide 88927  
for certification, without further educational requirements, of 88928  
any administrator, supervisor, or teacher who has attended and 88929  
received a bachelor's degree from a college or university 88930  
accredited by a national or regional association in the United 88931  
States except that, at the discretion of the state board of 88932  
education, this requirement may be met by having an equivalent 88933  
degree from a foreign college or university of comparable 88934  
standing. Standards for certification of any administrator, 88935  
supervisor, or teacher of an accredited nonpublic school shall 88936  
require compliance with the educational qualifications prescribed 88937  
by the independent schools association of the central states. 88938  
However, nothing in this section exempts an accredited nonpublic 88939  
school from the requirement that each applicant undergo a criminal 88940  
records check under section 3319.39 of the Revised Code. 88941

(2) In the case of nonchartered, nontax-supported schools, 88942  
the standards for teacher certification prescribed under section 88943  
3301.07 of the Revised Code shall provide for certification, 88944  
without further educational requirements, of any administrator, 88945  
supervisor, or teacher who has attended and received a diploma 88946  
from a "bible college" or "bible institute" described in division 88947  
(E) of section 1713.02 of the Revised Code. 88948

(3) A certificate issued under division (A)(3) of this 88949  
section shall be valid only for teaching foreign language, music, 88950  
religion, computer technology, or fine arts. 88951

Notwithstanding division (A)(1) of this section, the 88952  
standards for teacher certification prescribed under section 88953  
3301.07 of the Revised Code shall provide for certification of a 88954

person as a teacher upon receipt by the state board of an 88955  
affidavit signed by the chief administrative officer of a 88956  
chartered nonpublic school seeking to employ the person, stating 88957  
that the person meets one of the following conditions: 88958

(a) The person has specialized knowledge, skills, or 88959  
expertise that qualifies the person to provide instruction. 88960

(b) The person has provided to the chief administrative 88961  
officer evidence of at least three years of teaching experience in 88962  
a public or nonpublic school. 88963

(c) The person has provided to the chief administrative 88964  
officer evidence of completion of a teacher training program named 88965  
in the affidavit. 88966

(B) Each person applying for a certificate under this section 88967  
for purposes of serving in a nonpublic school chartered by the 88968  
state board under section 3301.16 of the Revised Code shall pay a 88969  
fee in the amount established under division (A) of section 88970  
3319.51 of the Revised Code. Any fees received under this division 88971  
shall be paid into the state treasury to the credit of the state 88972  
board of education certification fund established under division 88973  
(B) of section 3319.51 of the Revised Code. 88974

(C) A person applying for or holding any certificate pursuant 88975  
to this section for purposes of serving in a nonpublic school 88976  
chartered by the state board is subject to sections 3123.41 to 88977  
3123.50 of the Revised Code and any applicable rules adopted under 88978  
section 3123.63 of the Revised Code and sections 3319.31 and 88979  
3319.311 of the Revised Code. 88980

(D) Divisions (B) and (C) of this section and sections 88981  
3319.291, 3319.31, and 3319.311 of the Revised Code do not apply 88982  
to any administrators, supervisors, or teachers in nonchartered, 88983  
nontax-supported schools. 88984

**Sec. 3301.0711.** (A) The department of education shall: 88985

(1) Annually furnish to, grade, and score all assessments 88986  
required by divisions (A)(1) and (B)(1) of section 3301.0710 of 88987  
the Revised Code to be administered by city, local, exempted 88988  
village, and joint vocational school districts, except that each 88989  
district shall score any assessment administered pursuant to 88990  
division (B)(10) of this section. Each assessment so furnished 88991  
shall include the data verification code of the student to whom 88992  
the assessment will be administered, as assigned pursuant to 88993  
division (D)(2) of section 3301.0714 of the Revised Code. In 88994  
furnishing the practice versions of Ohio graduation tests 88995  
prescribed by division (D) of section 3301.0710 of the Revised 88996  
Code, the department shall make the tests available on its web 88997  
site for reproduction by districts. In awarding contracts for 88998  
grading assessments, the department shall give preference to 88999  
Ohio-based entities employing Ohio residents. 89000

(2) Adopt rules for the ethical use of assessments and 89001  
prescribing the manner in which the assessments prescribed by 89002  
section 3301.0710 of the Revised Code shall be administered to 89003  
students. 89004

(B) Except as provided in divisions (C) and (J) of this 89005  
section, the board of education of each city, local, and exempted 89006  
village school district shall, in accordance with rules adopted 89007  
under division (A) of this section: 89008

(1) Administer the English language arts assessments 89009  
prescribed under division (A)(1)(a) of section 3301.0710 of the 89010  
Revised Code twice annually to all students in the third grade who 89011  
have not attained the score designated for that assessment under 89012  
division (A)(2)(c) of section 3301.0710 of the Revised Code. 89013

(2) Administer the mathematics assessment prescribed under 89014  
division (A)(1)(a) of section 3301.0710 of the Revised Code at 89015

least once annually to all students in the third grade.	89016
(3) Administer the assessments prescribed under division	89017
(A)(1)(b) of section 3301.0710 of the Revised Code at least once	89018
annually to all students in the fourth grade.	89019
(4) Administer the assessments prescribed under division	89020
(A)(1)(c) of section 3301.0710 of the Revised Code at least once	89021
annually to all students in the fifth grade.	89022
(5) Administer the assessments prescribed under division	89023
(A)(1)(d) of section 3301.0710 of the Revised Code at least once	89024
annually to all students in the sixth grade.	89025
(6) Administer the assessments prescribed under division	89026
(A)(1)(e) of section 3301.0710 of the Revised Code at least once	89027
annually to all students in the seventh grade.	89028
(7) Administer the assessments prescribed under division	89029
(A)(1)(f) of section 3301.0710 of the Revised Code at least once	89030
annually to all students in the eighth grade.	89031
(8) Except as provided in division (B)(9) of this section,	89032
administer any assessment prescribed under division (B)(1) of	89033
section 3301.0710 of the Revised Code as follows:	89034
(a) At least once annually to all tenth grade students and at	89035
least twice annually to all students in eleventh or twelfth grade	89036
who have not yet attained the score on that assessment designated	89037
under that division;	89038
(b) To any person who has successfully completed the	89039
curriculum in any high school or the individualized education	89040
program developed for the person by any high school pursuant to	89041
section 3323.08 of the Revised Code but has not received a high	89042
school diploma and who requests to take such assessment, at any	89043
time such assessment is administered in the district.	89044
(9) In lieu of the board of education of any city, local, or	89045



exempted village school district in which the student is also 89046  
enrolled, the board of a joint vocational school district shall 89047  
administer any assessment prescribed under division (B)(1) of 89048  
section 3301.0710 of the Revised Code at least twice annually to 89049  
any student enrolled in the joint vocational school district who 89050  
has not yet attained the score on that assessment designated under 89051  
that division. A board of a joint vocational school district may 89052  
also administer such an assessment to any student described in 89053  
division (B)(8)(b) of this section. 89054

(10) If the district has a three-year average graduation rate 89055  
of not more than seventy-five per cent, administer each assessment 89056  
prescribed by division (D) of section 3301.0710 of the Revised 89057  
Code in September to all ninth grade students who entered ninth 89058  
grade prior to July 1, 2014. 89059

Except as provided in section 3313.614 of the Revised Code 89060  
for administration of an assessment to a person who has fulfilled 89061  
the curriculum requirement for a high school diploma but has not 89062  
passed one or more of the required assessments, the assessments 89063  
prescribed under division (B)(1) of section 3301.0710 of the 89064  
Revised Code shall not be administered after the date specified in 89065  
the rules adopted by the state board of education under division 89066  
(D)(1) of section 3301.0712 of the Revised Code. 89067

(11)(a) Except as provided in division (B)(11)(b) of this 89068  
section, administer the assessments prescribed by division (B)(2) 89069  
of section 3301.0710 and section 3301.0712 of the Revised Code in 89070  
accordance with the timeline and plan for implementation of those 89071  
assessments prescribed by rule of the state board adopted under 89072  
division (D)(1) of section 3301.0712 of the Revised Code; 89073

(b) A student who has presented evidence to the district or 89074  
school of having satisfied the condition prescribed by division 89075  
(A)(1) of section 3313.618 of the Revised Code to qualify for a 89076  
high school diploma prior to the date of the administration of the 89077

assessment prescribed under division (B)(1) of section 3301.0712 89078  
of the Revised Code shall not be required to take that assessment. 89079  
However, no board shall prohibit a student who is not required to 89080  
take such assessment from taking the assessment. 89081

(C)(1)(a) In the case of a student receiving special 89082  
education services under Chapter 3323. of the Revised Code, the 89083  
individualized education program developed for the student under 89084  
that chapter shall specify the manner in which the student will 89085  
participate in the assessments administered under this section, 89086  
except that a student with significant cognitive disabilities to 89087  
whom an alternate assessment is administered in accordance with 89088  
division (C)(1) of this section and a student determined to have a 89089  
disability that includes an intellectual disability as outlined in 89090  
guidance issued by the department shall not be required to take 89091  
the assessment prescribed under division (B)(1) of section 89092  
3301.0712 of the Revised Code. The individualized education 89093  
program may excuse the student from taking any particular 89094  
assessment required to be administered under this section if it 89095  
instead specifies an alternate assessment method approved by the 89096  
department of education as conforming to requirements of federal 89097  
law for receipt of federal funds for disadvantaged pupils. To the 89098  
extent possible, the individualized education program shall not 89099  
excuse the student from taking an assessment unless no reasonable 89100  
accommodation can be made to enable the student to take the 89101  
assessment. No board shall prohibit a student who is not required 89102  
to take an assessment under division (C)(1) of this section from 89103  
taking the assessment. 89104

(b) Any alternate assessment approved by the department for a 89105  
student under this division shall produce measurable results 89106  
comparable to those produced by the assessment it replaces in 89107  
order to allow for the student's results to be included in the 89108  
data compiled for a school district or building under section 89109

3302.03 of the Revised Code. 89110

(c)(i) Any student enrolled in a chartered nonpublic school 89111  
or an accredited nonpublic school who has been identified, based 89112  
on an evaluation conducted in accordance with section 3323.03 of 89113  
the Revised Code or section 504 of the "Rehabilitation Act of 89114  
1973," 87 Stat. 355, 29 U.S.C.A. 794, as amended, as a child with 89115  
a disability shall be excused from taking any particular 89116  
assessment required to be administered under this section if a 89117  
plan developed for the student pursuant to rules adopted by the 89118  
state board excuses the student from taking that assessment. 89119

(ii) A student with significant cognitive disabilities to 89120  
whom an alternate assessment is administered in accordance with 89121  
division (C)(1) of this section and a student determined to have a 89122  
disability that includes an intellectual disability as outlined in 89123  
guidance issued by the department shall not be required to take 89124  
the assessment prescribed under division (B)(1) of section 89125  
3301.0712 of the Revised Code. 89126

(iii) In the case of any student who is enrolled in a 89127  
chartered nonpublic school and is so excused from taking an 89128  
assessment under division (C)(1)(c) of this section, the ~~chartered~~ 89129  
~~nonpublic~~ school shall not prohibit the student from taking the 89130  
assessment. 89131

(2) A district board may, for medical reasons or other good 89132  
cause, excuse a student from taking an assessment administered 89133  
under this section on the date scheduled, but that assessment 89134  
shall be administered to the excused student not later than nine 89135  
days following the scheduled date. The district board shall 89136  
annually report the number of students who have not taken one or 89137  
more of the assessments required by this section to the state 89138  
board not later than the thirtieth day of June. 89139

(3) As used in this division, "limited English proficient 89140

student" has the same meaning as in 20 U.S.C. 7801. 89141

No school district board shall excuse any limited English 89142  
proficient student from taking any particular assessment required 89143  
to be administered under this section, except as follows: 89144

(a) Any limited English proficient student who has been 89145  
enrolled in United States schools for less than two years and for 89146  
whom no appropriate accommodations are available based on guidance 89147  
issued by the department shall not be required to take the 89148  
assessment prescribed under division (B)(1) of section 3301.0712 89149  
of the Revised Code. 89150

(b) Any limited English proficient student who has been 89151  
enrolled in United States schools for less than one full school 89152  
year shall not be required to take any reading, writing, or 89153  
English language arts assessment. 89154

However, no board shall prohibit a limited English proficient 89155  
student who is not required to take an assessment under division 89156  
(C)(3) of this section from taking the assessment. A board may 89157  
permit any limited English proficient student to take an 89158  
assessment required to be administered under this section with 89159  
appropriate accommodations, as determined by the department. For 89160  
each limited English proficient student, each school district 89161  
shall annually assess that student's progress in learning English, 89162  
in accordance with procedures approved by the department. 89163

(4)(a) The governing authority of a chartered nonpublic or an 89164  
accredited nonpublic school may excuse a limited English 89165  
proficient student from taking any assessment administered under 89166  
this section. 89167

(b) No governing authority of a chartered nonpublic school 89168  
shall require a limited English proficient student who has been 89169  
enrolled in United States schools for less than two years and for 89170  
whom no appropriate accommodations are available based on guidance 89171

issued by the department to take the assessment prescribed under 89172  
division (B)(1) of section 3301.0712 of the Revised Code. 89173

(c) No governing authority of a chartered nonpublic school 89174  
shall prohibit a limited English proficient student from taking an 89175  
assessment from which the student was excused under division 89176  
(C)(4) of this section. 89177

(D)(1) In the school year next succeeding the school year in 89178  
which the assessments prescribed by division (A)(1) or (B)(1) of 89179  
section 3301.0710 of the Revised Code or former division (A)(1), 89180  
(A)(2), or (B) of section 3301.0710 of the Revised Code as it 89181  
existed prior to September 11, 2001, are administered to any 89182  
student, the board of education of any school district in which 89183  
the student is enrolled in that year shall provide to the student 89184  
intervention services commensurate with the student's performance, 89185  
including any intensive intervention required under section 89186  
3313.608 of the Revised Code, in any skill in which the student 89187  
failed to demonstrate at least a score at the proficient level on 89188  
the assessment. 89189

(2) Following any administration of the assessments 89190  
prescribed by division (D) of section 3301.0710 of the Revised 89191  
Code to ninth grade students, each school district that has a 89192  
three-year average graduation rate of not more than seventy-five 89193  
per cent shall determine for each high school in the district 89194  
whether the school shall be required to provide intervention 89195  
services to any students who took the assessments. In determining 89196  
which high schools shall provide intervention services based on 89197  
the resources available, the district shall consider each school's 89198  
graduation rate and scores on the practice assessments. The 89199  
district also shall consider the scores received by ninth grade 89200  
students on the English language arts and mathematics assessments 89201  
prescribed under division (A)(1)(f) of section 3301.0710 of the 89202  
Revised Code in the eighth grade in determining which high schools 89203

shall provide intervention services. 89204

Each high school selected to provide intervention services 89205  
under this division shall provide intervention services to any 89206  
student whose results indicate that the student is failing to make 89207  
satisfactory progress toward being able to attain scores at the 89208  
proficient level on the Ohio graduation tests. Intervention 89209  
services shall be provided in any skill in which a student 89210  
demonstrates unsatisfactory progress and shall be commensurate 89211  
with the student's performance. Schools shall provide the 89212  
intervention services prior to the end of the school year, during 89213  
the summer following the ninth grade, in the next succeeding 89214  
school year, or at any combination of those times. 89215

(E) Except as provided in section 3313.608 of the Revised 89216  
Code and division (N) of this section, no school district board of 89217  
education shall utilize any student's failure to attain a 89218  
specified score on an assessment administered under this section 89219  
as a factor in any decision to deny the student promotion to a 89220  
higher grade level. However, a district board may choose not to 89221  
promote to the next grade level any student who does not take an 89222  
assessment administered under this section or make up an 89223  
assessment as provided by division (C)(2) of this section and who 89224  
is not exempt from the requirement to take the assessment under 89225  
division (C)(3) of this section. 89226

(F) No person shall be charged a fee for taking any 89227  
assessment administered under this section. 89228

(G)(1) Each school district board shall designate one 89229  
location for the collection of assessments administered in the 89230  
spring under division (B)(1) of this section and those 89231  
administered under divisions (B)(2) to (7) of this section. Each 89232  
district board shall submit the assessments to the entity with 89233  
which the department contracts for the scoring of the assessments 89234  
as follows: 89235

(a) If the district's total enrollment in grades kindergarten through twelve during the first full school week of October was less than two thousand five hundred, not later than the Friday after all of the assessments have been administered;

(b) If the district's total enrollment in grades kindergarten through twelve during the first full school week of October was two thousand five hundred or more, but less than seven thousand, not later than the Monday after all of the assessments have been administered;

(c) If the district's total enrollment in grades kindergarten through twelve during the first full school week of October was seven thousand or more, not later than the Tuesday after all of the assessments have been administered.

However, any assessment that a student takes during the make-up period described in division (C)(2) of this section shall be submitted not later than the Friday following the day the student takes the assessment.

(2) The department or an entity with which the department contracts for the scoring of the assessment shall send to each school district board a list of the individual scores of all persons taking a state achievement assessment as follows:

(a) Except as provided in division (G)(2)(b) or (c) of this section, within forty-five days after the administration of the assessments prescribed by sections 3301.0710 and 3301.0712 of the Revised Code, but in no case shall the scores be returned later than the thirtieth day of June following the administration;

(b) In the case of the third-grade English language arts assessment, within forty-five days after the administration of that assessment, but in no case shall the scores be returned later than the fifteenth day of June following the administration;

(c) In the case of the writing component of an assessment or

end-of-course examination in the area of English language arts, 89267  
except for the third-grade English language arts assessment, the 89268  
results may be sent after forty-five days of the administration of 89269  
the writing component, but in no case shall the scores be returned 89270  
later than the thirtieth day of June following the administration. 89271

(3) For assessments administered under this section by a 89272  
joint vocational school district, the department or entity shall 89273  
also send to each city, local, or exempted village school district 89274  
a list of the individual scores of any students of such city, 89275  
local, or exempted village school district who are attending 89276  
school in the joint vocational school district. 89277

(4) Beginning with the 2019-2020 school year, a school 89278  
district, other public school, ~~or~~ chartered nonpublic school, or 89279  
accredited nonpublic school may administer the third-grade English 89280  
language arts or mathematics assessment, or both, in a paper 89281  
format in any school year for which the district board of 89282  
education or school governing body adopts a resolution indicating 89283  
that the district or school chooses to administer the assessment 89284  
in a paper format. The board or governing body shall submit a copy 89285  
of the resolution to the department of education not later than 89286  
the first day of May prior to the school year for which it will 89287  
apply. If the resolution is submitted, the district or school 89288  
shall administer the assessment in a paper format to all students 89289  
in the third grade, except that any student whose individualized 89290  
education program or plan developed under section 504 of the 89291  
"Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 794, as 89292  
amended, specifies that taking the assessment in an online format 89293  
is an appropriate accommodation for the student may take the 89294  
assessment in an online format. 89295

(H) Individual scores on any assessments administered under 89296  
this section shall be released by a district board only in 89297  
accordance with section 3319.321 of the Revised Code and the rules 89298



adopted under division (A) of this section. No district board or 89299  
its employees shall utilize individual or aggregate results in any 89300  
manner that conflicts with rules for the ethical use of 89301  
assessments adopted pursuant to division (A) of this section. 89302

(I) Except as provided in division (G) of this section, the 89303  
department or an entity with which the department contracts for 89304  
the scoring of the assessment shall not release any individual 89305  
scores on any assessment administered under this section. The 89306  
state board shall adopt rules to ensure the protection of student 89307  
confidentiality at all times. The rules may require the use of the 89308  
data verification codes assigned to students pursuant to division 89309  
(D)(2) of section 3301.0714 of the Revised Code to protect the 89310  
confidentiality of student scores. 89311

(J) Notwithstanding division (D) of section 3311.52 of the 89312  
Revised Code, this section does not apply to the board of 89313  
education of any cooperative education school district except as 89314  
provided under rules adopted pursuant to this division. 89315

(1) In accordance with rules that the state board shall 89316  
adopt, the board of education of any city, exempted village, or 89317  
local school district with territory in a cooperative education 89318  
school district established pursuant to divisions (A) to (C) of 89319  
section 3311.52 of the Revised Code may enter into an agreement 89320  
with the board of education of the cooperative education school 89321  
district for administering any assessment prescribed under this 89322  
section to students of the city, exempted village, or local school 89323  
district who are attending school in the cooperative education 89324  
school district. 89325

(2) In accordance with rules that the state board shall 89326  
adopt, the board of education of any city, exempted village, or 89327  
local school district with territory in a cooperative education 89328  
school district established pursuant to section 3311.521 of the 89329  
Revised Code shall enter into an agreement with the cooperative 89330

district that provides for the administration of any assessment 89331  
prescribed under this section to both of the following: 89332

(a) Students who are attending school in the cooperative 89333  
district and who, if the cooperative district were not 89334  
established, would be entitled to attend school in the city, 89335  
local, or exempted village school district pursuant to section 89336  
3313.64 or 3313.65 of the Revised Code; 89337

(b) Persons described in division (B)(8)(b) of this section. 89338

Any assessment of students pursuant to such an agreement 89339  
shall be in lieu of any assessment of such students or persons 89340  
pursuant to this section. 89341

(K)(1) Except as otherwise provided in division (K)(1) or (2) 89342  
of this section, each chartered nonpublic school for which at 89343  
least sixty-five per cent of its total enrollment is made up of 89344  
students who are participating in state scholarship programs shall 89345  
administer the elementary assessments prescribed by section 89346  
3301.0710 of the Revised Code. In accordance with procedures and 89347  
deadlines prescribed by the department, the parent or guardian of 89348  
a student enrolled in the school who is not participating in a 89349  
state scholarship program may submit notice to the chief 89350  
administrative officer of the school that the parent or guardian 89351  
does not wish to have the student take the elementary assessments 89352  
prescribed for the student's grade level under division (A) of 89353  
section 3301.0710 of the Revised Code. If a parent or guardian 89354  
submits an opt-out notice, the school shall not administer the 89355  
assessments to that student. This option does not apply to any 89356  
assessment required for a high school diploma under section 89357  
3313.612 of the Revised Code. 89358

(2) A chartered nonpublic school may submit to the 89359  
superintendent of public instruction a request for a waiver from 89360  
administering the elementary assessments prescribed by division 89361

(A) of section 3301.0710 of the Revised Code. The state 89362  
superintendent shall approve or disapprove a request for a waiver 89363  
submitted under division (K)(2) of this section. No waiver shall 89364  
be approved for any school year prior to the 2015-2016 school 89365  
year. 89366

To be eligible to submit a request for a waiver, a chartered 89367  
nonpublic school shall meet the following conditions: 89368

(a) At least ninety-five per cent of the students enrolled in 89369  
the school are children with disabilities, as defined under 89370  
section 3323.01 of the Revised Code, or have received a diagnosis 89371  
by a school district or from a physician, including a 89372  
neuropsychiatrist or psychiatrist, or a psychologist who is 89373  
authorized to practice in this or another state as having a 89374  
condition that impairs academic performance, such as dyslexia, 89375  
dyscalculia, attention deficit hyperactivity disorder, or 89376  
Asperger's syndrome. 89377

(b) The school has solely served a student population 89378  
described in division (K)(1)(a) of this section for at least ten 89379  
years. 89380

(c) The school provides to the department at least five years 89381  
of records of internal testing conducted by the school that 89382  
affords the department data required for accountability purposes, 89383  
including diagnostic assessments and nationally standardized 89384  
norm-referenced achievement assessments that measure reading and 89385  
math skills. 89386

(3) Any chartered nonpublic school that is not subject to 89387  
division (K)(1) of this section may participate in the assessment 89388  
program by administering any of the assessments prescribed by 89389  
division (A) of section 3301.0710 of the Revised Code. The chief 89390  
administrator of the school shall specify which assessments the 89391  
school will administer. Such specification shall be made in 89392

writing to the superintendent of public instruction prior to the 89393  
first day of August of any school year in which assessments are 89394  
administered and shall include a pledge that the nonpublic school 89395  
will administer the specified assessments in the same manner as 89396  
public schools are required to do under this section and rules 89397  
adopted by the department. 89398

(4) The department of education shall furnish the assessments 89399  
prescribed by section 3301.0710 of the Revised Code to each 89400  
chartered nonpublic school that is subject to division (K)(1) of 89401  
this section or participates under division (K)(3) of this 89402  
section. 89403

(L) If a chartered or accredited nonpublic school is 89404  
educating students in grades nine through twelve, the following 89405  
shall apply: 89406

(1) Except as provided in division (L)(4) of this section, 89407  
for a student who is enrolled in a ~~chartered~~ an accredited 89408  
nonpublic school ~~that is accredited through the independent~~ 89409  
~~schools association of the central states~~ and who is attending the 89410  
school under a state scholarship program, the student shall either 89411  
take all of the assessments prescribed by division (B) of section 89412  
3301.0712 of the Revised Code or take an alternative assessment 89413  
approved by the department under section 3313.619 of the Revised 89414  
Code. However, a student who is excused from taking an assessment 89415  
under division (C) of this section or has presented evidence to 89416  
the ~~chartered~~ accredited nonpublic school of having satisfied the 89417  
condition prescribed by division (A)(1) of section 3313.618 of the 89418  
Revised Code to qualify for a high school diploma prior to the 89419  
date of the administration of the assessment prescribed under 89420  
division (B)(1) of section 3301.0712 of the Revised Code shall not 89421  
be required to take that assessment. No governing authority of a 89422  
~~chartered~~ an accredited nonpublic school shall prohibit a student 89423  
who is not required to take such assessment from taking the 89424

assessment. 89425

(2) For a student who is enrolled in a ~~chartered~~ an 89426  
accredited nonpublic school ~~that is accredited through the~~ 89427  
~~independent schools association of the central states~~, and who is 89428  
not attending the school under a state scholarship program, the 89429  
student shall not be required to take any assessment prescribed 89430  
under section 3301.0712 or 3313.619 of the Revised Code. 89431

(3)(a) Except as provided in divisions (L)(3)(b) and (4) of 89432  
this section, for a student who is enrolled in a chartered 89433  
nonpublic school ~~that is not accredited through the independent~~ 89434  
~~schools association of the central states~~, regardless of whether 89435  
the student is attending or is not attending the school under a 89436  
state scholarship program, the student shall do one of the 89437  
following: 89438

(i) Take all of the assessments prescribed by division (B) of 89439  
section 3301.0712 of the Revised Code; 89440

(ii) Take only the assessment prescribed by division (B)(1) 89441  
of section 3301.0712 of the Revised Code, provided that the 89442  
student's school publishes the results of that assessment for each 89443  
graduating class. The published results of that assessment shall 89444  
include the overall composite scores, mean scores, twenty-fifth 89445  
percentile scores, and seventy-fifth percentile scores for each 89446  
subject area of the assessment. 89447

(iii) Take an alternative assessment approved by the 89448  
department under section 3313.619 of the Revised Code. 89449

(b) A student who is excused from taking an assessment under 89450  
division (C) of this section or has presented evidence to the 89451  
chartered nonpublic school of having satisfied the condition 89452  
prescribed by division (A)(1) of section 3313.618 of the Revised 89453  
Code to qualify for a high school diploma prior to the date of the 89454  
administration of the assessment prescribed under division (B)(1) 89455

of section 3301.0712 of the Revised Code shall not be required to 89456  
take that assessment. No governing authority of a chartered 89457  
nonpublic school shall prohibit a student who is not required to 89458  
take such assessment from taking the assessment. 89459

(4) The assessments prescribed by sections 3301.0712 and 89460  
3313.619 of the Revised Code shall not be administered to any 89461  
student attending the school, if the school meets all of the 89462  
following conditions: 89463

(a) At least ninety-five per cent of the students enrolled in 89464  
the school are children with disabilities, as defined under 89465  
section 3323.01 of the Revised Code, or have received a diagnosis 89466  
by a school district or from a physician, including a 89467  
neuropsychologist or psychiatrist, or a psychologist who is 89468  
authorized to practice in this or another state as having a 89469  
condition that impairs academic performance, such as dyslexia, 89470  
dyscalculia, attention deficit hyperactivity disorder, or 89471  
Asperger's syndrome. 89472

(b) The school has solely served a student population 89473  
described in division (L)(4)(a) of this section for at least ten 89474  
years. 89475

(c) The school makes available to the department at least 89476  
five years of records of internal testing conducted by the school 89477  
that affords the department data required for accountability 89478  
purposes, including growth in student achievement in reading or 89479  
mathematics, or both, as measured by nationally norm-referenced 89480  
assessments that have developed appropriate standards for 89481  
students. 89482

Division (L)(4) of this section applies to any student 89483  
attending such school regardless of whether the student receives 89484  
special education or related services and regardless of whether 89485  
the student is attending the school under a state scholarship 89486

program. 89487

(M)(1) The superintendent of the state school for the blind 89488  
and the superintendent of the state school for the deaf shall 89489  
administer the assessments described by sections 3301.0710 and 89490  
3301.0712 of the Revised Code. Each superintendent shall 89491  
administer the assessments in the same manner as district boards 89492  
are required to do under this section and rules adopted by the 89493  
department of education and in conformity with division (C)(1)(a) 89494  
of this section. 89495

(2) The department of education shall furnish the assessments 89496  
described by sections 3301.0710 and 3301.0712 of the Revised Code 89497  
to each superintendent. 89498

(N) Notwithstanding division (E) of this section, a school 89499  
district may use a student's failure to attain a score in at least 89500  
the proficient range on the mathematics assessment described by 89501  
division (A)(1)(a) of section 3301.0710 of the Revised Code or on 89502  
an assessment described by division (A)(1)(b), (c), (d), (e), or 89503  
(f) of section 3301.0710 of the Revised Code as a factor in 89504  
retaining that student in the current grade level. 89505

(O)(1) In the manner specified in divisions (O)(3), (4), (6), 89506  
and (7) of this section, the assessments required by division 89507  
(A)(1) of section 3301.0710 of the Revised Code shall become 89508  
public records pursuant to section 149.43 of the Revised Code on 89509  
the thirty-first day of July following the school year that the 89510  
assessments were administered. 89511

(2) The department may field test proposed questions with 89512  
samples of students to determine the validity, reliability, or 89513  
appropriateness of questions for possible inclusion in a future 89514  
year's assessment. The department also may use anchor questions on 89515  
assessments to ensure that different versions of the same 89516  
assessment are of comparable difficulty. 89517

Field test questions and anchor questions shall not be considered in computing scores for individual students. Field test questions and anchor questions may be included as part of the administration of any assessment required by division (A)(1) or (B) of section 3301.0710 and division (B) of section 3301.0712 of the Revised Code.

(3) Any field test question or anchor question administered under division (O)(2) of this section shall not be a public record. Such field test questions and anchor questions shall be redacted from any assessments which are released as a public record pursuant to division (O)(1) of this section.

(4) This division applies to the assessments prescribed by division (A) of section 3301.0710 of the Revised Code.

(a) The first administration of each assessment, as specified in former section 3301.0712 of the Revised Code, shall be a public record.

(b) For subsequent administrations of each assessment prior to the 2011-2012 school year, not less than forty per cent of the questions on the assessment that are used to compute a student's score shall be a public record. The department shall determine which questions will be needed for reuse on a future assessment and those questions shall not be public records and shall be redacted from the assessment prior to its release as a public record. However, for each redacted question, the department shall inform each city, local, and exempted village school district of the statewide academic standard adopted by the state board under section 3301.079 of the Revised Code and the corresponding benchmark to which the question relates. The preceding sentence does not apply to field test questions that are redacted under division (O)(3) of this section.

(c) The administrations of each assessment in the 2011-2012,



2012-2013, and 2013-2014 school years shall not be a public record. 89549  
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(5) Each assessment prescribed by division (B)(1) of section 3301.0710 of the Revised Code shall not be a public record. 89551  
89552

(6)(a) Except as provided in division (O)(6)(b) of this section, for the administrations in the 2014-2015, 2015-2016, and 2016-2017 school years, questions on the assessments prescribed under division (A) of section 3301.0710 and division (B)(2) of section 3301.0712 of the Revised Code and the corresponding preferred answers that are used to compute a student's score shall become a public record as follows: 89553  
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(i) Forty per cent of the questions and preferred answers on the assessments on the thirty-first day of July following the administration of the assessment; 89560  
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(ii) Twenty per cent of the questions and preferred answers on the assessment on the thirty-first day of July one year after the administration of the assessment; 89563  
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89565

(iii) The remaining forty per cent of the questions and preferred answers on the assessment on the thirty-first day of July two years after the administration of the assessment. 89566  
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The entire content of an assessment shall become a public record within three years of its administration. 89569  
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The department shall make the questions that become a public record under this division readily accessible to the public on the department's web site. Questions on the spring administration of each assessment shall be released on an annual basis, in accordance with this division. 89571  
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(b) No questions and corresponding preferred answers shall become a public record under division (O)(6) of this section after July 31, 2017. 89576  
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(7) Division (O)(7) of this section applies to the 89579  
assessments prescribed by division (A) of section 3301.0710 and 89580  
division (B)(2) of section 3301.0712 of the Revised Code. 89581

Beginning with the assessments administered in the spring of 89582  
the 2017-2018 school year, not less than forty per cent of the 89583  
questions on each assessment that are used to compute a student's 89584  
score shall be a public record. The department shall determine 89585  
which questions will be needed for reuse on a future assessment 89586  
and those questions shall not be public records and shall be 89587  
redacted from the assessment prior to its release as a public 89588  
record. However, for each redacted question, the department shall 89589  
inform each city, local, and exempted village school district of 89590  
the corresponding statewide academic standard adopted by the state 89591  
board under section 3301.079 of the Revised Code and the 89592  
corresponding benchmark to which the question relates. The 89593  
department is not required to provide corresponding standards and 89594  
benchmarks to field test questions that are redacted under 89595  
division (O)(3) of this section. 89596

(P) As used in this section: 89597

(1) "Three-year average" means the average of the most recent 89598  
consecutive three school years of data. 89599

(2) "Dropout" means a student who withdraws from school 89600  
before completing course requirements for graduation and who is 89601  
not enrolled in an education program approved by the state board 89602  
of education or an education program outside the state. "Dropout" 89603  
does not include a student who has departed the country. 89604

(3) "Graduation rate" means the ratio of students receiving a 89605  
diploma to the number of students who entered ninth grade four 89606  
years earlier. Students who transfer into the district are added 89607  
to the calculation. Students who transfer out of the district for 89608  
reasons other than dropout are subtracted from the calculation. If 89609

a student who was a dropout in any previous year returns to the 89610  
same school district, that student shall be entered into the 89611  
calculation as if the student had entered ninth grade four years 89612  
before the graduation year of the graduating class that the 89613  
student joins. 89614

(4) "State scholarship programs" means the educational choice 89615  
scholarship pilot program established under sections 3310.01 to 89616  
3310.17 of the Revised Code, the autism scholarship program 89617  
established under section 3310.41 of the Revised Code, the Jon 89618  
Peterson special needs scholarship program established under 89619  
sections 3310.51 to 3310.64 of the Revised Code, and the pilot 89620  
project scholarship program established under sections 3313.974 to 89621  
3313.979 of the Revised Code. 89622

(5) "Other public school" means a community school 89623  
established under Chapter 3314., a STEM school established under 89624  
Chapter 3326., or a college-preparatory boarding school 89625  
established under Chapter 3328. of the Revised Code. 89626

(6) "Accredited nonpublic school" means an accredited 89627  
nonpublic school as described in section 3301.165 of the Revised 89628  
Code. 89629

**Sec. 3301.16.** Pursuant to standards prescribed by the state 89630  
board of education as provided in division (D) of section 3301.07 89631  
of the Revised Code, the state board shall classify and charter 89632  
school districts and individual schools within each district 89633  
except that no charter shall be granted to a nonpublic school 89634  
unless the school complies with divisions (K)(1) and (L) of 89635  
section 3301.0711, as applicable, and sections 3301.164 and 89636  
3313.612 of the Revised Code. 89637

In the course of considering the charter of a new school 89638  
district created under section 3311.26 or 3311.38 of the Revised 89639  
Code, the state board shall require the party proposing creation 89640

of the district to submit to the board a map, certified by the 89641  
county auditor of the county in which the proposed new district is 89642  
located, showing the boundaries of the proposed new district. In 89643  
the case of a proposed new district located in more than one 89644  
county, the map shall be certified by the county auditor of each 89645  
county in which the proposed district is located. 89646

The state board shall revoke the charter of any school 89647  
district or school which fails to meet the standards for 89648  
elementary and high schools as prescribed by the board. The state 89649  
board shall also revoke the charter of any nonpublic school that 89650  
does not comply with divisions (K)(1) and (L) of section 89651  
3301.0711, if applicable, and sections 3301.164 and 3313.612 of 89652  
the Revised Code. 89653

In the issuance and revocation of school district or school 89654  
charters, the state board shall be governed by the provisions of 89655  
Chapter 119. of the Revised Code. 89656

No school district, or individual school operated by a school 89657  
district, shall operate without a charter issued by the state 89658  
board under this section. 89659

In case a school district charter is revoked pursuant to this 89660  
section, the state board may dissolve the school district and 89661  
transfer its territory to one or more adjacent districts. An 89662  
equitable division of the funds, property, and indebtedness of the 89663  
school district shall be made by the state board among the 89664  
receiving districts. The board of education of a receiving 89665  
district shall accept such territory pursuant to the order of the 89666  
state board. Prior to dissolving the school district, the state 89667  
board shall notify the appropriate educational service center 89668  
governing board and all adjacent school district boards of 89669  
education of its intention to do so. Boards so notified may make 89670  
recommendations to the state board regarding the proposed 89671  
dissolution and subsequent transfer of territory. Except as 89672

provided in section 3301.161 of the Revised Code, the transfer 89673  
ordered by the state board shall become effective on the date 89674  
specified by the state board, but the date shall be at least 89675  
thirty days following the date of issuance of the order. 89676

A high school is one of higher grade than an elementary 89677  
school, in which instruction and training are given in accordance 89678  
with sections 3301.07 and 3313.60 of the Revised Code and which 89679  
also offers other subjects of study more advanced than those 89680  
taught in the elementary schools and such other subjects as may be 89681  
approved by the state board of education. 89682

An elementary school is one in which instruction and training 89683  
are given in accordance with sections 3301.07 and 3313.60 of the 89684  
Revised Code and which offers such other subjects as may be 89685  
approved by the state board of education. In districts wherein a 89686  
junior high school is maintained, the elementary schools in that 89687  
district may be considered to include only the work of the first 89688  
six school years inclusive, plus the kindergarten year. This 89689  
section shall not apply to accredited nonpublic schools described 89690  
in section 3301.165 of the Revised Code. 89691

**Sec. 3301.162.** (A) If the governing authority of a chartered 89692  
nonpublic school or an accredited nonpublic school described in 89693  
section 3301.165 of the Revised Code intends to close the school, 89694  
the governing authority shall notify all of the following of that 89695  
intent prior to closing the school: 89696

(1) The department of education; 89697

(2) The school district that receives auxiliary services 89698  
funding under division (E) of section 3317.024 of the Revised Code 89699  
on behalf of the students enrolled in the school; 89700

(3) The accrediting association that most recently accredited 89701  
the school for purposes of chartering the school in accordance 89702

with the rules of the state board of education, if applicable; 89703

(4) If the school has been designated as a STEM school 89704  
equivalent under section 3326.032 of the Revised Code, the STEM 89705  
committee established under section 3326.02 of the Revised Code. 89706

The notice shall include the school year and, if possible, 89707  
the actual date the school will close. 89708

(B) The chief administrator of each chartered nonpublic 89709  
school and each accredited nonpublic school that closes shall 89710  
deposit the school's records with either: 89711

(1) The accrediting association that most recently accredited 89712  
the school for purposes of chartering the school in accordance 89713  
with the rules of the state board, if applicable; 89714

(2) The school district that received auxiliary services 89715  
funding under division (E) of section 3317.024 of the Revised Code 89716  
on behalf of the students enrolled in the school. 89717

The school district that receives the records may charge for 89718  
and receive a one-time reimbursement from auxiliary services 89719  
funding under division (E) of section 3317.024 of the Revised Code 89720  
for costs the district incurred to store the records. 89721

**Sec. 3301.164.** Each chartered nonpublic school shall publish 89722  
on the school's web site both of the following: 89723

(A) The number of students enrolled in the school by the last 89724  
day of October of the current school year; 89725

(B) The school's policy regarding background checks for 89726  
teaching and nonteaching employees and for volunteers who have 89727  
direct contact with students. 89728

This section shall not apply to accredited nonpublic schools 89729  
described in section 3301.165 of the Revised Code. 89730

Sec. 3301.165. (A) The state board of education shall revoke the charter of any chartered nonpublic school that fails to do one of the following: 89731  
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(1) Comply with the operating standards for a school established under section 3301.07 of the Revised Code; 89734  
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(2) Maintain accreditation from an association, other than the independent schools association of the central states, whose standards have been approved by the state board; 89736  
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(3) Maintain accreditation from the independent schools association of the central states. The department of education shall designate a nonpublic school that maintains eligibility for a charter under division (A)(3) of this section as an "accredited nonpublic school." The department shall accept an affirmation of accreditation only from either the independent schools association of the central states or an organization recognized by the department that represents the independent schools association of the central states. 89739  
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(B) An accredited nonpublic school shall comply with the minimum education standards adopted by the state board under division (D)(2) of section 3301.07 of the Revised Code. However, the state board shall not prescribe additional operating standards for accredited nonpublic schools. Unless otherwise specifically required in the Revised Code, an accredited nonpublic school shall be exempt from any requirement to which a chartered nonpublic school is subject under Title XXXIII of the Revised Code. 89748  
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(C) To ensure that an accredited nonpublic school or a school in the process of being accredited by the independent schools association of the central states is providing an education of high quality, the department may do both of the following: 89756  
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(1) Send a representative to accompany an accrediting team 89760

from the independent schools association of the central states on 89761  
any site visit to observe the activities and the report of the 89762  
accrediting team; 89763

(2) Request a copy of the report by the independent schools 89764  
association of the central states that is issued as part of the 89765  
accreditation cycle of a school. 89766

(D) An accredited nonpublic school shall cooperate with the 89767  
department in the department's execution of division (C) of this 89768  
section. If an accredited nonpublic school fails to comply with 89769  
this division, the department shall revoke the school's 89770  
designation as an accredited nonpublic school, and the school 89771  
shall be considered a chartered nonpublic school as long as it 89772  
maintains eligibility for a charter under division (A)(1) or (2) 89773  
of this section. 89774

(E) Any accredited nonpublic school that fails to maintain a 89775  
full accreditation from the independent schools association of the 89776  
central states shall be considered a chartered nonpublic school, 89777  
as long as it maintains eligibility for a charter under division 89778  
(A)(1) or (2) of this section, and shall be required to comply 89779  
with all laws applicable to chartered nonpublic schools. 89780

(F) The department of education shall not create ratings or 89781  
any type of report card for accredited nonpublic schools. 89782

**Sec. 3301.52.** As used in sections 3301.52 to 3301.59 of the 89783  
Revised Code: 89784

(A) "Preschool program" means either of the following: 89785

(1) A child care program for preschool children that is 89786  
operated by a school district board of education or an eligible 89787  
nonpublic school. 89788

(2) A child care program for preschool children age three or 89789  
older that is operated by a county board of developmental 89790



disabilities or a community school. 89791

(B) "Preschool child" or "child" means a child who has not 89792  
entered kindergarten and is not of compulsory school age. 89793

(C) "Parent, guardian, or custodian" means the person or 89794  
government agency that is or will be responsible for a child's 89795  
school attendance under section 3321.01 of the Revised Code. 89796

(D) "Superintendent" means the superintendent of a school 89797  
district or the chief administrative officer of a community school 89798  
or an eligible nonpublic school. 89799

(E) "Director" means the director, head teacher, elementary 89800  
principal, or site administrator who is the individual on site and 89801  
responsible for supervision of a preschool program. 89802

(F) "Preschool staff member" means a preschool employee whose 89803  
primary responsibility is care, teaching, or supervision of 89804  
preschool children. 89805

(G) "Nonteaching employee" means a preschool program or 89806  
school child program employee whose primary responsibilities are 89807  
duties other than care, teaching, and supervision of preschool 89808  
children or school children. 89809

(H) "Eligible nonpublic school" means an accredited nonpublic 89810  
school described in section 3301.165 of the Revised Code, a 89811  
nonpublic school chartered as described in division (B)(8) of 89812  
section 5104.02 of the Revised Code, or a nonpublic school 89813  
chartered by the state board of education for any combination of 89814  
grades one through twelve, regardless of whether it also offers 89815  
kindergarten. 89816

(I) "School child program" means a child care program for 89817  
only school children that is operated by a school district board 89818  
of education, county board of developmental disabilities, 89819  
community school, or eligible nonpublic school. 89820

(J) "School child" means a child who is enrolled in or is 89821  
eligible to be enrolled in a grade of kindergarten or above but is 89822  
less than fifteen years old. 89823

(K) "School child program staff member" means an employee 89824  
whose primary responsibility is the care, teaching, or supervision 89825  
of children in a school child program. 89826

(L) "Child care" means administering to the needs of infants, 89827  
toddlers, preschool children, and school children outside of 89828  
school hours by persons other than their parents or guardians, 89829  
custodians, or relatives by blood, marriage, or adoption for any 89830  
part of the twenty-four-hour day in a place or residence other 89831  
than a child's own home. 89832

(M) "Child day-care center," "publicly funded child care," 89833  
and "school-age child care center" have the same meanings as in 89834  
section 5104.01 of the Revised Code. 89835

(N) "Community school" means either of the following: 89836

(1) A community school established under Chapter 3314. of the 89837  
Revised Code that is sponsored by an entity that is rated 89838  
"exemplary" under section 3314.016 of the Revised Code. 89839

(2) A community school established under Chapter 3314. of the 89840  
Revised Code that has received, on its most recent report card, 89841  
either of the following: 89842

(a) If the school offers any of grade levels four through 89843  
twelve, a grade of "C" or better for the overall value-added 89844  
progress dimension under division (C)(1)(e) of section 3302.03 of 89845  
the Revised Code and for the performance index score under 89846  
division (C)(1)(b) of section 3302.03 of the Revised Code; 89847

(b) If the school does not offer a grade level higher than 89848  
three, a grade of "C" or better for making progress in improving 89849  
literacy in grades kindergarten through three under division 89850

(C)(1)(g) of section 3302.03 of the Revised Code. 89851

**Sec. 3301.541.** (A)(1) The director, head teacher, elementary 89852  
principal, or site administrator of a preschool program shall 89853  
request the superintendent of the bureau of criminal 89854  
identification and investigation to conduct a criminal records 89855  
check with respect to any applicant who has applied to the 89856  
preschool program for employment as a person responsible for the 89857  
care, custody, or control of a child. If the applicant does not 89858  
present proof that the applicant has been a resident of this state 89859  
for the five-year period immediately prior to the date upon which 89860  
the criminal records check is requested or does not provide 89861  
evidence that within that five-year period the superintendent has 89862  
requested information about the applicant from the federal bureau 89863  
of investigation in a criminal records check, the director, head 89864  
teacher, or elementary principal shall request that the 89865  
superintendent obtain information from the federal bureau of 89866  
investigation as a part of the criminal records check for the 89867  
applicant. If the applicant presents proof that the applicant has 89868  
been a resident of this state for that five-year period, the 89869  
director, head teacher, or elementary principal may request that 89870  
the superintendent include information from the federal bureau of 89871  
investigation in the criminal records check. 89872

(2) Any director, head teacher, elementary principal, or site 89873  
administrator required by division (A)(1) of this section to 89874  
request a criminal records check shall provide to each applicant a 89875  
copy of the form prescribed pursuant to division (C)(1) of section 89876  
109.572 of the Revised Code, provide to each applicant a standard 89877  
impression sheet to obtain fingerprint impressions prescribed 89878  
pursuant to division (C)(2) of section 109.572 of the Revised 89879  
Code, obtain the completed form and impression sheet from each 89880  
applicant, and forward the completed form and impression sheet to 89881  
the superintendent of the bureau of criminal identification and 89882

investigation at the time the person requests a criminal records 89883  
check pursuant to division (A)(1) of this section. 89884

(3) Any applicant who receives pursuant to division (A)(2) of 89885  
this section a copy of the form prescribed pursuant to division 89886  
(C)(1) of section 109.572 of the Revised Code and a copy of an 89887  
impression sheet prescribed pursuant to division (C)(2) of that 89888  
section and who is requested to complete the form and provide a 89889  
set of fingerprint impressions shall complete the form or provide 89890  
all the information necessary to complete the form and provide the 89891  
impression sheet with the impressions of the applicant's 89892  
fingerprints. If an applicant, upon request, fails to provide the 89893  
information necessary to complete the form or fails to provide 89894  
impressions of the applicant's fingerprints, the preschool program 89895  
shall not employ that applicant for any position for which a 89896  
criminal records check is required by division (A)(1) of this 89897  
section. 89898

(B)(1) Except as provided in rules adopted by the department 89899  
of education in accordance with division (E) of this section, no 89900  
preschool program shall employ a person as a person responsible 89901  
for the care, custody, or control of a child if the person 89902  
previously has been convicted of or pleaded guilty to any of the 89903  
following: 89904

(a) A violation of section 2903.01, 2903.02, 2903.03, 89905  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 89906  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 89907  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 89908  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 89909  
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 89910  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 89911  
2925.06, or 3716.11 of the Revised Code, a violation of section 89912  
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 89913  
violation of section 2919.23 of the Revised Code that would have 89914

been a violation of section 2905.04 of the Revised Code as it 89915  
existed prior to July 1, 1996, had the violation occurred prior to 89916  
that date, a violation of section 2925.11 of the Revised Code that 89917  
is not a minor drug possession offense, or felonious sexual 89918  
penetration in violation of former section 2907.12 of the Revised 89919  
Code; 89920

(b) A violation of an existing or former law of this state, 89921  
any other state, or the United States that is substantially 89922  
equivalent to any of the offenses or violations described in 89923  
division (B)(1)(a) of this section. 89924

(2) A preschool program may employ an applicant conditionally 89925  
until the criminal records check required by this section is 89926  
completed and the preschool program receives the results of the 89927  
criminal records check. If the results of the criminal records 89928  
check indicate that, pursuant to division (B)(1) of this section, 89929  
the applicant does not qualify for employment, the preschool 89930  
program shall release the applicant from employment. 89931

(C)(1) Each preschool program shall pay to the bureau of 89932  
criminal identification and investigation the fee prescribed 89933  
pursuant to division (C)(3) of section 109.572 of the Revised Code 89934  
for each criminal records check conducted in accordance with that 89935  
section upon the request pursuant to division (A)(1) of this 89936  
section of the director, head teacher, elementary principal, or 89937  
site administrator of the preschool program. 89938

(2) A preschool program may charge an applicant a fee for the 89939  
costs it incurs in obtaining a criminal records check under this 89940  
section. A fee charged under this division shall not exceed the 89941  
amount of fees the preschool program pays under division (C)(1) of 89942  
this section. If a fee is charged under this division, the 89943  
preschool program shall notify the applicant at the time of the 89944  
applicant's initial application for employment of the amount of 89945  
the fee and that, unless the fee is paid, the applicant will not 89946

be considered for employment. 89947

(D) The report of any criminal records check conducted by the 89948  
bureau of criminal identification and investigation in accordance 89949  
with section 109.572 of the Revised Code and pursuant to a request 89950  
under division (A)(1) of this section is not a public record for 89951  
the purposes of section 149.43 of the Revised Code and shall not 89952  
be made available to any person other than the applicant who is 89953  
the subject of the criminal records check or the applicant's 89954  
representative, the preschool program requesting the criminal 89955  
records check or its representative, and any court, hearing 89956  
officer, or other necessary individual in a case dealing with the 89957  
denial of employment to the applicant. 89958

(E) The department of education shall adopt rules pursuant to 89959  
Chapter 119. of the Revised Code to implement this section, 89960  
including rules specifying circumstances under which a preschool 89961  
program may hire a person who has been convicted of an offense 89962  
listed in division (B)(1) of this section but who meets standards 89963  
in regard to rehabilitation set by the department. 89964

(F) Any person required by division (A)(1) of this section to 89965  
request a criminal records check shall inform each person, at the 89966  
time of the person's initial application for employment, that the 89967  
person is required to provide a set of impressions of the person's 89968  
fingerprints and that a criminal records check is required to be 89969  
conducted and satisfactorily completed in accordance with section 89970  
109.572 of the Revised Code if the person comes under final 89971  
consideration for appointment or employment as a precondition to 89972  
employment for that position. 89973

(G) As used in this section: 89974

(1) "Applicant" means a person who is under final 89975  
consideration for appointment or employment in a position with a 89976  
preschool program as a person responsible for the care, custody, 89977

or control of a child, except that "applicant" does not include a 89978  
person already employed by a board of education, community school, 89979  
~~or~~ chartered nonpublic school, or accredited nonpublic school 89980  
described in section 3301.165 of the Revised Code in a position of 89981  
care, custody, or control of a child who is under consideration 89982  
for a different position with such board or school. 89983

(2) "Criminal records check" has the same meaning as in 89984  
section 109.572 of the Revised Code. 89985

(3) "Minor drug possession offense" has the same meaning as 89986  
in section 2925.01 of the Revised Code. 89987

(H) If the board of education of a local school district 89988  
adopts a resolution requesting the assistance of the educational 89989  
service center in which the local district has territory in 89990  
conducting criminal records checks of substitute teachers under 89991  
this section, the appointing or hiring officer of such educational 89992  
service center governing board shall serve for purposes of this 89993  
section as the appointing or hiring officer of the local board in 89994  
the case of hiring substitute teachers for employment in the local 89995  
district. 89996

**Sec. 3302.07.** (A) The board of education of any school 89997  
district, the governing board of any educational service center, 89998  
or the administrative authority of any chartered nonpublic school 89999  
or any accredited nonpublic school described in section 3301.165 90000  
of the Revised Code may submit to the state board of education an 90001  
application proposing an innovative education pilot program the 90002  
implementation of which requires exemptions from specific 90003  
statutory provisions or rules. If a district or service center 90004  
board employs teachers under a collective bargaining agreement 90005  
adopted pursuant to Chapter 4117. of the Revised Code, any 90006  
application submitted under this division shall include the 90007  
written consent of the teachers' employee representative 90008

designated under division (B) of section 4117.04 of the Revised Code. The exemptions requested in the application shall be limited to any requirement of Title XXXIII of the Revised Code or of any rule of the state board adopted pursuant to that title except that the application may not propose an exemption from any requirement of or rule adopted pursuant to Chapter 3307. or 3309., sections 3319.07 to 3319.21, or Chapter 3323. of the Revised Code. Furthermore, an exemption from any operating standard adopted under division (B)(2) or (D) of section 3301.07 of the Revised Code shall be granted only pursuant to a waiver granted by the superintendent of public instruction under division (O) of that section.

(B) The state board of education shall accept any application submitted in accordance with division (A) of this section. The superintendent of public instruction shall approve or disapprove the application in accordance with standards for approval, which shall be adopted by the state board.

(C) The superintendent of public instruction shall exempt each district or service center board or chartered or accredited nonpublic school administrative authority with an application approved under division (B) of this section for a specified period from the statutory provisions or rules specified in the approved application. The period of exemption shall not exceed the period during which the pilot program proposed in the application is being implemented and a reasonable period to allow for evaluation of the effectiveness of the program.

**Sec. 3302.41.** As used in this section, "blended learning" has the same meaning as in section 3301.079 of the Revised Code.

(A) Any local, city, exempted village, or joint vocational school district, community school established under Chapter 3314. of the Revised Code, STEM school established under Chapter 3326.



of the Revised Code, college-preparatory boarding school 90040  
established under Chapter 3328. of the Revised Code, ~~or~~ chartered 90041  
nonpublic school, or accredited nonpublic school described in 90042  
section 3301.165 of the Revised Code may operate all or part of a 90043  
school using a blended learning model. If a school is operated 90044  
using a blended learning model or is to cease operating using a 90045  
blended learning model, the superintendent of the school or 90046  
district or director of the school shall notify the department of 90047  
education of that fact not later than the first day of July of the 90048  
school year for which the change is effective. If any school 90049  
district school, community school, or STEM school is already 90050  
operated using a blended learning model on ~~the effective date of~~ 90051  
~~this section~~ September 24, 2012, the superintendent of the school 90052  
or district may notify the department within ninety days after ~~the~~ 90053  
~~effective date of this section~~ by December 23, 2012, of that fact 90054  
and request that the school be classified as a blended learning 90055  
school. 90056

(B) The state board of education shall revise any operating 90057  
standards for school districts and chartered nonpublic schools 90058  
adopted under section 3301.07 of the Revised Code to include 90059  
standards for the operation of blended learning under this 90060  
section. The blended learning operation standards shall provide 90061  
for all of the following: 90062

(1) Student-to-teacher ratios whereby no school or classroom 90063  
is required to have more than one teacher for every one hundred 90064  
twenty-five students in blended learning classrooms; 90065

(2) The extent to which the school is or is not obligated to 90066  
provide students with access to digital learning tools; 90067

(3) The ability of all students, at any grade level, to earn 90068  
credits or advance grade levels upon demonstrating mastery of 90069  
knowledge or skills through competency-based learning models. 90070  
Credits or grade level advancement shall not be based on a minimum 90071

number of days or hours in a classroom. 90072

(4) An exemption from minimum school year or school day requirements in sections 3313.48 and 3313.481 of the Revised Code; 90073  
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(5) Adequate provisions for: the licensing of teachers, administrators, and other professional personnel and their assignment according to training and qualifications; efficient and effective instructional materials and equipment, including library facilities; the proper organization, administration, and supervision of each school, including regulations for preparing all necessary records and reports and the preparation of a statement of policies and objectives for each school; buildings, grounds, and health and sanitary facilities and services; admission of pupils, and such requirements for their promotion from grade to grade as will ensure that they are capable and prepared for the level of study to which they are certified; requirements for graduation; and such other factors as the board finds necessary. 90075  
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(C) An internet- or computer-based community school, as defined in section 3314.02 of the Revised Code, is not a blended learning school authorized under this section. Nor does this section affect any provisions for the operation of and payments to an internet- or computer-based community school prescribed in Chapter 3314. of the Revised Code. 90089  
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**Sec. 3310.01.** As used in sections 3310.01 to 3310.17 of the Revised Code: 90095  
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(A) "Chartered nonpublic school" ~~means a~~ includes both of the following: 90097  
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(1) A nonpublic school that holds a valid charter issued by the state board of education under section 3301.16 of the Revised Code and meets the standards established for such schools in rules 90099  
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adopted by the state board;	90102
<u>(2) An accredited nonpublic school as described in section 3301.165 of the Revised Code.</u>	90103 90104
(B) An "eligible student" is a student who satisfies the conditions specified in section 3310.03 or 3310.032 of the Revised Code.	90105 90106 90107
(C) "Parent" has the same meaning as in section 3313.98 of the Revised Code.	90108 90109
(D) "Resident district" means the school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.	90110 90111 90112
(E) "School year" has the same meaning as in section 3313.62 of the Revised Code.	90113 90114
<b>Sec. 3312.01.</b> (A) The educational regional service system is hereby established. The system shall support state and regional education initiatives and efforts to improve school effectiveness and student achievement. Services, including special education and related services, shall be provided under the system to school districts, community schools established under Chapter 3314. of the Revised Code, <del>and</del> chartered nonpublic schools, <u>and accredited nonpublic schools described in section 3301.165 of the Revised Code.</u>	90115 90116 90117 90118 90119 90120 90121 90122 90123
It is the intent of the general assembly that the educational regional service system reduce the unnecessary duplication of programs and services and provide for a more streamlined and efficient delivery of educational services without reducing the availability of the services needed by school districts and schools.	90124 90125 90126 90127 90128 90129
(B) The educational regional service system shall consist of the following:	90130 90131

(1) The advisory councils and subcommittees established under sections 3312.03 and 3312.05 of the Revised Code;	90132 90133
(2) A fiscal agent for each of the regions as configured under section 3312.02 of the Revised Code;	90134 90135
(3) Educational service centers, information technology centers established under section 3301.075 of the Revised Code, and other regional education service providers.	90136 90137 90138
(C) Educational service centers shall provide the services that they are specifically required to provide by the Revised Code and may enter into agreements pursuant to section 3313.843, 3313.844, or 3313.845 of the Revised Code for the provision of other services, which may include any of the following:	90139 90140 90141 90142 90143
(1) Assistance in improving student performance;	90144
(2) Services to enable a school district or school to operate more efficiently or economically;	90145 90146
(3) Professional development for teachers or administrators;	90147
(4) Assistance in the recruitment and retention of teachers and administrators;	90148 90149
(5) Any other educational, administrative, or operational services.	90150 90151
In addition to implementing state and regional education initiatives and school improvement efforts under the educational regional service system, educational service centers shall implement state or federally funded initiatives assigned to the service centers by the general assembly or the department of education.	90152 90153 90154 90155 90156 90157
Any educational service center selected to be a fiscal agent for its region pursuant to section 3312.07 of the Revised Code shall continue to operate as an educational service center for the part of the region that comprises its territory.	90158 90159 90160 90161

(D) Information technology centers may enter into agreements 90162  
for the provision of services pursuant to section 3312.10 of the 90163  
Revised Code. 90164

(E) No school district, community school, or chartered or 90165  
accredited nonpublic school shall be required to purchase services 90166  
from an educational service center or information technology 90167  
center in the region in which the district or school is located, 90168  
except that a local school district shall receive any services 90169  
required by the Revised Code to be provided by an educational 90170  
service center to the local school districts in its territory from 90171  
the educational service center in whose territory the district is 90172  
located. 90173

**Sec. 3312.04.** The advisory council of each region of the 90174  
educational regional service system shall do all of the following: 90175

(A) Identify regional needs and priorities for educational 90176  
services to inform the department of education in the development 90177  
of the performance contracts entered into by the fiscal agent of 90178  
the region under section 3312.08 of the Revised Code; 90179

(B) Develop policies to coordinate the delivery of services 90180  
to school districts, community schools, and chartered and 90181  
accredited nonpublic schools in a manner that responds to regional 90182  
needs and priorities. Such policies shall not supersede any 90183  
requirement of a performance contract entered into by the fiscal 90184  
agent of the region under section 3312.08 of the Revised Code. 90185

(C) Make recommendations to the fiscal agent for the region 90186  
regarding the expenditure of funds available to the region for 90187  
implementation of state and regional education initiatives and 90188  
school improvement efforts; 90189

(D) Monitor implementation of state and regional education 90190  
initiatives and school improvement efforts by educational service 90191

centers, information technology centers, and other regional 90192  
service providers to ensure that the terms of the performance 90193  
contracts entered into by the fiscal agent for the region under 90194  
section 3312.08 of the Revised Code are being met; 90195

(E) Establish an accountability system to evaluate the 90196  
advisory council on its performance of the duties described in 90197  
divisions (A) to (D) of this section. 90198

**Sec. 3312.05.** (A) The advisory council of each region of the 90199  
educational regional service system shall establish the following 90200  
specialized subcommittees of the council: 90201

(1) A school improvement subcommittee, which shall include 90202  
one classroom teacher appointed jointly by the Ohio education 90203  
association and the Ohio federation of teachers and 90204  
representatives of community schools and education personnel with 90205  
expertise in the area of school improvement; 90206

(2) An education technology subcommittee, which shall include 90207  
classroom teachers or curriculum coordinators, parents, elementary 90208  
and secondary school principals, representatives of chartered or 90209  
accredited nonpublic schools, representatives of information 90210  
technology centers, representatives of business, and 90211  
representatives of two-year and four-year institutions of higher 90212  
education; 90213

(3) A professional development subcommittee, which shall 90214  
include classroom teachers, principals, school district 90215  
superintendents, curriculum coordinators, representatives of 90216  
chartered or accredited nonpublic schools, and representatives of 90217  
two-year and four-year institutions of higher education; 90218

(4) A special education subcommittee, which shall consist of 90219  
one classroom teacher appointed jointly by the Ohio education 90220  
association and the Ohio federation of teachers and the members of 90221

the governing board of the special education regional resource center in the region; 90222  
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(5) An information technology center subcommittee, which shall consist of one classroom teacher appointed jointly by the Ohio education association and the Ohio federation of teachers; the administrator, or the administrator's designee, of each information technology center providing services in the region; and two school district administrators appointed by each information technology center providing services in the region. 90224  
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(B) The advisory council shall appoint persons who reside or practice their occupations in the region to serve on the subcommittees established under divisions (A)(1) to (3) of this section. If the advisory council is unable to appoint such a person to a subcommittee, the council shall appoint a similarly situated person from an adjacent region. 90231  
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(C) An advisory council may establish additional subcommittees as needed to address topics of interest to the council. Members of any additional subcommittee shall be appointed by the advisory council and shall include a diverse range of classroom teachers and other education personnel with expertise in the topic addressed by the subcommittee and representatives of individuals or groups with an interest in the topic. 90237  
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(D) Any member of an advisory council may participate in the deliberations of any subcommittee established by the council. 90244  
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**Sec. 3312.09.** (A) Each performance contract entered into by the department of education and the fiscal agent of a region for implementation of a state or regional education initiative or school improvement effort shall include the following: 90246  
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(1) An explanation of how the regional needs and priorities for educational services have been identified by the advisory 90250  
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council of the region, the advisory council's subcommittees, and the department;	90252 90253
(2) A definition of the services to be provided to school districts, community schools, and chartered <u>and accredited</u> nonpublic schools in the region, including any services provided pursuant to division (A) of section 3302.04 of the Revised Code;	90254 90255 90256 90257
(3) Expected outcomes from the provision of the services defined in the contract;	90258 90259
(4) The method the department will use to evaluate whether the expected outcomes have been achieved;	90260 90261
(5) A requirement that the fiscal agent develop and implement a corrective action plan if the results of the evaluation are unsatisfactory;	90262 90263 90264
(6) Data reporting requirements;	90265
(7) The aggregate fees to be charged by the fiscal agent and any entity with which it subcontracts to cover personnel and program costs associated with administering the contract, which fees shall be subject to controlling board approval if in excess of four per cent of the value of the contract.	90266 90267 90268 90269 90270
(B) Upon completion of each evaluation described in a performance contract, the department shall post the results of that evaluation on its web site.	90271 90272 90273
<b>Sec. 3313.41.</b> (A) Except as provided in divisions (C), (D), and (F) of this section and in sections 3313.412 and 3313.413 of the Revised Code, when a board of education decides to dispose of real or personal property that it owns in its corporate capacity and that exceeds in value ten thousand dollars, it shall sell the property at public auction, after giving at least thirty days' notice of the auction by publication in a newspaper of general circulation in the school district, by publication as provided in	90274 90275 90276 90277 90278 90279 90280 90281



section 7.16 of the Revised Code, or by posting notices in five of 90282  
the most public places in the school district in which the 90283  
property, if it is real property, is situated, or, if it is 90284  
personal property, in the school district of the board of 90285  
education that owns the property. The board may offer real 90286  
property for sale as an entire tract or in parcels. 90287

(B) When the board of education has offered real or personal 90288  
property for sale at public auction at least once pursuant to 90289  
division (A) of this section, and the property has not been sold, 90290  
the board may sell it at a private sale. Regardless of how it was 90291  
offered at public auction, at a private sale, the board shall, as 90292  
it considers best, sell real property as an entire tract or in 90293  
parcels, and personal property in a single lot or in several lots. 90294

(C) If a board of education decides to dispose of real or 90295  
personal property that it owns in its corporate capacity and that 90296  
exceeds in value ten thousand dollars, it may sell the property to 90297  
the adjutant general; to any subdivision or taxing authority as 90298  
respectively defined in section 5705.01 of the Revised Code, 90299  
township park district, board of park commissioners established 90300  
under Chapter 755. of the Revised Code, or park district 90301  
established under Chapter 1545. of the Revised Code; to a wholly 90302  
or partially tax-supported university, university branch, or 90303  
college; to a nonprofit institution of higher education that has a 90304  
certificate of authorization under Chapter 1713. of the Revised 90305  
Code; to the governing authority of a chartered nonpublic school 90306  
or an accredited nonpublic school described in section 3301.165 of 90307  
the Revised Code; or to the board of trustees of a school district 90308  
library, upon such terms as are agreed upon. The sale of real or 90309  
personal property to the board of trustees of a school district 90310  
library is limited, in the case of real property, to a school 90311  
district library within whose boundaries the real property is 90312  
situated, or, in the case of personal property, to a school 90313

district library whose boundaries lie in whole or in part within 90314  
the school district of the selling board of education. 90315

(D) When a board of education decides to trade as a part or 90316  
an entire consideration, an item of personal property on the 90317  
purchase price of an item of similar personal property, it may 90318  
trade the same upon such terms as are agreed upon by the parties 90319  
to the trade. 90320

(E) The president and the treasurer of the board of education 90321  
shall execute and deliver deeds or other necessary instruments of 90322  
conveyance to complete any sale or trade under this section. 90323

(F) When a board of education has identified a parcel of real 90324  
property that it determines is needed for school purposes, the 90325  
board may, upon a majority vote of the members of the board, 90326  
acquire that property by exchanging real property that the board 90327  
owns in its corporate capacity for the identified real property or 90328  
by using real property that the board owns in its corporate 90329  
capacity as part or an entire consideration for the purchase price 90330  
of the identified real property. Any exchange or acquisition made 90331  
pursuant to this division shall be made by a conveyance executed 90332  
by the president and the treasurer of the board. 90333

(G) When a school district board of education has property 90334  
that the board, by resolution, finds is not needed for school 90335  
district use, is obsolete, or is unfit for the use for which it 90336  
was acquired, the board may donate that property in accordance 90337  
with this division if the fair market value of the property is, in 90338  
the opinion of the board, two thousand five hundred dollars or 90339  
less. 90340

The property may be donated to an eligible nonprofit 90341  
organization that is located in this state and is exempt from 90342  
federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3). 90343  
Before donating any property under this division, the board shall 90344

adopt a resolution expressing its intent to make unneeded, 90345  
obsolete, or unfit-for-use school district property available to 90346  
these organizations. The resolution shall include guidelines and 90347  
procedures the board considers to be necessary to implement the 90348  
donation program and shall indicate whether the school district 90349  
will conduct the donation program or the board will contract with 90350  
a representative to conduct it. If a representative is known when 90351  
the resolution is adopted, the resolution shall provide contact 90352  
information such as the representative's name, address, and 90353  
telephone number. 90354

The resolution shall include within its procedures a 90355  
requirement that any nonprofit organization desiring to obtain 90356  
donated property under this division shall submit a written notice 90357  
to the board or its representative. The written notice shall 90358  
include evidence that the organization is a nonprofit organization 90359  
that is located in this state and is exempt from federal income 90360  
taxation pursuant to 26 U.S.C. 501(a) and (c)(3); a description of 90361  
the organization's primary purpose; a description of the type or 90362  
types of property the organization needs; and the name, address, 90363  
and telephone number of a person designated by the organization's 90364  
governing board to receive donated property and to serve as its 90365  
agent. 90366

After adoption of the resolution, the board shall publish, in 90367  
a newspaper of general circulation in the school district or as 90368  
provided in section 7.16 of the Revised Code, notice of its intent 90369  
to donate unneeded, obsolete, or unfit-for-use school district 90370  
property to eligible nonprofit organizations. The notice shall 90371  
include a summary of the information provided in the resolution 90372  
and shall be published twice. The second notice shall be published 90373  
not less than ten nor more than twenty days after the previous 90374  
notice. A similar notice also shall be posted continually in the 90375  
board's office. If the school district maintains a web site on the 90376

internet, the notice shall be posted continually at that web site. 90377

The board or its representatives shall maintain a list of all 90378  
nonprofit organizations that notify the board or its 90379  
representative of their desire to obtain donated property under 90380  
this division and that the board or its representative determines 90381  
to be eligible, in accordance with the requirements set forth in 90382  
this section and in the donation program's guidelines and 90383  
procedures, to receive donated property. 90384

The board or its representative also shall maintain a list of 90385  
all school district property the board finds to be unneeded, 90386  
obsolete, or unfit for use and to be available for donation under 90387  
this division. The list shall be posted continually in a 90388  
conspicuous location in the board's office, and, if the school 90389  
district maintains a web site on the internet, the list shall be 90390  
posted continually at that web site. An item of property on the 90391  
list shall be donated to the eligible nonprofit organization that 90392  
first declares to the board or its representative its desire to 90393  
obtain the item unless the board previously has established, by 90394  
resolution, a list of eligible nonprofit organizations that shall 90395  
be given priority with respect to the item's donation. Priority 90396  
may be given on the basis that the purposes of a nonprofit 90397  
organization have a direct relationship to specific school 90398  
district purposes of programs provided or administered by the 90399  
board. A resolution giving priority to certain nonprofit 90400  
organizations with respect to the donation of an item of property 90401  
shall specify the reasons why the organizations are given that 90402  
priority. 90403

Members of the board shall consult with the Ohio ethics 90404  
commission, and comply with Chapters 102. and 2921. of the Revised 90405  
Code, with respect to any donation under this division to a 90406  
nonprofit organization of which a board member, any member of a 90407  
board member's family, or any business associate of a board member 90408

is a trustee, officer, board member, or employee. 90409

**Sec. 3313.48.** (A) The board of education of each city, 90410  
exempted village, local, and joint vocational school district 90411  
shall provide for the free education of the youth of school age 90412  
within the district under its jurisdiction, at such places as will 90413  
be most convenient for the attendance of the largest number 90414  
thereof. Each school so provided ~~and~~, each chartered nonpublic 90415  
school, and each accredited nonpublic school described in section 90416  
3301.165 of the Revised Code shall be open for instruction with 90417  
pupils in attendance, including scheduled classes, supervised 90418  
activities, and approved education options but excluding lunch and 90419  
breakfast periods and extracurricular activities, for not less 90420  
than four hundred fifty-five hours in the case of pupils in 90421  
kindergarten unless such pupils are provided all-day kindergarten, 90422  
as defined in section 3321.05 of the Revised Code, in which case 90423  
the pupils shall be in attendance for nine hundred ten hours; nine 90424  
hundred ten hours in the case of pupils in grades one through six; 90425  
and one thousand one hours in the case of pupils in grades seven 90426  
through twelve in each school year, which may include all of the 90427  
following: 90428

(1) Up to the equivalent of two school days per year during 90429  
which pupils would otherwise be in attendance but are not required 90430  
to attend for the purpose of individualized parent-teacher 90431  
conferences and reporting periods; 90432

(2) Up to the equivalent of two school days per year during 90433  
which pupils would otherwise be in attendance but are not required 90434  
to attend for professional meetings of teachers; 90435

(3) Morning and afternoon recess periods of not more than 90436  
fifteen minutes duration per period for pupils in grades 90437  
kindergarten through six. 90438

(B) Not later than thirty days prior to adopting a school 90439

calendar, the board of education of each city, exempted village, 90440  
and local school district shall hold a public hearing on the 90441  
school calendar, addressing topics that include, but are not 90442  
limited to, the total number of hours in a school year, length of 90443  
school day, and beginning and end dates of instruction. 90444

(C) No school operated by a city, exempted village, local, or 90445  
joint vocational school district shall reduce the number of hours 90446  
in each school year that the school is scheduled to be open for 90447  
instruction from the number of hours per year the school was open 90448  
for instruction during the previous school year unless the 90449  
reduction is approved by a resolution adopted by the district 90450  
board of education. Any reduction so approved shall not result in 90451  
fewer hours of instruction per school year than the applicable 90452  
number of hours required under division (A) of this section. 90453

(D) Prior to making any change in the hours or days in which 90454  
a high school under its jurisdiction is open for instruction, the 90455  
board of education of each city, exempted village, and local 90456  
school district shall consider the compatibility of the proposed 90457  
change with the scheduling needs of any joint vocational school 90458  
district in which any of the high school's students are also 90459  
enrolled. The board shall consider the impact of the proposed 90460  
change on student access to the instructional programs offered by 90461  
the joint vocational school district, incentives for students to 90462  
participate in career-technical education, transportation, and the 90463  
timing of graduation. The board shall provide the joint vocational 90464  
school district board with advance notice of the proposed change 90465  
and the two boards shall enter into a written agreement 90466  
prescribing reasonable accommodations to meet the scheduling needs 90467  
of the joint vocational school district prior to implementation of 90468  
the change. 90469

(E) Prior to making any change in the hours or days in which 90470  
a school under its jurisdiction is open for instruction, the board 90471

of education of each city, exempted village, and local school 90472  
district shall consider the compatibility of the proposed change 90473  
with the scheduling needs of any community school established 90474  
under Chapter 3314. of the Revised Code to which the district is 90475  
required to transport students under sections 3314.09 and 3327.01 90476  
of the Revised Code. The board shall consider the impact of the 90477  
proposed change on student access to the instructional programs 90478  
offered by the community school, transportation, and the timing of 90479  
graduation. The board shall provide the sponsor, governing 90480  
authority, and operator of the community school with advance 90481  
notice of the proposed change, and the board and the governing 90482  
authority, or operator if such authority is delegated to the 90483  
operator, shall enter into a written agreement prescribing 90484  
reasonable accommodations to meet the scheduling needs of the 90485  
community school prior to implementation of the change. 90486

(F) Prior to making any change in the hours or days in which 90487  
the schools under its jurisdiction are open for instruction, the 90488  
board of education of each city, exempted village, and local 90489  
school district shall consult with the chartered and accredited 90490  
nonpublic schools to which the district is required to transport 90491  
students under section 3327.01 of the Revised Code and shall 90492  
consider the effect of the proposed change on the schedule for 90493  
transportation of those students to their nonpublic schools. The 90494  
governing authority of a chartered or an accredited nonpublic 90495  
school shall consult with each school district board of education 90496  
that transports students to the chartered nonpublic school under 90497  
section 3327.01 of the Revised Code prior to making any change in 90498  
the hours or days in which the nonpublic school is open for 90499  
instruction. 90500

(G) The state board of education shall not adopt or enforce 90501  
any rule or standard that imposes on chartered or accredited 90502  
nonpublic schools the procedural requirements imposed on school 90503

districts by divisions (B), (C), (D), and (E) of this section. 90504

**Sec. 3313.481.** Wherever in Title XXXIII of the Revised Code 90505  
the term "school day" is used, unless otherwise specified, that 90506  
term shall be construed to mean the time during a calendar day 90507  
that a school is open for instruction pursuant to the schedule 90508  
adopted by the board of education of the school district or the 90509  
governing authority of the chartered or accredited nonpublic 90510  
school in accordance with section 3313.48 of the Revised Code. 90511

**Sec. 3313.482.** (A)(1) Prior to the first day of August of 90512  
each school year, the board of education of any school district 90513  
~~or~~ the governing authority of any chartered nonpublic school, or 90514  
the governing authority of an accredited nonpublic school 90515  
described in section 3301.165 of the Revised Code may adopt a plan 90516  
to require students to access and complete classroom lessons 90517  
posted on the district's or nonpublic school's web portal or web 90518  
site in order to make up hours in that school year on which it is 90519  
necessary to close schools for disease epidemic, hazardous weather 90520  
conditions, law enforcement emergencies, inoperability of school 90521  
buses or other equipment necessary to the school's operation, 90522  
damage to a school building, or other temporary circumstances due 90523  
to utility failure rendering the school building unfit for school 90524  
use. 90525

Prior to the first day of August of each school year, the 90526  
governing authority of any community school established under 90527  
Chapter 3314. that is not an internet- or computer-based community 90528  
school, as defined in section 3314.02 of the Revised Code, may 90529  
adopt a plan to require students to access and complete classroom 90530  
lessons posted on the school's web portal or web site in order to 90531  
make up hours in that school year on which it is necessary to 90532  
close the school for any of the reasons specified in division 90533  
(H)(4) of section 3314.08 of the Revised Code so that the school 90534



is in compliance with the minimum number of hours required under 90535  
Chapter 3314. of the Revised Code. 90536

A plan adopted by a school district board, chartered 90537  
nonpublic school governing authority, accredited nonpublic school 90538  
governing authority, or community school governing authority shall 90539  
provide for making up any number of hours, up to a maximum of the 90540  
number of hours that are the equivalent of three school days. 90541

(2) Each plan adopted under this section by a school district 90542  
board of education shall include the written consent of the 90543  
teachers' employee representative designated under division (B) of 90544  
section 4117.04 of the Revised Code. 90545

(3) Each plan adopted under this section shall provide for 90546  
the following: 90547

(a) Not later than the first day of November of the school 90548  
year, each classroom teacher shall develop a sufficient number of 90549  
lessons for each course taught by the teacher that school year to 90550  
cover the number of make-up hours specified in the plan. The 90551  
teacher shall designate the order in which the lessons are to be 90552  
posted on the district's, community school's, or nonpublic 90553  
school's web portal or web site in the event of a school closure. 90554  
Teachers may be granted up to one professional development day to 90555  
create lesson plans for those lessons. 90556

(b) To the extent possible and necessary, a classroom teacher 90557  
shall update or replace, based on current instructional progress, 90558  
one or more of the lesson plans developed under division (A)(3)(a) 90559  
of this section before they are posted on the web portal or web 90560  
site under division (A)(3)(c) of this section or distributed under 90561  
division (B) of this section. 90562

(c) As soon as practicable after a school closure, a district 90563  
or school employee responsible for web portal or web site 90564  
operations shall make the designated lessons available to students 90565

on the district's, community school's, or nonpublic school's 90566  
portal or site. A lesson shall be posted for each course that was 90567  
scheduled to meet on the day or hours of the closure. 90568

(d) Each student enrolled in a course for which a lesson is 90569  
posted on the portal or site shall be granted a two-week period 90570  
from the date of posting to complete the lesson. The student's 90571  
classroom teacher shall grade the lesson in the same manner as 90572  
other lessons. The student may receive an incomplete or failing 90573  
grade if the lesson is not completed on time. 90574

(e) If a student does not have access to a computer at the 90575  
student's residence and the plan does not include blizzard bags 90576  
under division (B) of this section, the student shall be permitted 90577  
to work on the posted lessons at school after the student's school 90578  
reopens. If the lessons were posted prior to the reopening, the 90579  
student shall be granted a two-week period from the date of the 90580  
reopening, rather than from the date of posting as otherwise 90581  
required under division (A)(3)(d) of this section, to complete the 90582  
lessons. The district board or community school or nonpublic 90583  
school governing authority may provide the student access to a 90584  
computer before, during, or after the regularly scheduled school 90585  
day or may provide a substantially similar paper lesson in order 90586  
to complete the lessons. 90587

(B)(1) In addition to posting classroom lessons online under 90588  
division (A) of this section, the board of education of any school 90589  
district or governing authority of any community, accredited, or 90590  
chartered nonpublic school may include in the plan distribution of 90591  
"blizzard bags," which are paper copies of the lessons posted 90592  
online. 90593

(2) If a school opts to use blizzard bags, teachers shall 90594  
prepare paper copies in conjunction with the lessons to be posted 90595  
online and update the paper copies whenever the teacher updates 90596  
the online lesson plans. 90597

(3) The board of education of any school district or governing authority of any community, accredited, or chartered nonpublic school that opts to use blizzard bags shall specify in the plan the method of distribution of blizzard bag lessons, which may include, but not be limited to, requiring distribution by a specific deadline or requiring distribution prior to anticipated school closure as directed by the superintendent of a school district or the principal, director, chief administrative officer, or the equivalent, of a school.

(4) Students shall turn in completed lessons in accordance with division (A)(3)(d) of this section.

(C)(1) No school district that implements a plan in accordance with this section shall be considered to have failed to comply with division (B) of section 3317.01 of the Revised Code with respect to the number of make-up hours specified in the plan.

(2) No community school that implements a plan in accordance with this section shall be considered to have failed to comply with the minimum number of hours required under Chapter 3314. of the Revised Code with respect to the number of make-up hours specified in the plan.

**Sec. 3313.536.** (A) As used in this section:

(1) "Administrator" means the superintendent, principal, chief administrative officer, or other person having supervisory authority of any of the following:

(a) A city, exempted village, local, or joint vocational school district;

(b) A community school established under Chapter 3314. of the Revised Code, as required through reference in division (A)(11)(d) of section 3314.03 of the Revised Code;

(c) A STEM school established under Chapter 3326. of the

Revised Code, as required through reference in section 3326.11 of the Revised Code; 90628  
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(d) A college-preparatory boarding school established under Chapter 3328. of the Revised Code; 90630  
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(e) A district or school operating a career-technical education program approved by the department of education under section 3317.161 of the Revised Code; 90632  
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(f) A chartered nonpublic school; 90635

(g) An accredited nonpublic school described in section 3301.165 of the Revised Code; 90636  
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(h) An educational service center; 90638

~~(h)~~(i) A preschool program or school-age child care program licensed by the department of education; 90639  
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~~(i)~~(j) Any other facility that primarily provides educational services to children subject to regulation by the department of education. 90641  
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(2) "Emergency management test" means a regularly scheduled drill, exercise, or activity designed to assess and evaluate an emergency management plan under this section. 90644  
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(3) "Building" means any school, school building, facility, program, or center. 90647  
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(B)(1) Each administrator shall develop and adopt a comprehensive emergency management plan, in accordance with rules adopted by the state board of education pursuant to division (F) of this section, for each building under the administrator's control. The administrator shall examine the environmental conditions and operations of each building to determine potential hazards to student and staff safety and shall propose operating changes to promote the prevention of potentially dangerous problems and circumstances. In developing the plan for each 90649  
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building, the administrator shall involve community law enforcement and safety officials, parents of students who are assigned to the building, and teachers and nonteaching employees who are assigned to the building. The administrator shall incorporate remediation strategies into the plan for any building where documented safety problems have occurred.

(2) Each administrator shall also incorporate into the emergency management plan adopted under division (B)(1) of this section all of the following:

(a) A protocol for addressing serious threats to the safety of property, students, employees, or administrators;

(b) A protocol for responding to any emergency events that occur and compromise the safety of property, students, employees, or administrators. This protocol shall include, but not be limited to, all of the following:

(i) A floor plan that is unique to each floor of the building;

(ii) A site plan that includes all building property and surrounding property;

(iii) An emergency contact information sheet.

(3) Each protocol described in divisions (B)(2)(a) and (b) of this section shall include procedures determined to be appropriate by the administrator for responding to threats and emergency events, respectively, including such things as notification of appropriate law enforcement personnel, calling upon specified emergency response personnel for assistance, and informing parents of affected students.

Prior to the opening day of each school year, the administrator shall inform each student or child enrolled in the school and the student's or child's parent of the parental

notification procedures included in the protocol. 90688

(4) Each administrator shall keep a copy of the emergency 90689  
management plan adopted pursuant to this section in a secure 90690  
place. 90691

(C)(1) The administrator shall submit to the department of 90692  
education, in accordance with rules adopted by the state board of 90693  
education pursuant to division (F) of this section, an electronic 90694  
copy of the emergency management plan prescribed by division (B) 90695  
of this section not less than once every three years, whenever a 90696  
major modification to the building requires changes in the 90697  
procedures outlined in the plan, and whenever information on the 90698  
emergency contact information sheet changes. 90699

(2) The administrator also shall file a copy of the plan with 90700  
each law enforcement agency that has jurisdiction over the school 90701  
building and, upon request, to any of the following: 90702

(a) The fire department that serves the political subdivision 90703  
in which the building is located; 90704

(b) The emergency medical service organization that serves 90705  
the political subdivision in which the building is located; 90706

(c) The county emergency management agency for the county in 90707  
which the building is located. 90708

(3) Upon receipt of an emergency management plan, the 90709  
department of education shall submit the information in accordance 90710  
with rules adopted by the state board of education pursuant to 90711  
division (F) of this section, to both of the following: 90712

(a) The attorney general, who shall post that information on 90713  
the Ohio law enforcement gateway or its successor; 90714

(b) The director of public safety, who shall post the 90715  
information on the contact and information management system. 90716

(4) Any department or entity to which copies of an emergency 90717

management plan are filed under this section shall keep the copies 90718  
in a secure place. 90719

(D)(1) Not later than the first day of July of each year, 90720  
each administrator shall review the emergency management plan and 90721  
certify to the department of education that the plan is current 90722  
and accurate. 90723

(2) Anytime that an administrator updates the emergency 90724  
management plan pursuant to division (C)(1) of this section, the 90725  
administrator shall file copies, not later than the tenth day 90726  
after the revision is adopted and in accordance with rules adopted 90727  
by the state board pursuant to division (F) of this section, to 90728  
the department of education and to any entity with which the 90729  
administrator filed a copy under division (C)(2) of this section. 90730

(E) Each administrator shall do both of the following: 90731

(1) Prepare and conduct at least one annual emergency 90732  
management test, as defined in division (A)(2) of this section, in 90733  
accordance with rules adopted by the state board pursuant to 90734  
division (F) of this section; 90735

(2) Grant access to each building under the control of the 90736  
administrator to law enforcement personnel and to entities 90737  
described in division (C)(2) of this section, to enable the 90738  
personnel and entities to hold training sessions for responding to 90739  
threats and emergency events affecting the building, provided that 90740  
the access occurs outside of student instructional hours and the 90741  
administrator, or the administrator's designee, is present in the 90742  
building during the training sessions. 90743

(F) The state board of education, in accordance with Chapter 90744  
119. of the Revised Code, shall adopt rules regarding emergency 90745  
management plans under this section, including the content of the 90746  
plans and procedures for filing the plans. The rules shall specify 90747  
that plans and information required under division (B) of this 90748

section be submitted on standardized forms developed by the 90749  
department of education for such purpose. The rules shall also 90750  
specify the requirements and procedures for emergency management 90751  
tests conducted pursuant to division (E)(1) of this section. 90752  
Failure to comply with the rules may result in discipline pursuant 90753  
to section 3319.31 of the Revised Code or any other action against 90754  
the administrator as prescribed by rule. 90755

(G) Division (B) of section 3319.31 of the Revised Code 90756  
applies to any administrator who is subject to the requirements of 90757  
this section and is not exempt under division (H) of this section 90758  
and who is an applicant for a license or holds a license from the 90759  
state board pursuant to section 3319.22 of the Revised Code. 90760

(H) The superintendent of public instruction may exempt any 90761  
administrator from the requirements of this section, if the 90762  
superintendent determines that the requirements do not otherwise 90763  
apply to a building or buildings under the control of that 90764  
administrator. 90765

(I) Copies of the emergency management plan and information 90766  
required under division (B) of this section are security records 90767  
and are not public records pursuant to section 149.433 of the 90768  
Revised Code. In addition, the information posted to the contact 90769  
and information management system, pursuant to division (C)(3)(b) 90770  
of this section, is exempt from public disclosure or release in 90771  
accordance with sections 149.43, 149.433, and 5502.03 of the 90772  
Revised Code. 90773

Notwithstanding section 149.433 of the Revised Code, a floor 90774  
plan filed with the attorney general pursuant to this section is 90775  
not a public record to the extent it is a record kept by the 90776  
attorney general. 90777

**Sec. 3313.539.** (A) As used in this section: 90778



(1) "Licensing agency" has the same meaning as in section 4745.01 of the Revised Code. 90779  
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(2) "Licensed health care professional" means an individual, other than a physician, who is authorized under Title XLVII of the Revised Code to practice a health care profession. 90781  
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(3) "Physician" means a person authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery. 90784  
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(B) No school district board of education or governing authority of a chartered nonpublic, accredited nonpublic school described in section 3301.165 of the Revised Code, or nonchartered nonpublic school shall permit a student to practice for or compete in interscholastic athletics until the student has submitted, to a school official designated by the board or governing authority, a form signed by the parent, guardian, or other person having care or charge of the student stating that the student and the parent, guardian, or other person having care or charge of the student have received the concussion and head injury information sheet required by section 3707.52 of the Revised Code. A completed form shall be submitted each school year, as defined in section 3313.62 of the Revised Code, for each sport or other category of interscholastic athletics for or in which the student practices or competes. 90787  
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(C)(1) No school district board of education or governing authority of a chartered, accredited, or nonchartered nonpublic school shall permit an individual to coach interscholastic athletics unless the individual holds a pupil-activity program permit issued under section 3319.303 of the Revised Code for coaching interscholastic athletics. 90802  
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(2) No school district board of education or governing authority of a chartered, accredited, or nonchartered nonpublic 90808  
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school shall permit an individual to referee interscholastic 90810  
athletics unless the individual holds a pupil-activity program 90811  
permit issued under section 3319.303 of the Revised Code for 90812  
coaching interscholastic athletics or presents evidence that the 90813  
individual has successfully completed, within the previous three 90814  
years, a training program in recognizing the symptoms of 90815  
concussions and head injuries to which the department of health 90816  
has provided a link on its internet web site under section 3707.52 90817  
of the Revised Code or a training program authorized and required 90818  
by an organization that regulates interscholastic athletic 90819  
competition and conducts interscholastic athletic events. 90820

(D) If a student practicing for or competing in an 90821  
interscholastic athletic event exhibits signs, symptoms, or 90822  
behaviors consistent with having sustained a concussion or head 90823  
injury while participating in the practice or competition, the 90824  
student shall be removed from the practice or competition by 90825  
either of the following: 90826

(1) The individual who is serving as the student's coach 90827  
during that practice or competition; 90828

(2) An individual who is serving as a referee during that 90829  
practice or competition. 90830

(E)(1) If a student is removed from practice or competition 90831  
under division (D) of this section, the coach or referee who 90832  
removed the student shall not allow the student, on the same day 90833  
the student is removed, to return to that practice or competition 90834  
or to participate in any other practice or competition for which 90835  
the coach or referee is responsible. Thereafter, the coach or 90836  
referee shall not allow the student to return to that practice or 90837  
competition or to participate in any other practice or competition 90838  
for which the coach or referee is responsible until both of the 90839  
following conditions are satisfied: 90840

(a) The student's condition is assessed by any of the 90841  
following who has complied with the requirements in division 90842  
(E)(4) of this section: 90843

(i) A physician; 90844

(ii) A licensed health care professional the school district 90845  
board of education or governing authority of the chartered, 90846  
accredited, or nonchartered nonpublic school, pursuant to division 90847  
(E)(2) of this section, authorizes to assess a student who has 90848  
been removed from practice or competition under division (D) of 90849  
this section; 90850

(iii) A licensed health care professional who meets the 90851  
minimum education requirements established by rules adopted under 90852  
section 3707.521 of the Revised Code by the professional's 90853  
licensing agency. 90854

(b) The student receives written clearance that it is safe 90855  
for the student to return to practice or competition from the 90856  
physician or licensed health care professional who assessed the 90857  
student's condition. 90858

(2) A school district board of education or governing 90859  
authority of a chartered, accredited, or nonchartered nonpublic 90860  
school may authorize a licensed health care professional to make 90861  
an assessment or grant a clearance for purposes of division (E)(1) 90862  
of this section only if the professional is acting in accordance 90863  
with one of the following, as applicable to the professional's 90864  
authority to practice in this state: 90865

(a) In consultation with a physician; 90866

(b) Pursuant to the referral of a physician; 90867

(c) In collaboration with a physician; 90868

(d) Under the supervision of a physician. 90869

(3) A physician or licensed health care professional who 90870

makes an assessment or grants a clearance for purposes of division 90871  
(E)(1) of this section may be a volunteer. 90872

(4) Beginning one year after ~~the effective date of this~~ 90873  
~~amendment~~ September 17, 2015, all physicians and licensed health 90874  
care professionals who conduct assessments and clearances under 90875  
division (E)(1) of this section must meet the minimum education 90876  
requirements established by rules adopted under section 3707.521 90877  
of the Revised Code by their respective licensing agencies. 90878

(F) A school district board of education or governing 90879  
authority of a chartered, accredited, or nonchartered nonpublic 90880  
school that is subject to the rules of an interscholastic 90881  
conference or an organization that regulates interscholastic 90882  
athletic competition and conducts interscholastic athletic events 90883  
shall be considered to be in compliance with divisions (B), (D), 90884  
and (E) of this section, as long as the requirements of those 90885  
rules are substantially similar to the requirements of divisions 90886  
(B), (D), and (E) of this section. 90887

(G)(1) A school district, member of a school district board 90888  
of education, or school district employee or volunteer, including 90889  
a coach or referee, is not liable in damages in a civil action for 90890  
injury, death, or loss to person or property allegedly arising 90891  
from providing services or performing duties under this section, 90892  
unless the act or omission constitutes willful or wanton 90893  
misconduct. 90894

This section does not eliminate, limit, or reduce any other 90895  
immunity or defense that a school district, member of a school 90896  
district board of education, or school district employee or 90897  
volunteer, including a coach or referee, may be entitled to under 90898  
Chapter 2744. or any other provision of the Revised Code or under 90899  
the common law of this state. 90900

(2) A chartered, accredited, or nonchartered nonpublic school 90901

or any officer, director, employee, or volunteer of the school, 90902  
including a coach or referee, is not liable in damages in a civil 90903  
action for injury, death, or loss to person or property allegedly 90904  
arising from providing services or performing duties under this 90905  
section, unless the act or omission constitutes willful or wanton 90906  
misconduct. 90907

**Sec. 3313.5311.** (A) As used in this section and in section 90908  
3313.5312 of the Revised Code, "extracurricular activity" has the 90909  
same meaning as in section 3313.537 of the Revised Code. 90910

(B) If the nonpublic school in which the student is enrolled 90911  
does not offer the extracurricular activity, a student enrolled in 90912  
a chartered nonpublic school, accredited nonpublic school 90913  
described in section 3301.165 of the Revised Code, or nonchartered 90914  
nonpublic school shall be afforded, by the superintendent of the 90915  
school district in which the student is entitled to attend school 90916  
under section 3313.64 or 3313.65 of the Revised Code, the 90917  
opportunity to participate in that extracurricular activity at the 90918  
district school to which the student otherwise would be assigned 90919  
during that school year. If more than one school operated by the 90920  
school district serves the student's grade level, as determined by 90921  
the district superintendent based on the student's age and 90922  
academic performance, the student shall be afforded the 90923  
opportunity to participate in that extracurricular activity at the 90924  
school to which the student would be assigned by the 90925  
superintendent under section 3319.01 of the Revised Code. 90926

(C) The superintendent of any school district may afford any 90927  
student enrolled in a nonpublic school, and who is not entitled to 90928  
attend school in the district under section 3313.64 or 3313.65 of 90929  
the Revised Code, the opportunity to participate in an 90930  
extracurricular activity offered by a school of the district, if 90931  
the nonpublic school in which the student is enrolled does not 90932

offer the extracurricular activity and either of the following 90933  
apply: 90934

(1) The extracurricular activity is not interscholastic 90935  
athletics or interscholastic contests or competition in music, 90936  
drama, or forensics. 90937

(2) The extracurricular activity is in an interscholastic 90938  
athletic or interscholastic contest or competition in music, 90939  
drama, or forensics. In order to participate under division (C)(2) 90940  
of this section, the student shall seek to participate at either 90941  
the school district in which the student's nonpublic school is 90942  
located or the school district in which the student is entitled to 90943  
attend school under section 3313.64 or 3313.65 of the Revised 90944  
Code, so long as the chosen district offers the extracurricular 90945  
activity. 90946

If the student seeks to participate under division (C)(2) of 90947  
this section at the school district in which the student's 90948  
nonpublic school is located, both of the following shall apply: 90949

(a) The superintendent of the school district in which the 90950  
student is entitled to attend school shall certify that the 90951  
student has not participated in any extracurricular activity that 90952  
is in an interscholastic athletic or interscholastic contest or 90953  
competition in music, drama, or forensics at that school district 90954  
during that school year. If the student has participated in such 90955  
an extracurricular activity at that school district during the 90956  
school year, the student shall be ineligible to participate at the 90957  
school district in which the student's nonpublic school is located 90958  
for that school year. 90959

(b) The superintendent of the school district in which the 90960  
student is entitled to attend school and the superintendent of the 90961  
school district in which the student is seeking to participate 90962  
shall mutually agree, in writing, to allow the student to 90963

participate in the extracurricular activity at the school district 90964  
in which the student's nonpublic school is located. 90965

(D) In order to participate in an extracurricular activity 90966  
under this section, the student shall be of the appropriate age 90967  
and grade level, as determined by the superintendent of the 90968  
district, for the school that offers the extracurricular activity, 90969  
and shall fulfill the same academic, nonacademic, and financial 90970  
requirements as any other participant. 90971

(E) No school district shall impose additional rules on a 90972  
student to participate under this section that do not apply to 90973  
other students participating in the same extracurricular activity. 90974  
No district shall impose additional fees for a student to 90975  
participate under this section that exceed any fees charged to 90976  
other students participating in the same extracurricular activity. 90977

(F) No school district, interscholastic conference, or 90978  
organization that regulates interscholastic conferences or events 90979  
shall require a student who is eligible to participate in 90980  
interscholastic extracurricular activities under this section to 90981  
meet eligibility requirements that conflict with this section. 90982

**Sec. 3313.603.** (A) As used in this section: 90983

(1) "One unit" means a minimum of one hundred twenty hours of 90984  
course instruction, except that for a laboratory course, "one 90985  
unit" means a minimum of one hundred fifty hours of course 90986  
instruction. 90987

(2) "One-half unit" means a minimum of sixty hours of course 90988  
instruction, except that for physical education courses, "one-half 90989  
unit" means a minimum of one hundred twenty hours of course 90990  
instruction. 90991

(B) Beginning September 15, 2001, except as required in 90992  
division (C) of this section and division (C) of section 3313.614 90993

of the Revised Code, the requirements for graduation from every 90994  
high school shall include twenty units earned in grades nine 90995  
through twelve and shall be distributed as follows: 90996

- (1) English language arts, four units; 90997
- (2) Health, one-half unit; 90998
- (3) Mathematics, three units; 90999
- (4) Physical education, one-half unit; 91000
- (5) Science, two units until September 15, 2003, and three 91001  
units thereafter, which at all times shall include both of the 91002  
following: 91003
  - (a) Biological sciences, one unit; 91004
  - (b) Physical sciences, one unit. 91005
- (6) History and government, one unit, which shall comply with 91006  
division (M) of this section and shall include both of the 91007  
following: 91008
  - (a) American history, one-half unit; 91009
  - (b) American government, one-half unit. 91010
- (7) Social studies, two units. 91011

Beginning with students who enter ninth grade for the first 91012  
time on or after July 1, 2017, the two units of instruction 91013  
prescribed by division (B)(7) of this section shall include at 91014  
least one-half unit of instruction in the study of world history 91015  
and civilizations. 91016

- (8) Elective units, seven units until September 15, 2003, and 91017  
six units thereafter. 91018

Each student's electives shall include at least one unit, or 91019  
two half units, chosen from among the areas of 91020  
business/technology, fine arts, and/or foreign language. 91021



(C) Beginning with students who enter ninth grade for the first time on or after July 1, 2010, except as provided in divisions (D) to (F) of this section, the requirements for graduation from every public and chartered nonpublic high school shall include twenty units that are designed to prepare students for the workforce and college. The units shall be distributed as follows:

(1) English language arts, four units;

(2) Health, one-half unit, which shall include instruction in nutrition and the benefits of nutritious foods and physical activity for overall health;

(3) Mathematics, four units, which shall include one unit of algebra II or the equivalent of algebra II, or one unit of advanced computer science as described in the standards adopted pursuant to division (A)(4) of section 3301.079 of the Revised Code. However, students who enter ninth grade for the first time on or after July 1, 2015, and who are pursuing a career-technical instructional track shall not be required to take algebra II or advanced computer science, and instead may complete a career-based pathway mathematics course approved by the department of education as an alternative.

For students who choose to take advanced computer science in lieu of algebra II under division (C)(3) of this section, the school shall communicate to those students that some institutions of higher education may require algebra II for the purpose of college admission. Also, the parent, guardian, or legal custodian of each student who chooses to take advanced computer science in lieu of algebra II shall sign and submit to the school a document containing a statement acknowledging that not taking algebra II may have an adverse effect on college admission decisions.

(4) Physical education, one-half unit;

(5) Science, three units with inquiry-based laboratory	91053
experience that engages students in asking valid scientific	91054
questions and gathering and analyzing information, which shall	91055
include the following, or their equivalent:	91056
(a) Physical sciences, one unit;	91057
(b) Life sciences, one unit;	91058
(c) Advanced study in one or more of the following sciences,	91059
one unit:	91060
(i) Chemistry, physics, or other physical science;	91061
(ii) Advanced biology or other life science;	91062
(iii) Astronomy, physical geology, or other earth or space	91063
science;	91064
(iv) Computer science.	91065
No student shall substitute a computer science course for a	91066
life sciences or biology course under division (C)(5) of this	91067
section.	91068
(6) History and government, one unit, which shall comply with	91069
division (M) of this section and shall include both of the	91070
following:	91071
(a) American history, one-half unit;	91072
(b) American government, one-half unit.	91073
(7) Social studies, two units.	91074
Each school shall integrate the study of economics and	91075
financial literacy, as expressed in the social studies academic	91076
content standards adopted by the state board of education under	91077
division (A)(1) of section 3301.079 of the Revised Code and the	91078
academic content standards for financial literacy and	91079
entrepreneurship adopted under division (A)(2) of that section,	91080
into one or more existing social studies credits required under	91081

division (C)(7) of this section, or into the content of another 91082  
class, so that every high school student receives instruction in 91083  
those concepts. In developing the curriculum required by this 91084  
paragraph, schools shall use available public-private partnerships 91085  
and resources and materials that exist in business, industry, and 91086  
through the centers for economics education at institutions of 91087  
higher education in the state. 91088

Beginning with students who enter ninth grade for the first 91089  
time on or after July 1, 2017, the two units of instruction 91090  
prescribed by division (C)(7) of this section shall include at 91091  
least one-half unit of instruction in the study of world history 91092  
and civilizations. 91093

(8) Five units consisting of one or any combination of 91094  
foreign language, fine arts, business, career-technical education, 91095  
family and consumer sciences, technology which may include 91096  
computer science, agricultural education, a junior reserve officer 91097  
training corps (JROTC) program approved by the congress of the 91098  
United States under title 10 of the United States Code, or English 91099  
language arts, mathematics, science, or social studies courses not 91100  
otherwise required under division (C) of this section. 91101

Ohioans must be prepared to apply increased knowledge and 91102  
skills in the workplace and to adapt their knowledge and skills 91103  
quickly to meet the rapidly changing conditions of the 91104  
twenty-first century. National studies indicate that all high 91105  
school graduates need the same academic foundation, regardless of 91106  
the opportunities they pursue after graduation. The goal of Ohio's 91107  
system of elementary and secondary education is to prepare all 91108  
students for and seamlessly connect all students to success in 91109  
life beyond high school graduation, regardless of whether the next 91110  
step is entering the workforce, beginning an apprenticeship, 91111  
engaging in post-secondary training, serving in the military, or 91112  
pursuing a college degree. 91113

The requirements for graduation prescribed in division (C) of this section are the standard expectation for all students entering ninth grade for the first time at a public or chartered nonpublic high school on or after July 1, 2010. A student may satisfy this expectation through a variety of methods, including, but not limited to, integrated, applied, career-technical, and traditional coursework.

Stronger coordination between high schools and institutions of higher education is necessary to prepare students for more challenging academic endeavors and to lessen the need for academic remediation in college, thereby reducing the costs of higher education for Ohio's students, families, and the state. The state board and the chancellor of higher education shall develop policies to ensure that only in rare instances will students who complete the requirements for graduation prescribed in division (C) of this section require academic remediation after high school.

School districts, community schools, and chartered nonpublic schools shall integrate technology into learning experiences across the curriculum in order to maximize efficiency, enhance learning, and prepare students for success in the technology-driven twenty-first century. Districts and schools shall use distance and web-based course delivery as a method of providing or augmenting all instruction required under this division, including laboratory experience in science. Districts and schools shall utilize technology access and electronic learning opportunities provided by the broadcast educational media commission, chancellor, the Ohio learning network, education technology centers, public television stations, and other public and private providers.

(D) Except as provided in division (E) of this section, a student who enters ninth grade on or after July 1, 2010, and

before July 1, 2016, may qualify for graduation from a public or 91146  
chartered nonpublic high school even though the student has not 91147  
completed the requirements for graduation prescribed in division 91148  
(C) of this section if all of the following conditions are 91149  
satisfied: 91150

(1) During the student's third year of attending high school, 91151  
as determined by the school, the student and the student's parent, 91152  
guardian, or custodian sign and file with the school a written 91153  
statement asserting the parent's, guardian's, or custodian's 91154  
consent to the student's graduating without completing the 91155  
requirements for graduation prescribed in division (C) of this 91156  
section and acknowledging that one consequence of not completing 91157  
those requirements is ineligibility to enroll in most state 91158  
universities in Ohio without further coursework. 91159

(2) The student and parent, guardian, or custodian fulfill 91160  
any procedural requirements the school stipulates to ensure the 91161  
student's and parent's, guardian's, or custodian's informed 91162  
consent and to facilitate orderly filing of statements under 91163  
division (D)(1) of this section. Annually, each district or school 91164  
shall notify the department of the number of students who choose 91165  
to qualify for graduation under division (D) of this section and 91166  
the number of students who complete the student's success plan and 91167  
graduate from high school. 91168

(3) The student and the student's parent, guardian, or 91169  
custodian and a representative of the student's high school 91170  
jointly develop a student success plan for the student in the 91171  
manner described in division (C)(1) of section 3313.6020 of the 91172  
Revised Code that specifies the student matriculating to a 91173  
two-year degree program, acquiring a business and 91174  
industry-recognized credential, or entering an apprenticeship. 91175

(4) The student's high school provides counseling and support 91176  
for the student related to the plan developed under division 91177

(D)(3) of this section during the remainder of the student's high school experience. 91178  
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(5)(a) Except as provided in division (D)(5)(b) of this section, the student successfully completes, at a minimum, the curriculum prescribed in division (B) of this section. 91180  
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(b) Beginning with students who enter ninth grade for the first time on or after July 1, 2014, a student shall be required to complete successfully, at the minimum, the curriculum prescribed in division (B) of this section, except as follows: 91183  
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(i) Mathematics, four units, one unit which shall be one of the following: 91187  
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(I) Probability and statistics; 91189

(II) Computer science; 91190

(III) Applied mathematics or quantitative reasoning; 91191

(IV) Any other course approved by the department using standards established by the superintendent not later than October 1, 2014. 91192  
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(ii) Elective units, five units; 91195

(iii) Science, three units as prescribed by division (B) of this section which shall include inquiry-based laboratory experience that engages students in asking valid scientific questions and gathering and analyzing information. 91196  
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The department, in collaboration with the chancellor, shall analyze student performance data to determine if there are mitigating factors that warrant extending the exception permitted by division (D) of this section to high school classes beyond those entering ninth grade before July 1, 2016. The department shall submit its findings and any recommendations not later than December 1, 2015, to the speaker and minority leader of the house of representatives, the president and minority leader of the 91200  
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senate, the chairpersons and ranking minority members of the 91208  
standing committees of the house of representatives and the senate 91209  
that consider education legislation, the state board of education, 91210  
and the superintendent of public instruction. 91211

(E) Each school district and chartered nonpublic school 91212  
retains the authority to require an even more challenging minimum 91213  
curriculum for high school graduation than specified in division 91214  
(B) or (C) of this section. A school district board of education, 91215  
through the adoption of a resolution, or the governing authority 91216  
of a chartered nonpublic school may stipulate any of the 91217  
following: 91218

(1) A minimum high school curriculum that requires more than 91219  
twenty units of academic credit to graduate; 91220

(2) An exception to the district's or school's minimum high 91221  
school curriculum that is comparable to the exception provided in 91222  
division (D) of this section but with additional requirements, 91223  
which may include a requirement that the student successfully 91224  
complete more than the minimum curriculum prescribed in division 91225  
(B) of this section; 91226

(3) That no exception comparable to that provided in division 91227  
(D) of this section is available. 91228

(F) A student enrolled in a dropout prevention and recovery 91229  
program, which program has received a waiver from the department, 91230  
may qualify for graduation from high school by successfully 91231  
completing a competency-based instructional program administered 91232  
by the dropout prevention and recovery program in lieu of 91233  
completing the requirements for graduation prescribed in division 91234  
(C) of this section. The department shall grant a waiver to a 91235  
dropout prevention and recovery program, within sixty days after 91236  
the program applies for the waiver, if the program meets all of 91237  
the following conditions: 91238

(1) The program serves only students not younger than sixteen 91239  
years of age and not older than twenty-one years of age. 91240

(2) The program enrolls students who, at the time of their 91241  
initial enrollment, either, or both, are at least one grade level 91242  
behind their cohort age groups or experience crises that 91243  
significantly interfere with their academic progress such that 91244  
they are prevented from continuing their traditional programs. 91245

(3) The program requires students to attain at least the 91246  
applicable score designated for each of the assessments prescribed 91247  
under division (B)(1) of section 3301.0710 of the Revised Code or, 91248  
to the extent prescribed by rule of the state board under division 91249  
(D)(5) of section 3301.0712 of the Revised Code, division (B)(2) 91250  
of that section. 91251

(4) The program develops a student success plan for the 91252  
student in the manner described in division (C)(1) of section 91253  
3313.6020 of the Revised Code that specifies the student's 91254  
matriculating to a two-year degree program, acquiring a business 91255  
and industry-recognized credential, or entering an apprenticeship. 91256

(5) The program provides counseling and support for the 91257  
student related to the plan developed under division (F)(4) of 91258  
this section during the remainder of the student's high school 91259  
experience. 91260

(6) The program requires the student and the student's 91261  
parent, guardian, or custodian to sign and file, in accordance 91262  
with procedural requirements stipulated by the program, a written 91263  
statement asserting the parent's, guardian's, or custodian's 91264  
consent to the student's graduating without completing the 91265  
requirements for graduation prescribed in division (C) of this 91266  
section and acknowledging that one consequence of not completing 91267  
those requirements is ineligibility to enroll in most state 91268  
universities in Ohio without further coursework. 91269



(7) Prior to receiving the waiver, the program has submitted 91270  
to the department an instructional plan that demonstrates how the 91271  
academic content standards adopted by the state board under 91272  
section 3301.079 of the Revised Code will be taught and assessed. 91273

(8) Prior to receiving the waiver, the program has submitted 91274  
to the department a policy on career advising that satisfies the 91275  
requirements of section 3313.6020 of the Revised Code, with an 91276  
emphasis on how every student will receive career advising. 91277

(9) Prior to receiving the waiver, the program has submitted 91278  
to the department a written agreement outlining the future 91279  
cooperation between the program and any combination of local job 91280  
training, postsecondary education, nonprofit, and health and 91281  
social service organizations to provide services for students in 91282  
the program and their families. 91283

Divisions (F)(8) and (9) of this section apply only to 91284  
waivers granted on or after July 1, 2015. 91285

If the department does not act either to grant the waiver or 91286  
to reject the program application for the waiver within sixty days 91287  
as required under this section, the waiver shall be considered to 91288  
be granted. 91289

(G) Every high school may permit students below the ninth 91290  
grade to take advanced work. If a high school so permits, it shall 91291  
award high school credit for successful completion of the advanced 91292  
work and shall count such advanced work toward the graduation 91293  
requirements of division (B) or (C) of this section if the 91294  
advanced work was both: 91295

(1) Taught by a person who possesses a license or certificate 91296  
issued under section 3301.071, 3319.22, or 3319.222 of the Revised 91297  
Code that is valid for teaching high school; 91298

(2) Designated by the board of education of the city, local, 91299  
or exempted village school district, the board of the cooperative 91300

education school district, or the governing authority of the 91301  
chartered nonpublic school as meeting the high school curriculum 91302  
requirements. 91303

Each high school shall record on the student's high school 91304  
transcript all high school credit awarded under division (G) of 91305  
this section. In addition, if the student completed a seventh- or 91306  
eighth-grade fine arts course described in division (K) of this 91307  
section and the course qualified for high school credit under that 91308  
division, the high school shall record that course on the 91309  
student's high school transcript. 91310

(H) The department shall make its individual academic career 91311  
plan available through its Ohio career information system web site 91312  
for districts and schools to use as a tool for communicating with 91313  
and providing guidance to students and families in selecting high 91314  
school courses. 91315

(I) A school district or chartered nonpublic school may 91316  
integrate academic content in a subject area for which the state 91317  
board has adopted standards under section 3301.079 of the Revised 91318  
Code into a course in a different subject area, including a 91319  
career-technical education course, in accordance with guidance for 91320  
integrated coursework developed by the department. Upon successful 91321  
completion of an integrated course, a student may receive credit 91322  
for both subject areas that were integrated into the course. Units 91323  
earned for subject area content delivered through integrated 91324  
academic and career-technical instruction are eligible to meet the 91325  
graduation requirements of division (B) or (C) of this section. 91326

For purposes of meeting graduation requirements, if an 91327  
end-of-course examination has been prescribed under section 91328  
3301.0712 of the Revised Code for the subject area delivered 91329  
through integrated instruction, the school district or school may 91330  
administer the related subject area examinations upon the 91331  
student's completion of the integrated course. 91332

Nothing in division (I) of this section shall be construed to 91333  
excuse any school district, chartered nonpublic school, or student 91334  
from any requirement in the Revised Code related to curriculum, 91335  
assessments, or the awarding of a high school diploma. 91336

(J)(1) The state board, in consultation with the chancellor, 91337  
shall adopt a statewide plan implementing methods for students to 91338  
earn units of high school credit based on a demonstration of 91339  
subject area competency, instead of or in combination with 91340  
completing hours of classroom instruction. The state board shall 91341  
adopt the plan not later than March 31, 2009, and commence phasing 91342  
in the plan during the 2009-2010 school year. The plan shall 91343  
include a standard method for recording demonstrated proficiency 91344  
on high school transcripts. Each school district and community 91345  
school shall comply with the state board's plan adopted under this 91346  
division and award units of high school credit in accordance with 91347  
the plan. The state board may adopt existing methods for earning 91348  
high school credit based on a demonstration of subject area 91349  
competency as necessary prior to the 2009-2010 school year. 91350

(2) Not later than December 31, 2015, the state board shall 91351  
update the statewide plan adopted pursuant to division (J)(1) of 91352  
this section to also include methods for students enrolled in 91353  
seventh and eighth grade to meet curriculum requirements based on 91354  
a demonstration of subject area competency, instead of or in 91355  
combination with completing hours of classroom instruction. 91356  
Beginning with the 2017-2018 school year, each school district and 91357  
community school also shall comply with the updated plan adopted 91358  
pursuant to this division and permit students enrolled in seventh 91359  
and eighth grade to meet curriculum requirements based on subject 91360  
area competency in accordance with the plan. 91361

(3) Not later than December 31, 2017, the department shall 91362  
develop a framework for school districts and community schools to 91363  
use in granting units of high school credit to students who 91364

demonstrate subject area competency through work-based learning 91365  
experiences, internships, or cooperative education. Beginning with 91366  
the 2018-2019 school year, each district and community school 91367  
shall comply with the framework. Each district and community 91368  
school also shall review any policy it has adopted regarding the 91369  
demonstration of subject area competency to identify ways to 91370  
incorporate work-based learning experiences, internships, and 91371  
cooperative education into the policy in order to increase student 91372  
engagement and opportunities to earn units of high school credit. 91373

(K) This division does not apply to students who qualify for 91374  
graduation from high school under division (D) or (F) of this 91375  
section, or to students pursuing a career-technical instructional 91376  
track as determined by the school district board of education or 91377  
the chartered nonpublic school's governing authority. 91378  
Nevertheless, the general assembly encourages such students to 91379  
consider enrolling in a fine arts course as an elective. 91380

Beginning with students who enter ninth grade for the first 91381  
time on or after July 1, 2010, each student enrolled in a public 91382  
or chartered nonpublic high school shall complete two semesters or 91383  
the equivalent of fine arts to graduate from high school. The 91384  
coursework may be completed in any of grades seven to twelve. Each 91385  
student who completes a fine arts course in grade seven or eight 91386  
may elect to count that course toward the five units of electives 91387  
required for graduation under division (C)(8) of this section, if 91388  
the course satisfied the requirements of division (G) of this 91389  
section. In that case, the high school shall award the student 91390  
high school credit for the course and count the course toward the 91391  
five units required under division (C)(8) of this section. If the 91392  
course in grade seven or eight did not satisfy the requirements of 91393  
division (G) of this section, the high school shall not award the 91394  
student high school credit for the course but shall count the 91395  
course toward the two semesters or the equivalent of fine arts 91396

required by this division. 91397

(L) Notwithstanding anything to the contrary in this section, 91398  
the board of education of each school district and the governing 91399  
authority of each chartered nonpublic school may adopt a policy to 91400  
excuse from the high school physical education requirement each 91401  
student who, during high school, has participated in 91402  
interscholastic athletics, marching band, or cheerleading for at 91403  
least two full seasons or in the junior reserve officer training 91404  
corps for at least two full school years. If the board or 91405  
authority adopts such a policy, the board or authority shall not 91406  
require the student to complete any physical education course as a 91407  
condition to graduate. However, the student shall be required to 91408  
complete one-half unit, consisting of at least sixty hours of 91409  
instruction, in another course of study. In the case of a student 91410  
who has participated in the junior reserve officer training corps 91411  
for at least two full school years, credit received for that 91412  
participation may be used to satisfy the requirement to complete 91413  
one-half unit in another course of study. 91414

(M) It is important that high school students learn and 91415  
understand United States history and the governments of both the 91416  
United States and the state of Ohio. Therefore, beginning with 91417  
students who enter ninth grade for the first time on or after July 91418  
1, 2012, the study of American history and American government 91419  
required by divisions (B)(6) and (C)(6) of this section shall 91420  
include the study of all of the following documents: 91421

(1) The Declaration of Independence; 91422

(2) The Northwest Ordinance; 91423

(3) The Constitution of the United States with emphasis on 91424  
the Bill of Rights; 91425

(4) The Ohio Constitution. 91426

The study of each of the documents prescribed in divisions 91427

(M)(1) to (4) of this section shall include study of that document 91428  
in its original context. 91429

The study of American history and government required by 91430  
divisions (B)(6) and (C)(6) of this section shall include the 91431  
historical evidence of the role of documents such as the 91432  
Federalist Papers and the Anti-Federalist Papers to firmly 91433  
establish the historical background leading to the establishment 91434  
of the provisions of the Constitution and Bill of Rights. 91435

(N) A student may apply one unit of instruction in computer 91436  
science to satisfy one unit of mathematics or one unit of science 91437  
under division (C) of this section as the student chooses, 91438  
regardless of the field of certification of the teacher who 91439  
teaches the course, so long as that teacher meets the licensure 91440  
requirements prescribed by section 3319.236 of the Revised Code 91441  
and, prior to teaching the course, completes a professional 91442  
development program determined to be appropriate by the district 91443  
board. 91444

If a student applies more than one computer science course to 91445  
satisfy curriculum requirements under that division, the courses 91446  
shall be sequential and progressively more difficult or cover 91447  
different subject areas within computer science. 91448

(O) This section shall not apply to accredited nonpublic 91449  
schools described in section 3301.165 of the Revised Code. 91450

**Sec. 3313.62.** The school year shall begin on the first day of 91451  
July of each calendar year and close on the thirtieth day of June 91452  
of the succeeding calendar year. A school week shall consist of 91453  
five days. A chartered nonpublic school or an accredited nonpublic 91454  
school described in section 3301.165 of the Revised Code may be 91455  
open for instruction with pupils in attendance on any day of the 91456  
week, including Saturday or Sunday. 91457

Sec. 3313.716. (A) Notwithstanding section 3313.713 of the Revised Code or any policy adopted under that section, a student of a school operated by a city, local, exempted village, or joint vocational school district ~~or~~, a student of a chartered nonpublic school, or a student of an accredited nonpublic school described in section 3301.165 of the Revised Code may possess and use a metered dose inhaler or a dry powder inhaler to alleviate asthmatic symptoms, or before exercise to prevent the onset of asthmatic symptoms, if both of the following conditions are satisfied:

(1) The student has the written approval of the student's physician and, if the student is a minor, the written approval of the parent, guardian, or other person having care or charge of the student. The physician's written approval shall include at least all of the following information:

(a) The student's name and address;

(b) The names and dose of the medication contained in the inhaler;

(c) The date the administration of the medication is to begin;

(d) The date, if known, that the administration of the medication is to cease;

(e) Written instructions that outline procedures school personnel should follow in the event that the asthma medication does not produce the expected relief from the student's asthma attack;

(f) Any severe adverse reactions that may occur to the child using the inhaler and that should be reported to the physician;

(g) Any severe adverse reactions that may occur to another child, for whom the inhaler is not prescribed, should such a child

receive a dose of the medication; 91488

(h) At least one emergency telephone number for contacting 91489  
the physician in an emergency; 91490

(i) At least one emergency telephone number for contacting 91491  
the parent, guardian, or other person having care or charge of the 91492  
student in an emergency; 91493

(j) Any other special instructions from the physician. 91494

(2) The school principal and, if a school nurse is assigned 91495  
to the student's school building, the school nurse has received 91496  
copies of the written approvals required by division (A)(1) of 91497  
this section. 91498

If these conditions are satisfied, the student may possess 91499  
and use the inhaler at school or at any activity, event, or 91500  
program sponsored by or in which the student's school is a 91501  
participant. 91502

(B)(1) A school district, member of a school district board 91503  
of education, or school district employee is not liable in damages 91504  
in a civil action for injury, death, or loss to person or property 91505  
allegedly arising from a district employee's prohibiting a student 91506  
from using an inhaler because of the employee's good faith belief 91507  
that the conditions of divisions (A)(1) and (2) of this section 91508  
had not been satisfied. A school district, member of a school 91509  
district board of education, or school district employee is not 91510  
liable in damages in a civil action for injury, death, or loss to 91511  
person or property allegedly arising from a district employee's 91512  
permitting a student to use an inhaler because of the employee's 91513  
good faith belief that the conditions of divisions (A)(1) and (2) 91514  
of this section had been satisfied. Furthermore, when a school 91515  
district is required by this section to permit a student to 91516  
possess and use an inhaler because the conditions of divisions 91517  
(A)(1) and (2) of this section have been satisfied, the school 91518



district, any member of the school district board of education, or 91519  
any school district employee is not liable in damages in a civil 91520  
action for injury, death, or loss to person or property allegedly 91521  
arising from the use of the inhaler by a student for whom it was 91522  
not prescribed. 91523

This section does not eliminate, limit, or reduce any other 91524  
immunity or defense that a school district, member of a school 91525  
district board of education, or school district employee may be 91526  
entitled to under Chapter 2744. or any other provision of the 91527  
Revised Code or under the common law of this state. 91528

(2) A chartered or an accredited nonpublic school or any 91529  
officer, director, or employee of the school is not liable in 91530  
damages in a civil action for injury, death, or loss to person or 91531  
property allegedly arising from a school employee's prohibiting a 91532  
student from using an inhaler because of the employee's good faith 91533  
belief that the conditions of divisions (A)(1) and (2) of this 91534  
section had not been satisfied. A chartered or an accredited 91535  
nonpublic school or any officer, director, or employee of the 91536  
school is not liable in damages in a civil action for injury, 91537  
death, or loss to person or property allegedly arising from a 91538  
school employee's permitting a student to use an inhaler because 91539  
of the employee's good faith belief that the conditions of 91540  
divisions (A)(1) and (2) of this section had been satisfied. 91541  
Furthermore, when a chartered or an accredited nonpublic school is 91542  
required by this section to permit a student to possess and use an 91543  
inhaler because the conditions of divisions (A)(1) and (2) of this 91544  
section have been satisfied, the chartered or accredited nonpublic 91545  
school or any officer, director, or employee of the school is not 91546  
liable in damages in a civil action for injury, death, or loss to 91547  
person or property allegedly arising from the use of the inhaler 91548  
by a student for whom it was not prescribed. 91549

**Sec. 3313.717.** (A) As used in this section, "automated external defibrillator" means a specialized defibrillator that is approved for use as a medical device by the United States food and drug administration for performing automated external defibrillation, as defined in section 2305.235 of the Revised Code.

(B)(1) The board of education of each school district may require the placement of an automated external defibrillator in each school under the control of the board. Not later than July 1, 2018, pursuant to section 3313.6023 of the Revised Code, all persons employed by a school district shall receive training in the use of an automated external defibrillator in accordance with that section, except for substitutes, adult education instructors who are scheduled to work the full-time equivalent of less than one hundred twenty days per school year, or persons who are employed on an as-needed, seasonal, or intermittent basis, so long as the persons are not employed to coach or supervise interscholastic athletics.

(2) The administrative authority of each chartered nonpublic school and the administrative authority of each accredited nonpublic school described in section 3301.165 of the Revised Code may require the placement of an automated external defibrillator in each school under the control of the authority. If an authority requires the placement of an automated external defibrillator as provided in this section, the authority also shall require that a sufficient number of the staff persons assigned to each school under the control of the authority successfully complete an appropriate training course in the use of an automated external defibrillator as described in section 3701.85 of the Revised Code.

(C) In regard to the use of an automated external defibrillator that is placed in a school as specified in this

section, and except in the case of willful or wanton misconduct or 91581  
when there is no good faith attempt to activate an emergency 91582  
medical services system in accordance with section 3701.85 of the 91583  
Revised Code, no person shall be held liable in civil damages for 91584  
injury, death, or loss to person or property, or held criminally 91585  
liable, for performing automated external defibrillation in good 91586  
faith, regardless of whether the person has obtained appropriate 91587  
training on how to perform automated external defibrillation or 91588  
successfully completed a course in cardiopulmonary resuscitation. 91589

**Sec. 3313.718.** (A) As used in this section, "prescriber" has 91590  
the same meaning as in section 4729.01 of the Revised Code. 91591

(B) Notwithstanding section 3313.713 of the Revised Code or 91592  
any policy adopted under that section, a student of a school 91593  
operated by a city, local, exempted village, or joint vocational 91594  
school district ~~or~~, a student of a chartered nonpublic school, or 91595  
a student of an accredited nonpublic school described in section 91596  
3301.165 of the Revised Code may possess and use an epinephrine 91597  
autoinjector to treat anaphylaxis, if all of the following 91598  
conditions are satisfied: 91599

(1) The student has the written approval of the prescriber of 91600  
the autoinjector and, if the student is a minor, the written 91601  
approval of the parent, guardian, or other person having care or 91602  
charge of the student. The prescriber's written approval shall 91603  
include at least all of the following information: 91604

(a) The student's name and address; 91605

(b) The names and dose of the medication contained in the 91606  
autoinjector; 91607

(c) The date the administration of the medication is to 91608  
begin; 91609

(d) The date, if known, that the administration of the 91610

medication is to cease; 91611

(e) Acknowledgment that the prescriber has determined that 91612  
the student is capable of possessing and using the autoinjector 91613  
appropriately and has provided the student with training in the 91614  
proper use of the autoinjector; 91615

(f) Circumstances in which the autoinjector should be used; 91616

(g) Written instructions that outline procedures school 91617  
employees should follow in the event that the student is unable to 91618  
administer the anaphylaxis medication or the medication does not 91619  
produce the expected relief from the student's anaphylaxis; 91620

(h) Any severe adverse reactions that may occur to the child 91621  
using the autoinjector that should be reported to the prescriber; 91622

(i) Any severe adverse reactions that may occur to another 91623  
child, for whom the autoinjector is not prescribed, should such a 91624  
child receive a dose of the medication; 91625

(j) At least one emergency telephone number for contacting 91626  
the prescriber in an emergency; 91627

(k) At least one emergency telephone number for contacting 91628  
the parent, guardian, or other person having care or charge of the 91629  
student in an emergency; 91630

(1) Any other special instructions from the prescriber. 91631

(2) The school principal and, if a school nurse is assigned 91632  
to the student's school building, the school nurse has received 91633  
copies of the written approvals required by division (B)(1) of 91634  
this section. 91635

(3) The school principal or, if a school nurse is assigned to 91636  
the student's school building, the school nurse has received a 91637  
backup dose of the anaphylaxis medication from the parent, 91638  
guardian, or other person having care or charge of the student or, 91639  
if the student is not a minor, from the student. 91640

If these conditions are satisfied, the student may possess 91641  
and use the autoinjector at school or at any activity, event, or 91642  
program sponsored by or in which the student's school is a 91643  
participant. 91644

(C) Whenever a student uses an autoinjector at school or at 91645  
any activity, event, or program sponsored by or in which the 91646  
student's school is a participant or whenever a school employee 91647  
administers anaphylaxis medication to a student that was possessed 91648  
by the student pursuant to the written approvals described in 91649  
division (B)(1) of this section, a school employee shall 91650  
immediately request assistance from an emergency medical service 91651  
provider. 91652

(D)(1) A school district, member of a school district board 91653  
of education, or school district employee is not liable in damages 91654  
in a civil action for injury, death, or loss to person or property 91655  
allegedly arising from a district employee's prohibiting a student 91656  
from using an autoinjector because of the employee's good faith 91657  
belief that the conditions of division (B) of this section had not 91658  
been satisfied. A school district, member of a school district 91659  
board of education, or school district employee is not liable in 91660  
damages in a civil action for injury, death, or loss to person or 91661  
property allegedly arising from a district employee's permitting a 91662  
student to use an autoinjector because of the employee's good 91663  
faith belief that the conditions of division (B) of this section 91664  
had been satisfied. Furthermore, when a school district is 91665  
required by this section to permit a student to possess and use an 91666  
autoinjector because the conditions of division (B) of this 91667  
section have been satisfied, the school district, any member of 91668  
the school district board of education, or any school district 91669  
employee is not liable in damages in a civil action for injury, 91670  
death, or loss to person or property allegedly arising from the 91671  
use of the autoinjector by a student for whom it was not 91672

prescribed. 91673

This section does not eliminate, limit, or reduce any other 91674  
immunity or defense that a school district, member of a school 91675  
district board of education, or school district employee may be 91676  
entitled to under Chapter 2744. or any other provision of the 91677  
Revised Code or under the common law of this state. 91678

(2) A chartered or an accredited nonpublic school or any 91679  
officer, director, or employee of the school is not liable in 91680  
damages in a civil action for injury, death, or loss to person or 91681  
property allegedly arising from a school employee's prohibiting a 91682  
student from using an autoinjector because of the employee's good 91683  
faith belief that the conditions of division (B) of this section 91684  
had not been satisfied. A chartered or an accredited nonpublic 91685  
school or any officer, director, or employee of the school is not 91686  
liable in damages in a civil action for injury, death, or loss to 91687  
person or property allegedly arising from a school employee's 91688  
permitting a student to use an autoinjector because of the 91689  
employee's good faith belief that the conditions of division (B) 91690  
of this section had been satisfied. Furthermore, when a chartered 91691  
or an accredited nonpublic school is required by this section to 91692  
permit a student to possess and use an autoinjector because the 91693  
conditions of division (B) of this section have been satisfied, 91694  
the chartered or accredited nonpublic school or any officer, 91695  
director, or employee of the school is not liable in damages in a 91696  
civil action for injury, death, or loss to person or property 91697  
allegedly arising from the use of the autoinjector by a student 91698  
for whom it was not prescribed. 91699

**Sec. 3313.719.** The board of education of each city, local, 91700  
exempted village, and joint vocational school district ~~and~~, the 91701  
governing authority of each chartered nonpublic school, and the 91702  
governing authority of each accredited nonpublic school described 91703

in section 3301.165 of the Revised Code shall establish a written 91704  
policy with respect to protecting students with peanut or other 91705  
food allergies. The policy shall be developed in consultation with 91706  
parents, school nurses and other school employees, school 91707  
volunteers, students, and community members. 91708

**Sec. 3313.7111.** (A) With the approval of its governing 91709  
authority, a chartered nonpublic school, accredited nonpublic 91710  
school described in section 3301.165 of the Revised Code, or 91711  
nonchartered nonpublic school may procure epinephrine 91712  
autoinjectors in the manner prescribed by section 3313.7110 of the 91713  
Revised Code. A chartered, accredited, or nonchartered nonpublic 91714  
school that elects to do so shall comply with all provisions of 91715  
that section as if it were a school district. 91716

(B)(1) The following are not liable in damages in a civil 91717  
action for injury, death, or loss to person or property that 91718  
allegedly arises from an act or omission associated with 91719  
procuring, maintaining, accessing, or using an epinephrine 91720  
autoinjector under this section, unless the act or omission 91721  
constitutes willful or wanton misconduct: 91722

(a) A chartered, accredited, or nonchartered nonpublic 91723  
school; 91724

(b) A member of a chartered, accredited, or nonchartered 91725  
nonpublic school governing authority; 91726

(c) An employee or contractor of the school; 91727

(d) A licensed health professional authorized to prescribe 91728  
drugs who personally furnishes or prescribes epinephrine 91729  
autoinjectors, provides a consultation, or issues a protocol 91730  
pursuant to this section. 91731

(2) This division does not eliminate, limit, or reduce any 91732  
other immunity or defense that a chartered, accredited, or 91733

nonchartered nonpublic school or governing authority, member of a 91734  
chartered, accredited, or nonchartered nonpublic school governing 91735  
authority, chartered, accredited, or nonchartered nonpublic school 91736  
employee or contractor, or licensed health professional may be 91737  
entitled to under any other provision of the Revised Code or the 91738  
common law of this state. 91739

(C) A chartered, accredited, or nonchartered nonpublic school 91740  
may accept donations of epinephrine autoinjectors from a wholesale 91741  
distributor of dangerous drugs or a manufacturer of dangerous 91742  
drugs, as defined in section 4729.01 of the Revised Code, and may 91743  
accept donations of money from any person to purchase epinephrine 91744  
autoinjectors. 91745

(D) A chartered, accredited, or nonchartered nonpublic school 91746  
that elects to procure epinephrine autoinjectors under this 91747  
section shall report to the department of education each 91748  
procurement and occurrence in which an epinephrine autoinjector is 91749  
used from the school's supply of epinephrine autoinjectors. 91750

**Sec. 3313.7112.** (A) As used in this section: 91751

(1) "Board of education" means a board of education of a 91752  
city, local, exempted village, or joint vocational school 91753  
district. 91754

(2) "Governing authority" means a governing authority of a 91755  
chartered nonpublic school or an accredited nonpublic school 91756  
operating under section 3301.165 of the Revised Code. 91757

(3) "Licensed health care professional" means any of the 91758  
following: 91759

(a) A physician authorized under Chapter 4731. of the Revised 91760  
Code to practice medicine and surgery or osteopathic medicine and 91761  
surgery; 91762

(b) A registered nurse, advanced practice registered nurse, 91763



or licensed practical nurse licensed under Chapter 4723. of the Revised Code; 91764  
91765

(c) A physician assistant licensed under Chapter 4730. of the Revised Code. 91766  
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(4) "Local health department" means a department operated by a board of health of a city or general health district or the authority having the duties of a board of health as described in section 3709.05 of the Revised Code. 91768  
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(5) "School employee" or "employee" means either of the following: 91772  
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(a) A person employed by a board of education or governing authority; 91774  
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(b) A licensed health care professional employed by or under contract with a local health department who is assigned to a school in a city, local, exempted village, or joint vocational school district ~~or~~, a chartered nonpublic school, or an accredited nonpublic school described in section 3301.165 of the Revised Code. 91776  
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(6) "Treating practitioner" means any of the following who has primary responsibility for treating a student's diabetes and has been identified as such by the student's parent, guardian, or other person having care or charge of the student or, if the student is at least eighteen years of age, by the student: 91782  
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(a) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery; 91787  
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(b) An advanced practice registered nurse who holds a current, valid license to practice nursing as an advanced practice registered nurse issued under Chapter 4723. of the Revised Code and is designated as a clinical nurse specialist or certified 91790  
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nurse practitioner in accordance with section 4723.42 of the Revised Code; 91794  
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(c) A physician assistant who holds a license issued under Chapter 4730. of the Revised Code, holds a valid prescriber number issued by the state medical board, and has been granted physician-delegated prescriptive authority. 91796  
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(7) "504 plan" means a plan based on an evaluation conducted in accordance with section 504 of the "Rehabilitation Act of 1973," 29 U.S.C. 794, as amended. 91800  
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(B)(1) Each board of education or governing authority shall ensure that each student enrolled in the school district or chartered nonpublic school who has diabetes receives appropriate and needed diabetes care in accordance with an order signed by the student's treating practitioner. The diabetes care to be provided includes any of the following: 91803  
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(a) Checking and recording blood glucose levels and ketone levels or assisting the student with checking and recording these levels; 91809  
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(b) Responding to blood glucose levels that are outside of the student's target range; 91812  
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(c) In the case of severe hypoglycemia, administering glucagon and other emergency treatments as prescribed; 91814  
91815

(d) Administering insulin or assisting the student in self-administering insulin through the insulin delivery system the student uses; 91816  
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(e) Providing oral diabetes medications; 91819

(f) Understanding recommended schedules and food intake for meals and snacks in order to calculate medication dosages pursuant to the order of the student's treating practitioner; 91820  
91821  
91822

(g) Following the treating practitioner's instructions 91823

regarding meals, snacks, and physical activity; 91824

(h) Administering diabetes medication, as long as the 91825  
conditions prescribed in division (C) of this section are 91826  
satisfied. 91827

(2) Not later than fourteen days after receipt of an order 91828  
signed by the treating practitioner of a student with diabetes, 91829  
the board of education or governing authority shall inform the 91830  
student's parent, guardian, or other person having care or charge 91831  
of the student that the student may be entitled to a 504 plan 91832  
regarding the student's diabetes. The department of education 91833  
shall develop a 504 plan information sheet for use by a board of 91834  
education or governing authority when informing a student's 91835  
parent, guardian, or other person having care or charge of the 91836  
student that the student may be entitled to a 504 plan regarding 91837  
the student's diabetes. 91838

(C) Notwithstanding division (B) of section 3313.713 of the 91839  
Revised Code or any other provision of the Revised Code, diabetes 91840  
medication may be administered under this section by a school 91841  
nurse or, in the absence of a school nurse, a school employee who 91842  
is trained in diabetes care under division (E) of this section. 91843  
Medication administration may be provided under this section only 91844  
when the conditions prescribed in division (C) of section 3313.713 91845  
of the Revised Code are satisfied. 91846

Notwithstanding division (D) of section 3313.713 of the 91847  
Revised Code, medication that is to be administered under this 91848  
section may be kept in an easily accessible location. 91849

(D)(1) The department of education shall adopt nationally 91850  
recognized guidelines, as determined by the department, for the 91851  
training of school employees in diabetes care for students. In 91852  
doing so, the department shall consult with the department of 91853  
health, the American diabetes association, and the Ohio school 91854

nurses association. The department may consult with any other 91855  
organizations as determined appropriate by the department. 91856

(2) The guidelines shall address all of the following issues: 91857

(a) Recognizing the symptoms of hypoglycemia and 91858  
hyperglycemia; 91859

(b) The appropriate treatment for a student who exhibits the 91860  
symptoms of hypoglycemia or hyperglycemia; 91861

(c) Recognizing situations that require the provision of 91862  
emergency medical assistance to a student; 91863

(d) Understanding the appropriate treatment for a student, 91864  
based on an order issued by the student's treating practitioner, 91865  
if the student's blood glucose level is not within the target 91866  
range indicated by the order; 91867

(e) Understanding the instructions in an order issued by a 91868  
student's treating practitioner concerning necessary medications; 91869

(f) Performing blood glucose and ketone tests for a student 91870  
in accordance with an order issued by the student's treating 91871  
practitioner and recording the results of those tests; 91872

(g) Administering insulin, glucagon, or other medication to a 91873  
student in accordance with an order issued by the student's 91874  
treating practitioner and recording the results of the 91875  
administration; 91876

(h) Understanding the relationship between the diet 91877  
recommended in an order issued by a student's treating 91878  
practitioner and actions that may be taken if the recommended diet 91879  
is not followed. 91880

(E)(1) To ensure that a student with diabetes receives the 91881  
diabetes care specified in division (B) of this section, a board 91882  
of education or governing authority may provide training that 91883  
complies with the guidelines developed under division (D) of this 91884

section to a school employee at each school attended by a student 91885  
with diabetes. With respect to any training provided, all of the 91886  
following apply: 91887

(a) The training shall be coordinated by a school nurse or, 91888  
if the school does not employ a school nurse, a licensed health 91889  
care professional with expertise in diabetes who is approved by 91890  
the school to provide the training. 91891

(b) The training shall take place prior to the beginning of 91892  
each school year or, as needed, not later than fourteen days after 91893  
receipt by the board of education or governing authority of an 91894  
order signed by the treating practitioner of a student with 91895  
diabetes. 91896

(c) On completion of the training, the board of education or 91897  
governing authority, in a manner it determines, shall determine 91898  
whether each employee trained is competent to provide diabetes 91899  
care. 91900

(d) The school nurse or approved licensed health care 91901  
professional with expertise in diabetes care shall promptly 91902  
provide all necessary follow-up training and supervision to an 91903  
employee who receives training. 91904

(2) The principal of a school attended by a student with 91905  
diabetes or another school official authorized to act on behalf of 91906  
the principal may distribute a written notice to each employee 91907  
containing all of the following: 91908

(a) A statement that the school is required to provide 91909  
diabetes care to a student with diabetes and is seeking employees 91910  
who are willing to be trained to provide that care; 91911

(b) A description of the tasks to be performed; 91912

(c) A statement that participation is voluntary and that the 91913  
school district or governing authority will not take action 91914

against an employee who does not agree to provide diabetes care; 91915

(d) A statement that training will be provided by a licensed 91916  
health care professional to an employee who agrees to provide 91917  
care; 91918

(e) A statement that a trained employee is immune from 91919  
liability under division (J) of this section; 91920

(f) The name of the individual who should be contacted if an 91921  
employee is interested in providing diabetes care. 91922

(3) No employee of a board of education or governing 91923  
authority shall be subject to a penalty or disciplinary action 91924  
under school or district policies for refusing to volunteer to be 91925  
trained in diabetes care. 91926

(4) No board or governing authority shall discourage 91927  
employees from agreeing to provide diabetes care under this 91928  
section. 91929

(F) A board of education or governing authority may provide 91930  
training in the recognition of hypoglycemia and hyperglycemia and 91931  
actions to take in response to emergency situations involving 91932  
these conditions to both of the following: 91933

(1) A school employee who has primary responsibility for 91934  
supervising a student with diabetes during some portion of the 91935  
school day; 91936

(2) A bus driver employed by a school district ~~or~~, chartered 91937  
nonpublic school, or accredited nonpublic school described in 91938  
section 3301.165 of the Revised Code, who is responsible for the 91939  
transportation of a student with diabetes. 91940

(G) A student with diabetes shall be permitted to attend the 91941  
school the student would otherwise attend if the student did not 91942  
have diabetes and the diabetes care specified in division (B) of 91943  
this section shall be provided at the school. A board of education 91944

or governing authority shall not restrict a student who has 91945  
diabetes from attending the school on the basis that the student 91946  
has diabetes, that the school does not have a full-time school 91947  
nurse, or that the school does not have an employee trained in 91948  
diabetes care. The school shall not require or pressure a parent, 91949  
guardian, or other person having care or charge of a student to 91950  
provide diabetes care for the student with diabetes at school or 91951  
school-related activities. 91952

(H)(1) Notwithstanding section 3313.713 of the Revised Code 91953  
or any policy adopted under that section and except as provided in 91954  
division (H)(2) of this section, on written request of the parent, 91955  
guardian, or other person having care or charge of a student and 91956  
authorization by the student's treating practitioner, a student 91957  
with diabetes shall be permitted during regular school hours and 91958  
school-sponsored activities to attend to the care and management 91959  
of the student's diabetes in accordance with the order issued by 91960  
the student's treating practitioner if the student's treating 91961  
practitioner determines that the student is capable of performing 91962  
diabetes care tasks. The student shall be permitted to perform 91963  
diabetes care tasks in a classroom, in any area of the school or 91964  
school grounds, and at any school-related activity, and to possess 91965  
on the student's self at all times all necessary supplies and 91966  
equipment to perform these tasks. If the student or the parent, 91967  
guardian, or other person having care or charge of the student so 91968  
requests, the student shall have access to a private area for 91969  
performing diabetes care tasks. 91970

(2) If the student performs any diabetes care tasks or uses 91971  
medical equipment for purposes other than the student's own care, 91972  
the board of education or governing authority may revoke the 91973  
student's permission to attend to the care and management of the 91974  
student's diabetes. 91975

(I)(1) Notwithstanding any other provision of the Revised 91976

Code to the contrary, a licensed health care professional shall be 91977  
permitted to provide training to a school employee under division 91978  
(E) of this section or to supervise the employee in performing 91979  
diabetes care tasks. 91980

(2) Nothing in this section diminishes the rights of eligible 91981  
students or the obligations of school districts or governing 91982  
authorities under the "Individuals with Disabilities Education 91983  
Act," 20 U.S.C. 1400 et seq., section 504 of the "Rehabilitation 91984  
Act," 29 U.S.C. 794, or the "Americans with Disabilities Act," 42 91985  
U.S.C. 12101 et seq. 91986

(J)(1) A school or school district, a member of a board or 91987  
governing authority, or a district or school employee is not 91988  
liable in damages in a civil action for injury, death, or loss to 91989  
person or property allegedly arising from providing care or 91990  
performing duties under this section unless the act or omission 91991  
constitutes willful or wanton misconduct. 91992

This section does not eliminate, limit, or reduce any other 91993  
immunity or defense that a school or school district, member of a 91994  
board of education or governing authority, or district or school 91995  
employee may be entitled to under Chapter 2744. or any other 91996  
provision of the Revised Code or under the common law of this 91997  
state. 91998

(2) A school employee shall not be subject to disciplinary 91999  
action under school or district policies for providing care or 92000  
performing duties under this section. 92001

(3) A school nurse or other licensed health care professional 92002  
shall be immune from disciplinary action by the board of nursing 92003  
or any other regulatory board for providing care or performing 92004  
duties under this section if the care provided or duties performed 92005  
are consistent with applicable professional standards. 92006

(K)(1) Not later than the last day of December of each year, 92007



a board of education or governing authority shall report to the department of education both of the following:

(a) The number of students with diabetes enrolled in the school district ~~or~~, chartered nonpublic school, or accredited nonpublic school during the previous school year;

(b) The number of errors associated with the administration of diabetes medication to students with diabetes during the previous school year.

(2) Not later than the last day of March of each year, the department shall issue a report summarizing the information received by the department under division (K)(1) of this section for the previous school year. The department shall make the report available on its internet web site.

**Sec. 3313.7114.** (A) As used in this section, "inhaler" has the same meaning as in section 3313.7113 of the Revised Code.

(B) With the approval of its governing authority, a chartered nonpublic school, accredited nonpublic school described in section 3301.165 of the Revised Code, or nonchartered nonpublic school may procure inhalers in the manner prescribed by section 3313.7113 of the Revised Code. A chartered, accredited, or nonchartered nonpublic school that elects to do so shall comply with all provisions of that section as if it were a school district.

(C) A chartered, accredited, or nonchartered nonpublic school, a member of a chartered, accredited, or nonchartered nonpublic school governing authority, or an employee or contractor of the school is not liable in damages in a civil action for injury, death, or loss to person or property that allegedly arises from an act or omission associated with procuring, maintaining, accessing, or using an inhaler under this section, unless the act or omission constitutes willful or wanton misconduct.

(D) A chartered, accredited, or nonchartered nonpublic school 92038  
may accept donations of inhalers from a wholesale distributor of 92039  
dangerous drugs or a manufacturer of dangerous drugs, as defined 92040  
in section 4729.01 of the Revised Code, and may accept donations 92041  
of money from any person to purchase inhalers. 92042

(E) A chartered, accredited, or nonchartered nonpublic school 92043  
that elects to procure inhalers under this section shall report to 92044  
the department of education each procurement and occurrence in 92045  
which an inhaler is used from the school's supply of inhalers. 92046

**Sec. 3313.813.** (A) As used in this section: 92047

(1) "Outdoor education center" means a public or nonprofit 92048  
private entity that provides to pupils enrolled in any public or 92049  
accredited or chartered nonpublic elementary or secondary school 92050  
an outdoor educational curriculum that the school considers to be 92051  
part of its educational program. 92052

(2) "Outside-school-hours care center" has the meaning 92053  
established in 7 C.F.R. 226.2. 92054

(3) "Accredited nonpublic school" means an accredited 92055  
nonpublic school as described in section 3301.165 of the Revised 92056  
Code. 92057

(B) The state board of education shall establish standards 92058  
for a school lunch program, school breakfast program, child and 92059  
adult care food program, special food service program for 92060  
children, summer food service program for children, special milk 92061  
program for children, food service equipment assistance program, 92062  
and commodity distribution program established under the "National 92063  
School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as 92064  
amended, and the "Child Nutrition Act of 1966," 80 Stat. 885, 42 92065  
U.S.C. 1771, as amended. Any board of education of a school 92066  
district, nonprofit private school, outdoor education center, 92067

child care institution, outside-school-hours care center, or 92068  
summer camp desiring to participate in such a program or required 92069  
to participate under this section shall, if eligible to 92070  
participate under the "National School Lunch Act," as amended, or 92071  
the "Child Nutrition Act of 1966," as amended, make application to 92072  
the state board of education for assistance. The board shall 92073  
administer the allocation and distribution of all state and 92074  
federal funds for these programs. 92075

(C) The state board of education shall require the board of 92076  
education of each school district to establish and maintain a 92077  
school breakfast, lunch, and summer food service program pursuant 92078  
to the "National School Lunch Act" and the "Child Nutrition Act of 92079  
1966," as described in divisions (C)(1) to (4) of this section. 92080

(1) The state board shall require the board of education in 92081  
each school district to establish a breakfast program in every 92082  
school where at least one-fifth of the pupils in the school are 92083  
eligible under federal requirements for free breakfasts and to 92084  
establish a lunch program in every school where at least one-fifth 92085  
of the pupils are eligible for free lunches. The board of 92086  
education required to establish a breakfast program under this 92087  
division may make a charge in accordance with federal requirements 92088  
for each reduced price breakfast or paid breakfast to cover the 92089  
cost incurred in providing that meal. 92090

(2) The state board shall require the board of education in 92091  
each school district to establish a breakfast program in every 92092  
school in which the parents of at least one-half of the children 92093  
enrolled in the school have requested that the breakfast program 92094  
be established. The board of education required to establish a 92095  
program under this division may make a charge in accordance with 92096  
federal requirements for each meal to cover all or part of the 92097  
costs incurred in establishing such a program. 92098

(3) The state board shall require the board of education in 92099

each school district to establish one of the following for summer 92100  
intervention services described in division (D) of section 92101  
3301.0711 or provided under section 3313.608 of the Revised Code, 92102  
and any other summer intervention program required by law: 92103

(a) An extension of the school breakfast program pursuant to 92104  
the "National School Lunch Act" and the "Child Nutrition Act of 92105  
1966"; 92106

(b) An extension of the school lunch program pursuant to 92107  
those acts; 92108

(c) A summer food service program pursuant to those acts. 92109

(4)(a) If the board of education of a school district 92110  
determines that, for financial reasons, it cannot comply with 92111  
division (C)(1) or (3) of this section, the district board may 92112  
choose not to comply with either or both divisions, except as 92113  
provided in divisions (C)(4)(b) and (c) of this section. The 92114  
district board publicly shall communicate to the residents of the 92115  
district, in the manner it determines appropriate, its decision 92116  
not to comply. 92117

(b) If a district board chooses not to comply with division 92118  
(C)(1) of this section, the state board nevertheless shall require 92119  
the district board to establish a breakfast program in every 92120  
school where at least one-third of the pupils in the school are 92121  
eligible under federal requirements for free breakfasts and to 92122  
establish a lunch program in every school where at least one-third 92123  
of the pupils are eligible for free lunches. The district board 92124  
may make a charge in accordance with federal requirements for each 92125  
reduced price breakfast or paid breakfast to cover the cost 92126  
incurred in providing that meal. 92127

(c) If the board of education of a school district chooses 92128  
not to comply with division (C)(3) of this section, the state 92129  
board nevertheless shall require the district board to permit an 92130

approved summer food service program sponsor to use school 92131  
facilities located in a school building attendance area where at 92132  
least one-half of the pupils are eligible for free lunches. 92133

The department of education shall post in a prominent 92134  
location on the department's web site a list of approved summer 92135  
food service program sponsors that may use school facilities under 92136  
this division. 92137

Subject to the provisions of sections 3313.75 and 3313.77 of 92138  
the Revised Code, a school district may charge the summer food 92139  
service program sponsor a reasonable fee for the use of school 92140  
facilities that may include the actual cost of custodial services, 92141  
charges for the use of school equipment, and a prorated share of 92142  
the utility costs as determined by the district board. A school 92143  
district shall require the summer food service program sponsor to 92144  
indemnify and hold harmless the district from any potential 92145  
liability resulting from the operation of the summer food service 92146  
program under this division. For this purpose, the district shall 92147  
either add the summer food service program sponsor, as an 92148  
additional insured party, to the district's existing liability 92149  
insurance policy or require the summer food service program 92150  
sponsor to submit evidence of a separate liability insurance 92151  
policy, for an amount approved by the district board. The summer 92152  
food service program sponsor shall be responsible for any costs 92153  
incurred in obtaining coverage under either option. 92154

(d) If a school district cannot for good cause comply with 92155  
the requirements of division (C)(2) or (4)(b) or (c) of this 92156  
section at the time the state board determines that a district is 92157  
subject to these requirements, the state board shall grant a 92158  
reasonable extension of time. Good cause for an extension of time 92159  
shall include, but need not be limited to, economic impossibility 92160  
of compliance with the requirements at the time the state board 92161  
determines that a district is subject to them. 92162

(D)(1) The state board shall accept the application of any outdoor education center in the state making application for participation in a program pursuant to division (B) of this section. 92163  
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(2) For purposes of participation in any program pursuant to this section, the board shall certify any outdoor education center making application as an educational unit that is part of the educational system of the state, if the center: 92167  
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(a) Meets the definition of an outdoor education center; 92171

(b) Provides its outdoor education curriculum to pupils on an overnight basis so that pupils are in residence at the center for more than twenty-four consecutive hours; 92172  
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(c) Operates under public or nonprofit private ownership in a single building or complex of buildings. 92175  
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(3) The board shall approve any outdoor education center certified under this division for participation in the program for which the center is making application on the same basis as any other applicant for that program. 92177  
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(E) Any school district board of education or chartered or accredited nonpublic school that participates in a breakfast program pursuant to this section may offer breakfast to pupils in their classrooms during the school day. 92181  
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(F) Notwithstanding anything in this section to the contrary, in each fiscal year in which the general assembly appropriates funds for purposes of this division, the board of education of each school district and each chartered and accredited nonpublic school that participates in a breakfast program pursuant to this section shall provide a breakfast free of charge to each pupil who is eligible under federal requirements for a reduced price breakfast. 92185  
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**Sec. 3313.86.** The board of education of each city, exempted village, local, and joint vocational school district ~~and~~, the governing authority of each chartered nonpublic school, and the governing authority of each accredited nonpublic school described in section 3301.165 of the Revised Code periodically shall review its policies and procedures to ensure the safety of students, employees, and other persons using a school building from any known hazards in the building or on building grounds that, in the judgment of the board or governing authority, pose an immediate risk to health or safety. The board or governing authority shall further ensure that its policies and procedures comply with all federal laws and regulations regarding health and safety applicable to school buildings.

**Sec. 3313.976.** (A) No private school may receive scholarship payments from parents pursuant to section 3313.979 of the Revised Code until the chief administrator of the private school registers the school with the superintendent of public instruction. The state superintendent shall register any school that meets the following requirements:

(1) The school either:

(a) Offers any of grades kindergarten through twelve and is located within the boundaries of the pilot project school district;

(b) Offers any of grades nine through twelve and is located within the boundaries of a city, local, or exempted village school district that is both:

(i) Located in a municipal corporation with a population of fifteen thousand or more;

(ii) Located within five miles of the border of the pilot project school district.

(2) The school indicates in writing its commitment to follow all requirements for a state-sponsored scholarship program specified under sections 3313.974 to 3313.979 of the Revised Code, including, but not limited to, the requirements for admitting students pursuant to section 3313.977 of the Revised Code;

(3) The school ~~meets~~ either:

(a) Meets all state minimum standards for chartered nonpublic schools in effect on July 1, 1992, except that the state superintendent at the superintendent's discretion may register nonchartered nonpublic schools meeting the other requirements of this division; or

(b) Is an accredited nonpublic school described in section 3301.165 of the Revised Code.

(4) The school does not discriminate on the basis of race, religion, or ethnic background;

(5) The school enrolls a minimum of ten students per class or a sum of at least twenty-five students in all the classes offered;

(6) The school does not advocate or foster unlawful behavior or teach hatred of any person or group on the basis of race, ethnicity, national origin, or religion;

(7) The school does not provide false or misleading information about the school to parents, students, or the general public;

(8) For students in grades kindergarten through eight with family incomes at or below two hundred per cent of the federal poverty guidelines, as defined in section 5104.46 of the Revised Code, the school agrees not to charge any tuition in excess of the scholarship amount established pursuant to division (C)(1) of section 3313.978 of the Revised Code, excluding any increase described in division (C)(2) of that section.



(9) For students in grades kindergarten through eight with family incomes above two hundred per cent of the federal poverty guidelines, whose scholarship amounts are less than the actual tuition charge of the school, the school agrees not to charge any tuition in excess of the difference between the actual tuition charge of the school and the scholarship amount established pursuant to division (C)(1) of section 3313.978 of the Revised Code, excluding any increase described in division (C)(2) of that section. The school shall permit such tuition, at the discretion of the parent, to be satisfied by the family's provision of in-kind contributions or services.

(10) The school agrees not to charge any tuition to families of students in grades nine through twelve receiving a scholarship in excess of the actual tuition charge of the school less the scholarship amount established pursuant to division (C)(1) of section 3313.978 of the Revised Code, excluding any increase described in division (C)(2) of that section.

(11) Except as provided in divisions (K)(1) and (L) of section 3301.0711 of the Revised Code, it annually administers the applicable assessments prescribed by section 3301.0710, 3301.0712, or 3313.619 of the Revised Code to each scholarship student enrolled in the school in accordance with section 3301.0711 or 3301.0712 of the Revised Code and reports to the department of education the results of each such assessment administered to each scholarship student.

(B) The state superintendent shall revoke the registration of any school if, after a hearing, the superintendent determines that the school is in violation of any of the provisions of division (A) of this section.

(C) Any public school located in a school district adjacent to the pilot project district may receive scholarship payments on behalf of parents pursuant to section 3313.979 of the Revised Code

if the superintendent of the district in which such public school 92285  
is located notifies the state superintendent prior to the first 92286  
day of March that the district intends to admit students from the 92287  
pilot project district for the ensuing school year pursuant to 92288  
section 3327.06 of the Revised Code. 92289

(D) Any parent wishing to purchase tutorial assistance from 92290  
any person or governmental entity pursuant to the pilot project 92291  
program under sections 3313.974 to 3313.979 of the Revised Code 92292  
shall apply to the state superintendent. The state superintendent 92293  
shall approve providers who appear to possess the capability of 92294  
furnishing the instructional services they are offering to 92295  
provide. 92296

**Sec. 3317.024.** The following shall be distributed monthly, 92297  
quarterly, or annually as may be determined by the state board of 92298  
education: 92299

(A) An amount for each island school district and each joint 92300  
state school district for the operation of each high school and 92301  
each elementary school maintained within such district and for 92302  
capital improvements for such schools. Such amounts shall be 92303  
determined on the basis of standards adopted by the state board of 92304  
education. However, for fiscal years 2012 and 2013, an island 92305  
district shall receive the lesser of its actual cost of operation, 92306  
as certified to the department of education, or ninety-three per 92307  
cent of the amount the district received in state operating 92308  
funding for fiscal year 2011. If an island district received no 92309  
funding for fiscal year 2011, it shall receive no funding for 92310  
either of fiscal year 2012 or 2013. 92311

(B) An amount for each school district required to pay 92312  
tuition for a child in an institution maintained by the department 92313  
of youth services pursuant to section 3317.082 of the Revised 92314  
Code, provided the child was not included in the calculation of 92315

the district's formula ADM, as that term is defined in section 92316  
3317.02 of the Revised Code, for the preceding school year. 92317

(C) An amount for the approved cost of transporting eligible 92318  
pupils with disabilities attending a special education program 92319  
approved by the department of education whom it is impossible or 92320  
impractical to transport by regular school bus in the course of 92321  
regular route transportation provided by the school district or 92322  
educational service center. No district or service center is 92323  
eligible to receive a payment under this division for the cost of 92324  
transporting any pupil whom it transports by regular school bus 92325  
and who is included in the district's transportation ADM. The 92326  
state board of education shall establish standards and guidelines 92327  
for use by the department of education in determining the approved 92328  
cost of such transportation for each district or service center. 92329

(D) An amount to each school district, including each 92330  
cooperative education school district, pursuant to section 3313.81 92331  
of the Revised Code to assist in providing free lunches to needy 92332  
children. The amounts shall be determined on the basis of rules 92333  
adopted by the state board of education. 92334

(E)(1) An amount for auxiliary services to each school 92335  
district, for each pupil attending a chartered or an accredited 92336  
nonpublic elementary or high school within the district that is 92337  
either of the following: 92338

(a) A school affiliated with a religious order, sect, church, 92339  
or denomination or has a curriculum or mission that contains 92340  
religious content, religious courses, devotional exercises, 92341  
religious training, or any other religious activity; 92342

(b) A school not described in division (E)(1)(a) of this 92343  
section that has not elected to receive funds under division 92344  
(E)(2) of this section. 92345

(2) An amount for auxiliary services paid directly to each 92346

chartered or an accredited nonpublic school that has elected to 92347  
receive funds under division (E)(2) of this section for each pupil 92348  
attending the school. To elect to receive funds under division 92349  
(E)(2) of this section, a school, by the first day of April of 92350  
each odd-numbered year, shall notify the department and the school 92351  
district in which the school is located of the election and shall 92352  
submit to the department an affidavit certifying that the school 92353  
is not affiliated with a religious order, sect, church, or 92354  
denomination and does not have a curriculum or mission that 92355  
contains religious content, religious courses, devotional 92356  
exercises, religious training, or any other religious activity. 92357  
The election shall take effect the following first day of July, 92358  
unless the department determines that the school meets the 92359  
criteria in division (E)(1)(a) of this section. The school 92360  
subsequently may rescind its election, but it may do so only in an 92361  
odd-numbered year by notifying the department and the school 92362  
district in which the school is located of the rescission not 92363  
later than the first day of April of that year. Beginning the 92364  
following first day of July after the rescission, the school shall 92365  
receive funds under division (E)(1) of this section. 92366

The amount paid under divisions (E)(1) and (2) of this 92367  
section shall equal the total amount appropriated for the 92368  
implementation of sections 3317.06 and 3317.062 of the Revised 92369  
Code divided by the average daily membership in grades 92370  
kindergarten through twelve in chartered or accredited nonpublic 92371  
elementary and high schools within the state as determined as of 92372  
the last day of October of each school year. 92373

For purposes of this section, "accredited nonpublic school" 92374  
means an accredited nonpublic school as described in section 92375  
3301.165 of the Revised Code. 92376

(F) An amount for each county board of developmental 92377  
disabilities, distributed on the basis of standards adopted by the 92378

state board of education, for the approved cost of transportation 92379  
required for children attending special education programs 92380  
operated by the county board under section 3323.09 of the Revised 92381  
Code; 92382

(G) An amount to each institution defined under section 92383  
3317.082 of the Revised Code providing elementary or secondary 92384  
education to children other than children receiving special 92385  
education under section 3323.091 of the Revised Code. This amount 92386  
for any institution in any fiscal year shall equal the total of 92387  
all tuition amounts required to be paid to the institution under 92388  
division (A)(1) of section 3317.082 of the Revised Code. 92389

The state board of education or any other board of education 92390  
or governing board may provide for any resident of a district or 92391  
educational service center territory any educational service for 92392  
which funds are made available to the board by the United States 92393  
under the authority of public law, whether such funds come 92394  
directly or indirectly from the United States or any agency or 92395  
department thereof or through the state or any agency, department, 92396  
or political subdivision thereof. 92397

**Sec. 3317.03.** (A) The superintendent of each city, local, and 92398  
exempted village school district shall report to the state board 92399  
of education as of the last day of October, March, and June of 92400  
each year the enrollment of students receiving services from 92401  
schools under the superintendent's supervision, and the numbers of 92402  
other students entitled to attend school in the district under 92403  
section 3313.64 or 3313.65 of the Revised Code the superintendent 92404  
is required to report under this section, so that the department 92405  
of education can calculate the district's formula ADM, total ADM, 92406  
category one through five career-technical education ADM, category 92407  
one through three limited English proficient ADM, category one 92408  
through six special education ADM, preschool scholarship ADM, 92409

transportation ADM, and, for purposes of provisions of law outside 92410  
of Chapter 3317. of the Revised Code, average daily membership. 92411

(1) The enrollment reported by the superintendent during the 92412  
reporting period shall consist of the number of students in grades 92413  
kindergarten through twelve receiving any educational services 92414  
from the district, except that the following categories of 92415  
students shall not be included in the determination: 92416

(a) Students enrolled in adult education classes; 92417

(b) Adjacent or other district students enrolled in the 92418  
district under an open enrollment policy pursuant to section 92419  
3313.98 of the Revised Code; 92420

(c) Students receiving services in the district pursuant to a 92421  
compact, cooperative education agreement, or a contract, but who 92422  
are entitled to attend school in another district pursuant to 92423  
section 3313.64 or 3313.65 of the Revised Code; 92424

(d) Students for whom tuition is payable pursuant to sections 92425  
3317.081 and 3323.141 of the Revised Code; 92426

(e) Students receiving services in the district through a 92427  
scholarship awarded under either section 3310.41 or sections 92428  
3310.51 to 3310.64 of the Revised Code. 92429

When reporting students under division (A)(1) of this 92430  
section, the superintendent also shall report the district where 92431  
each student is entitled to attend school pursuant to sections 92432  
3313.64 and 3313.65 of the Revised Code. 92433

(2) The department of education shall compile a list of all 92434  
students reported to be enrolled in a district under division 92435  
(A)(1) of this section and of the students entitled to attend 92436  
school in the district pursuant to section 3313.64 or 3313.65 of 92437  
the Revised Code on an FTE basis but receiving educational 92438  
services in grades kindergarten through twelve from one or more of 92439

the following entities:	92440
(a) A community school pursuant to Chapter 3314. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in such community school;	92441 92442 92443 92444
(b) An alternative school pursuant to sections 3313.974 to 3313.979 of the Revised Code as described in division (I)(2)(a) or (b) of this section;	92445 92446 92447
(c) A college pursuant to Chapter 3365. of the Revised Code, except when the student is enrolled in the college while also enrolled in a community school pursuant to Chapter 3314., a science, technology, engineering, and mathematics school established under Chapter 3326., or a college-preparatory boarding school established under Chapter 3328. of the Revised Code;	92448 92449 92450 92451 92452 92453
(d) An adjacent or other school district under an open enrollment policy adopted pursuant to section 3313.98 of the Revised Code;	92454 92455 92456
(e) An educational service center or cooperative education district;	92457 92458
(f) Another school district under a cooperative education agreement, compact, or contract;	92459 92460
(g) A chartered <u>or an accredited</u> nonpublic school with a scholarship paid under section 3310.08 of the Revised Code, if the students qualified for the scholarship under section 3310.03 of the Revised Code <del>;</del> <u>.</u>	92461 92462 92463 92464
<u>As used in this division and in division (B)(3)(f) of this section, "accredited nonpublic school" means an accredited nonpublic school as described in section 3301.165 of the Revised Code.</u>	92465 92466 92467 92468
(h) An alternative public provider or a registered private	92469

provider with a scholarship awarded under either section 3310.41 92470  
or sections 3310.51 to 3310.64 of the Revised Code. 92471

As used in this section, "alternative public provider" and 92472  
"registered private provider" have the same meanings as in section 92473  
3310.41 or 3310.51 of the Revised Code, as applicable. 92474

(i) A science, technology, engineering, and mathematics 92475  
school established under Chapter 3326. of the Revised Code, 92476  
including any participation in a college pursuant to Chapter 3365. 92477  
of the Revised Code while enrolled in the school; 92478

(j) A college-preparatory boarding school established under 92479  
Chapter 3328. of the Revised Code, including any participation in 92480  
a college pursuant to Chapter 3365. of the Revised Code while 92481  
enrolled in the school. 92482

(3) The department also shall compile a list of the students 92483  
entitled to attend school in the district under section 3313.64 or 92484  
3313.65 of the Revised Code who are enrolled in a joint vocational 92485  
school district or under a career-technical education compact, 92486  
excluding any students so entitled to attend school in the 92487  
district who are enrolled in another school district through an 92488  
open enrollment policy as reported under division (A)(2)(d) of 92489  
this section and then enroll in a joint vocational school district 92490  
or under a career-technical education compact. 92491

The department shall provide each city, local, and exempted 92492  
village school district with an opportunity to review the list of 92493  
students compiled under divisions (A)(2) and (3) of this section 92494  
to ensure that the students reported accurately reflect the 92495  
enrollment of students in the district. 92496

(B) To enable the department of education to obtain the data 92497  
needed to complete the calculation of payments pursuant to this 92498  
chapter, each superintendent shall certify from the reports 92499  
provided by the department under division (A) of this section all 92500



of the following: 92501

(1) The total student enrollment in regular learning day 92502  
classes included in the report under division (A)(1) or (2) of 92503  
this section for each of the individual grades kindergarten 92504  
through twelve in schools under the superintendent's supervision; 92505

(2) The unduplicated count of the number of preschool 92506  
children with disabilities enrolled in the district for whom the 92507  
district is eligible to receive funding under section 3317.0213 of 92508  
the Revised Code adjusted for the portion of the year each child 92509  
is so enrolled, in accordance with the disability categories 92510  
prescribed in section 3317.013 of the Revised Code; 92511

(3) The number of children entitled to attend school in the 92512  
district pursuant to section 3313.64 or 3313.65 of the Revised 92513  
Code who are: 92514

(a) Participating in a pilot project scholarship program 92515  
established under sections 3313.974 to 3313.979 of the Revised 92516  
Code as described in division (I)(2)(a) or (b) of this section; 92517

(b) Enrolled in a college under Chapter 3365. of the Revised 92518  
Code, except when the student is enrolled in the college while 92519  
also enrolled in a community school pursuant to Chapter 3314. of 92520  
the Revised Code, a science, technology, engineering, and 92521  
mathematics school established under Chapter 3326., or a 92522  
college-preparatory boarding school established under Chapter 92523  
3328. of the Revised Code; 92524

(c) Enrolled in an adjacent or other school district under 92525  
section 3313.98 of the Revised Code; 92526

(d) Enrolled in a community school established under Chapter 92527  
3314. of the Revised Code that is not an internet- or 92528  
computer-based community school as defined in section 3314.02 of 92529  
the Revised Code, including any participation in a college 92530  
pursuant to Chapter 3365. of the Revised Code while enrolled in 92531

such community school;	92532
(e) Enrolled in an internet- or computer-based community school, as defined in section 3314.02 of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school;	92533 92534 92535 92536
(f) Enrolled in a chartered <u>or an accredited</u> nonpublic school with a scholarship paid under section 3310.08 of the Revised Code and who qualified for the scholarship under section 3310.03 of the Revised Code;	92537 92538 92539 92540
(g) Enrolled in kindergarten through grade twelve in an alternative public provider or a registered private provider with a scholarship awarded under section 3310.41 of the Revised Code;	92541 92542 92543
(h) Enrolled as a preschool child with a disability in an alternative public provider or a registered private provider with a scholarship awarded under section 3310.41 of the Revised Code;	92544 92545 92546
(i) Participating in a program operated by a county board of developmental disabilities or a state institution;	92547 92548
(j) Enrolled in a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school;	92549 92550 92551 92552
(k) Enrolled in a college-preparatory boarding school established under Chapter 3328. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school;	92553 92554 92555 92556
(l) Enrolled in an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code.	92557 92558 92559
(4) The total enrollment of pupils in joint vocational schools;	92560 92561

(5) The combined enrollment of children with disabilities 92562  
reported under division (A)(1) or (2) of this section receiving 92563  
special education services for the category one disability 92564  
described in division (A) of section 3317.013 of the Revised Code, 92565  
including children attending a special education program operated 92566  
by an alternative public provider or a registered private provider 92567  
with a scholarship awarded under sections 3310.51 to 3310.64 of 92568  
the Revised Code; 92569

(6) The combined enrollment of children with disabilities 92570  
reported under division (A)(1) or (2) of this section receiving 92571  
special education services for category two disabilities described 92572  
in division (B) of section 3317.013 of the Revised Code, including 92573  
children attending a special education program operated by an 92574  
alternative public provider or a registered private provider with 92575  
a scholarship awarded under sections 3310.51 to 3310.64 of the 92576  
Revised Code; 92577

(7) The combined enrollment of children with disabilities 92578  
reported under division (A)(1) or (2) of this section receiving 92579  
special education services for category three disabilities 92580  
described in division (C) of section 3317.013 of the Revised Code, 92581  
including children attending a special education program operated 92582  
by an alternative public provider or a registered private provider 92583  
with a scholarship awarded under sections 3310.51 to 3310.64 of 92584  
the Revised Code; 92585

(8) The combined enrollment of children with disabilities 92586  
reported under division (A)(1) or (2) of this section receiving 92587  
special education services for category four disabilities 92588  
described in division (D) of section 3317.013 of the Revised Code, 92589  
including children attending a special education program operated 92590  
by an alternative public provider or a registered private provider 92591  
with a scholarship awarded under sections 3310.51 to 3310.64 of 92592  
the Revised Code; 92593

(9) The combined enrollment of children with disabilities 92594  
reported under division (A)(1) or (2) of this section receiving 92595  
special education services for the category five disabilities 92596  
described in division (E) of section 3317.013 of the Revised Code, 92597  
including children attending a special education program operated 92598  
by an alternative public provider or a registered private provider 92599  
with a scholarship awarded under sections 3310.51 to 3310.64 of 92600  
the Revised Code; 92601

(10) The combined enrollment of children with disabilities 92602  
reported under division (A)(1) or (2) and under division (B)(3)(h) 92603  
of this section receiving special education services for category 92604  
six disabilities described in division (F) of section 3317.013 of 92605  
the Revised Code, including children attending a special education 92606  
program operated by an alternative public provider or a registered 92607  
private provider with a scholarship awarded under either section 92608  
3310.41 or sections 3310.51 to 3310.64 of the Revised Code; 92609

(11) The enrollment of pupils reported under division (A)(1) 92610  
or (2) of this section on a full-time equivalency basis in 92611  
category one career-technical education programs or classes, 92612  
described in division (A) of section 3317.014 of the Revised Code, 92613  
operated by the school district or by another district that is a 92614  
member of the district's career-technical planning district, other 92615  
than a joint vocational school district, or by an educational 92616  
service center, notwithstanding division (G) of section 3317.02 of 92617  
the Revised Code and division (C)(3) of this section; 92618

(12) The enrollment of pupils reported under division (A)(1) 92619  
or (2) of this section on a full-time equivalency basis in 92620  
category two career-technical education programs or services, 92621  
described in division (B) of section 3317.014 of the Revised Code, 92622  
operated by the school district or another school district that is 92623  
a member of the district's career-technical planning district, 92624  
other than a joint vocational school district, or by an 92625

educational service center, notwithstanding division (G) of 92626  
section 3317.02 of the Revised Code and division (C)(3) of this 92627  
section; 92628

(13) The enrollment of pupils reported under division (A)(1) 92629  
or (2) of this section on a full-time equivalency basis in 92630  
category three career-technical education programs or services, 92631  
described in division (C) of section 3317.014 of the Revised Code, 92632  
operated by the school district or another school district that is 92633  
a member of the district's career-technical planning district, 92634  
other than a joint vocational school district, or by an 92635  
educational service center, notwithstanding division (G) of 92636  
section 3317.02 of the Revised Code and division (C)(3) of this 92637  
section; 92638

(14) The enrollment of pupils reported under division (A)(1) 92639  
or (2) of this section on a full-time equivalency basis in 92640  
category four career-technical education programs or services, 92641  
described in division (D) of section 3317.014 of the Revised Code, 92642  
operated by the school district or another school district that is 92643  
a member of the district's career-technical planning district, 92644  
other than a joint vocational school district, or by an 92645  
educational service center, notwithstanding division (G) of 92646  
section 3317.02 of the Revised Code and division (C)(3) of this 92647  
section; 92648

(15) The enrollment of pupils reported under division (A)(1) 92649  
or (2) of this section on a full-time equivalency basis in 92650  
category five career-technical education programs or services, 92651  
described in division (E) of section 3317.014 of the Revised Code, 92652  
operated by the school district or another school district that is 92653  
a member of the district's career-technical planning district, 92654  
other than a joint vocational school district, or by an 92655  
educational service center, notwithstanding division (G) of 92656  
section 3317.02 of the Revised Code and division (C)(3) of this 92657

section;	92658
(16) The enrollment of pupils reported under division (A)(1)	92659
or (2) of this section who are limited English proficient students	92660
described in division (A) of section 3317.016 of the Revised Code,	92661
excluding any student reported under division (B)(3)(e) of this	92662
section as enrolled in an internet- or computer-based community	92663
school;	92664
(17) The enrollment of pupils reported under division (A)(1)	92665
or (2) of this section who are limited English proficient students	92666
described in division (B) of section 3317.016 of the Revised Code,	92667
excluding any student reported under division (B)(3)(e) of this	92668
section as enrolled in an internet- or computer-based community	92669
school;	92670
(18) The enrollment of pupils reported under division (A)(1)	92671
or (2) of this section who are limited English proficient students	92672
described in division (C) of section 3317.016 of the Revised Code,	92673
excluding any student reported under division (B)(3)(e) of this	92674
section as enrolled in an internet- or computer-based community	92675
school;	92676
(19) The average number of children transported during the	92677
reporting period by the school district on board-owned or	92678
contractor-owned and -operated buses, reported in accordance with	92679
rules adopted by the department of education;	92680
(20)(a) The number of children, other than preschool children	92681
with disabilities, the district placed with a county board of	92682
developmental disabilities in fiscal year 1998. Division	92683
(B)(20)(a) of this section does not apply after fiscal year 2013.	92684
(b) The number of children with disabilities, other than	92685
preschool children with disabilities, placed with a county board	92686
of developmental disabilities in the current fiscal year to	92687
receive special education services for the category one disability	92688

described in division (A) of section 3317.013 of the Revised Code; 92689

(c) The number of children with disabilities, other than 92690  
preschool children with disabilities, placed with a county board 92691  
of developmental disabilities in the current fiscal year to 92692  
receive special education services for category two disabilities 92693  
described in division (B) of section 3317.013 of the Revised Code; 92694

(d) The number of children with disabilities, other than 92695  
preschool children with disabilities, placed with a county board 92696  
of developmental disabilities in the current fiscal year to 92697  
receive special education services for category three disabilities 92698  
described in division (C) of section 3317.013 of the Revised Code; 92699

(e) The number of children with disabilities, other than 92700  
preschool children with disabilities, placed with a county board 92701  
of developmental disabilities in the current fiscal year to 92702  
receive special education services for category four disabilities 92703  
described in division (D) of section 3317.013 of the Revised Code; 92704

(f) The number of children with disabilities, other than 92705  
preschool children with disabilities, placed with a county board 92706  
of developmental disabilities in the current fiscal year to 92707  
receive special education services for the category five 92708  
disabilities described in division (E) of section 3317.013 of the 92709  
Revised Code; 92710

(g) The number of children with disabilities, other than 92711  
preschool children with disabilities, placed with a county board 92712  
of developmental disabilities in the current fiscal year to 92713  
receive special education services for category six disabilities 92714  
described in division (F) of section 3317.013 of the Revised Code. 92715

(21) The enrollment of students who are economically 92716  
disadvantaged, as defined by the department, excluding any student 92717  
reported under division (B)(3)(e) of this section as enrolled in 92718  
an internet- or computer-based community school. A student shall 92719

not be categorically excluded from the number reported under 92720  
division (B)(21) of this section based on anything other than 92721  
family income. 92722

(C)(1) The state board of education shall adopt rules 92723  
necessary for implementing divisions (A), (B), and (D) of this 92724  
section. 92725

(2) A student enrolled in a community school established 92726  
under Chapter 3314., a science, technology, engineering, and 92727  
mathematics school established under Chapter 3326., or a 92728  
college-preparatory boarding school established under Chapter 92729  
3328. of the Revised Code shall be counted in the formula ADM and, 92730  
if applicable, the category one, two, three, four, five, or six 92731  
special education ADM of the school district in which the student 92732  
is entitled to attend school under section 3313.64 or 3313.65 of 92733  
the Revised Code for the same proportion of the school year that 92734  
the student is counted in the enrollment of the community school, 92735  
the science, technology, engineering, and mathematics school, or 92736  
the college-preparatory boarding school for purposes of section 92737  
3314.08, 3326.33, or 3328.24 of the Revised Code. Notwithstanding 92738  
the enrollment of students certified pursuant to division 92739  
(B)(3)(d), (e), (j), or (k) of this section, the department may 92740  
adjust the formula ADM of a school district to account for 92741  
students entitled to attend school in the district under section 92742  
3313.64 or 3313.65 of the Revised Code who are enrolled in a 92743  
community school, a science, technology, engineering, and 92744  
mathematics school, or a college-preparatory boarding school for 92745  
only a portion of the school year. 92746

(3) No child shall be counted as more than a total of one 92747  
child in the sum of the enrollment of students of a school 92748  
district under division (A), divisions (B)(1) to (22), or division 92749  
(D) of this section, except as follows: 92750

(a) A child with a disability described in section 3317.013 92751



of the Revised Code may be counted both in formula ADM and in 92752  
category one, two, three, four, five, or six special education ADM 92753  
and, if applicable, in category one, two, three, four, or five 92754  
career-technical education ADM. As provided in division (G) of 92755  
section 3317.02 of the Revised Code, such a child shall be counted 92756  
in category one, two, three, four, five, or six special education 92757  
ADM in the same proportion that the child is counted in formula 92758  
ADM. 92759

(b) A child enrolled in career-technical education programs 92760  
or classes described in section 3317.014 of the Revised Code may 92761  
be counted both in formula ADM and category one, two, three, four, 92762  
or five career-technical education ADM and, if applicable, in 92763  
category one, two, three, four, five, or six special education 92764  
ADM. Such a child shall be counted in category one, two, three, 92765  
four, or five career-technical education ADM in the same 92766  
proportion as the percentage of time that the child spends in the 92767  
career-technical education programs or classes. 92768

(4) Based on the information reported under this section, the 92769  
department of education shall determine the total student count, 92770  
as defined in section 3301.011 of the Revised Code, for each 92771  
school district. 92772

(D)(1) The superintendent of each joint vocational school 92773  
district shall report and certify to the superintendent of public 92774  
instruction as of the last day of October, March, and June of each 92775  
year the enrollment of students receiving services from schools 92776  
under the superintendent's supervision so that the department can 92777  
calculate the district's formula ADM, total ADM, category one 92778  
through five career-technical education ADM, category one through 92779  
three limited English proficient ADM, category one through six 92780  
special education ADM, and for purposes of provisions of law 92781  
outside of Chapter 3317. of the Revised Code, average daily 92782  
membership. 92783

The enrollment reported and certified by the superintendent, 92784  
except as otherwise provided in this division, shall consist of 92785  
the ~~the~~ number of students in grades six through twelve receiving 92786  
any educational services from the district, except that the 92787  
following categories of students shall not be included in the 92788  
determination: 92789

(a) Students enrolled in adult education classes; 92790

(b) Adjacent or other district joint vocational students 92791  
enrolled in the district under an open enrollment policy pursuant 92792  
to section 3313.98 of the Revised Code; 92793

(c) Students receiving services in the district pursuant to a 92794  
compact, cooperative education agreement, or a contract, but who 92795  
are entitled to attend school in a city, local, or exempted 92796  
village school district whose territory is not part of the 92797  
territory of the joint vocational district; 92798

(d) Students for whom tuition is payable pursuant to sections 92799  
3317.081 and 3323.141 of the Revised Code. 92800

(2) To enable the department of education to obtain the data 92801  
needed to complete the calculation of payments pursuant to this 92802  
chapter, each superintendent shall certify from the report 92803  
provided under division (D)(1) of this section the enrollment for 92804  
each of the following categories of students: 92805

(a) Students enrolled in each individual grade included in 92806  
the joint vocational district schools; 92807

(b) Children with disabilities receiving special education 92808  
services for the category one disability described in division (A) 92809  
of section 3317.013 of the Revised Code; 92810

(c) Children with disabilities receiving special education 92811  
services for the category two disabilities described in division 92812  
(B) of section 3317.013 of the Revised Code; 92813

(d) Children with disabilities receiving special education services for category three disabilities described in division (C) of section 3317.013 of the Revised Code;	92814 92815 92816
(e) Children with disabilities receiving special education services for category four disabilities described in division (D) of section 3317.013 of the Revised Code;	92817 92818 92819
(f) Children with disabilities receiving special education services for the category five disabilities described in division (E) of section 3317.013 of the Revised Code;	92820 92821 92822
(g) Children with disabilities receiving special education services for category six disabilities described in division (F) of section 3317.013 of the Revised Code;	92823 92824 92825
(h) Students receiving category one career-technical education services, described in division (A) of section 3317.014 of the Revised Code;	92826 92827 92828
(i) Students receiving category two career-technical education services, described in division (B) of section 3317.014 of the Revised Code;	92829 92830 92831
(j) Students receiving category three career-technical education services, described in division (C) of section 3317.014 of the Revised Code;	92832 92833 92834
(k) Students receiving category four career-technical education services, described in division (D) of section 3317.014 of the Revised Code;	92835 92836 92837
(l) Students receiving category five career-technical education services, described in division (E) of section 3317.014 of the Revised Code;	92838 92839 92840
(m) Limited English proficient students described in division (A) of section 3317.016 of the Revised Code;	92841 92842
(n) Limited English proficient students described in division	92843

(B) of section 3317.016 of the Revised Code;	92844
(o) Limited English proficient students described in division	92845
(C) of section 3317.016 of the Revised Code;	92846
(p) Students who are economically disadvantaged, as defined	92847
by the department. A student shall not be categorically excluded	92848
from the number reported under division (D)(2)(p) of this section	92849
based on anything other than family income.	92850
The superintendent of each joint vocational school district	92851
shall also indicate the city, local, or exempted village school	92852
district in which each joint vocational district pupil is entitled	92853
to attend school pursuant to section 3313.64 or 3313.65 of the	92854
Revised Code.	92855
(E) In each school of each city, local, exempted village,	92856
joint vocational, and cooperative education school district there	92857
shall be maintained a record of school enrollment, which record	92858
shall accurately show, for each day the school is in session, the	92859
actual enrollment in regular day classes. For the purpose of	92860
determining the enrollment of students, the enrollment figure of	92861
any school shall not include any pupils except those pupils	92862
described by division (A) of this section. The record of	92863
enrollment for each school shall be maintained in such manner that	92864
no pupil shall be counted as enrolled prior to the actual date of	92865
entry in the school and also in such manner that where for any	92866
cause a pupil permanently withdraws from the school that pupil	92867
shall not be counted as enrolled from and after the date of such	92868
withdrawal. There shall not be included in the enrollment of any	92869
school any of the following:	92870
(1) Any pupil who has graduated from the twelfth grade of a	92871
public or nonpublic high school;	92872
(2) Any pupil who is not a resident of the state;	92873
(3) Any pupil who was enrolled in the schools of the district	92874

during the previous school year when assessments were administered 92875  
under section 3301.0711 of the Revised Code but did not take one 92876  
or more of the assessments required by that section and was not 92877  
excused pursuant to division (C)(1) or (3) of that section; 92878

(4) Any pupil who has attained the age of twenty-two years, 92879  
except for veterans of the armed services whose attendance was 92880  
interrupted before completing the recognized twelve-year course of 92881  
the public schools by reason of induction or enlistment in the 92882  
armed forces and who apply for reenrollment in the public school 92883  
system of their residence not later than four years after 92884  
termination of war or their honorable discharge; 92885

(5) Any pupil who has a certificate of high school 92886  
equivalence as defined in section 5107.40 of the Revised Code. 92887

If, however, any veteran described by division (E)(4) of this 92888  
section elects to enroll in special courses organized for veterans 92889  
for whom tuition is paid under the provisions of federal laws, or 92890  
otherwise, that veteran shall not be included in the enrollment of 92891  
students determined under this section. 92892

Notwithstanding division (E)(3) of this section, the 92893  
enrollment of any school may include a pupil who did not take an 92894  
assessment required by section 3301.0711 of the Revised Code if 92895  
the superintendent of public instruction grants a waiver from the 92896  
requirement to take the assessment to the specific pupil and a 92897  
parent is not paying tuition for the pupil pursuant to section 92898  
3313.6410 of the Revised Code. The superintendent may grant such a 92899  
waiver only for good cause in accordance with rules adopted by the 92900  
state board of education. 92901

The formula ADM, total ADM, category one through five 92902  
career-technical education ADM, category one through three limited 92903  
English proficient ADM, category one through six special education 92904  
ADM, preschool scholarship ADM, transportation ADM, and, for 92905

purposes of provisions of law outside of Chapter 3317. of the 92906  
Revised Code, average daily membership of any school district 92907  
shall be determined in accordance with rules adopted by the state 92908  
board of education. 92909

(F)(1) If a student attending a community school under 92910  
Chapter 3314., a science, technology, engineering, and mathematics 92911  
school established under Chapter 3326., or a college-preparatory 92912  
boarding school established under Chapter 3328. of the Revised 92913  
Code is not included in the formula ADM calculated for the school 92914  
district in which the student is entitled to attend school under 92915  
section 3313.64 or 3313.65 of the Revised Code, the department of 92916  
education shall adjust the formula ADM of that school district to 92917  
include the student in accordance with division (C)(2) of this 92918  
section, and shall recalculate the school district's payments 92919  
under this chapter for the entire fiscal year on the basis of that 92920  
adjusted formula ADM. 92921

(2) If a student awarded an educational choice scholarship is 92922  
not included in the formula ADM of the school district from which 92923  
the department deducts funds for the scholarship under section 92924  
3310.08 of the Revised Code, the department shall adjust the 92925  
formula ADM of that school district to include the student to the 92926  
extent necessary to account for the deduction, and shall 92927  
recalculate the school district's payments under this chapter for 92928  
the entire fiscal year on the basis of that adjusted formula ADM. 92929

(3) If a student awarded a scholarship under the Jon Peterson 92930  
special needs scholarship program is not included in the formula 92931  
ADM of the school district from which the department deducts funds 92932  
for the scholarship under section 3310.55 of the Revised Code, the 92933  
department shall adjust the formula ADM of that school district to 92934  
include the student to the extent necessary to account for the 92935  
deduction, and shall recalculate the school district's payments 92936  
under this chapter for the entire fiscal year on the basis of that 92937

adjusted formula ADM. 92938

(G)(1)(a) The superintendent of an institution operating a 92939  
special education program pursuant to section 3323.091 of the 92940  
Revised Code shall, for the programs under such superintendent's 92941  
supervision, certify to the state board of education, in the 92942  
manner prescribed by the superintendent of public instruction, 92943  
both of the following: 92944

(i) The unduplicated count of the number of all children with 92945  
disabilities other than preschool children with disabilities 92946  
receiving services at the institution for each category of 92947  
disability described in divisions (A) to (F) of section 3317.013 92948  
of the Revised Code adjusted for the portion of the year each 92949  
child is so enrolled; 92950

(ii) The unduplicated count of the number of all preschool 92951  
children with disabilities in classes or programs for whom the 92952  
district is eligible to receive funding under section 3317.0213 of 92953  
the Revised Code adjusted for the portion of the year each child 92954  
is so enrolled, reported according to the categories prescribed in 92955  
section 3317.013 of the Revised Code. 92956

(b) The superintendent of an institution with 92957  
career-technical education units approved under section 3317.05 of 92958  
the Revised Code shall, for the units under the superintendent's 92959  
supervision, certify to the state board of education the 92960  
enrollment in those units, in the manner prescribed by the 92961  
superintendent of public instruction. 92962

(2) The superintendent of each county board of developmental 92963  
disabilities that maintains special education classes under 92964  
section 3317.20 of the Revised Code or provides services to 92965  
preschool children with disabilities pursuant to an agreement 92966  
between the county board and the appropriate school district shall 92967  
do both of the following: 92968

(a) Certify to the state board, in the manner prescribed by the board, the enrollment in classes under section 3317.20 of the Revised Code for each school district that has placed children in the classes;

(b) Certify to the state board, in the manner prescribed by the board, the unduplicated count of the number of all preschool children with disabilities enrolled in classes for which the ~~DD~~ board is eligible to receive funding under section 3317.0213 of the Revised Code adjusted for the portion of the year each child is so enrolled, reported according to the categories prescribed in section 3317.013 of the Revised Code, and the number of those classes.

(H) Except as provided in division (I) of this section, when any city, local, or exempted village school district provides instruction for a nonresident pupil whose attendance is unauthorized attendance as defined in section 3327.06 of the Revised Code, that pupil's enrollment shall not be included in that district's enrollment figure used in calculating the district's payments under this chapter. The reporting official shall report separately the enrollment of all pupils whose attendance in the district is unauthorized attendance, and the enrollment of each such pupil shall be credited to the school district in which the pupil is entitled to attend school under division (B) of section 3313.64 or section 3313.65 of the Revised Code as determined by the department of education.

(I)(1) A city, local, exempted village, or joint vocational school district admitting a scholarship student of a pilot project district pursuant to division (C) of section 3313.976 of the Revised Code may count such student in its enrollment.

(2) In any year for which funds are appropriated for pilot project scholarship programs, a school district implementing a state-sponsored pilot project scholarship program that year



pursuant to sections 3313.974 to 3313.979 of the Revised Code may count in its enrollment:

(a) All children residing in the district and utilizing a scholarship to attend kindergarten in any alternative school, as defined in section 3313.974 of the Revised Code;

(b) All children who were enrolled in the district in the preceding year who are utilizing a scholarship to attend an alternative school.

(J) The superintendent of each cooperative education school district shall certify to the superintendent of public instruction, in a manner prescribed by the state board of education, the applicable enrollments for all students in the cooperative education district, also indicating the city, local, or exempted village district where each pupil is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

(K) If the superintendent of public instruction determines that a component of the enrollment certified or reported by a district superintendent, or other reporting entity, is not correct, the superintendent of public instruction may order that the formula ADM used for the purposes of payments under any section of Title XXXVIII of the Revised Code be adjusted in the amount of the error.

**Sec. 3317.06.** Moneys paid to school districts under division (E)(1) of section 3317.024 of the Revised Code shall be used for the following independent and fully severable purposes on behalf of students enrolled in chartered and accredited nonpublic schools:

(A) To purchase such secular textbooks or digital texts as have been approved by the superintendent of public instruction for

use in public schools in the state and to loan such textbooks or 93031  
digital texts to pupils attending nonpublic schools within the 93032  
district described in division (E)(1) of section 3317.024 of the 93033  
Revised Code or to their parents and to hire clerical personnel to 93034  
administer such lending program. Such loans shall be based upon 93035  
individual requests submitted by such nonpublic school pupils or 93036  
parents. Such requests shall be submitted to the school district 93037  
in which the nonpublic school is located. Such individual requests 93038  
for the loan of textbooks or digital texts shall, for 93039  
administrative convenience, be submitted by the nonpublic school 93040  
pupil or the pupil's parent to the nonpublic school, which shall 93041  
prepare and submit collective summaries of the individual requests 93042  
to the school district. As used in this section: 93043

(1) "Textbook" means any book or book substitute that a pupil 93044  
uses as a consumable or nonconsumable text, text substitute, or 93045  
text supplement in a particular class or program in the school the 93046  
pupil regularly attends. 93047

(2) "Digital text" means a consumable book or book substitute 93048  
that a student accesses through the use of a computer or other 93049  
electronic medium or that is available through an internet-based 93050  
provider of course content, or any other material that contributes 93051  
to the learning process through electronic means. 93052

(B) To provide speech and hearing diagnostic services to 93053  
pupils attending nonpublic schools within the district described 93054  
in division (E)(1) of section 3317.024 of the Revised Code. Such 93055  
service shall be provided in the nonpublic school attended by the 93056  
pupil receiving the service. 93057

(C) To provide physician, nursing, dental, and optometric 93058  
services to pupils attending nonpublic schools within the district 93059  
described in division (E)(1) of section 3317.024 of the Revised 93060  
Code. Such services shall be provided in the school attended by 93061  
the nonpublic school pupil receiving the service. 93062

(D) To provide diagnostic psychological services to pupils attending nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code. Such services shall be provided in the school attended by the pupil receiving the service.

(E) To provide therapeutic psychological and speech and hearing services to pupils attending nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code. Such services shall be provided in the public school, in nonpublic schools, in public centers, or in mobile units located on or off of the nonpublic premises. If such services are provided in the public school or in public centers, transportation to and from such facilities shall be provided by the school district in which the nonpublic school is located.

(F) To provide guidance, counseling, and social work services to pupils attending nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code. Such services shall be provided in the public school, in nonpublic schools, in public centers, or in mobile units located on or off of the nonpublic premises. If such services are provided in the public school or in public centers, transportation to and from such facilities shall be provided by the school district in which the nonpublic school is located.

(G) To provide remedial services to pupils attending nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code. Such services shall be provided in the public school, in nonpublic schools, in public centers, or in mobile units located on or off of the nonpublic premises. If such services are provided in the public school or in public centers, transportation to and from such facilities shall be provided by the school district in which the nonpublic school is located.

(H) To supply for use by pupils attending nonpublic schools 93095  
within the district described in division (E)(1) of section 93096  
3317.024 of the Revised Code such standardized tests and scoring 93097  
services as are in use in the public schools of the state; 93098

(I) To provide programs for children who attend nonpublic 93099  
schools within the district described in division (E)(1) of 93100  
section 3317.024 of the Revised Code and are children with 93101  
disabilities as defined in section 3323.01 of the Revised Code or 93102  
gifted children. Such programs shall be provided in the public 93103  
school, in nonpublic schools, in public centers, or in mobile 93104  
units located on or off of the nonpublic premises. If such 93105  
programs are provided in the public school or in public centers, 93106  
transportation to and from such facilities shall be provided by 93107  
the school district in which the nonpublic school is located. 93108

(J) To hire clerical personnel to assist in the 93109  
administration of programs pursuant to divisions (B), (C), (D), 93110  
(E), (F), (G), and (I) of this section and to hire supervisory 93111  
personnel to supervise the providing of services and textbooks 93112  
pursuant to this section. 93113

(K) To purchase or lease any secular, neutral, and 93114  
nonideological computer application software designed to assist 93115  
students in performing a single task or multiple related tasks, 93116  
device management software, learning management software, 93117  
site-licensing, digital video on demand (DVD), wide area 93118  
connectivity and related technology as it relates to internet 93119  
access, mathematics or science equipment and materials, 93120  
instructional materials, and school library materials that are in 93121  
general use in the public schools of the state and loan such items 93122  
to pupils attending nonpublic schools within the district 93123  
described in division (E)(1) of section 3317.024 of the Revised 93124  
Code or to their parents, and to hire clerical personnel to 93125  
administer the lending program. Only such items that are incapable 93126

of diversion to religious use and that are susceptible of loan to 93127  
individual pupils and are furnished for the use of individual 93128  
pupils shall be purchased and loaned under this division. As used 93129  
in this section, "instructional materials" means prepared learning 93130  
materials that are secular, neutral, and nonideological in 93131  
character and are of benefit to the instruction of school 93132  
children. "Instructional materials" includes media content that a 93133  
student may access through the use of a computer or electronic 93134  
device. 93135

Mobile applications that are secular, neutral, and 93136  
nonideological in character and that are purchased for less than 93137  
twenty dollars for instructional use shall be considered to be 93138  
consumable and shall be distributed to students without the 93139  
expectation that the applications must be returned. 93140

(L) To purchase or lease instructional equipment, including 93141  
computer hardware and related equipment in general use in the 93142  
public schools of the state, for use by pupils attending nonpublic 93143  
schools within the district described in division (E)(1) of 93144  
section 3317.024 of the Revised Code and to loan such items to 93145  
pupils attending such nonpublic schools within the district or to 93146  
their parents, and to hire clerical personnel to administer the 93147  
lending program. "Computer hardware and related equipment" 93148  
includes desktop computers and workstations; laptop computers, 93149  
computer tablets, and other mobile handheld devices; their 93150  
operating systems and accessories; and any equipment designed to 93151  
make accessible the environment of a classroom to a student, who 93152  
is physically unable to attend classroom activities due to 93153  
hospitalization or other circumstances, by allowing real-time 93154  
interaction with other students both one-on-one and in group 93155  
discussion. 93156

(M) To purchase mobile units to be used for the provision of 93157  
services pursuant to divisions (E), (F), (G), and (I) of this 93158

section and to pay for necessary repairs and operating costs 93159  
associated with these units. 93160

(N) To reimburse costs the district incurred to store the 93161  
records of a chartered or accredited nonpublic school that closes. 93162  
Reimbursements under this division shall be made one time only for 93163  
each chartered or accredited nonpublic school described in 93164  
division (E)(1) of section 3317.024 of the Revised Code that 93165  
closes. 93166

(O) To purchase life-saving medical or other emergency 93167  
equipment for placement in nonpublic schools within the district 93168  
described in division (E)(1) of section 3317.024 of the Revised 93169  
Code or to maintain such equipment. 93170

(P) To procure and pay for security services from a county 93171  
sheriff or a township or municipal police force or from a person 93172  
certified through the Ohio peace officer training commission, in 93173  
accordance with section 109.78 of the Revised Code, as a special 93174  
police, security guard, or as a privately employed person serving 93175  
in a police capacity for nonpublic schools in the district 93176  
described in division (E)(1) of section 3317.024 of the Revised 93177  
Code. 93178

(Q) To provide language and academic support services and 93179  
other accommodations for English language learners attending 93180  
nonpublic schools within the district described in division (E)(1) 93181  
of section 3317.024 of the Revised Code. 93182

Clerical and supervisory personnel hired pursuant to division 93183  
(J) of this section shall perform their services in the public 93184  
schools, in nonpublic schools, public centers, or mobile units 93185  
where the services are provided to the nonpublic school pupil, 93186  
except that such personnel may accompany pupils to and from the 93187  
service sites when necessary to ensure the safety of the children 93188  
receiving the services. 93189

All services provided pursuant to this section may be 93190  
provided under contract with educational service centers, the 93191  
department of health, city or general health districts, or private 93192  
agencies whose personnel are properly licensed by an appropriate 93193  
state board or agency. 93194

Transportation of pupils provided pursuant to divisions (E), 93195  
(F), (G), and (I) of this section shall be provided by the school 93196  
district from its general funds and not from moneys paid to it 93197  
under division (E)(1) of section 3317.024 of the Revised Code 93198  
unless a special transportation request is submitted by the parent 93199  
of the child receiving service pursuant to such divisions. If such 93200  
an application is presented to the school district, it may pay for 93201  
the transportation from moneys paid to it under division (E)(1) of 93202  
section 3317.024 of the Revised Code. 93203

No school district shall provide health or remedial services 93204  
to nonpublic school pupils as authorized by this section unless 93205  
such services are available to pupils attending the public schools 93206  
within the district. 93207

Materials, equipment, computer hardware or software, 93208  
textbooks, digital texts, and health and remedial services 93209  
provided for the benefit of nonpublic school pupils pursuant to 93210  
this section and the admission of pupils to such nonpublic schools 93211  
shall be provided without distinction as to race, creed, color, or 93212  
national origin of such pupils or of their teachers. 93213

No school district shall provide services, materials, or 93214  
equipment that contain religious content for use in religious 93215  
courses, devotional exercises, religious training, or any other 93216  
religious activity. 93217

As used in this section, "parent" includes a person standing 93218  
in loco parentis to a child. 93219

As used in this section, "accredited nonpublic school" means 93220

an accredited nonpublic school as described in section 3301.165 of 93221  
the Revised Code. 93222

Notwithstanding section 3317.01 of the Revised Code, payments 93223  
shall be made under this section to any city, local, or exempted 93224  
village school district within which is located one or more 93225  
nonpublic elementary or high schools described in division (E)(1) 93226  
of section 3317.024 of the Revised Code and any payments made to 93227  
school districts under division (E)(1) of section 3317.024 of the 93228  
Revised Code for purposes of this section may be disbursed without 93229  
submission to and approval of the controlling board. 93230

The allocation of payments for materials, equipment, 93231  
textbooks, digital texts, health services, and remedial services 93232  
to city, local, and exempted village school districts shall be on 93233  
the basis of the state board of education's estimated annual 93234  
average daily membership in nonpublic elementary and high schools 93235  
located in the district described in division (E)(1) of section 93236  
3317.024 of the Revised Code. 93237

Payments made to city, local, and exempted village school 93238  
districts under this section shall be equal to specific 93239  
appropriations made for the purpose. All interest earned by a 93240  
school district on such payments shall be used by the district for 93241  
the same purposes and in the same manner as the payments may be 93242  
used. 93243

The department of education shall adopt guidelines and 93244  
procedures under which such programs and services shall be 93245  
provided, under which districts shall be reimbursed for 93246  
administrative costs incurred in providing such programs and 93247  
services, and under which any unexpended balance of the amounts 93248  
appropriated by the general assembly to implement this section may 93249  
be transferred to the auxiliary services personnel unemployment 93250  
compensation fund established pursuant to section 4141.47 of the 93251  
Revised Code. The department shall also adopt guidelines and 93252



procedures limiting the purchase and loan of the items described 93253  
in division (K) of this section to items that are in general use 93254  
in the public schools of the state, that are incapable of 93255  
diversion to religious use, and that are susceptible to individual 93256  
use rather than classroom use. Within thirty days after the end of 93257  
each biennium, each board of education shall remit to the 93258  
department all moneys paid to it under division (E)(1) of section 93259  
3317.024 of the Revised Code and any interest earned on those 93260  
moneys that are not required to pay expenses incurred under this 93261  
section during the biennium for which the money was appropriated 93262  
and during which the interest was earned. If a board of education 93263  
subsequently determines that the remittal of moneys leaves the 93264  
board with insufficient money to pay all valid expenses incurred 93265  
under this section during the biennium for which the remitted 93266  
money was appropriated, the board may apply to the department of 93267  
education for a refund of money, not to exceed the amount of the 93268  
insufficiency. If the department determines the expenses were 93269  
lawfully incurred and would have been lawful expenditures of the 93270  
refunded money, it shall certify its determination and the amount 93271  
of the refund to be made to the director of job and family 93272  
services who shall make a refund as provided in section 4141.47 of 93273  
the Revised Code. 93274

Each school district shall label materials, equipment, 93275  
computer hardware or software, textbooks, and digital texts 93276  
purchased or leased for loan to a nonpublic school under this 93277  
section, acknowledging that they were purchased or leased with 93278  
state funds under this section. However, a district need not label 93279  
materials, equipment, computer hardware or software, textbooks, or 93280  
digital texts that the district determines are consumable in 93281  
nature or have a value of less than two hundred dollars. 93282

**Sec. 3317.062.** (A) Moneys paid to chartered and accredited 93283  
nonpublic schools under division (E)(2) of section 3317.024 of the 93284

Revised Code shall be used for one or more of the following 93285  
purposes: 93286

(1) To purchase secular textbooks or digital texts, as 93287  
defined in divisions (A)(1) and (2) of section 3317.06 of the 93288  
Revised Code, as have been approved by the superintendent of 93289  
public instruction for use in public schools in the state; 93290

(2) To provide the services described in divisions (B), (C), 93291  
(D), and (Q) of section 3317.06 of the Revised Code; 93292

(3) To provide the services described in divisions (E), (F), 93293  
(G), and (I) of section 3317.06 of the Revised Code. If such 93294  
services are provided in public schools or in public centers, 93295  
transportation to and from such facilities shall be provided by 93296  
the nonpublic school. 93297

(4) To supply for use by pupils attending the school such 93298  
standardized tests and scoring services as are in use in the 93299  
public schools of the state; 93300

(5) To hire clerical personnel to assist in the 93301  
administration of divisions (A)(2), (3), and (4) of this section 93302  
and to hire supervisory personnel to supervise the providing of 93303  
services and textbooks pursuant to this section. These personnel 93304  
shall perform their services in the public schools, in nonpublic 93305  
schools, public centers, or mobile units where the services are 93306  
provided to the nonpublic school pupil, except that such personnel 93307  
may accompany pupils to and from the service sites when necessary 93308  
to ensure the safety of the children receiving the services. All 93309  
services provided pursuant to this section may be provided under 93310  
contract with school districts, educational service centers, the 93311  
department of health, city or general health districts, or private 93312  
agencies whose personnel are properly licensed by an appropriate 93313  
state board or agency. 93314

(6) To purchase any of the materials described in division	93315
(K) of section 3317.06 of the Revised Code;	93316
(7) To purchase any of the equipment described in division	93317
(L) of section 3317.06 of the Revised Code;	93318
(8) To purchase mobile units to be used for the provision of	93319
services pursuant to division (A)(3) of this section and to pay	93320
for necessary repairs and operating costs associated with these	93321
units;	93322
(9) To purchase the equipment described in division (O) of	93323
section 3317.06 of the Revised Code;	93324
(10) To procure and pay for security services described in	93325
division (P) of section 3317.06 of the Revised Code.	93326
(B) Materials, equipment, computer hardware and software,	93327
textbooks, digital texts, and health and remedial services	93328
provided pursuant to this section and the admission of pupils to	93329
nonpublic schools shall be provided without distinction as to	93330
race, creed, color, or national origin of such pupils or of their	93331
teachers.	93332
(C) Any interest earned by a chartered nonpublic school on	93333
moneys paid to it under division (E)(2) of section 3317.024 of the	93334
Revised Code shall be used by the school for the same purposes and	93335
in the same manner as the payments may be used under this section.	93336
(D) The department of education shall adopt guidelines and	93337
procedures regarding both of the following:	93338
(1) The expenditure of moneys under this section;	93339
(2) The audit of nonpublic schools receiving funds under this	93340
section to ensure the appropriate use of funds.	93341
(E) The department shall adopt a rule specifying the party	93342
that owns any property purchased by a chartered nonpublic school	93343
with moneys paid under division (E)(2) of section 3317.024 of the	93344

Revised Code. The rule shall include procedures for disposal of 93345  
the property by the designated owner when appropriate. 93346

(F) Within thirty days after the end of each biennium, each 93347  
chartered nonpublic school shall remit to the department all 93348  
moneys paid to it under division (E)(2) of section 3317.024 of the 93349  
Revised Code and any interest earned on those moneys that are not 93350  
required to pay expenses incurred under this section during the 93351  
biennium for which the moneys were appropriated and during which 93352  
the interest was earned. If a school subsequently determines that 93353  
the remittal of moneys leaves the school with insufficient money 93354  
to pay all valid expenses incurred under this section during the 93355  
biennium for which the remitted moneys were appropriated, the 93356  
school may apply to the department for a refund of money, not to 93357  
exceed the amount of the insufficiency. If the department 93358  
determines the expenses were lawfully incurred and would have been 93359  
lawful expenditures of the refunded money, the department shall 93360  
make a refund in the necessary amount. 93361

(G) As used in this section, "accredited nonpublic school" 93362  
means an accredited nonpublic school as described in section 93363  
3301.165 of the Revised Code. 93364

**Sec. 3317.063.** The superintendent of public instruction, in 93365  
accordance with rules adopted by the department of education, 93366  
shall annually reimburse each chartered nonpublic school and each 93367  
accredited nonpublic school as described in section 3301.165 of 93368  
the Revised Code for the actual mandated service administrative 93369  
and clerical costs incurred by such school during the preceding 93370  
school year in preparing, maintaining, and filing reports, forms, 93371  
and records, and in providing such other administrative and 93372  
clerical services that are not an integral part of the teaching 93373  
process as may be required by state law or rule or by requirements 93374  
duly promulgated by city, exempted village, or local school 93375

districts. The mandated service costs reimbursed pursuant to this 93376  
section shall include, but are not limited to, the preparation, 93377  
filing and maintenance of forms, reports, or records and other 93378  
clerical and administrative services relating to state chartering 93379  
or approval of the nonpublic school, pupil attendance, pupil 93380  
health and health testing, transportation of pupils, federally 93381  
funded education programs, pupil appraisal, pupil progress, 93382  
educator licensure, unemployment and workers' compensation, 93383  
transfer of pupils, and such other education related data which 93384  
are now or hereafter shall be required of such nonpublic school by 93385  
state law or rule, or by requirements of the state department of 93386  
education, other state agencies, or city, exempted village, or 93387  
local school districts. 93388

The reimbursement required by this section shall be for 93389  
school years beginning on or after July 1, 1981. 93390

Each nonpublic school which seeks reimbursement pursuant to 93391  
this section shall submit to the superintendent of public 93392  
instruction an application together with such additional reports 93393  
and documents as the department of education may require. Such 93394  
application, reports, and documents shall contain such information 93395  
as the department of education may prescribe in order to carry out 93396  
the purposes of this section. No payment shall be made until the 93397  
superintendent of public instruction has approved such 93398  
application. 93399

Each nonpublic school which applies for reimbursement 93400  
pursuant to this section shall maintain a separate account or 93401  
system of accounts for the expenses incurred in rendering the 93402  
required services for which reimbursement is sought. Such accounts 93403  
shall contain such information as is required by the department of 93404  
education and shall be maintained in accordance with rules adopted 93405  
by the department of education. 93406

Reimbursement payments to a nonpublic school pursuant to this 93407

section shall not exceed an amount for each school year equal to 93408  
three hundred sixty dollars per pupil enrolled in that nonpublic 93409  
school. 93410

The superintendent of public instruction may, from time to 93411  
time, examine any and all accounts and records of a nonpublic 93412  
school which have been maintained pursuant to this section in 93413  
support of an application for reimbursement, for the purpose of 93414  
determining the costs to such school of rendering the services for 93415  
which reimbursement is sought. If after such audit it is 93416  
determined that any school has received funds in excess of the 93417  
actual cost of providing such services, said school shall 93418  
immediately reimburse the state in such excess amount. 93419

Any payments made to chartered or accredited nonpublic 93420  
schools under this section may be disbursed without submission to 93421  
and approval of the controlling board. 93422

**Sec. 3317.13.** (A) As used in this section and section 3317.14 93423  
of the Revised Code: 93424

(1) "Years of service" includes the following: 93425

(a) All years of teaching service in the same school district 93426  
or educational service center, regardless of training level, with 93427  
each year consisting of at least one hundred twenty days under a 93428  
teacher's contract; 93429

(b) All years of teaching service in a chartered, or an 93430  
accredited nonpublic school located in Ohio as a teacher licensed 93431  
pursuant to section 3319.22 of the Revised Code or in another 93432  
public school, regardless of training level, with each year 93433  
consisting of at least one hundred twenty days under a teacher's 93434  
contract. For purposes of this division, "accredited nonpublic 93435  
school" means an accredited nonpublic school as described in 93436  
section 3301.165 of the Revised Code. 93437

(c) All years of teaching service in a chartered school or institution or a school or institution that subsequently became chartered or a chartered special education program or a special education program that subsequently became chartered operated by the state or by a subdivision or other local governmental unit of this state as a teacher licensed pursuant to section 3319.22 of the Revised Code, regardless of training level, with each year consisting of at least one hundred twenty days; and

(d) All years of active military service in the armed forces of the United States, as defined in section 3307.75 of the Revised Code, to a maximum of five years. For purposes of this calculation, a partial year of active military service of eight continuous months or more in the armed forces shall be counted as a full year.

(2) "Teacher" means all teachers employed by the board of education of any school district, including any cooperative education or joint vocational school district and all teachers employed by any educational service center governing board.

(B) No teacher shall be paid a salary less than that provided in the schedule set forth in division (C) of this section. In calculating the minimum salary any teacher shall be paid pursuant to this section, years of service shall include the sum of all years of the teacher's teaching service included in divisions (A)(1)(a), (b), (c), and (d) of this section; except that any school district or educational service center employing a teacher new to the district or educational service center shall grant such teacher a total of not more than ten years of service pursuant to divisions (A)(1)(b), (c), and (d) of this section.

Upon written complaint to the superintendent of public instruction that the board of education of a district or the governing board of an educational service center governing board has failed or refused to annually adopt a salary schedule or to

pay salaries in accordance with the salary schedule set forth in 93470  
 division (C) of this section, the superintendent of public 93471  
 instruction shall cause to be made an immediate investigation of 93472  
 such complaint. If the superintendent finds that the conditions 93473  
 complained of exist, the superintendent shall order the board to 93474  
 correct such conditions within ten days from the date of the 93475  
 finding. No moneys shall be distributed to the district or 93476  
 educational service center under this chapter until the 93477  
 superintendent has satisfactory evidence of the board of 93478  
 education's full compliance with such order. 93479

Each teacher shall be fully credited with placement in the 93480  
 appropriate academic training level column in the district's or 93481  
 educational service center's salary schedule with years of service 93482  
 properly credited pursuant to this section or section 3317.14 of 93483  
 the Revised Code. No rule shall be adopted or exercised by any 93484  
 board of education or educational service center governing board 93485  
 which restricts the placement or the crediting of annual salary 93486  
 increments for any teacher according to the appropriate academic 93487  
 training level column. 93488

(C) Minimum salaries exclusive of retirement and sick leave 93489  
 for teachers shall be as follows: 93490

Years of Service	Teachers with Less than Bachelor's Degree		Teachers with a Bachelor's Degree		Teachers with Five Years of Training, but no Master's Degree		Teachers with a Master's Degree or Higher		
	Per Cent*	Dollar Amount	Per Cent*	Dollar Amount	Per Cent*	Dollar Amount	Per Cent*	Dollar Amount	
0	86.5	\$17,300	100.0	\$20,000	103.8	\$20,760	109.5	\$21,900	93498
1	90.0	18,000	103.8	20,760	108.1	21,620	114.3	22,860	93499
2	93.5	18,700	107.6	21,520	112.4	22,480	119.1	23,820	93500
3	97.0	19,400	111.4	22,280	116.7	23,340	123.9	24,780	93501



4	100.5	20,100	115.2	23,040	121.0	24,200	128.7	25,740	93502
5	104.0	20,800	119.0	23,800	125.3	25,060	133.5	26,700	93503
6	104.0	20,800	122.8	24,560	129.6	25,920	138.3	27,660	93504
7	104.0	20,800	126.6	25,320	133.9	26,780	143.1	28,620	93505
8	104.0	20,800	130.4	26,080	138.2	27,640	147.9	29,580	93506
9	104.0	20,800	134.2	26,840	142.5	28,500	152.7	30,540	93507
10	104.0	20,800	138.0	27,600	146.8	29,360	157.5	31,500	93508
11	104.0	20,800	141.8	28,360	151.1	30,220	162.3	32,460	93509

\* Percentages represent the percentage which each salary is of the base amount. 93510  
93511

For purposes of determining the minimum salary at any level of training and service, the base of one hundred per cent shall be the base amount. The percentages used in this section show the relationships between the minimum salaries required by this section and the base amount and shall not be construed as requiring any school district or educational service center to adopt a schedule containing salaries in excess of the amounts set forth in this section for corresponding levels of training and experience. 93512  
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As used in this division: 93521

(1) "Base amount" means twenty thousand dollars. 93522

(2) "Five years of training" means at least one hundred fifty semester hours, or the equivalent, and a bachelor's degree from a recognized college or university. 93523  
93524  
93525

(D) For purposes of this section, all credited training shall be from a recognized college or university. 93526  
93527

**Sec. 3319.311.** (A)(1) The state board of education, or the superintendent of public instruction on behalf of the board, may investigate any information received about a person that reasonably appears to be a basis for action under section 3319.31 93528  
93529  
93530  
93531

of the Revised Code, including information received pursuant to 93532  
section 3314.40, 3319.291, 3319.313, 3326.24, 3328.19, 5126.253, 93533  
or 5153.176 of the Revised Code. Except as provided in division 93534  
(A)(2) of this section, the board shall contract with the office 93535  
of the Ohio attorney general to conduct any investigation of that 93536  
nature. The board shall pay for the costs of the contract only 93537  
from moneys in the state board of education licensure fund 93538  
established under section 3319.51 of the Revised Code. Except as 93539  
provided in division (A)(2) of this section, all information 93540  
received pursuant to section 3314.40, 3319.291, 3319.313, 3326.24, 93541  
3328.19, 5126.253, or 5153.176 of the Revised Code, and all 93542  
information obtained during an investigation is confidential and 93543  
is not a public record under section 149.43 of the Revised Code. 93544  
If an investigation is conducted under this division regarding 93545  
information received about a person and no action is taken against 93546  
the person under this section or section 3319.31 of the Revised 93547  
Code within two years of the completion of the investigation, all 93548  
records of the investigation shall be expunged. 93549

(2) In the case of a person about whom the board has learned 93550  
of a plea of guilty to, finding of guilt by a jury or court of, or 93551  
a conviction of an offense listed in division (C) of section 93552  
3319.31 of the Revised Code, or substantially comparable conduct 93553  
occurring in a jurisdiction outside this state, the board or the 93554  
superintendent of public instruction need not conduct any further 93555  
investigation and shall take the action required by division (C) 93556  
or (F) of that section. Except as provided in division (G) of this 93557  
section, all information obtained by the board or the 93558  
superintendent of public instruction pertaining to the action is a 93559  
public record under section 149.43 of the Revised Code. 93560

(B) The superintendent of public instruction shall review the 93561  
results of each investigation of a person conducted under division 93562  
(A)(1) of this section and shall determine, on behalf of the state 93563

board, whether the results warrant initiating action under 93564  
division (B) of section 3319.31 of the Revised Code. The 93565  
superintendent shall advise the board of such determination at a 93566  
meeting of the board. Within fourteen days of the next meeting of 93567  
the board, any member of the board may ask that the question of 93568  
initiating action under section 3319.31 of the Revised Code be 93569  
placed on the board's agenda for that next meeting. Prior to 93570  
initiating that action against any person, the person's name and 93571  
any other personally identifiable information shall remain 93572  
confidential. 93573

(C) The board shall take no action against a person under 93574  
division (B) of section 3319.31 of the Revised Code without 93575  
providing the person with written notice of the charges and with 93576  
an opportunity for a hearing in accordance with Chapter 119. of 93577  
the Revised Code. 93578

(D) For purposes of an investigation under division (A)(1) of 93579  
this section or a hearing under division (C) of this section or 93580  
under division (E)(2) of section 3319.31 of the Revised Code, the 93581  
board, or the superintendent on behalf of the board, may 93582  
administer oaths, order the taking of depositions, issue 93583  
subpoenas, and compel the attendance of witnesses and the 93584  
production of books, accounts, papers, records, documents, and 93585  
testimony. The issuance of subpoenas under this division may be by 93586  
certified mail or personal delivery to the person. 93587

(E) The superintendent, on behalf of the board, may enter 93588  
into a consent agreement with a person against whom action is 93589  
being taken under division (B) of section 3319.31 of the Revised 93590  
Code. The board may adopt rules governing the superintendent's 93591  
action under this division. 93592

(F) No surrender of a license shall be effective until the 93593  
board takes action to accept the surrender unless the surrender is 93594  
pursuant to a consent agreement entered into under division (E) of 93595

this section. 93596

(G) The name of any person who is not required to report 93597  
information under section 3314.40, 3319.313, 3326.24, 3328.19, 93598  
5126.253, or 5153.176 of the Revised Code, but who in good faith 93599  
provides information to the state board or superintendent of 93600  
public instruction about alleged misconduct committed by a person 93601  
who holds a license or has applied for issuance or renewal of a 93602  
license, shall be confidential and shall not be released. Any such 93603  
person shall be immune from any civil liability that otherwise 93604  
might be incurred or imposed for injury, death, or loss to person 93605  
or property as a result of the provision of that information. 93606

(H)(1) No person shall knowingly make a false report to the 93607  
superintendent of public instruction or the state board of 93608  
education alleging misconduct by an employee of a public ~~or~~ 93609  
school, chartered nonpublic school, or accredited nonpublic school 93610  
described in section 3301.165 of the Revised Code or an employee 93611  
of the operator of a community school established under Chapter 93612  
3314. or a college-preparatory boarding school established under 93613  
Chapter 3328. of the Revised Code. 93614

(2)(a) In any civil action brought against a person in which 93615  
it is alleged and proved that the person violated division (H)(1) 93616  
of this section, the court shall award the prevailing party 93617  
reasonable attorney's fees and costs that the prevailing party 93618  
incurred in the civil action or as a result of the false report 93619  
that was the basis of the violation. 93620

(b) If a person is convicted of or pleads guilty to a 93621  
violation of division (H)(1) of this section, if the subject of 93622  
the false report that was the basis of the violation was charged 93623  
with any violation of a law or ordinance as a result of the false 93624  
report, and if the subject of the false report is found not to be 93625  
guilty of the charges brought against the subject as a result of 93626  
the false report or those charges are dismissed, the court that 93627

sentences the person for the violation of division (H)(1) of this 93628  
section, as part of the sentence, shall order the person to pay 93629  
restitution to the subject of the false report, in an amount equal 93630  
to reasonable attorney's fees and costs that the subject of the 93631  
false report incurred as a result of or in relation to the 93632  
charges. 93633

**Sec. 3319.313.** (A) As used in this section: 93634

(1) "Conduct unbecoming to the teaching profession" shall be 93635  
as described in rules adopted by the state board of education. 93636

(2) "Intervention in lieu of conviction" means intervention 93637  
in lieu of conviction under section 2951.041 of the Revised Code. 93638

(3) "License" has the same meaning as in section 3319.31 of 93639  
the Revised Code. 93640

(4) "Pre-trial diversion program" means a pre-trial diversion 93641  
program under section 2935.36 of the Revised Code or a similar 93642  
diversion program under rules of a court. 93643

(5) "Accredited nonpublic school" means an accredited 93644  
nonpublic school as described in section 3301.165 of the Revised 93645  
Code. 93646

(B) The superintendent of each school district and each 93647  
educational service center or the president of the district or 93648  
service center board, if division (C)(1) of this section applies, 93649  
and the chief administrator of each chartered or accredited 93650  
nonpublic school or the president or chairperson of the governing 93651  
authority of the nonpublic school, if division (C)(2) of this 93652  
section applies, shall promptly submit to the superintendent of 93653  
public instruction the information prescribed in division (D) of 93654  
this section when any of the following conditions applies to an 93655  
employee of the district, service center, or nonpublic school who 93656  
holds a license issued by the state board of education: 93657

(1) The superintendent, chief administrator, president, or chairperson knows that the employee has pleaded guilty to, has been found guilty by a jury or court of, has been convicted of, has been found to be eligible for intervention in lieu of conviction for, or has agreed to participate in a pre-trial diversion program for an offense described in division (B)(2) or (C) of section 3319.31 or division (B)(1) of section 3319.39 of the Revised Code;

(2) The district board of education, service center governing board, or nonpublic school chief administrator or governing authority has initiated termination or nonrenewal proceedings against, has terminated, or has not renewed the contract of the employee because the board of education, governing board, or chief administrator has reasonably determined that the employee has committed an act that is unbecoming to the teaching profession or an offense described in division (B)(2) or (C) of section 3319.31 or division (B)(1) of section 3319.39 of the Revised Code;

(3) The employee has resigned under threat of termination or nonrenewal as described in division (B)(2) of this section;

(4) The employee has resigned because of or in the course of an investigation by the board of education, governing board, or chief administrator regarding whether the employee has committed an act that is unbecoming to the teaching profession or an offense described in division (B)(2) or (C) of section 3319.31 or division (B)(1) of section 3319.39 of the Revised Code.

(C)(1) If the employee to whom any of the conditions prescribed in divisions (B)(1) to (4) of this section applies is the superintendent or treasurer of a school district or educational service center, the president of the board of education of the school district or of the governing board of the educational service center shall make the report required under this section.

(2) If the employee to whom any of the conditions prescribed 93690  
in divisions (B)(1) to (4) of this section applies is the chief 93691  
administrator of a chartered or an accredited nonpublic school, 93692  
the president or chairperson of the governing authority of the 93693  
chartered or accredited nonpublic school shall make the report 93694  
required under this section. 93695

(D) If a report is required under this section, the 93696  
superintendent, chief administrator, president, or chairperson 93697  
shall submit to the superintendent of public instruction the name 93698  
and social security number of the employee about whom the 93699  
information is required and a factual statement regarding any of 93700  
the conditions prescribed in divisions (B)(1) to (4) of this 93701  
section that applies to the employee. 93702

(E) A determination made by the board of education, governing 93703  
board, chief administrator, or governing authority as described in 93704  
division (B)(2) of this section or a termination, nonrenewal, 93705  
resignation, or other separation described in divisions (B)(2) to 93706  
(4) of this section does not create a presumption of the 93707  
commission or lack of the commission by the employee of an act 93708  
unbecoming to the teaching profession or an offense described in 93709  
division (B)(2) or (C) of section 3319.31 or division (B)(1) of 93710  
section 3319.39 of the Revised Code. 93711

(F) No individual required to submit a report under division 93712  
(B) of this section shall knowingly fail to comply with that 93713  
division. 93714

(G) An individual who provides information to the 93715  
superintendent of public instruction in accordance with this 93716  
section in good faith shall be immune from any civil liability 93717  
that otherwise might be incurred or imposed for injury, death, or 93718  
loss to person or property as a result of the provision of that 93719  
information. 93720

**Sec. 3319.314.** The board of education of each school 93721  
district, the governing board of each educational service center, 93722  
~~and~~ the chief administrator of each chartered nonpublic school, 93723  
and the chief administrator of each accredited nonpublic school 93724  
operating under section 3301.165 of the Revised Code shall require 93725  
that the reports of any investigation by the district board of 93726  
education, service center governing board, or nonpublic school 93727  
chief administrator of an employee regarding whether the employee 93728  
has committed an act or offense for which the district or service 93729  
center superintendent or board president or nonpublic school chief 93730  
administrator or governing authority president or chairperson is 93731  
required to make a report to the superintendent of public 93732  
instruction under section 3319.313 of the Revised Code be kept in 93733  
the employee's personnel file. If, after an investigation under 93734  
division (A) of section 3319.311 of the Revised Code, the 93735  
superintendent of public instruction determines that the results 93736  
of that investigation do not warrant initiating action under 93737  
section 3319.31 of the Revised Code, the board of education, 93738  
governing board, or chief administrator shall require the reports 93739  
of the board's or chief administrator's investigation to be moved 93740  
from the employee's personnel file to a separate public file. 93741

**Sec. 3319.317.** (A) As used in this section, "license" has the 93742  
same meaning as in section 3319.31 of the Revised Code. 93743

(B) No employee of a school district or educational service 93744  
center shall do either of the following: 93745

(1) Knowingly make a false report to the district or service 93746  
center superintendent, or the superintendent's designee, alleging 93747  
misconduct by another employee of the district or service center; 93748

(2) Knowingly cause the district or service center 93749  
superintendent, or the superintendent's designee, to make a false 93750



report of the alleged misconduct to the superintendent of public instruction or the state board of education. 93751  
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(C) Any employee of a school district or educational service center who in good faith reports to the district or service center superintendent, or the superintendent's designee, information about alleged misconduct committed by another employee of the district or service center shall be immune from any civil liability that otherwise might be incurred or imposed for injury, death, or loss to person or property as a result of the reporting of that information. 93753  
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If the alleged misconduct involves a person who holds a license but the district or service center superintendent is not required to submit a report to the superintendent of public instruction under section 3319.313 of the Revised Code and the district or service center superintendent, or the superintendent's designee, in good faith reports the alleged misconduct to the superintendent of public instruction or the state board, the district or service center superintendent, or the superintendent's designee, shall be immune from any civil liability that otherwise might be incurred or imposed for injury, death, or loss to person or property as a result of the reporting of that information. 93761  
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(D) No employee of a chartered nonpublic school or accredited nonpublic school described in section 3301.165 of the Revised Code shall do either of the following: 93772  
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(1) Knowingly make a false report to the chief administrator of the school, or the chief administrator's designee, alleging misconduct by another employee of the school; 93775  
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(2) Knowingly cause the chief administrator, or the chief administrator's designee, to make a false report of the alleged misconduct to the superintendent of public instruction or the state board. 93778  
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(E) Any employee of a chartered nonpublic school or 93782  
accredited nonpublic school who in good faith reports to the chief 93783  
administrator of the school, or the chief administrator's 93784  
designee, information about alleged misconduct committed by 93785  
another employee of the school shall be immune from any civil 93786  
liability that otherwise might be incurred or imposed for injury, 93787  
death, or loss to person or property as a result of the reporting 93788  
of that information. 93789

If the alleged misconduct involves a person who holds a 93790  
license but the chief administrator is not required to submit a 93791  
report to the superintendent of public instruction under section 93792  
3319.313 of the Revised Code and the chief administrator, or the 93793  
chief administrator's designee, in good faith reports the alleged 93794  
misconduct to the superintendent of public instruction or the 93795  
state board, the chief administrator, or the chief administrator's 93796  
designee, shall be immune from any civil liability that otherwise 93797  
might be incurred or imposed for injury, death, or loss to person 93798  
or property as a result of the reporting of that information. 93799

(F)(1) In any civil action brought against a person in which 93800  
it is alleged and proved that the person violated division (B) or 93801  
(D) of this section, the court shall award the prevailing party 93802  
reasonable attorney's fees and costs that the prevailing party 93803  
incurred in the civil action or as a result of the false report 93804  
that was the basis of the violation. 93805

(2) If a person is convicted of or pleads guilty to a 93806  
violation of division (B) or (D) of this section, if the subject 93807  
of the false report that was the basis of the violation was 93808  
charged with any violation of a law or ordinance as a result of 93809  
the false report, and if the subject of the false report is found 93810  
not to be guilty of the charges brought against the subject as a 93811  
result of the false report or those charges are dismissed, the 93812  
court that sentences the person for the violation of division (B) 93813

or (D) of this section, as part of the sentence, shall order the 93814  
person to pay restitution to the subject of the false report, in 93815  
an amount equal to reasonable attorney's fees and costs that the 93816  
subject of the false report incurred as a result of or in relation 93817  
to the charges. 93818

**Sec. 3319.39.** (A)(1) Except as provided in division (F)(2)(b) 93819  
of section 109.57 of the Revised Code, the appointing or hiring 93820  
officer of the board of education of a school district, the 93821  
governing board of an educational service center, or of a 93822  
chartered or accredited nonpublic school shall request the 93823  
superintendent of the bureau of criminal identification and 93824  
investigation to conduct a criminal records check with respect to 93825  
any applicant who has applied to the school district, educational 93826  
service center, or school for employment in any position. The 93827  
appointing or hiring officer shall request that the superintendent 93828  
include information from the federal bureau of investigation in 93829  
the criminal records check, unless all of the following apply to 93830  
the applicant: 93831

(a) The applicant is applying to be an instructor of adult 93832  
education. 93833

(b) The duties of the position for which the applicant is 93834  
applying do not involve routine interaction with a child or 93835  
regular responsibility for the care, custody, or control of a 93836  
child or, if the duties do involve such interaction or 93837  
responsibility, during any period of time in which the applicant, 93838  
if hired, has such interaction or responsibility, another employee 93839  
of the school district, educational service center, or chartered 93840  
or accredited nonpublic school will be present in the same room 93841  
with the child or, if outdoors, will be within a thirty-yard 93842  
radius of the child or have visual contact with the child. 93843

(c) The applicant presents proof that the applicant has been 93844

a resident of this state for the five-year period immediately 93845  
prior to the date upon which the criminal records check is 93846  
requested or provides evidence that within that five-year period 93847  
the superintendent has requested information about the applicant 93848  
from the federal bureau of investigation in a criminal records 93849  
check. 93850

(2) A person required by division (A)(1) of this section to 93851  
request a criminal records check shall provide to each applicant a 93852  
copy of the form prescribed pursuant to division (C)(1) of section 93853  
109.572 of the Revised Code, provide to each applicant a standard 93854  
impression sheet to obtain fingerprint impressions prescribed 93855  
pursuant to division (C)(2) of section 109.572 of the Revised 93856  
Code, obtain the completed form and impression sheet from each 93857  
applicant, and forward the completed form and impression sheet to 93858  
the superintendent of the bureau of criminal identification and 93859  
investigation at the time the person requests a criminal records 93860  
check pursuant to division (A)(1) of this section. 93861

(3) An applicant who receives pursuant to division (A)(2) of 93862  
this section a copy of the form prescribed pursuant to division 93863  
(C)(1) of section 109.572 of the Revised Code and a copy of an 93864  
impression sheet prescribed pursuant to division (C)(2) of that 93865  
section and who is requested to complete the form and provide a 93866  
set of fingerprint impressions shall complete the form or provide 93867  
all the information necessary to complete the form and shall 93868  
provide the impression sheet with the impressions of the 93869  
applicant's fingerprints. If an applicant, upon request, fails to 93870  
provide the information necessary to complete the form or fails to 93871  
provide impressions of the applicant's fingerprints, the board of 93872  
education of a school district, governing board of an educational 93873  
service center, or governing authority of a chartered nonpublic 93874  
school shall not employ that applicant for any position. 93875

(4) Notwithstanding any provision of this section to the 93876

contrary, an applicant who meets the conditions prescribed in 93877  
divisions (A)(1)(a) and (b) of this section and who, within the 93878  
two-year period prior to the date of application, was the subject 93879  
of a criminal records check under this section prior to being 93880  
hired for short-term employment with the school district, 93881  
educational service center, or chartered or accredited nonpublic 93882  
school to which application is being made shall not be required to 93883  
undergo a criminal records check prior to the applicant's rehiring 93884  
by that district, service center, or school. 93885

(B)(1) Except as provided in rules adopted by the department 93886  
of education in accordance with division (E) of this section and 93887  
as provided in division (B)(3) of this section, no board of 93888  
education of a school district, no governing board of an 93889  
educational service center, and no governing authority of a 93890  
chartered or accredited nonpublic school shall employ a person if 93891  
the person previously has been convicted of or pleaded guilty to 93892  
any of the following: 93893

(a) A violation of section 2903.01, 2903.02, 2903.03, 93894  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 93895  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 93896  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 93897  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 93898  
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 93899  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 93900  
2925.06, or 3716.11 of the Revised Code, a violation of section 93901  
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 93902  
violation of section 2919.23 of the Revised Code that would have 93903  
been a violation of section 2905.04 of the Revised Code as it 93904  
existed prior to July 1, 1996, had the violation been committed 93905  
prior to that date, a violation of section 2925.11 of the Revised 93906  
Code that is not a minor drug possession offense, or felonious 93907  
sexual penetration in violation of former section 2907.12 of the 93908

Revised Code; 93909

(b) A violation of an existing or former law of this state, 93910  
another state, or the United States that is substantially 93911  
equivalent to any of the offenses or violations described in 93912  
division (B)(1)(a) of this section. 93913

(2) A board, governing board of an educational service 93914  
center, or a governing authority of a chartered or accredited 93915  
nonpublic school may employ an applicant conditionally until the 93916  
criminal records check required by this section is completed and 93917  
the board or governing authority receives the results of the 93918  
criminal records check. If the results of the criminal records 93919  
check indicate that, pursuant to division (B)(1) of this section, 93920  
the applicant does not qualify for employment, the board or 93921  
governing authority shall release the applicant from employment. 93922

(3) No board and no governing authority of a chartered or 93923  
accredited nonpublic school shall employ a teacher who previously 93924  
has been convicted of or pleaded guilty to any of the offenses 93925  
listed in section 3319.31 of the Revised Code. 93926

(C)(1) Each board and each governing authority of a chartered 93927  
or accredited nonpublic school shall pay to the bureau of criminal 93928  
identification and investigation the fee prescribed pursuant to 93929  
division (C)(3) of section 109.572 of the Revised Code for each 93930  
criminal records check conducted in accordance with that section 93931  
upon the request pursuant to division (A)(1) of this section of 93932  
the appointing or hiring officer of the board or governing 93933  
authority. 93934

(2) A board and the governing authority of a chartered or 93935  
accredited nonpublic school may charge an applicant a fee for the 93936  
costs it incurs in obtaining a criminal records check under this 93937  
section. A fee charged under this division shall not exceed the 93938  
amount of fees the board or governing authority pays under 93939

division (C)(1) of this section. If a fee is charged under this 93940  
division, the board or governing authority shall notify the 93941  
applicant at the time of the applicant's initial application for 93942  
employment of the amount of the fee and that, unless the fee is 93943  
paid, the board or governing authority will not consider the 93944  
applicant for employment. 93945

(D) The report of any criminal records check conducted by the 93946  
bureau of criminal identification and investigation in accordance 93947  
with section 109.572 of the Revised Code and pursuant to a request 93948  
under division (A)(1) of this section is not a public record for 93949  
the purposes of section 149.43 of the Revised Code and shall not 93950  
be made available to any person other than the applicant who is 93951  
the subject of the criminal records check or the applicant's 93952  
representative, the board or governing authority requesting the 93953  
criminal records check or its representative, and any court, 93954  
hearing officer, or other necessary individual involved in a case 93955  
dealing with the denial of employment to the applicant. 93956

(E) The department of education shall adopt rules pursuant to 93957  
Chapter 119. of the Revised Code to implement this section, 93958  
including rules specifying circumstances under which the board or 93959  
governing authority may hire a person who has been convicted of an 93960  
offense listed in division (B)(1) or (3) of this section but who 93961  
meets standards in regard to rehabilitation set by the department. 93962

The department shall amend rule 3301-83-23 of the Ohio 93963  
Administrative Code that took effect August 27, 2009, and that 93964  
specifies the offenses that disqualify a person for employment as 93965  
a school bus or school van driver and establishes rehabilitation 93966  
standards for school bus and school van drivers. 93967

(F) Any person required by division (A)(1) of this section to 93968  
request a criminal records check shall inform each person, at the 93969  
time of the person's initial application for employment, of the 93970  
requirement to provide a set of fingerprint impressions and that a 93971

criminal records check is required to be conducted and 93972  
satisfactorily completed in accordance with section 109.572 of the 93973  
Revised Code if the person comes under final consideration for 93974  
appointment or employment as a precondition to employment for the 93975  
school district, educational service center, or school for that 93976  
position. 93977

(G) As used in this section: 93978

(1) "Accredited nonpublic school" means an accredited 93979  
nonpublic school as described in section 3301.165 of the Revised 93980  
Code. 93981

(2) "Applicant" means a person who is under final 93982  
consideration for appointment or employment in a position with a 93983  
board of education, governing board of an educational service 93984  
center, or a chartered nonpublic school, except that "applicant" 93985  
does not include a person already employed by a board or chartered 93986  
nonpublic school who is under consideration for a different 93987  
position with such board or school. 93988

~~(2)~~(3) "Teacher" means a person holding an educator license 93989  
or permit issued under section 3319.22 or 3319.301 of the Revised 93990  
Code and teachers in a chartered nonpublic school. 93991

~~(3)~~(4) "Criminal records check" has the same meaning as in 93992  
section 109.572 of the Revised Code. 93993

~~(4)~~(5) "Minor drug possession offense" has the same meaning 93994  
as in section 2925.01 of the Revised Code. 93995

(H) If the board of education of a local school district 93996  
adopts a resolution requesting the assistance of the educational 93997  
service center in which the local district has territory in 93998  
conducting criminal records checks of substitute teachers and 93999  
substitutes for other district employees under this section, the 94000  
appointing or hiring officer of such educational service center 94001  
shall serve for purposes of this section as the appointing or 94002



hiring officer of the local board in the case of hiring substitute 94003  
teachers and other substitute employees for the local district. 94004

**Sec. 3319.391.** This section applies to any person hired by a 94005  
school district, educational service center, or chartered 94006  
nonpublic school, or accredited nonpublic school as described in 94007  
section 3301.165 of the Revised Code in any position that does not 94008  
require a "license" issued by the state board of education, as 94009  
defined in section 3319.31 of the Revised Code, and is not for the 94010  
operation of a vehicle for pupil transportation. 94011

(A) For each person to whom this section applies who is hired 94012  
on or after November 14, 2007, the employer shall request a 94013  
criminal records check in accordance with section 3319.39 of the 94014  
Revised Code and shall request a subsequent criminal records check 94015  
by the fifth day of September every fifth year thereafter. For 94016  
each person to whom this division applies who is hired prior to 94017  
November 14, 2007, the employer shall request a criminal records 94018  
check by a date prescribed by the department of education and 94019  
shall request a subsequent criminal records check by the fifth day 94020  
of September every fifth year thereafter. 94021

(B)(1) Each request for a criminal records check under this 94022  
section shall be made to the superintendent of the bureau of 94023  
criminal identification and investigation in the manner prescribed 94024  
in section 3319.39 of the Revised Code, except that if both of the 94025  
following conditions apply to the person subject to the records 94026  
check, the employer shall request the superintendent only to 94027  
obtain any criminal records that the federal bureau of 94028  
investigation has on the person: 94029

(a) The employer previously requested the superintendent to 94030  
determine whether the bureau of criminal identification and 94031  
investigation has any information, gathered pursuant to division 94032  
(A) of section 109.57 of the Revised Code, on the person in 94033

conjunction with a criminal records check requested under section 94034  
3319.39 of the Revised Code or under this section. 94035

(b) The person presents proof that the person has been a 94036  
resident of this state for the five-year period immediately prior 94037  
to the date upon which the person becomes subject to a criminal 94038  
records check under this section. 94039

(2) Upon receipt of a request under division (B)(1) of this 94040  
section, the superintendent shall conduct the criminal records 94041  
check in accordance with section 109.572 of the Revised Code as if 94042  
the request had been made under section 3319.39 of the Revised 94043  
Code. However, as specified in division (B)(2) of section 109.572 94044  
of the Revised Code, if the employer requests the superintendent 94045  
only to obtain any criminal records that the federal bureau of 94046  
investigation has on the person for whom the request is made, the 94047  
superintendent shall not conduct the review prescribed by division 94048  
(B)(1) of that section. 94049

(C) Any person who is the subject of a criminal records check 94050  
under this section and has been convicted of or pleaded guilty to 94051  
any offense described in division (B)(1) of section 3319.39 of the 94052  
Revised Code shall not be hired or shall be released from 94053  
employment, as applicable, unless the person meets the 94054  
rehabilitation standards adopted by the department under division 94055  
(E) of that section. 94056

**Sec. 3319.392.** (A) As used in this section: 94057

(1) "Accredited nonpublic school" means an accredited 94058  
nonpublic school as described in section 3301.165 of the Revised 94059  
Code. 94060

(2) "Designated official" means the superintendent, or the 94061  
superintendent's designee, in the case of a school district or 94062  
educational service center and the chief administrator, or the 94063

chief administrator's designee, in the case of a chartered 94064  
nonpublic school. 94065

~~(2)~~(3) "Essential school services" means services provided by 94066  
a private company under contract with a school district, 94067  
educational service center, or chartered nonpublic school that the 94068  
district or service center superintendent or the chief 94069  
administrator of the chartered nonpublic school has determined are 94070  
necessary for the operation of the district, service center, or 94071  
chartered nonpublic school and that would need to be provided by 94072  
employees of the district, service center, or chartered nonpublic 94073  
school if the services were not provided by the private company. 94074

~~(3)~~(4) "License" has the same meaning as in section 3319.31 94075  
of the Revised Code. 94076

(B) This section applies to any person who is an employee of 94077  
a private company under contract with a school district, 94078  
educational service center, or chartered or accredited nonpublic 94079  
school to provide essential school services and who will work in 94080  
the district, service center, or chartered or accredited nonpublic 94081  
school in a position that does not require a license issued by the 94082  
state board of education, is not for the operation of a vehicle 94083  
for pupil transportation, and that involves routine interaction 94084  
with a child or regular responsibility for the care, custody, or 94085  
control of a child. 94086

(C) No school district, educational service center, or 94087  
chartered or accredited nonpublic school shall permit a person to 94088  
whom this section applies to work in the district, service center, 94089  
or chartered or accredited nonpublic school, unless one of the 94090  
following applies to the person: 94091

(1) The person's employer presents proof of both of the 94092  
following to the designated official: 94093

(a) That the person has been the subject of a criminal 94094

records check conducted in accordance with division (D) of this 94095  
section within the five-year period immediately prior to the date 94096  
on which the person will begin working in the district, service 94097  
center, or chartered or accredited nonpublic school; 94098

(b) That the criminal records check indicates that the person 94099  
has not been convicted of or pleaded guilty to any offense 94100  
described in division (B)(1) of section 3319.39 of the Revised 94101  
Code. 94102

(2) During any period of time in which the person will have 94103  
routine interaction with a child or regular responsibility for the 94104  
care, custody, or control of a child, the designated official has 94105  
arranged for an employee of the district, service center, or 94106  
chartered or accredited nonpublic school to be present in the same 94107  
room with the child or, if outdoors, to be within a thirty-yard 94108  
radius of the child or to have visual contact with the child. 94109

(D) Any private company that has been hired or seeks to be 94110  
hired by a school district, educational service center, or 94111  
chartered or accredited nonpublic school to provide essential 94112  
school services may request the bureau of criminal identification 94113  
and investigation to conduct a criminal records check of any of 94114  
its employees for the purpose of complying with division (C)(1) of 94115  
this section. Each request for a criminal records check under this 94116  
division shall be made to the superintendent of the bureau in the 94117  
manner prescribed in section 3319.39 of the Revised Code. Upon 94118  
receipt of a request, the bureau shall conduct the criminal 94119  
records check in accordance with section 109.572 of the Revised 94120  
Code as if the request had been made under section 3319.39 of the 94121  
Revised Code. 94122

Notwithstanding division (H) of section 109.57 of the Revised 94123  
Code, the private company may share the results of any criminal 94124  
records check conducted under this division with the designated 94125  
official for the purpose of complying with division (C)(1) of this 94126

section, but in no case shall the designated official release that 94127  
information to any other person. 94128

**Sec. 3319.40.** (A) As used in this section, ~~"license":~~ 94129

(1) "Accredited nonpublic school" means an accredited 94130  
nonpublic school as described in section 3301.165 of the Revised 94131  
Code. 94132

(2) "License" has the same meaning as in section 3319.31 of 94133  
the Revised Code. 94134

(B) If a person who is employed by a school district or 94135  
chartered or accredited nonpublic school is arrested, summoned, or 94136  
indicted for an alleged violation of an offense listed in division 94137  
(C) of section 3319.31 of the Revised Code, if the person holds a 94138  
license, or an offense listed in division (B)(1) of section 94139  
3319.39 of the Revised Code, if the person does not hold a 94140  
license, the superintendent of the district or the chief 94141  
administrative officer of the chartered or accredited nonpublic 94142  
school shall suspend that person from all duties that require the 94143  
care, custody, or control of a child during the pendency of the 94144  
criminal action against the person. If the person who is arrested, 94145  
summoned, or indicted for an alleged violation of an offense 94146  
listed in division (C) of section 3319.31 or division (B)(1) of 94147  
section 3319.39 of the Revised Code is a person whose duties are 94148  
assigned by the district treasurer under division (B) of section 94149  
3313.31 of the Revised Code, the treasurer shall suspend the 94150  
person from all duties that require the care, custody, or control 94151  
of a child. If the person who is arrested, summoned, or indicted 94152  
for an alleged violation of an offense listed in division (C) of 94153  
section 3319.31 or division (B)(1) of section 3319.39 of the 94154  
Revised Code is the superintendent or treasurer of the district, 94155  
the district board shall suspend the superintendent or treasurer 94156  
from all duties that require the care, custody, or control of a 94157

child. If the person who is arrested, summoned, or indicted for an 94158  
alleged violation of an offense listed in division (C) of section 94159  
3319.31 or division (B)(1) of section 3319.39 of the Revised Code 94160  
is the chief administrative officer of the chartered or accredited 94161  
nonpublic school, the governing authority of the chartered or 94162  
accredited nonpublic school shall suspend the chief administrative 94163  
officer from all duties that require the care, custody, or control 94164  
of a child. 94165

(C) When a person who holds a license is suspended in 94166  
accordance with this section, the superintendent, treasurer, board 94167  
of education, chief administrative officer, or governing authority 94168  
that imposed the suspension promptly shall report the person's 94169  
suspension to the department of education. The report shall 94170  
include the offense for which the person was arrested, summoned, 94171  
or indicted. 94172

**Sec. 3319.52.** (A) As used in this section: 94173

(1) "Accredited nonpublic school" means an accredited 94174  
nonpublic school as described in section 3301.165 of the Revised 94175  
Code. 94176

(2) "Intervention in lieu of conviction" means intervention 94177  
in lieu of conviction under section 2951.041 of the Revised Code. 94178

~~(2)~~(3) "License" has the same meaning as in section 3319.31 94179  
of the Revised Code. 94180

~~(3)~~(4) "Pre-trial diversion program" means a pre-trial 94181  
diversion program under section 2935.36 of the Revised Code or a 94182  
similar diversion program under rules of a court. 94183

~~(4)~~(5) "Prosecutor" has the same meaning as in section 94184  
2935.01 of the Revised Code. 94185

(B) If there is any judicial finding of guilt or any 94186  
conviction or a judicial finding of eligibility for intervention 94187

in lieu of conviction against a license holder, or if a license 94188  
holder agrees to participate in a pre-trial diversion program, for 94189  
any of the offenses listed in division (B)(2) or (C) of section 94190  
3319.31 of the Revised Code, the prosecutor in the case, on forms 94191  
that the state board of education shall prescribe and furnish, 94192  
promptly shall notify the board and, if known, any school district 94193  
or chartered or accredited nonpublic school employing the license 94194  
holder of the license holder's name and residence address, and the 94195  
fact that the license holder pleaded guilty to, was convicted of, 94196  
has been found eligible for intervention in lieu of conviction 94197  
for, or has agreed to a diversion program for the offense. 94198

**Sec. 3321.01.** (A)(1) As used in this chapter, "parent," 94199  
"guardian," or "other person having charge or care of a child" 94200  
means either parent unless the parents are separated or divorced 94201  
or their marriage has been dissolved or annulled, in which case 94202  
"parent" means the parent who is the residential parent and legal 94203  
custodian of the child. If the child is in the legal or permanent 94204  
custody of a person or government agency, "parent" means that 94205  
person or government agency. When a child is a resident of a home, 94206  
as defined in section 3313.64 of the Revised Code, and the child's 94207  
parent is not a resident of this state, "parent," "guardian," or 94208  
"other person having charge or care of a child" means the head of 94209  
the home. 94210

A child between six and eighteen years of age is "of 94211  
compulsory school age" for the purpose of sections 3321.01 to 94212  
3321.13 of the Revised Code. A child under six years of age who 94213  
has been enrolled in kindergarten also shall be considered "of 94214  
compulsory school age" for the purpose of sections 3321.01 to 94215  
3321.13 of the Revised Code unless at any time the child's parent 94216  
or guardian, at the parent's or guardian's discretion and in 94217  
consultation with the child's teacher and principal, formally 94218  
withdraws the child from kindergarten. The compulsory school age 94219

of a child shall not commence until the beginning of the term of 94220  
such schools, or other time in the school year fixed by the rules 94221  
of the board of the district in which the child resides. 94222

(2) In a district in which all children are admitted to 94223  
kindergarten and the first grade in August or September, a child 94224  
shall be admitted if the child is five or six years of age, 94225  
respectively, by the thirtieth day of September of the year of 94226  
admittance, or by the first day of a term or semester other than 94227  
one beginning in August or September in school districts granting 94228  
admittance at the beginning of such term or semester. A child who 94229  
does not meet the age requirements of this section for admittance 94230  
to kindergarten or first grade, but who will be five or six years 94231  
old, respective, prior to the first day of January of the school 94232  
year in which admission is requested, shall be evaluated for early 94233  
admittance in accordance with district policy upon referral by the 94234  
child's parent or guardian, an educator employed by the district, 94235  
a preschool educator who knows the child, or a pediatrician or 94236  
psychologist who knows the child. Following an evaluation in 94237  
accordance with a referral under this section, the district board 94238  
shall decide whether to admit the child. If a child for whom 94239  
admission to kindergarten or first grade is requested will not be 94240  
five or six years of age, respectively, prior to the first day of 94241  
January of the school year in which admission is requested, the 94242  
child shall be admitted only in accordance with the district's 94243  
acceleration policy adopted under section 3324.10 of the Revised 94244  
Code. 94245

(3) Notwithstanding division (A)(2) of this section, 94246  
beginning with the school year that starts in 2001 and continuing 94247  
thereafter the board of education of any district may adopt a 94248  
resolution establishing the first day of August in lieu of the 94249  
thirtieth day of September as the required date by which students 94250  
must have attained the age specified in that division. 94251



(4) After a student has been admitted to kindergarten in a school district or chartered or accredited nonpublic school, no board of education of a school district to which the student transfers shall deny that student admission based on the student's age. As used in this section, "accredited nonpublic school" means an accredited nonpublic school as described in section 3301.165 of the Revised Code.

(B) As used in division (C) of this section, "successfully completed kindergarten" means that the child has completed the kindergarten requirements at one of the following:

(1) A public or chartered or accredited nonpublic school;

(2) A kindergarten class that is both of the following:

(a) Offered by a day-care provider licensed under Chapter 5104. of the Revised Code;

(b) If offered after July 1, 1991, is directly taught by a teacher who holds one of the following:

(i) A valid educator license issued under section 3319.22 of the Revised Code;

(ii) A Montessori preprimary credential or age-appropriate diploma granted by the American Montessori society or the association Montessori internationale;

(iii) Certification determined under division (F) of this section to be equivalent to that described in division (B)(2)(b)(ii) of this section;

(iv) Certification for teachers in nontax-supported schools pursuant to section 3301.071 of the Revised Code.

(C)(1) Except as provided in division (A)(2) of this section, no school district shall admit to the first grade any child who has not successfully completed kindergarten.

(2) Notwithstanding division (A)(2) of this section, any

student who has successfully completed kindergarten in accordance 94282  
with section (B) of this section shall be admitted to first grade. 94283

(D) The scheduling of times for kindergarten classes and 94284  
length of the school day for kindergarten shall be determined by 94285  
the board of education of a city, exempted village, or local 94286  
school district. 94287

(E) Any kindergarten class offered by a day-care provider or 94288  
school described by division (B)(1) or (B)(2)(a) of this section 94289  
shall be developmentally appropriate. 94290

(F) Upon written request of a day-care provider described by 94291  
division (B)(2)(a) of this section, the department of education 94292  
shall determine whether certification held by a teacher employed 94293  
by the provider meets the requirement of division (B)(2)(b)(iii) 94294  
of this section and, if so, shall furnish the provider a statement 94295  
to that effect. 94296

(G) As used in this division, "all-day kindergarten" has the 94297  
same meaning as in section 3321.05 of the Revised Code. 94298

(1) A school district that is offering all-day kindergarten 94299  
for the first time or that charged fees or tuition for all-day 94300  
kindergarten in the 2012-2013 school year may charge fees or 94301  
tuition for a student enrolled in all-day kindergarten in any 94302  
school year following the 2012-2013 school year. The department 94303  
shall adjust the district's average daily membership certification 94304  
under section 3317.03 of the Revised Code by one-half of the 94305  
full-time equivalency for each student charged fees or tuition for 94306  
all-day kindergarten under this division. If a district charges 94307  
fees or tuition for all-day kindergarten under this division, the 94308  
district shall develop a sliding fee scale based on family 94309  
incomes. 94310

(2) The department of education shall conduct an annual 94311  
survey of each school district described in division (G)(1) of 94312

this section to determine the following: 94313

(a) Whether the district charges fees or tuition for students 94314  
enrolled in all-day kindergarten; 94315

(b) The amount of the fees or tuition charged; 94316

(c) How many of the students for whom tuition is charged are 94317  
eligible for free lunches under the "National School Lunch Act," 94318  
60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, and the "Child 94319  
Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, as amended, 94320  
and how many of the students for whom tuition is charged are 94321  
eligible for reduced price lunches under those acts; 94322

(d) How many students are enrolled in traditional half-day 94323  
kindergarten rather than all-day kindergarten. 94324

Each district shall report to the department, in the manner 94325  
prescribed by the department, the information described in 94326  
divisions (G)(2)(a) to (d) of this section. 94327

The department shall issue an annual report on the results of 94328  
the survey and shall post the report on its web site. The 94329  
department shall issue the first report not later than April 30, 94330  
2008, and shall issue a report not later than the thirtieth day of 94331  
April each year thereafter. 94332

**Sec. 3326.01.** (A) As used in this chapter: 94333

(1) "Accredited nonpublic school" means an accredited 94334  
nonpublic school as described in section 3301.165 of the Revised 94335  
Code. 94336

(2) "Community school" means a community school established 94337  
under Chapter 3314. of the Revised Code. 94338

(3) "STEM" is an abbreviation of "science, technology, 94339  
engineering, and mathematics." 94340

~~(2)~~(4) "STEAM" is an abbreviation of "science, technology, 94341

engineering, arts, and mathematics." 94342

(B)(1) A science, technology, engineering, arts, and 94343  
mathematics school shall be considered a type of science, 94344  
technology, engineering, and mathematics school. 94345

(2) A STEAM school equivalent shall be considered to be a 94346  
type of STEM school equivalent. 94347

(3) A STEAM program of excellence shall be considered to be a 94348  
type of STEM program of excellence. 94349

(C)(1) Any reference to a STEM school or science, technology, 94350  
engineering, and mathematics school in the Revised Code shall be 94351  
considered to include a STEAM school, unless the context 94352  
specifically indicates a different meaning or intent. All 94353  
provisions of the Revised Code applicable to a STEM school shall 94354  
apply to a STEAM school in the same manner, except as otherwise 94355  
provided in this chapter. 94356

(2) Any reference to a STEM school equivalent in the Revised 94357  
Code shall be considered to include a STEAM school equivalent, 94358  
unless the context specifically indicates a different meaning or 94359  
intent. All provisions of the Revised Code applicable to a STEM 94360  
school equivalent shall apply to a STEAM school equivalent in the 94361  
same manner, except as otherwise provided in this chapter. 94362

(3) Any reference to a STEM program of excellence in the 94363  
Revised Code shall be considered to include a STEAM program of 94364  
excellence, unless the context specifically indicates a different 94365  
meaning or intent. All provisions of the Revised Code applicable 94366  
to a STEM program of excellence shall apply to a STEAM program of 94367  
excellence in the same manner, except as otherwise provided in 94368  
this chapter. 94369

**Sec. 3326.03.** (A) The STEM committee shall authorize the 94370  
establishment of and award grants to science, technology, 94371

engineering, and mathematics schools based on proposals submitted 94372  
to the committee. 94373

The committee shall determine the criteria for proposals, 94374  
establish procedures for the submission of proposals, accept and 94375  
evaluate proposals, and choose which proposals to approve to 94376  
become a STEM school. In approving proposals for STEM schools, the 94377  
committee shall consider locating the schools in diverse 94378  
geographic regions of the state so that all students have access 94379  
to a STEM school. 94380

The committee shall seek technical assistance from the Ohio 94381  
STEM learning network, or its successor, throughout the process of 94382  
accepting and evaluating proposals and choosing which proposals to 94383  
approve. In approving proposals for STEM schools, the committee 94384  
shall consider the recommendations of the Ohio STEM learning 94385  
network, or its successor. 94386

The committee may authorize the establishment of a group of 94387  
multiple STEM schools to operate from multiple facilities located 94388  
in one or more school districts under the direction of a single 94389  
governing body in the manner prescribed by section 3326.031 of the 94390  
Revised Code. The committee shall consider the merits of each of 94391  
the proposed STEM schools within a group and shall authorize each 94392  
school separately. Anytime after authorizing a group of STEM 94393  
schools to be under the direction of a single governing body, upon 94394  
a proposal from the governing body, the committee may authorize 94395  
one or more additional schools to operate as part of that group. 94396

The STEM committee may approve one or more STEM schools to 94397  
serve only students identified as gifted under Chapter 3324. of 94398  
the Revised Code. 94399

(B) Proposals may be submitted only by a partnership of 94400  
public and private entities consisting of at least all of the 94401  
following: 94402

(1) A city, exempted village, local, or joint vocational school district or an educational service center;	94403 94404
(2) Higher education entities;	94405
(3) Business organizations.	94406
A community school <del>established under Chapter 3314. of the Revised Code</del> , a chartered nonpublic school, <u>an accredited nonpublic school</u> , or <del>both</del> <u>any combination of such schools</u> may be part of the partnership.	94407 94408 94409 94410
(C) Each proposal shall include at least the following:	94411
(1) Assurances that the STEM school or group of STEM schools will be under the oversight of a governing body and a description of the members of that governing body and how they will be selected;	94412 94413 94414 94415
(2) Assurances that each STEM school will operate in compliance with this chapter and the provisions of the proposal as accepted by the committee;	94416 94417 94418
(3) Evidence that each school will offer a rigorous, diverse, integrated, and project-based curriculum to students in any of grades kindergarten through twelve, with the goal to prepare those students for college, the workforce, and citizenship, and that does all of the following:	94419 94420 94421 94422 94423
(a) Emphasizes the role of science, technology, engineering, and mathematics in promoting innovation and economic progress;	94424 94425
(b) Incorporates scientific inquiry and technological design;	94426
(c) Includes the arts and humanities. If the proposal is for a STEAM school, it also shall include evidence that the curriculum will integrate arts and design into the study of science, technology, engineering, and mathematics to foster creative thinking, problem-solving, and new approaches to scientific invention.	94427 94428 94429 94430 94431 94432

(d) Emphasizes personalized learning and teamwork skills.	94433
(4) Evidence that each school will attract school leaders who support the curriculum principles of division (C)(3) of this section;	94434 94435 94436
(5) A description of how each school's curriculum will be developed and approved in accordance with section 3326.09 of the Revised Code;	94437 94438 94439
(6) Evidence that each school will utilize an established capacity to capture and share knowledge for best practices and innovative professional development with the Ohio STEM learning network, or its successor;	94440 94441 94442 94443
(7) Evidence that each school will operate in collaboration with a partnership that includes institutions of higher education and businesses. If the proposal is for a STEAM school, it also shall include evidence that this partnership will include arts organizations.	94444 94445 94446 94447 94448
(8) Assurances that each school has received commitments of sustained and verifiable fiscal and in-kind support from regional education and business entities. If the proposal is for a STEAM school, it also shall include assurances that the school has received commitments of sustained and verifiable fiscal and in-kind support from arts organizations.	94449 94450 94451 94452 94453 94454
(9) A description of how each school's assets will be distributed if the school closes for any reason.	94455 94456
(D) If a STEM school wishes to become a STEAM school, it may change its existing proposal to include the items required under divisions (C)(3)(c), (C)(7), and (C)(8) of this section and submit the revised proposal to the STEM committee for approval.	94457 94458 94459 94460
<b>Sec. 3326.032.</b> (A) The STEM committee may grant a designation of STEM school equivalent to a community school <del>established under</del>	94461 94462

~~Chapter 3314. of the Revised Code,~~ or to a chartered or accredited 94463  
nonpublic school. In order to be eligible for this designation, a 94464  
community school or chartered or accredited nonpublic school shall 94465  
submit a proposal that satisfies the requirements of this section. 94466  
94467

The committee shall determine the criteria for proposals, 94468  
establish procedures for the submission of proposals, accept and 94469  
evaluate proposals, and choose which proposals warrant a community 94470  
school or chartered or accredited nonpublic school to be 94471  
designated as a STEM school equivalent. 94472

(B) A proposal for designation as a STEM school equivalent 94473  
shall include at least the following: 94474

(1) Assurances that the community school or chartered or 94475  
accredited nonpublic school submitting the proposal has a working 94476  
partnership with both public and private entities, including 94477  
higher education entities and business organizations. If the 94478  
proposal is for a STEAM school equivalent, it also shall include 94479  
evidence that this partnership includes arts organizations. 94480

(2) Assurances that the school submitting the proposal will 94481  
operate in compliance with this section and the provisions of the 94482  
proposal as accepted by the committee; 94483

(3) Evidence that the school submitting the proposal will 94484  
offer a rigorous, diverse, integrated, and project-based 94485  
curriculum to students in any of grades kindergarten through 94486  
twelve, with the goal to prepare those students for college, the 94487  
workforce, and citizenship, and that does all of the following: 94488

(a) Emphasizes the role of science, technology, engineering, 94489  
and mathematics in promoting innovation and economic progress; 94490

(b) Incorporates scientific inquiry and technological design; 94491

(c) Includes the arts and humanities. If the proposal is for 94492



a STEAM school equivalent, it also shall include evidence that the curriculum will integrate arts and design into the study of science, technology, engineering, and mathematics to foster creative thinking, problem-solving, and new approaches to scientific invention.

(d) Emphasizes personalized learning and teamwork skills.

(4) Evidence that the school submitting the proposal will attract school leaders who support the curriculum principles of division (B)(3) of this section;

(5) A description of how each school's curriculum will be developed and approved in accordance with section 3326.09 of the Revised Code;

(6) Evidence that the school submitting the proposal will utilize an established capacity to capture and share knowledge for best practices and innovative professional development;

(7) Assurances that the school submitting the proposal has received commitments of sustained and verifiable fiscal and in-kind support from regional education and business entities. If the proposal is for a STEAM school equivalent, it also shall include assurances that the school has received commitments of sustained and verifiable fiscal and in-kind support from arts organizations.

(C)(1) A community school or chartered or accredited nonpublic school that is designated as a STEM school equivalent under this section shall not be subject to the requirements of Chapter 3326. of the Revised Code, except that the school shall be subject to the requirements of this section and to the curriculum requirements of section 3326.09 of the Revised Code.

Nothing in this section, however, shall relieve a community school of the applicable requirements of Chapter 3314. of the Revised Code. Nor shall anything in this section relieve a

chartered or accredited nonpublic school of any provisions of law 94524  
outside of this chapter that are applicable to chartered or 94525  
accredited nonpublic schools. 94526

(2) A community school or chartered or accredited nonpublic 94527  
school that is designated as a STEM school equivalent under this 94528  
section shall not be eligible for operating funding under sections 94529  
3326.31 to 3326.37, 3326.39 to 3326.40, and 3326.51 of the Revised 94530  
Code. 94531

(3) A community school or chartered or accredited nonpublic 94532  
school that is designated as a STEM school equivalent under this 94533  
section may apply for any of the grants and additional funds 94534  
described in section 3326.38 of the Revised Code for which the 94535  
school is eligible. 94536

(D) If a community school or chartered or accredited 94537  
nonpublic school that is designated as a STEM school equivalent 94538  
under this section intends to close or intends to no longer be 94539  
designated as a STEM school equivalent, it shall notify the STEM 94540  
committee of that fact. 94541

(E) If a community school or chartered or accredited 94542  
nonpublic school that is designated as a STEM school equivalent 94543  
wishes to be designated as a STEAM school equivalent, it may 94544  
change its existing proposal to include the items required under 94545  
divisions (B)(1), (B)(3)(c), and (B)(7) of this section and submit 94546  
the revised proposal to the STEM committee for approval. 94547

**Sec. 3326.04.** (A) The STEM committee shall award grants to 94548  
support the operation of STEM programs of excellence to serve 94549  
students in any of grades kindergarten through twelve through a 94550  
request for proposals. 94551

(B) Proposals may be submitted by any of the following: 94552

(1) The board of education of a city, exempted village, or 94553

local school district; 94554

(2) The governing authority of a community school established 94555  
under Chapter 3314. of the Revised Code; 94556

(3) The governing authority of a chartered or accredited 94557  
nonpublic school. 94558

(C) Each proposal shall demonstrate to the satisfaction of 94559  
the STEM committee that the program meets at least the following 94560  
standards: 94561

(1) Unless the program is designed to serve only students 94562  
identified as gifted under Chapter 3324. of the Revised Code, the 94563  
program will serve all students enrolled in the district or school 94564  
in the grades for which the program is designed. 94565

(2) The program will offer a rigorous and diverse curriculum 94566  
that is based on scientific inquiry and technological design, that 94567  
emphasizes personalized learning and teamwork skills, and that 94568  
will expose students to advanced scientific concepts within and 94569  
outside the classroom. If the proposal is for a STEAM program of 94570  
excellence, it also shall include evidence that the curriculum 94571  
will integrate arts and design into the curriculum to foster 94572  
creative thinking, problem-solving, and new approaches to 94573  
scientific invention. 94574

(3) Unless the program is designed to serve only students 94575  
identified as gifted under Chapter 3324. of the Revised Code, the 94576  
program will not limit participation of students on the basis of 94577  
intellectual ability, measures of achievement, or aptitude. 94578

(4) The program will utilize an established capacity to 94579  
capture and share knowledge for best practices and innovative 94580  
professional development. 94581

(5) The program will operate in collaboration with a 94582  
partnership that includes institutions of higher education and 94583

businesses. If the proposal is for a STEAM program of excellence, 94584  
it also shall include evidence that this partnership includes arts 94585  
organizations. 94586

(6) The program will include teacher professional development 94587  
strategies that are augmented by community and business partners. 94588

(D) The STEM committee shall give priority to proposals for 94589  
new or expanding innovative programs. 94590

(E) If a STEM program of excellence wishes to become a STEAM 94591  
program of excellence, it may change its existing proposal to 94592  
include the items required under divisions (C)(2) and (C)(5) of 94593  
this section and submit the revised proposal to the STEM committee 94594  
for approval. 94595

**Sec. 3326.09.** Subject to approval by its governing body or 94596  
governing authority, the curriculum of each science, technology, 94597  
engineering, and mathematics school and of each community school 94598  
or chartered or accredited nonpublic school that is designated as 94599  
a STEM school equivalent under section 3326.032 of the Revised 94600  
Code shall be developed by a team that consists of at least the 94601  
school's chief administrative officer, a teacher, a representative 94602  
of the higher education institution that is a collaborating 94603  
partner in the STEM school or school designated as a STEM school 94604  
equivalent, and a member of the public with expertise in the 94605  
application of science, technology, engineering, or mathematics. 94606  
In the case of a STEAM school or a STEAM school equivalent, the 94607  
team also shall include an expert in the integration of arts and 94608  
design into the STEM fields. 94609

**Sec. 3327.07.** (A) The governing authority of a chartered or 94610  
an accredited nonpublic school, as described in section 3301.165 94611  
of the Revised Code, that transports a student enrolled in the 94612  
school to and from school and to and from school-sponsored 94613

activities, including extracurricular activities, may charge the parent or guardian of the student a fee for the transportation, if the governing authority purchased the vehicle that transports the student using no state or federal funds. The fee shall not exceed the per student cost of the transportation, as determined by the governing authority.

(B) The parent or guardian of a student who is enrolled in a chartered or accredited nonpublic school and is eligible for transportation by a school district under section 3327.01 of the Revised Code may decline that transportation and accept transportation from the chartered or accredited nonpublic school. The governing authority of a chartered or accredited nonpublic school may charge a fee under division (A) of this section regardless of whether a student is eligible for transportation under section 3327.01 of the Revised Code.

(C) The offering by the governing authority of a chartered or accredited nonpublic school of transportation to and from the school does not relieve any school district board of education from any duty imposed by sections 3327.01 and 3327.02 of the Revised Code with respect to the chartered or accredited nonpublic school's students.

**Sec. 3327.10.** (A) No person shall be employed as driver of a school bus or motor van, owned and operated by any school district or educational service center or privately owned and operated under contract with any school district or service center in this state, who has not received a certificate from either the educational service center governing board that has entered into an agreement with the school district under section 3313.843 or 3313.845 of the Revised Code or the superintendent of the school district, certifying that such person is at least eighteen years of age and is of good moral character and is qualified physically

and otherwise for such position. The service center governing 94645  
board or the superintendent, as the case may be, shall provide for 94646  
an annual physical examination that conforms with rules adopted by 94647  
the state board of education of each driver to ascertain the 94648  
driver's physical fitness for such employment. Any certificate may 94649  
be revoked by the authority granting the same on proof that the 94650  
holder has been guilty of failing to comply with division (D)(1) 94651  
of this section, or upon a conviction or a guilty plea for a 94652  
violation, or any other action, that results in a loss or 94653  
suspension of driving rights. Failure to comply with such division 94654  
may be cause for disciplinary action or termination of employment 94655  
under division (C) of section 3319.081, or section 124.34 of the 94656  
Revised Code. 94657

(B) No person shall be employed as driver of a school bus or 94658  
motor van not subject to the rules of the department of education 94659  
pursuant to division (A) of this section who has not received a 94660  
certificate from the school administrator or contractor certifying 94661  
that such person is at least eighteen years of age, is of good 94662  
moral character, and is qualified physically and otherwise for 94663  
such position. Each driver shall have an annual physical 94664  
examination which conforms to the state highway patrol rules, 94665  
ascertaining the driver's physical fitness for such employment. 94666  
The examination shall be performed by one of the following: 94667

(1) A person licensed under Chapter 4731. or 4734. of the 94668  
Revised Code or by another state to practice medicine and surgery, 94669  
osteopathic medicine and surgery, or chiropractic; 94670

(2) A physician assistant; 94671

(3) A certified nurse practitioner; 94672

(4) A clinical nurse specialist; 94673

(5) A certified nurse-midwife; 94674

(6) A medical examiner who is listed on the national registry of certified medical examiners established by the federal motor carrier safety administration in accordance with 49 C.F.R. part 390. 94675  
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Any written documentation of the physical examination shall be completed by the individual who performed the examination. 94679  
94680

Any certificate may be revoked by the authority granting the same on proof that the holder has been guilty of failing to comply with division (D)(2) of this section. 94681  
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(C) Any person who drives a school bus or motor van must give satisfactory and sufficient bond except a driver who is an employee of a school district and who drives a bus or motor van owned by the school district. 94684  
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(D) No person employed as driver of a school bus or motor van under this section who is convicted of a traffic violation or who has had the person's commercial driver's license suspended shall drive a school bus or motor van until the person has filed a written notice of the conviction or suspension, as follows: 94688  
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(1) If the person is employed under division (A) of this section, the person shall file the notice with the superintendent, or a person designated by the superintendent, of the school district for which the person drives a school bus or motor van as an employee or drives a privately owned and operated school bus or motor van under contract. 94693  
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(2) If employed under division (B) of this section, the person shall file the notice with the employing school administrator or contractor, or a person designated by the administrator or contractor. 94699  
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(E) In addition to resulting in possible revocation of a certificate as authorized by divisions (A) and (B) of this section, violation of division (D) of this section is a minor 94703  
94704  
94705

misdemeanor. 94706

(F)(1) Not later than thirty days after June 30, 2007, each 94707  
owner of a school bus or motor van shall obtain the complete 94708  
driving record for each person who is currently employed or 94709  
otherwise authorized to drive the school bus or motor van. An 94710  
owner of a school bus or motor van shall not permit a person to 94711  
operate the school bus or motor van for the first time before the 94712  
owner has obtained the person's complete driving record. 94713  
Thereafter, the owner of a school bus or motor van shall obtain 94714  
the person's driving record not less frequently than semiannually 94715  
if the person remains employed or otherwise authorized to drive 94716  
the school bus or motor van. An owner of a school bus or motor van 94717  
shall not permit a person to resume operating a school bus or 94718  
motor van, after an interruption of one year or longer, before the 94719  
owner has obtained the person's complete driving record. 94720

(2) The owner of a school bus or motor van shall not permit a 94721  
person to operate the school bus or motor van for ten years after 94722  
the date on which the person pleads guilty to or is convicted of a 94723  
violation of section 4511.19 of the Revised Code or a 94724  
substantially equivalent municipal ordinance. 94725

(3) An owner of a school bus or motor van shall not permit 94726  
any person to operate such a vehicle unless the person meets all 94727  
other requirements contained in rules adopted by the state board 94728  
of education prescribing qualifications of drivers of school buses 94729  
and other student transportation. 94730

(G) No superintendent of a school district, educational 94731  
service center, community school, or public or private employer 94732  
shall permit the operation of a vehicle used for pupil 94733  
transportation within this state by an individual unless both of 94734  
the following apply: 94735

(1) Information pertaining to that driver has been submitted 94736



to the department of education, pursuant to procedures adopted by 94737  
that department. Information to be reported shall include the name 94738  
of the employer or school district, name of the driver, driver 94739  
license number, date of birth, date of hire, status of physical 94740  
evaluation, and status of training. 94741

(2) The most recent criminal records check required by 94742  
division (J) of this section has been completed and received by 94743  
the superintendent or public or private employer. 94744

(H) A person, school district, educational service center, 94745  
community school, nonpublic school, or other public or nonpublic 94746  
entity that owns a school bus or motor van, or that contracts with 94747  
another entity to operate a school bus or motor van, may impose 94748  
more stringent restrictions on drivers than those prescribed in 94749  
this section, in any other section of the Revised Code, and in 94750  
rules adopted by the state board. 94751

(I) For qualified drivers who, on July 1, 2007, are employed 94752  
by the owner of a school bus or motor van to drive the school bus 94753  
or motor van, any instance in which the driver was convicted of or 94754  
pleaded guilty to a violation of section 4511.19 of the Revised 94755  
Code or a substantially equivalent municipal ordinance prior to 94756  
two years prior to July 1, 2007, shall not be considered a 94757  
disqualifying event with respect to division (F) of this section. 94758

(J)(1) This division applies to persons hired by a school 94759  
district, educational service center, community school, chartered 94760  
nonpublic school, accredited nonpublic school as described in 94761  
section 3301.165 of the Revised Code, or science, technology, 94762  
engineering, and mathematics school established under Chapter 94763  
3326. of the Revised Code to operate a vehicle used for pupil 94764  
transportation. 94765

For each person to whom this division applies who is hired on 94766  
or after November 14, 2007, the employer shall request a criminal 94767

records check in accordance with section 3319.39 of the Revised Code and every six years thereafter. For each person to whom this division applies who is hired prior to that date, the employer shall request a criminal records check by a date prescribed by the department of education and every six years thereafter.

(2) This division applies to persons hired by a public or private employer not described in division (J)(1) of this section to operate a vehicle used for pupil transportation.

For each person to whom this division applies who is hired on or after November 14, 2007, the employer shall request a criminal records check prior to the person's hiring and every six years thereafter. For each person to whom this division applies who is hired prior to that date, the employer shall request a criminal records check by a date prescribed by the department and every six years thereafter.

(3) Each request for a criminal records check under division (J) of this section shall be made to the superintendent of the bureau of criminal identification and investigation in the manner prescribed in section 3319.39 of the Revised Code, except that if both of the following conditions apply to the person subject to the records check, the employer shall request the superintendent only to obtain any criminal records that the federal bureau of investigation has on the person:

(a) The employer previously requested the superintendent to determine whether the bureau of criminal identification and investigation has any information, gathered pursuant to division (A) of section 109.57 of the Revised Code, on the person in conjunction with a criminal records check requested under section 3319.39 of the Revised Code or under division (J) of this section.

(b) The person presents proof that the person has been a resident of this state for the five-year period immediately prior

to the date upon which the person becomes subject to a criminal 94799  
records check under this section. 94800

Upon receipt of a request, the superintendent shall conduct 94801  
the criminal records check in accordance with section 109.572 of 94802  
the Revised Code as if the request had been made under section 94803  
3319.39 of the Revised Code. However, as specified in division 94804  
(B)(2) of section 109.572 of the Revised Code, if the employer 94805  
requests the superintendent only to obtain any criminal records 94806  
that the federal bureau of investigation has on the person for 94807  
whom the request is made, the superintendent shall not conduct the 94808  
review prescribed by division (B)(1) of that section. 94809

(K)(1) Until the effective date of the amendments to rule 94810  
3301-83-23 of the Ohio Administrative Code required by the second 94811  
paragraph of division (E) of section 3319.39 of the Revised Code, 94812  
any person who is the subject of a criminal records check under 94813  
division (J) of this section and has been convicted of or pleaded 94814  
guilty to any offense described in division (B)(1) of section 94815  
3319.39 of the Revised Code shall not be hired or shall be 94816  
released from employment, as applicable, unless the person meets 94817  
the rehabilitation standards prescribed for nonlicensed school 94818  
personnel by rule 3301-20-03 of the Ohio Administrative Code. 94819

(2) Beginning on the effective date of the amendments to rule 94820  
3301-83-23 of the Ohio Administrative Code required by the second 94821  
paragraph of division (E) of section 3319.39 of the Revised Code, 94822  
any person who is the subject of a criminal records check under 94823  
division (J) of this section and has been convicted of or pleaded 94824  
guilty to any offense that, under the rule, disqualifies a person 94825  
for employment to operate a vehicle used for pupil transportation 94826  
shall not be hired or shall be released from employment, as 94827  
applicable, unless the person meets the rehabilitation standards 94828  
prescribed by the rule. 94829

Sec. 3365.01. As used in this chapter:	94830
(A) "Articulated credit" means post-secondary credit that is reflected on the official record of a student at an institution of higher education only upon enrollment at that institution after graduation from a secondary school.	94831 94832 94833 94834
(B) "Default ceiling amount" means one of the following amounts, whichever is applicable:	94835 94836
(1) For a participant enrolled in a college operating on a semester schedule, the amount calculated according to the following formula:	94837 94838 94839
$((0.83 \times \text{formula amount}) / 30)$ X number of enrolled credit hours	94840 94841
(2) For a participant enrolled in a college operating on a quarter schedule, the amount calculated according to the following formula:	94842 94843 94844
$((0.83 \times \text{formula amount}) / 45)$ X number of enrolled credit hours	94845 94846
(C) "Default floor amount" means twenty-five per cent of the default ceiling amount.	94847 94848
(D) "Eligible out-of-state college" means any institution of higher education that is located outside of Ohio and is approved by the chancellor of higher education to participate in the college credit plus program.	94849 94850 94851 94852
(E) "Fee" means any course-related fee and any other fee imposed by the college, but not included in tuition, for participation in the program established by this chapter.	94853 94854 94855
(F) "Formula amount" has the same meaning as in section 3317.02 of the Revised Code.	94856 94857
(G) "Governing entity" means a board of education of a school district, a governing authority of a community school established	94858 94859

under Chapter 3314., a governing body of a STEM school established 94860  
under Chapter 3326., or a board of trustees of a 94861  
college-preparatory boarding school established under Chapter 94862  
3328. of the Revised Code. 94863

(H) "Home-instructed participant" means a student who has 94864  
been excused from the compulsory attendance law for the purpose of 94865  
home instruction under section 3321.04 of the Revised Code, and is 94866  
participating in the program established by this chapter. 94867

(I) "Maximum per participant charge amount" means one of the 94868  
following amounts, whichever is applicable: 94869

(1) For a participant enrolled in a college operating on a 94870  
semester schedule, the amount calculated according to the 94871  
following formula: 94872

((formula amount / 30) 94873  
X number of enrolled credit hours) 94874

(2) For a participant enrolled in a college operating on a 94875  
quarter schedule, the amount calculated according to the following 94876  
formula: 94877

((formula amount / 45) 94878  
X number of enrolled credit hours) 94879

(J) "Nonpublic secondary school" means a chartered school for 94880  
which minimum standards are prescribed by the state board of 94881  
education pursuant to division (D) of section 3301.07 of the 94882  
Revised Code or an accredited nonpublic school as described in 94883  
section 3301.165 of the Revised Code. 94884

(K) "Number of enrolled credit hours" means the number of 94885  
credit hours for a course in which a participant is enrolled 94886  
during the previous term after the date on which a withdrawal from 94887  
a course would have negatively affected the participant's 94888  
transcripted grade, as prescribed by the college's established 94889  
withdrawal policy. 94890

(L) "Parent" has the same meaning as in section 3313.64 of the Revised Code.	94891 94892
(M) "Participant" means any student enrolled in a college under the program established by this chapter.	94893 94894
(N) "Partnering college" means a college with which a public or nonpublic secondary school has entered into an agreement in order to offer the program established by this chapter.	94895 94896 94897
(O) "Partnering secondary school" means a public or nonpublic secondary school with which a college has entered into an agreement in order to offer the program established by this chapter.	94898 94899 94900 94901
(P) "Private college" means any of the following:	94902
(1) A nonprofit institution holding a certificate of authorization pursuant to Chapter 1713. of the Revised Code;	94903 94904
(2) An institution holding a certificate of registration from the state board of career colleges and schools and program authorization for an associate or bachelor's degree program issued under section 3332.05 of the Revised Code;	94905 94906 94907 94908
(3) A private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code.	94909 94910 94911
(Q) "Public college" means a "state institution of higher education" in section 3345.011 of the Revised Code, excluding the northeast Ohio medical university.	94912 94913 94914
(R) "Public secondary school" means a school serving grades nine through twelve in a city, local, or exempted village school district, a joint vocational school district, a community school established under Chapter 3314., a STEM school established under Chapter 3326., or a college-preparatory boarding school established under Chapter 3328. of the Revised Code.	94915 94916 94917 94918 94919 94920

(S) "School year" has the same meaning as in section 3313.62 94921  
of the Revised Code. 94922

(T) "Secondary grade" means any of grades nine through 94923  
twelve. 94924

(U) "Standard rate" means the amount per credit hour assessed 94925  
by the college for an in-state student who is enrolled in an 94926  
undergraduate course at that college, but who is not participating 94927  
in the college credit plus program, as prescribed by the college's 94928  
established tuition policy. 94929

(V) "Transcripted credit" means post-secondary credit that is 94930  
conferred by an institution of higher education and is reflected 94931  
on a student's official record at that institution upon completion 94932  
of a course. 94933

**Sec. 3365.02.** (A) There is hereby established the college 94934  
credit plus program under which, beginning with the 2015-2016 94935  
school year, a secondary grade student who is a resident of this 94936  
state may enroll at a college, on a full- or part-time basis, and 94937  
complete nonsectarian, nonremedial courses for high school and 94938  
college credit. The program shall govern arrangements in which a 94939  
secondary grade student enrolls in a college and, upon successful 94940  
completion of coursework taken under the program, receives 94941  
transcripted credit from the college. The following are not 94942  
governed by the college credit plus program: 94943

(1) An agreement governing an early college high school 94944  
program, provided the program meets the definition set forth in 94945  
division (F)(2) of section 3313.6013 of the Revised Code and is 94946  
approved by the superintendent of public instruction and the 94947  
chancellor of higher education; 94948

(2) An advanced placement course or international 94949  
baccalaureate diploma course, as described in divisions (A)(2) and 94950

(3) of section 3313.6013 of the Revised Code; 94951

(3) A career-technical education program that is approved by 94952  
the department of education under section 3317.161 of the Revised 94953  
Code and grants articulated credit to students participating in 94954  
that program. However, any portion of an approved program that 94955  
results in the conferral of transcribed credit upon the 94956  
completion of the course shall be governed by the college credit 94957  
plus program. 94958

(B) Any student enrolled in a public or nonpublic secondary 94959  
school in the student's ninth, tenth, eleventh, or twelfth grade; 94960  
any student enrolled in a nonchartered nonpublic secondary school 94961  
in the student's ninth, tenth, eleventh, or twelfth grade; and any 94962  
student who has been excused from the compulsory attendance law 94963  
for the purpose of home instruction under section 3321.04 of the 94964  
Revised Code and is the equivalent of a ninth, tenth, eleventh, or 94965  
twelfth grade student, may participate in the program, if the 94966  
student meets the applicable eligibility criteria in section 94967  
3365.03 of the Revised Code. If a nonchartered nonpublic secondary 94968  
school student chooses to participate in the program, that student 94969  
shall be subject to the same requirements as a home-instructed 94970  
student who chooses to participate in the program under this 94971  
chapter. 94972

(C) All public secondary schools and all public colleges 94973  
shall participate in the program and are subject to the 94974  
requirements of this chapter. Any nonpublic secondary school or 94975  
private college that chooses to participate in the program shall 94976  
also be subject to the requirements of this chapter. 94977

If an accredited nonpublic school, as described in section 94978  
3301.165 of the Revised Code, chooses not to participate in the 94979  
program and notifies the parents of each student at the time of 94980  
the student's enrollment or re-enrollment of that choice, the 94981  
school shall not be subject to the requirements of this chapter or 94982



to any rule adopted by the chancellor of higher education or the 94983  
state board of education for purposes of the college credit plus 94984  
program. 94985

(D) The chancellor, in accordance with Chapter 119. of the 94986  
Revised Code and in consultation with the state superintendent, 94987  
shall adopt rules governing the program. 94988

**Sec. 3701.133.** (A) The department of health shall make 94989  
available on its web site information about the risks associated 94990  
with meningococcal meningitis and hepatitis B, the availability of 94991  
vaccines, and the effectiveness of the vaccines. The department 94992  
shall provide written notice of the availability of meningococcal 94993  
meningitis and hepatitis B information on the web site to all of 94994  
the following: 94995

(1) Each city, local, exempted village, or joint vocational 94996  
school district, as defined in Chapter 3311. of the Revised Code; 94997

(2) Each nonpublic school, whether chartered, accredited as 94998  
described in section 3301.165 of the Revised Code, nonchartered, 94999  
or nontax supported, that enrolls students in ninth grade or the 95000  
equivalent educational level; 95001

(3) Each community school created under section 3314.01 of 95002  
the Revised Code, that enrolls students in ninth grade or the 95003  
equivalent educational level; 95004

(4) Each state institution of higher education, as defined in 95005  
section 3345.011 of the Revised Code; 95006

(5) Each nonprofit institution of higher education, as 95007  
defined in section 1713.55 of the Revised Code; 95008

(6) Each private career school, as defined in section 3332.01 95009  
of the Revised Code. 95010

(B) In addition to the information provided for in division 95011  
(A) of this section, the department of health shall make available 95012

on its web site, in a format suitable for downloading, a 95013  
meningitis and hepatitis B vaccination status statement form for a 95014  
student or, if the student is younger than eighteen years of age, 95015  
the student's parent, to complete to disclose whether the student 95016  
has been vaccinated against meningococcal meningitis and hepatitis 95017  
B. The form shall include all of the following: 95018

(1) The information described in division (A) of this section 95019  
and a means for the student or the student's parent to acknowledge 95020  
having received and read the information; 95021

(2) A space for the student or the student's parent to 95022  
indicate one of the following: 95023

(a) The student has been vaccinated against meningococcal 95024  
meningitis, and the year the vaccination was given. 95025

(b) The student has not been vaccinated against meningococcal 95026  
meningitis. 95027

(3) A space for the student or the student's parent to 95028  
indicate one of the following: 95029

(a) The student has been vaccinated against hepatitis B, and 95030  
the year the vaccination was given. 95031

(b) The student has not been vaccinated against hepatitis B. 95032

**Sec. 3781.106.** (A) The board of building standards shall 95033  
adopt rules, in accordance with Chapter 119. of the Revised Code, 95034  
for the use of a device by a staff member of a public or private 95035  
school or institution of higher education that prevents both 95036  
ingress and egress through a door in a school building, for a 95037  
finite period of time, in an emergency situation, and during 95038  
active shooter drills. The rules shall provide that the use of a 95039  
device is permissible only if the device requires minimal steps to 95040  
remove it after it is engaged. 95041

The rules shall provide that the administrative authority of 95042

a building notify the police chief, or equivalent, of the law enforcement agency that has jurisdiction over the building, and the fire chief, or equivalent, of the fire department that serves the political subdivision in which the building is located, prior to the use of such devices in a building.

The rules may require that the device be visible from the exterior of the door.

(B) The device described in division (A) of this section shall not be permanently mounted to the door.

(C) Each public and private school and institution of higher education shall provide its staff members in-service training on the use of the device described in division (A) of this section. The school shall maintain a record verifying this training on file.

(D) In consultation with the state board of education and the chancellor of higher education, the board shall determine and include in the rules a definition of "emergency situation." These rules shall apply to both existing and new school buildings.

(E) As used in this section:

(1) "Institution of higher education" means a state institution of higher education as defined in section 3345.011 of the Revised Code, a private nonprofit college or university located in this state that possesses a certificate of authorization issued pursuant to Chapter 1713. of the Revised Code, or a school located in this state that possesses a certificate of registration and one or more program authorizations issued by the state board of career colleges and schools under Chapter 3332. of the Revised Code.

(2) "Private school" means a chartered nonpublic school, an accredited nonpublic school as described in section 3301.165 of the Revised Code, or a nonchartered nonpublic school.

(3) "Public school" means any school operated by a school district board of education, any community school established under Chapter 3314. of the Revised Code, any STEM school established under Chapter 3326. of the Revised Code, and any college-preparatory boarding school established under Chapter 3328. of the Revised Code.

(4) "School building" means a structure used for the instruction of students by a public or private school or institution of higher education.

**Sec. 3781.11.** (A) The rules of the board of building standards shall:

(1) For nonresidential buildings, provide uniform minimum standards and requirements, and for residential buildings, provide standards and requirements that are uniform throughout the state, for construction and construction materials, including construction of industrialized units, to make residential and nonresidential buildings safe and sanitary as defined in section 3781.06 of the Revised Code;

(2) Formulate such standards and requirements, so far as may be practicable, in terms of performance objectives, so as to make adequate performance for the use intended the test of acceptability;

(3) Permit, to the fullest extent feasible, the use of materials and technical methods, devices, and improvements, including the use of industrialized units which tend to reduce the cost of construction and erection without affecting minimum requirements for the health, safety, and security of the occupants or users of buildings or industrialized units and without preferential treatment of types or classes of materials or products or methods of construction;

(4) Encourage, so far as may be practicable, the standardization of construction practices, methods, equipment, material, and techniques, including methods employed to produce industrialized units;

(5) Not require any alteration or repair of any part of a school building owned by a chartered nonpublic school or a city, local, exempted village, or joint vocational school district and operated in conjunction with any primary or secondary school program that is not being altered or repaired if all of the following apply:

(a) The school building meets all of the applicable building code requirements in existence at the time of the construction of the building.

(b) The school building otherwise satisfies the requirements of section 3781.06 of the Revised Code.

(c) The part of the school building altered or repaired conforms to all rules of the board existing on the date of the repair or alteration.

(6) Not require any alteration or repair to any part of a workshop or factory that is not otherwise being altered, repaired, or added to if all of the following apply:

(a) The workshop or factory otherwise satisfies the requirements of section 3781.06 of the Revised Code.

(b) The part of the workshop or factory altered, repaired, or added conforms to all rules of the board existing on the date of plan approval of the repair, alteration, or addition.

(B) The rules of the board shall supersede and govern any order, standard, or rule of the division of industrial compliance in the department of commerce, division of the state fire marshal, the department of health, and of counties and townships, in all

cases where such orders, standards, or rules are in conflict with 95134  
the rules of the board, except that rules adopted and orders 95135  
issued by the state fire marshal pursuant to Chapter 3743. of the 95136  
Revised Code prevail in the event of a conflict. 95137

(C) The construction, alteration, erection, and repair of 95138  
buildings including industrialized units, and the materials and 95139  
devices of any kind used in connection with them and the heating 95140  
and ventilating of them and the plumbing and electric wiring in 95141  
them shall conform to the statutes of this state or the rules 95142  
adopted and promulgated by the board, and to provisions of local 95143  
ordinances not inconsistent therewith. Any building, structure, or 95144  
part thereof, constructed, erected, altered, manufactured, or 95145  
repaired not in accordance with the statutes of this state or with 95146  
the rules of the board, and any building, structure, or part 95147  
thereof in which there is installed, altered, or repaired any 95148  
fixture, device, and material, or plumbing, heating, or 95149  
ventilating system, or electric wiring not in accordance with such 95150  
statutes or rules is a public nuisance. 95151

(D) As used in this section: 95152

(1) "Nonpublic school" means a chartered school for which 95153  
minimum standards are prescribed by the state board of education 95154  
pursuant to division (D) of section 3301.07 of the Revised Code or 95155  
an accredited nonpublic school described in section 3301.165 of 95156  
the Revised Code. 95157

(2) "Workshop or factory" includes manufacturing, mechanical, 95158  
electrical, mercantile, art, and laundering establishments, 95159  
printing, telegraph, and telephone offices, railroad depots, and 95160  
memorial buildings, but does not include hotels and tenement and 95161  
apartment houses. 95162

**Sec. 4729.513.** A manufacturer of dangerous drugs may donate 95163  
inhalers, as defined in section 3313.7113 of the Revised Code, and 95164

epinephrine autoinjectors to any of the following:	95165
(A) The board of education of a city, local, exempted village, or joint vocational school district;	95166 95167
(B) A community school established under Chapter 3314. of the Revised Code;	95168 95169
(C) A STEM school established under Chapter 3326. of the Revised Code;	95170 95171
(D) A college-preparatory boarding school established under Chapter 3328. of the Revised Code;	95172 95173
(E) A chartered, <u>accredited</u> , or nonchartered nonpublic school. <u>As used in this section, "accredited nonpublic school" means an accredited nonpublic school as described in section 3301.165 of the Revised Code.</u>	95174 95175 95176 95177
<b>Sec. 4729.541.</b> (A) Except as provided in divisions (B) to (D) of this section, all of the following are exempt from licensure as a terminal distributor of dangerous drugs:	95178 95179 95180
(1) A licensed health professional authorized to prescribe drugs;	95181 95182
(2) A business entity that is a corporation formed under division (B) of section 1701.03 of the Revised Code, a limited liability company formed under Chapter 1705. of the Revised Code, or a professional association formed under Chapter 1785. of the Revised Code if the entity has a sole shareholder who is a prescriber and is authorized to provide the professional services being offered by the entity;	95183 95184 95185 95186 95187 95188 95189
(3) A business entity that is a corporation formed under division (B) of section 1701.03 of the Revised Code, a limited liability company formed under Chapter 1705. of the Revised Code, a partnership or a limited liability partnership formed under	95190 95191 95192 95193

Chapter 1775. of the Revised Code, or a professional association 95194  
formed under Chapter 1785. of the Revised Code, if, to be a 95195  
shareholder, member, or partner, an individual is required to be 95196  
licensed, certified, or otherwise legally authorized under Title 95197  
XLVII of the Revised Code to perform the professional service 95198  
provided by the entity and each such individual is a prescriber; 95199

(4) An individual who holds a current license, certificate, 95200  
or registration issued under Title XLVII of the Revised Code and 95201  
has been certified to conduct diabetes education by a national 95202  
certifying body specified in rules adopted by the state board of 95203  
pharmacy under section 4729.68 of the Revised Code, but only with 95204  
respect to insulin that will be used for the purpose of diabetes 95205  
education and only if diabetes education is within the 95206  
individual's scope of practice under statutes and rules regulating 95207  
the individual's profession; 95208

(5) An individual who holds a valid certificate issued by a 95209  
nationally recognized S.C.U.B.A. diving certifying organization 95210  
approved by the state board of pharmacy under rules adopted by the 95211  
board, but only with respect to medical oxygen that will be used 95212  
for the purpose of emergency care or treatment at the scene of a 95213  
diving emergency; 95214

(6) With respect to epinephrine autoinjectors that may be 95215  
possessed under section 3313.7110, 3313.7111, 3314.143, 3326.28, 95216  
or 3328.29 of the Revised Code, any of the following: the board of 95217  
education of a city, local, exempted village, or joint vocational 95218  
school district; a chartered, accredited, or nonchartered 95219  
nonpublic school; a community school established under Chapter 95220  
3314. of the Revised Code; a STEM school established under Chapter 95221  
3326. of the Revised Code; or a college-preparatory boarding 95222  
school established under Chapter 3328. of the Revised Code~~.~~ As 95223  
used in this section, "accredited nonpublic school" means an 95224  
accredited nonpublic school as described in section 3301.165 of 95225



the Revised Code. 95226

(7) With respect to epinephrine autoinjectors that may be 95227  
possessed under section 5101.76 of the Revised Code, any of the 95228  
following: a residential camp, as defined in section 2151.011 of 95229  
the Revised Code; a child day camp, as defined in section 5104.01 95230  
of the Revised Code; or a child day camp operated by any county, 95231  
township, municipal corporation, township park district created 95232  
under section 511.18 of the Revised Code, park district created 95233  
under section 1545.04 of the Revised Code, or joint recreation 95234  
district established under section 755.14 of the Revised Code; 95235

(8) With respect to epinephrine autoinjectors that may be 95236  
possessed under Chapter 3728. of the Revised Code, a qualified 95237  
entity, as defined in section 3728.01 of the Revised Code; 95238

(9) With respect to inhalers that may be possessed under 95239  
section 3313.7113, 3313.7114, 3314.144, 3326.30, or 3328.30 of the 95240  
Revised Code, any of the following: the board of education of a 95241  
city, local, exempted village, or joint vocational school 95242  
district; a chartered, accredited, or nonchartered nonpublic 95243  
school; a community school established under Chapter 3314. of the 95244  
Revised Code; a STEM school established under Chapter 3326. of the 95245  
Revised Code; or a college-preparatory boarding school established 95246  
under Chapter 3328. of the Revised Code; 95247

(10) With respect to inhalers that may be possessed under 95248  
section 5101.77 of the Revised Code, any of the following: a 95249  
residential camp, as defined in section 2151.011 of the Revised 95250  
Code; a child day camp, as defined in section 5104.01 of the 95251  
Revised Code; or a child day camp operated by any county, 95252  
township, municipal corporation, township park district created 95253  
under section 511.18 of the Revised Code, park district created 95254  
under section 1545.04 of the Revised Code, or joint recreation 95255  
district established under section 755.14 of the Revised Code; 95256

(11) With respect to naloxone that may be possessed under section 2925.61 of the Revised Code, a law enforcement agency and its peace officers; 95257  
95258  
95259

(12) With respect to naloxone that may be possessed under section 4729.514 of the Revised Code, a service entity, as defined in that section; 95260  
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95262

(13) A facility that is owned and operated by the United States department of defense, the United States department of veterans affairs, or any other federal agency. 95263  
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(B) If a person described in division (A) of this section is a pain management clinic or is operating a pain management clinic, the person shall hold a license as a terminal distributor of dangerous drugs with a pain management clinic classification issued under section 4729.552 of the Revised Code. 95266  
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(C) If a person described in division (A) of this section is operating a facility, clinic, or other location described in division (B) of section 4729.553 of the Revised Code that must hold a category III terminal distributor of dangerous drugs license with an office-based opioid treatment classification, the person shall hold a license with that classification. 95271  
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(D) Any of the persons described in divisions (A)(1) to (12) of this section shall hold a license as a terminal distributor of dangerous drugs in order to possess, have custody or control of, and distribute any of the following: 95277  
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95279  
95280

(1) Dangerous drugs that are compounded or used for the purpose of compounding; 95281  
95282

(2) A schedule I, II, III, IV, or V controlled substance, as defined in section 3719.01 of the Revised Code. 95283  
95284

**Sec. 5104.01.** As used in this chapter: 95285

(A) "Administrator" means the person responsible for the 95286

daily operation of a center, type A home, or type B home. The 95287  
administrator and the owner may be the same person. 95288

(B) "Approved child day camp" means a child day camp approved 95289  
pursuant to section 5104.22 of the Revised Code. 95290

(C) "Border state child care provider" means a child care 95291  
provider that is located in a state bordering Ohio and that is 95292  
licensed, certified, or otherwise approved by that state to 95293  
provide child care. 95294

(D) "Career pathways model" means an alternative pathway to 95295  
meeting the requirements to be a child-care staff member or 95296  
administrator that does both of the following: 95297

(1) Uses a framework approved by the director of job and 95298  
family services to document formal education, training, 95299  
experience, and specialized credentials and certifications; 95300

(2) Allows the child-care staff member or administrator to 95301  
achieve a designation as an early childhood professional level 95302  
one, two, three, four, five, or six. 95303

(E) "Caretaker parent" means the father or mother of a child 95304  
whose presence in the home is needed as the caretaker of the 95305  
child, a person who has legal custody of a child and whose 95306  
presence in the home is needed as the caretaker of the child, a 95307  
guardian of a child whose presence in the home is needed as the 95308  
caretaker of the child, and any other person who stands in loco 95309  
parentis with respect to the child and whose presence in the home 95310  
is needed as the caretaker of the child. 95311

(F)(1) "Chartered nonpublic school" means a school that meets 95312  
standards for nonpublic schools prescribed by the state board of 95313  
education for nonpublic schools pursuant to section 3301.07 of the 95314  
Revised Code. 95315

(2) "Accredited nonpublic school" means an accredited 95316

nonpublic school as described in section 3301.165 of the Revised Code. 95317  
95318

(G) "Child" includes an infant, toddler, preschool-age child, or school-age child. 95319  
95320

(H) "Child care block grant act" means the "Child Care and Development Block Grant Act of 1990," established in section 5082 of the "Omnibus Budget Reconciliation Act of 1990," 104 Stat. 1388-236 (1990), 42 U.S.C. 9858, as amended. 95321  
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(I) "Child day camp" means a program in which only school-age children attend or participate, that operates for no more than seven hours per day, that operates only during one or more public school district's regular vacation periods or for no more than fifteen weeks during the summer, and that operates outdoor activities for each child who attends or participates in the program for a minimum of fifty per cent of each day that children attend or participate in the program, except for any day when hazardous weather conditions prevent the program from operating outdoor activities for a minimum of fifty per cent of that day. For purposes of this division, the maximum seven hours of operation time does not include transportation time from a child's home to a child day camp and from a child day camp to a child's home. 95325  
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(J) "Child care" means all of the following: 95339

(1) Administering to the needs of infants, toddlers, preschool-age children, and school-age children outside of school hours; 95340  
95341  
95342

(2) By persons other than their parents, guardians, or custodians; 95343  
95344

(3) For any part of the twenty-four-hour day; 95345

(4) In a place other than a child's own home, except that an 95346

in-home aide provides child care in the child's own home. 95347

(K) "Child day-care center" and "center" mean any place in 95348  
which child care or publicly funded child care is provided for 95349  
thirteen or more children at one time or any place that is not the 95350  
permanent residence of the licensee or administrator in which 95351  
child care or publicly funded child care is provided for seven to 95352  
twelve children at one time. In counting children for the purposes 95353  
of this division, any children under six years of age who are 95354  
related to a licensee, administrator, or employee and who are on 95355  
the premises of the center shall be counted. "Child day-care 95356  
center" and "center" do not include any of the following: 95357

(1) A place located in and operated by a hospital, as defined 95358  
in section 3727.01 of the Revised Code, in which the needs of 95359  
children are administered to, if all the children whose needs are 95360  
being administered to are monitored under the on-site supervision 95361  
of a physician licensed under Chapter 4731. of the Revised Code or 95362  
a registered nurse licensed under Chapter 4723. of the Revised 95363  
Code, and the services are provided only for children who, in the 95364  
opinion of the child's parent, guardian, or custodian, are 95365  
exhibiting symptoms of a communicable disease or other illness or 95366  
are injured; 95367

(2) A child day camp; 95368

(3) A place that provides child care, but not publicly funded 95369  
child care, if all of the following apply: 95370

(a) An organized religious body provides the child care; 95371

(b) A parent, custodian, or guardian of at least one child 95372  
receiving child care is on the premises and readily accessible at 95373  
all times; 95374

(c) The child care is not provided for more than thirty days 95375  
a year; 95376

(d) The child care is provided only for preschool-age and school-age children.	95377 95378
(L) "Child care resource and referral service organization" means a community-based nonprofit organization that provides child care resource and referral services but not child care.	95379 95380 95381
(M) "Child care resource and referral services" means all of the following services:	95382 95383
(1) Maintenance of a uniform data base of all child care providers in the community that are in compliance with this chapter, including current occupancy and vacancy data;	95384 95385 95386
(2) Provision of individualized consumer education to families seeking child care;	95387 95388
(3) Provision of timely referrals of available child care providers to families seeking child care;	95389 95390
(4) Recruitment of child care providers;	95391
(5) Assistance in the development, conduct, and dissemination of training for child care providers and provision of technical assistance to current and potential child care providers, employers, and the community;	95392 95393 95394 95395
(6) Collection and analysis of data on the supply of and demand for child care in the community;	95396 95397
(7) Technical assistance concerning locally, state, and federally funded child care and early childhood education programs;	95398 95399 95400
(8) Stimulation of employer involvement in making child care more affordable, more available, safer, and of higher quality for their employees and for the community;	95401 95402 95403
(9) Provision of written educational materials to caretaker parents and informational resources to child care providers;	95404 95405

(10) Coordination of services among child care resource and referral service organizations to assist in developing and maintaining a statewide system of child care resource and referral services if required by the department of job and family services;	95406 95407 95408 95409
(11) Cooperation with the county department of job and family services in encouraging the establishment of parent cooperative child care centers and parent cooperative type A family day-care homes.	95410 95411 95412 95413
(N) "Child-care staff member" means an employee of a child day-care center or type A family day-care home who is primarily responsible for the care and supervision of children. The administrator may be a part-time child-care staff member when not involved in other duties.	95414 95415 95416 95417 95418
(O) "Drop-in child day-care center," "drop-in center," "drop-in type A family day-care home," and "drop-in type A home" mean a center or type A home that provides child care or publicly funded child care for children on a temporary, irregular basis.	95419 95420 95421 95422
(P) "Employee" means a person who either:	95423
(1) Receives compensation for duties performed in a child day-care center or type A family day-care home;	95424 95425
(2) Is assigned specific working hours or duties in a child day-care center or type A family day-care home.	95426 95427
(Q) "Employer" means a person, firm, institution, organization, or agency that operates a child day-care center or type A family day-care home subject to licensure under this chapter.	95428 95429 95430 95431
(R) "Federal poverty line" means the official poverty guideline as revised annually in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family size equal to the size of	95432 95433 95434 95435

the family of the person whose income is being determined. 95436

(S) "Head start program" means a comprehensive child 95437  
development program serving birth to three years old and 95438  
preschool-age children that receives funds distributed under the 95439  
"Head Start Act," 95 Stat. 499 (1981), 42 U.S.C.A. 9831, as 95440  
amended, and is licensed as a child day-care center. 95441

(T) "Income" means gross income, as defined in section 95442  
5107.10 of the Revised Code, less any amounts required by federal 95443  
statutes or regulations to be disregarded. 95444

(U) "Indicator checklist" means an inspection tool, used in 95445  
conjunction with an instrument-based program monitoring 95446  
information system, that contains selected licensing requirements 95447  
that are statistically reliable indicators or predictors of a 95448  
child day-care center's type A family day-care home's, or licensed 95449  
type B family day-care home's compliance with licensing 95450  
requirements. 95451

(V) "Infant" means a child who is less than eighteen months 95452  
of age. 95453

(W) "In-home aide" means a person who does not reside with 95454  
the child but provides care in the child's home and is certified 95455  
by a county director of job and family services pursuant to 95456  
section 5104.12 of the Revised Code to provide publicly funded 95457  
child care to a child in a child's own home pursuant to this 95458  
chapter and any rules adopted under it. 95459

(X) "Instrument-based program monitoring information system" 95460  
means a method to assess compliance with licensing requirements 95461  
for child day-care centers, type A family day-care homes, and 95462  
licensed type B family day-care homes in which each licensing 95463  
requirement is assigned a weight indicative of the relative 95464  
importance of the requirement to the health, growth, and safety of 95465  
the children that is used to develop an indicator checklist. 95466



(Y) "License capacity" means the maximum number in each age category of children who may be cared for in a child day-care center or type A family day-care home at one time as determined by the director of job and family services considering building occupancy limits established by the department of commerce, amount of available indoor floor space and outdoor play space, and amount of available play equipment, materials, and supplies. For the purposes of a provisional license issued under this chapter, the director shall also consider the number of available child-care staff members when determining "license capacity" for the provisional license.

(Z) "Licensed child care program" means any of the following:

(1) A child day-care center licensed by the department of job and family services pursuant to this chapter;

(2) A type A family day-care home or type B family day-care home licensed by the department of job and family services pursuant to this chapter;

(3) A licensed preschool program or licensed school child program.

(AA) "Licensed preschool program" or "licensed school child program" means a preschool program or school child program, as defined in section 3301.52 of the Revised Code, that is licensed by the department of education pursuant to sections 3301.52 to 3301.59 of the Revised Code.

(BB) "Licensed type B family day-care home" and "licensed type B home" mean a type B family day-care home for which there is a valid license issued by the director of job and family services pursuant to section 5104.03 of the Revised Code.

(CC) "Licensee" means the owner of a child day-care center, type A family day-care home, or type B family day-care home that is licensed pursuant to this chapter and who is responsible for

ensuring its compliance with this chapter and rules adopted 95498  
pursuant to this chapter. 95499

(DD) "Operate a child day camp" means to operate, establish, 95500  
manage, conduct, or maintain a child day camp. 95501

(EE) "Owner" includes a person, as defined in section 1.59 of 95502  
the Revised Code, or government entity. 95503

(FF) "Parent cooperative child day-care center," "parent 95504  
cooperative center," "parent cooperative type A family day-care 95505  
home," and "parent cooperative type A home" mean a corporation or 95506  
association organized for providing educational services to the 95507  
children of members of the corporation or association, without 95508  
gain to the corporation or association as an entity, in which the 95509  
services of the corporation or association are provided only to 95510  
children of the members of the corporation or association, 95511  
ownership and control of the corporation or association rests 95512  
solely with the members of the corporation or association, and at 95513  
least one parent-member of the corporation or association is on 95514  
the premises of the center or type A home during its hours of 95515  
operation. 95516

(GG) "Part-time child day-care center," "part-time center," 95517  
"part-time type A family day-care home," and "part-time type A 95518  
home" mean a center or type A home that provides child care or 95519  
publicly funded child care for not more than four hours a day for 95520  
any child or not more than fifteen consecutive weeks per year, 95521  
regardless of the number of hours per day. 95522

(HH) "Place of worship" means a building where activities of 95523  
an organized religious group are conducted and includes the 95524  
grounds and any other buildings on the grounds used for such 95525  
activities. 95526

(II) "Preschool-age child" means a child who is three years 95527  
old or older but is not a school-age child. 95528

(JJ) "Protective child care" means publicly funded child care 95529  
for the direct care and protection of a child to whom either of 95530  
the following applies: 95531

(1) A case plan prepared and maintained for the child 95532  
pursuant to section 2151.412 of the Revised Code indicates a need 95533  
for protective care and the child resides with a parent, 95534  
stepparent, guardian, or another person who stands in loco 95535  
parentis as defined in rules adopted under section 5104.38 of the 95536  
Revised Code; 95537

(2) The child and the child's caretaker either temporarily 95538  
reside in a facility providing emergency shelter for homeless 95539  
families or are determined by the county department of job and 95540  
family services to be homeless, and are otherwise ineligible for 95541  
publicly funded child care. 95542

(KK) "Publicly funded child care" means administering to the 95543  
needs of infants, toddlers, preschool-age children, and school-age 95544  
children under age thirteen during any part of the 95545  
twenty-four-hour day by persons other than their caretaker parents 95546  
for remuneration wholly or in part with federal or state funds, 95547  
including funds available under the child care block grant act, 95548  
Title IV-A, and Title XX, distributed by the department of job and 95549  
family services. 95550

(LL) "Religious activities" means any of the following: 95551  
worship or other religious services; religious instruction; Sunday 95552  
school classes or other religious classes conducted during or 95553  
prior to worship or other religious services; youth or adult 95554  
fellowship activities; choir or other musical group practices or 95555  
programs; meals; festivals; or meetings conducted by an organized 95556  
religious group. 95557

(MM) "School-age child" means a child who is enrolled in or 95558  
is eligible to be enrolled in a grade of kindergarten or above but 95559

is less than fifteen years old. 95560

(NN) "School-age child care center" and "school-age child  
type A home" mean a center or type A home that provides child care 95561  
for school-age children only and that does either or both of the 95562  
following: 95563  
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(1) Operates only during that part of the day that 95565  
immediately precedes or follows the public school day of the 95566  
school district in which the center or type A home is located; 95567

(2) Operates only when the public schools in the school 95568  
district in which the center or type A home is located are not 95569  
open for instruction with pupils in attendance. 95570

(OO) "Serious risk noncompliance" means a licensure or 95571  
certification rule violation that leads to a great risk of harm 95572  
to, or death of, a child, and is observable, not inferable. 95573

(PP) "State median income" means the state median income 95574  
calculated by the department of development pursuant to division 95575  
(A)(1)(g) of section 5709.61 of the Revised Code. 95576

(QQ) "Title IV-A" means Title IV-A of the "Social Security 95577  
Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. 95578

(RR) "Title XX" means Title XX of the "Social Security Act," 95579  
88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended. 95580

(SS) "Toddler" means a child who is at least eighteen months 95581  
of age but less than three years of age. 95582

(TT) "Type A family day-care home" and "type A home" mean a 95583  
permanent residence of the administrator in which child care or 95584  
publicly funded child care is provided for seven to twelve 95585  
children at one time or a permanent residence of the administrator 95586  
in which child care is provided for four to twelve children at one 95587  
time if four or more children at one time are under two years of 95588  
age. In counting children for the purposes of this division, any 95589

children under six years of age who are related to a licensee, 95590  
administrator, or employee and who are on the premises of the type 95591  
A home shall be counted. "Type A family day-care home" and "type A 95592  
home" do not include any child day camp. 95593

(UU) "Type B family day-care home" and "type B home" mean a 95594  
permanent residence of the provider in which child care is 95595  
provided for one to six children at one time and in which no more 95596  
than three children are under two years of age at one time. In 95597  
counting children for the purposes of this division, any children 95598  
under six years of age who are related to the provider and who are 95599  
on the premises of the type B home shall be counted. "Type B 95600  
family day-care home" and "type B home" do not include any child 95601  
day camp. 95602

**Sec. 5104.02.** (A) The director of job and family services is 95603  
responsible for the licensing of child day-care centers and type A 95604  
family day-care homes. Each entity operating a head start program 95605  
shall meet the criteria for, and be licensed as, a child day-care 95606  
center. The director is responsible for the enforcement of this 95607  
chapter and of rules promulgated pursuant to this chapter. 95608

No person, firm, organization, institution, or agency shall 95609  
operate, establish, manage, conduct, or maintain a child day-care 95610  
center or type A family day-care home without a license issued 95611  
under section 5104.03 of the Revised Code. The current license 95612  
shall be posted in a conspicuous place in the center or type A 95613  
home that is accessible to parents, custodians, or guardians and 95614  
employees of the center or type A home at all times when the 95615  
center or type A home is in operation. 95616

(B) A person, firm, institution, organization, or agency 95617  
operating any of the following programs is exempt from the 95618  
requirements of this chapter: 95619

(1) A program of child care that operates for two or less 95620

consecutive weeks; 95621

(2) Child care in places of worship during religious 95622  
activities during which children are cared for while at least one 95623  
parent, guardian, or custodian of each child is participating in 95624  
such activities and is readily available; 95625

(3) Religious activities which do not provide child care; 95626

(4) Supervised training, instruction, or activities of 95627  
children in specific areas, including, but not limited to: art; 95628  
drama; dance; music; gymnastics, swimming, or another athletic 95629  
skill or sport; computers; or an educational subject conducted on 95630  
an organized or periodic basis no more than one day a week and for 95631  
no more than six hours duration; 95632

(5) Programs in which the director determines that at least 95633  
one parent, custodian, or guardian of each child is on the 95634  
premises of the facility offering child care and is readily 95635  
accessible at all times, except that child care provided on the 95636  
premises at which a parent, custodian, or guardian is employed 95637  
more than two and one-half hours a day shall be licensed in 95638  
accordance with division (A) of this section; 95639

(6)(a) Programs that provide child care funded and regulated 95640  
or operated and regulated by state departments other than the 95641  
department of job and family services or the state board of 95642  
education when the director of job and family services has 95643  
determined that the rules governing the program are equivalent to 95644  
or exceed the rules promulgated pursuant to this chapter. 95645

Notwithstanding any exemption from regulation under this 95646  
chapter, each state department shall submit to the director of job 95647  
and family services a copy of the rules that govern programs that 95648  
provide child care and are regulated or operated and regulated by 95649  
the department. Annually, each state department shall submit to 95650  
the director a report for each such program it regulates or 95651

operates and regulates that includes the following information: 95652

(i) The site location of the program; 95653

(ii) The maximum number of infants, toddlers, preschool-age 95654  
children, or school-age children served by the program at one 95655  
time; 95656

(iii) The number of adults providing child care for the 95657  
number of infants, toddlers, preschool-age children, or school-age 95658  
children; 95659

(iv) Any changes in the rules made subsequent to the time 95660  
when the rules were initially submitted to the director. 95661

The director shall maintain a record of the child care 95662  
information submitted by other state departments and shall provide 95663  
this information upon request to the general assembly or the 95664  
public. 95665

(b) Child care programs conducted by boards of education or 95666  
by chartered or accredited nonpublic schools that are conducted in 95667  
school buildings and that provide child care to school-age 95668  
children only shall be exempt from meeting or exceeding rules 95669  
promulgated pursuant to this chapter. 95670

(7) Any preschool program or school child program, except a 95671  
head start program, that is subject to licensure by the department 95672  
of education under sections 3301.52 to 3301.59 of the Revised 95673  
Code. 95674

(8) Any program providing child care that meets all of the 95675  
following requirements and, on October 20, 1987, was being 95676  
operated by a nonpublic school that holds a charter issued by the 95677  
state board of education for kindergarten only or an accredited 95678  
nonpublic school: 95679

(a) The nonpublic school has given the notice to the state 95680  
board and the director of job and family services required by 95681

Section 4 of Substitute House Bill No. 253 of the 117th general assembly; 95682  
95683

(b) The nonpublic school continues to be chartered by the state board for kindergarten, or receives and continues to hold a charter from the state board for kindergarten through grade five or is an accredited nonpublic school; 95684  
95685  
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(c) The program is conducted in a school building; 95688

(d) The program is operated in accordance with rules promulgated by the state board under sections 3301.52 to 3301.57 of the Revised Code. 95689  
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(9) A youth development program operated outside of school hours by a community-based center to which all of the following apply: 95692  
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(a) The children enrolled in the program are under nineteen years of age and enrolled in or eligible to be enrolled in a grade of kindergarten or above. 95695  
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(b) The program provides informal child care, which is child care that does not require parental signature, permission, or notice for the child receiving the care to enter or leave the program. 95698  
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95700  
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(c) The program provides any of the following supervised activities: educational, recreational, culturally enriching, social, and personal development activities. 95702  
95703  
95704

(d) The program is eligible for participation in the child and adult care food program as an outside-school-hours care center pursuant to standards established under section 3313.813 of the Revised Code. 95705  
95706  
95707  
95708

(e) The community-based center operating the program is exempt from federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3). 95709  
95710  
95711



(10) A preschool program operated by a nonchartered,  
nontax-supported school if the preschool program meets all of the  
following conditions:

(a) The program complies with state and local health, fire,  
and safety laws.

(b) The program annually certifies in a report to the parents  
of its pupils that the school is in compliance with division  
(B)(10)(a) of this section and files a copy of the report with the  
department of job and family services on or before the thirtieth  
day of September of each year.

(c) The program complies with all applicable reporting  
requirements in the same manner as required by the state board of  
education for nonchartered, nonpublic primary and secondary  
schools.

(d) The program is associated with a nonchartered,  
nontax-supported primary or secondary school.

**Sec. 5139.18.** (A) Except with respect to children who are  
granted a judicial release to court supervision pursuant to  
division (B) or (D) of section 2152.22 of the Revised Code, the  
department of youth services is responsible for locating homes or  
jobs for children released from its institutions, for supervision  
of children released from its institutions, and for providing or  
arranging for the provision to those children of appropriate  
services that are required to facilitate their satisfactory  
community adjustment. Regional administrators through their staff  
of parole officers shall supervise children paroled or released to  
community supervision in a manner that insures as nearly as  
possible the children's rehabilitation and that provides maximum  
protection to the general public.

(B) The department of youth services shall exercise general

supervision over all children who have been released on placement 95742  
from any of its institutions other than children who are granted a 95743  
judicial release to court supervision pursuant to division (B) or 95744  
(D) of section 2152.22 of the Revised Code. The director of youth 95745  
services, with the consent and approval of the board of county 95746  
commissioners of any county, may contract with the public children 95747  
services agency of that county, the department of probation of 95748  
that county established pursuant to section 2301.27 of the Revised 95749  
Code, or the probation department or service established pursuant 95750  
to sections 2151.01 to 2151.54 of the Revised Code for the 95751  
provision of direct supervision and control over and the provision 95752  
of supportive assistance to all children who have been released on 95753  
placement into that county from any of its institutions, or, with 95754  
the consent of the juvenile judge or the administrative judge of 95755  
the juvenile court of any county, contract with any other public 95756  
agency, institution, or organization that is qualified to provide 95757  
the care and supervision that is required under the terms and 95758  
conditions of the child's treatment plan for the provision of 95759  
direct supervision and control over and the provision of 95760  
supportive assistance to all children who have been released on 95761  
placement into that county from any of its institutions. 95762

(C) A juvenile parole officer shall furnish to a child placed 95763  
on community control under the parole officer's supervision a 95764  
statement of the conditions of parole and shall instruct the child 95765  
regarding them. The parole officer shall keep informed concerning 95766  
the conduct and condition of a child under the parole officer's 95767  
supervision and shall report on the child's conduct to the judge 95768  
as the judge directs. A parole officer shall use all suitable 95769  
methods to aid a child on community control and to improve the 95770  
child's conduct and condition. A parole officer shall keep full 95771  
and accurate records of work done for children under the parole 95772  
officer's supervision. 95773

(D) In accordance with division (D) of section 2151.14 of the Revised Code, a court may issue an order requiring boards of education, governing bodies of chartered and accredited nonpublic schools, public children services agencies, private child placing agencies, probation departments, law enforcement agencies, and prosecuting attorneys that have records related to the child in question to provide copies of one or more specified records, or specified information in one or more specified records, that the individual or entity has with respect to the child to the department of youth services when the department has custody of the child or is performing any services for the child that are required by the juvenile court or by statute, and the department requests the records in accordance with division (D)(3)(a) of section 2151.14 of the Revised Code.

As used in this division, "accredited nonpublic school" means an accredited nonpublic school as described in section 3301.165 of the Revised Code.

(E) Whenever any placement official has reasonable cause to believe that any child released by a court pursuant to section 2152.22 of the Revised Code has violated the conditions of the child's placement, the official may request, in writing, from the committing court or transferee court a custodial order, and, upon reasonable and probable cause, the court may order any sheriff, deputy sheriff, constable, or police officer to apprehend the child. A child so apprehended may be confined in the detention facility of the county in which the child is apprehended until further order of the court. If a child who was released on supervised release by the release authority of the department of youth services or a child who was granted a judicial release to department of youth services supervision violates the conditions of the supervised release or judicial release, section 5139.52 of the Revised Code applies with respect to that child.

**Section 130.71.** That existing sections 921.06, 955.43, 95806  
3301.07, 3301.071, 3301.0711, 3301.16, 3301.162, 3301.164, 95807  
3301.52, 3301.541, 3302.07, 3302.41, 3310.01, 3312.01, 3312.04, 95808  
3312.05, 3312.09, 3313.41, 3313.48, 3313.481, 3313.482, 3313.536, 95809  
3313.539, 3313.5311, 3313.603, 3313.62, 3313.716, 3313.717, 95810  
3313.718, 3313.719, 3313.7111, 3313.7112, 3313.7114, 3313.813, 95811  
3313.86, 3313.976, 3317.024, 3317.03, 3317.06, 3317.062, 3317.063, 95812  
3317.13, 3319.311, 3319.313, 3319.314, 3319.317, 3319.39, 95813  
3319.391, 3319.392, 3319.40, 3319.52, 3321.01, 3326.01, 3326.03, 95814  
3326.032, 3326.04, 3326.09, 3327.07, 3327.10, 3365.01, 3365.02, 95815  
3701.133, 3781.106, 3781.11, 4729.513, 4729.541, 5104.01, 5104.02, 95816  
and 5139.18 of the Revised Code are hereby repealed. 95817

**Section 130.72.** (A) The Speaker of the House of 95818  
Representatives and the President of the Senate shall appoint a 95819  
joint committee of the General Assembly to study the effects of 95820  
the creation of accredited nonpublic schools by this act. The 95821  
committee shall consist of the following six members: 95822

(1) The chairperson of the standing committee of the House of 95823  
Representatives principally responsible for primary and secondary 95824  
education policy; 95825

(2) The chairperson of the standing committee of the Senate 95826  
principally responsible for primary and secondary education 95827  
policy; 95828

(3) Two other members of the House of Representatives 95829  
appointed by the Speaker, one of whom is from the majority party 95830  
and one of whom is from the minority party; 95831

(4) Two other members of the Senate appointed by the 95832  
President, one of whom is from the majority party and one of whom 95833  
is from the minority party. 95834

(B) In completing the study required under this section, the 95835

committee shall compare data from accredited nonpublic schools 95836  
before and after the effective date of this act. The committee 95837  
also shall compare data of accredited schools to other public 95838  
schools and private school associations, as available. The 95839  
committee shall compare aggregate data on all of the following: 95840

(1) Remediation rates; 95841

(2) SAT and ACT test scores; 95842

(3) College acceptance and attendance rates; 95843

(4) Results of other standardized tests for lower grade 95844  
levels. 95845

(C) Not later than two years after the effective date of this 95846  
section, the committee shall submit a report to the General 95847  
Assembly in accordance with section 101.68 of the Revised Code 95848  
that includes recommendations on expanding the designation to 95849  
chartered nonpublic schools not accredited by the Independent 95850  
Schools Association of the Central States. The report also shall 95851  
include criteria that should be used to qualify chartered 95852  
nonpublic schools for such an expansion. 95853

**Section 130.73.** Nothing in this act shall be construed to 95854  
give preference or heightened approval of a chartered nonpublic 95855  
school accredited by the Independent Schools Association of the 95856  
Central States over a chartered nonpublic school accredited by any 95857  
other association or organization. 95858

**Section 130.80.** That sections 133.18, 306.32, 306.322, 95859  
345.01, 345.03, 345.04, 505.37, 505.48, 505.481, 511.27, 511.28, 95860  
511.34, 513.18, 755.181, 1545.041, 1545.21, 1711.30, 3311.50, 95861  
3318.01, 3318.06, 3318.061, 3318.062, 3318.063, 3318.361, 3318.45, 95862  
3381.03, 3505.06, 4582.024, 4582.26, 5705.01, 5705.03, 5705.192, 95863  
5705.195, 5705.196, 5705.197, 5705.199, 5705.21, 5705.212, 95864  
5705.213, 5705.215, 5705.218, 5705.219, 5705.233, 5705.25, 95865

5705.251, 5705.261, 5705.55, 5748.01, 5748.02, 5748.03, 5748.04, 95866  
5748.08, and 5748.09 of the Revised Code be amended to read as 95867  
follows: 95868

**Sec. 133.18.** (A) The taxing authority of a subdivision may by 95869  
legislation submit to the electors of the subdivision the question 95870  
of issuing any general obligation bonds, for one purpose, that the 95871  
subdivision has power or authority to issue. 95872

(B) When the taxing authority of a subdivision desires or is 95873  
required by law to submit the question of a bond issue to the 95874  
electors, it shall pass legislation that does all of the 95875  
following: 95876

(1) Declares the necessity and purpose of the bond issue; 95877

(2) States the date of the authorized election at which the 95878  
question shall be submitted to the electors; 95879

(3) States the amount, approximate date, estimated net 95880  
average rate of interest, and maximum number of years over which 95881  
the principal of the bonds may be paid; 95882

(4) Declares the necessity of levying a tax outside the tax 95883  
limitation to pay the debt charges on the bonds and any 95884  
anticipatory securities. 95885

The estimated net average interest rate shall be determined 95886  
by the taxing authority based on, among other factors, then 95887  
existing market conditions, and may reflect adjustments for any 95888  
anticipated direct payments expected to be received by the taxing 95889  
authority from the government of the United States relating to the 95890  
bonds and the effect of any federal tax credits anticipated to be 95891  
available to owners of all or a portion of the bonds. The 95892  
estimated net average rate of interest, and any statutory or 95893  
charter limit on interest rates that may then be in effect and 95894  
that is subsequently amended, shall not be a limitation on the 95895

actual interest rate or rates on the securities when issued. 95896

(C)(1) The taxing authority shall certify a copy of the 95897  
legislation passed under division (B) of this section to the 95898  
county auditor. The county auditor shall promptly calculate and 95899  
advise and, not later than ninety days before the election, 95900  
confirm that advice by certification to, the taxing authority the 95901  
estimated average annual property tax levy, expressed in ~~cents or~~ 95902  
~~dollars and cents~~ for each one hundred thousand dollars of ~~tax~~ 95903  
~~valuation~~ fair market value and in mills for each one dollar of 95904  
~~tax valuation~~ taxable value, that the county auditor estimates to 95905  
be required throughout the stated maturity of the bonds to pay the 95906  
debt charges on the bonds. The auditor shall additionally 95907  
calculate and certify the amount the levy is estimated to collect 95908  
for each tax year it is levied, rounded to the nearest dollar. In 95909  
calculating the estimated average annual property tax levy and the 95910  
levy's estimated annual collections for this purpose, the county 95911  
auditor shall assume that the bonds are issued in one series 95912  
bearing interest and maturing in substantially equal principal 95913  
amounts in each year over the maximum number of years over which 95914  
the principal of the bonds may be paid as stated in that 95915  
legislation, and that the amount of the tax valuation of the 95916  
subdivision for the current year remains the same throughout the 95917  
maturity of the bonds, except as otherwise provided in division 95918  
(C)(2) of this section. If the tax valuation for the current year 95919  
is not determined, the county auditor shall base the calculation 95920  
on the estimated amount of the tax valuation submitted by the 95921  
county auditor to the county budget commission. If the subdivision 95922  
is located in more than one county, the county auditor shall 95923  
obtain the assistance of the county auditors of the other 95924  
counties, and those county auditors shall provide assistance, in 95925  
establishing the tax valuation of the subdivision for purposes of 95926  
certifying the estimated average annual property tax levy and the 95927  
levy's estimated annual collections. 95928

(2) When considering the tangible personal property component 95929  
of the tax valuation of the subdivision, the county auditor shall 95930  
take into account the assessment percentages prescribed in section 95931  
5711.22 of the Revised Code. The tax commissioner may issue rules, 95932  
orders, or instructions directing how the assessment percentages 95933  
must be utilized. 95934

(D) After receiving the county auditor's advice under 95935  
division (C) of this section, the taxing authority by legislation 95936  
may determine to proceed with submitting the question of the issue 95937  
of securities, and shall, not later than the ninetieth day before 95938  
the day of the election, file the following with the board of 95939  
elections: 95940

(1) Copies of the legislation provided for in divisions (B) 95941  
and (D) of this section; 95942

(2) The amount of the estimated average annual property tax 95943  
levy, expressed in ~~cents or dollars and cents~~ for each one hundred 95944  
thousand dollars of ~~tax valuation~~ fair market value and in mills 95945  
for each one dollar of ~~tax valuation~~ taxable value, as estimated 95946  
and certified to the taxing authority by the county auditor; 95947

(3) The amount the levy is estimated to collect for each tax 95948  
year it is levied, as certified to the taxing authority by the 95949  
county auditor. 95950

(E)(1) The board of elections shall prepare the ballots and 95951  
make other necessary arrangements for the submission of the 95952  
question to the electors of the subdivision. If the subdivision is 95953  
located in more than one county, the board shall inform the boards 95954  
of elections of the other counties of the filings with it, and 95955  
those other boards shall if appropriate make the other necessary 95956  
arrangements for the election in their counties. The election 95957  
shall be conducted, canvassed, and certified in the manner 95958  
provided in Title XXXV of the Revised Code. 95959



(2) The election shall be held at the regular places for voting in the subdivision. If the electors of only a part of a precinct are qualified to vote at the election the board of elections may assign the electors in that part to an adjoining precinct, including an adjoining precinct in another county if the board of elections of the other county consents to and approves the assignment. Each elector so assigned shall be notified of that fact prior to the election by notice mailed by the board of elections, in such manner as it determines, prior to the election.

(3) The board of elections shall publish a notice of the election once in a newspaper of general circulation in the subdivision, no later than ten days prior to the election. The notice shall state all of the following:

(a) The principal amount of the proposed bond issue;

(b) The stated purpose for which the bonds are to be issued;

(c) The maximum number of years over which the principal of the bonds may be paid;

(d) The estimated annual collections of the property tax;

(e) The estimated additional average annual property tax levy, expressed in ~~cents or dollars and cents~~ for each one hundred ~~thousand~~ dollars of ~~tax valuation~~ fair market value and in mills for each one dollar of ~~tax valuation~~ taxable value, to be levied outside the tax limitation, as estimated and certified to the taxing authority by the county auditor;

~~(e)~~ (f) The first calendar year in which the tax is expected to be due.

~~(F)~~(1) The form of the ballot to be used at the election shall be substantially either of the following, as applicable:

~~(a)~~ (1) "Shall bonds be issued by the ..... (name of subdivision) for the purpose of ..... (purpose of the bond

issue) in the principal amount of \$..... (principal amount of 95990  
 the bond issue), to be repaid annually over a maximum period of 95991  
 ..... (the maximum number of years over which the principal 95992  
 of the bonds may be paid) years, and an annual levy of property 95993  
 taxes be made outside the ..... (as applicable, "ten-mill" or 95994  
 "...charter tax") limitation, estimated by the county auditor to 95995  
collect \$..... annually and to average over the repayment period 95996  
 of the bond issue ..... (~~number of mills~~) mills for each ~~one~~ 95997  
~~dollar~~ \$1 of ~~tax valuation~~ taxable value, which amounts to 95998  
 \$..... (~~rate expressed in cents or dollars and cents, such as~~ 95999  
~~"36 cents" or "\$1.41"~~) for each ~~one hundred dollars~~ \$100,000 of 96000  
~~tax valuation~~ fair market value, commencing in ..... (first 96001  
 year the tax will be levied), first due in calendar year 96002  
 ..... (first calendar year in which the tax shall be due), to 96003  
 pay the annual debt charges on the bonds, and to pay debt charges 96004  
 on any notes issued in anticipation of those bonds? 96005

	For the bond issue	
	Against the bond issue	"

~~(b)~~ (2) In the case of an election held pursuant to 96010  
 legislation adopted under section 3375.43 or 3375.431 of the 96011  
 Revised Code: 96012

"Shall bonds be issued for ..... (name of library) for 96013  
 the purpose of ..... (purpose of the bond issue), in the 96014  
 principal amount of \$..... (amount of the bond issue) by 96015  
 ..... (the name of the subdivision that is to issue the bonds 96016  
 and levy the tax) as the issuer of the bonds, to be repaid 96017  
 annually over a maximum period of ..... (the maximum number 96018  
 of years over which the principal of the bonds may be paid) years, 96019  
 and an annual levy of property taxes be made outside the ten-mill 96020  
 limitation, estimated by the county auditor to collect \$..... 96021

~~annually and~~ to average over the repayment period of the bond 96022  
issue ..... ~~(number of mills)~~ mills for each ~~one dollar~~ \$1 of 96023  
~~tax valuation~~ taxable value, which amounts to \$...... ~~(rate~~ 96024  
~~expressed in cents or dollars and cents, such as "36 cents" or~~ 96025  
~~"\$1.41")~~ for each ~~one hundred dollars~~ \$100,000 of ~~tax valuation~~ 96026  
fair market value, commencing in ..... (first year the tax 96027  
will be levied), first due in calendar year ..... (first 96028  
calendar year in which the tax shall be due), to pay the annual 96029  
debt charges on the bonds, and to pay debt charges on any notes 96030  
issued in anticipation of those bonds? 96031

	For the bond issue
	Against the bond issue

"

~~(2) The purpose for which the bonds are to be issued shall be 96036  
printed in the space indicated, in boldface type. 96037~~

(G) The board of elections shall promptly certify the results 96038  
of the election to the tax commissioner, the county auditor of 96039  
each county in which any part of the subdivision is located, and 96040  
the fiscal officer of the subdivision. The election, including the 96041  
proceedings for and result of the election, is incontestable other 96042  
than in a contest filed under section 3515.09 of the Revised Code 96043  
in which the plaintiff prevails. 96044

(H) If a majority of the electors voting upon the question 96045  
vote for it, the taxing authority of the subdivision may proceed 96046  
under sections 133.21 to 133.33 of the Revised Code with the 96047  
issuance of the securities and with the levy and collection of a 96048  
property tax outside the tax limitation during the period the 96049  
securities are outstanding sufficient in amount to pay the debt 96050  
charges on the securities, including debt charges on any 96051  
anticipatory securities required to be paid from that tax. If 96052

legislation passed under section 133.22 or 133.23 of the Revised Code authorizing those securities is filed with the county auditor on or before the last day of November, the amount of the voted property tax levy required to pay debt charges or estimated debt charges on the securities payable in the following year shall if requested by the taxing authority be included in the taxes levied for collection in the following year under section 319.30 of the Revised Code.

(I)(1) If, before any securities authorized at an election under this section are issued, the net indebtedness of the subdivision exceeds that applicable to that subdivision or those securities, then and so long as that is the case none of the securities may be issued.

(2) No securities authorized at an election under this section may be initially issued after the first day of the sixth January following the election, but this period of limitation shall not run for any time during which any part of the permanent improvement for which the securities have been authorized, or the issuing or validity of any part of the securities issued or to be issued, or the related proceedings, is involved or questioned before a court or a commission or other tribunal, administrative agency, or board.

(3) Securities representing a portion of the amount authorized at an election that are issued within the applicable limitation on net indebtedness are valid and in no manner affected by the fact that the balance of the securities authorized cannot be issued by reason of the net indebtedness limitation or lapse of time.

(4) Nothing in this division (I) shall be interpreted or applied to prevent the issuance of securities in an amount to fund or refund anticipatory securities lawfully issued.

(5) The limitations of divisions (I)(1) and (2) of this section do not apply to any securities authorized at an election under this section if at least ten per cent of the principal amount of the securities, including anticipatory securities, authorized has theretofore been issued, or if the securities are to be issued for the purpose of participating in any federally or state-assisted program.

(6) The certificate of the fiscal officer of the subdivision is conclusive proof of the facts referred to in this division.

(J) As used in this section, "fair market value" has the same meaning as in section 5705.01 of the Revised Code.

**Sec. 306.32.** Any county, or any two or more counties, municipal corporations, or townships, or any combination of these, may create a regional transit authority by the adoption of a resolution or ordinance by the board of county commissioners of each county, the legislative authority of each municipal corporation, and the board of township trustees of each township which is to create or to join in the creation of the regional transit authority. The resolution or ordinance shall state:

(A) The necessity for the creation of a regional transit authority;

(B) The counties, municipal corporations, or townships which are to create or to join in the creation of the regional transit authority;

(C) The official name by which the regional transit authority shall be known;

(D) The place in which the principal office of the regional transit authority will be located or the manner in which it may be selected;

(E) The number, term, and compensation, or method for

establishing compensation, of the members of the board of trustees 96114  
of the regional transit authority. Compensation shall not exceed 96115  
fifty dollars for each board and committee meeting attended by a 96116  
member, except that if compensation is provided annually it shall 96117  
not exceed six thousand dollars for the president of the board or 96118  
four thousand eight hundred dollars for each other board member. 96119

(F) The manner in which vacancies on the board of trustees of 96120  
the regional transit authority shall be filled; 96121

(G) The manner and to what extent the expenses of the 96122  
regional transit authority shall be apportioned among the 96123  
counties, municipal corporations, and townships creating it; 96124

(H) The purposes, including the kinds of transit facilities, 96125  
for which the regional transit authority is organized. 96126

The regional transit authority provided for in the resolution 96127  
or ordinance shall be deemed to be created upon the adoption of 96128  
the resolution or ordinance by the board of county commissioners 96129  
of each county, the legislative authority of each municipal 96130  
corporation, and the board of township trustees of each township 96131  
enumerated in the resolution or ordinance. 96132

The resolution or ordinance creating a regional transit 96133  
authority may be amended to include additional counties, municipal 96134  
corporations, or townships or for any other purpose, by the 96135  
adoption of the amendment by the board of county commissioners of 96136  
each county, the legislative authority of each municipal 96137  
corporation, and the board of township trustees of each township 96138  
which has created or joined or proposes to join the regional 96139  
transit authority. 96140

After each county, municipal corporation, and township which 96141  
has created or joined or proposes to join the regional transit 96142  
authority has adopted its resolution or ordinance approving 96143  
inclusion of additional counties, municipal corporations, or 96144

townships in the regional transit authority, a copy of each 96145  
resolution or ordinance shall be filed with the clerk of the board 96146  
of the county commissioners of each county, the clerk of the 96147  
legislative authority of each municipal corporation, and the 96148  
fiscal officer of the board of trustees of each township proposed 96149  
to be included in the regional transit authority. The inclusion is 96150  
effective when all such filing has been completed, unless the 96151  
regional transit authority to which territory is to be added has 96152  
authority to levy an ad valorem tax on property, or a sales tax, 96153  
within its territorial boundaries, in which event the inclusion 96154  
shall become effective on the sixtieth day after the last such 96155  
filing is accomplished, unless, prior to the expiration of the 96156  
sixty-day period, qualified electors residing in the area proposed 96157  
to be added to the regional transit authority, equal in number to 96158  
at least ten per cent of the qualified electors from the area who 96159  
voted for governor at the last gubernatorial election, file a 96160  
petition of referendum against the inclusion. Any petition of 96161  
referendum filed under this section shall be filed at the office 96162  
of the secretary of the board of trustees of the regional transit 96163  
authority. The person presenting the petition shall be given a 96164  
receipt containing on it the time of the day, the date, and the 96165  
purpose of the petition. The secretary of the board of trustees of 96166  
the regional transit authority shall cause the appropriate board 96167  
or boards of elections to check the sufficiency of signatures on 96168  
any petition of referendum filed under this section and, if found 96169  
to be sufficient, shall present the petition to the board of 96170  
trustees at a meeting of said board which occurs not later than 96171  
thirty days following the filing of said petition. Upon 96172  
presentation to the board of trustees of a petition of referendum 96173  
against the proposed inclusion, the board of trustees shall 96174  
promptly certify the proposal to the board or boards of elections 96175  
for the purpose of having the proposal placed on the ballot at the 96176  
next general or primary election which occurs not less than ninety 96177

days after the date of the meeting of said board, or at a special 96178  
election, the date of which shall be specified in the 96179  
certification, which date shall be not less than ninety days after 96180  
the date of such meeting of the board. Signatures on a petition of 96181  
referendum may be withdrawn up to and including the meeting of the 96182  
board of trustees certifying the proposal to the appropriate board 96183  
or boards of elections. If territory of more than one county, 96184  
municipal corporation, or township is to be added to the regional 96185  
transit authority, the electors of the territories of the 96186  
counties, municipal corporations, or townships which are to be 96187  
added shall vote as a district, and the majority affirmative vote 96188  
shall be determined by the vote cast in the district as a whole. 96189  
~~Upon~~ 96190

If the proposal would extend the levy of an existing property 96191  
tax to the territory to be added to the regional transit 96192  
authority, the board of trustees of the regional transit board 96193  
shall request from the county auditor an estimate of the levy's 96194  
annual collections, assuming that the additional territory has 96195  
been added to the regional transit authority, in the same manner 96196  
as required for a tax levy under section 5705.03 of the Revised 96197  
Code. The auditor shall certify this estimate to the board within 96198  
ten days after receiving the board's request. 96199

Upon certification of a proposal to the appropriate board or 96200  
boards of elections pursuant to this section, the board or boards 96201  
of election shall make the necessary arrangements for the 96202  
submission of the question to the electors of the territory to be 96203  
added to the regional transit authority qualified to vote on the 96204  
question, and the election shall be held, canvassed, and certified 96205  
in the manner provided for the submission of tax levies under 96206  
section 5705.191 of the Revised Code, except that the question 96207  
appearing on the ballot shall read: 96208

"Shall the territory within the ..... 96209



(Name or names of political subdivisions to be joined) be added to 96210  
..... (Name) regional transit 96211  
authority?" and shall a(n) ..... (here insert type of tax or 96212  
taxes) at a rate ~~of taxation~~ not to exceed ..... (here insert 96213  
maximum tax rate or rates) be levied for all transit purposes?" 96214

If the tax is a tax on property, the ballot shall express the 96215  
levy's estimated annual collections and the rate shall be 96216  
expressed numerically in mills for each one dollar of taxable 96217  
value and numerically in dollars for each one hundred thousand 96218  
dollars of fair market value, as that term is defined in section 96219  
5705.01 of the Revised Code. 96220

If the question is approved by at least a majority of the 96221  
electors voting on the question, the joinder is immediately 96222  
effective, and the regional transit authority may extend the levy 96223  
of the tax against all the taxable property within the territory 96224  
which has been added. If the question is approved at a general 96225  
election or at a special election occurring prior to the general 96226  
election but after the fifteenth day of July, the regional transit 96227  
authority may amend its budget and resolution adopted pursuant to 96228  
section 5705.34 of the Revised Code, and the levy shall be placed 96229  
on the current tax list and duplicate and collected as other taxes 96230  
are collected from all taxable property within the territorial 96231  
boundaries of the regional transit authority, including the 96232  
territory within each political subdivision added as a result of 96233  
the election. 96234

The territorial boundaries of a regional transit authority 96235  
shall be coextensive with the territorial boundaries of the 96236  
counties, municipal corporations, and townships included within 96237  
the regional transit authority, provided that the same area may be 96238  
included in more than one regional transit authority so long as 96239  
the regional transit authorities are not organized for purposes as 96240  
provided for in the resolutions or ordinances creating the same, 96241

and any amendments to them, relating to the same kinds of transit facilities; and provided further, that if a regional transit authority includes only a portion of an entire county, a regional transit authority for the same purposes may be created in the remaining portion of the same county by resolution of the board of county commissioners acting alone or in conjunction with municipal corporations and townships as provided in this section.

No regional transit authority shall be organized after January 1, 1975, to include any area already included in a regional transit authority, except that any regional transit authority organized after June 29, 1974, and having territorial boundaries entirely within a single county shall, upon adoption by the board of county commissioners of the county of a resolution creating a regional transit authority including within its territorial jurisdiction the existing regional transit authority and for purposes including the purposes for which the existing regional transit authority was created, be dissolved and its territory included in such new regional transit authority. Any resolution creating such a new regional transit authority shall make adequate provision for satisfaction of the obligations of the dissolved regional transit authority.

**Sec. 306.322.** (A) For any regional transit authority that levies a property tax and that includes in its membership political subdivisions that are located in a county having a population of at least four hundred thousand according to the most recent federal census, the procedures of this section apply until November 5, 2013, and are in addition to and an alternative to those established in sections 306.32 and 306.321 of the Revised Code for joining to the regional transit authority additional counties, municipal corporations, or townships.

(B) Any municipal corporation or township may adopt a

resolution or ordinance proposing to join a regional transit 96273  
authority described in division (A) of this section. In its 96274  
resolution or ordinance, the political subdivision may propose 96275  
joining the regional transit authority for a limited period of 96276  
three years or without a time limit. 96277

(C) The political subdivision proposing to join the regional 96278  
transit authority shall submit a copy of its resolution or 96279  
ordinance to the legislative authority of each municipal 96280  
corporation and the board of trustees of each township comprising 96281  
the regional transit authority. Within thirty days of receiving 96282  
the resolution or ordinance for inclusion in the regional transit 96283  
authority, the legislative authority of each municipal corporation 96284  
and the board of trustees of each township shall consider the 96285  
question of whether to include the additional subdivision in the 96286  
regional transit authority, shall adopt a resolution or ordinance 96287  
approving or rejecting the inclusion of the additional 96288  
subdivision, and shall present its resolution or ordinance to the 96289  
board of trustees of the regional transit authority. 96290

(D) If a majority of the political subdivisions comprising 96291  
the regional transit authority approve the inclusion of the 96292  
additional political subdivision, the board of trustees of the 96293  
regional transit authority, not later than the tenth day following 96294  
the day on which the last ordinance or resolution is presented, 96295  
shall notify the subdivision proposing to join the regional 96296  
transit authority that it may certify the proposal to the board of 96297  
elections for the purpose of having the proposal placed on the 96298  
ballot at the next general election or at a special election 96299  
conducted on the day of the next primary election that occurs not 96300  
less than ninety days after the resolution or ordinance is 96301  
certified to the board of elections. 96302

If the board proposes to extend the levy of an existing 96303  
property tax to the territory to be added to the regional transit 96304

authority, the board shall request from the county auditor an estimate of the levy's annual collections, assuming that the additional territory has been added to the regional transit authority, in the same manner as required for a tax levy under section 5705.03 of the Revised Code. The auditor shall certify this estimate to the board within ten days after receiving the board's request.

(E) Upon certification of a proposal to the board of elections pursuant to this section, the board of elections shall make the necessary arrangements for the submission of the question to the electors of the territory to be included in the regional transit authority qualified to vote on the question, and the election shall be held, canvassed, and certified in the same manner as regular elections for the election of officers of the subdivision proposing to join the regional transit authority, except that, if the resolution proposed the inclusion without a time limitation the question appearing on the ballot shall read:

"Shall the territory within the .....  
(Name or names of political subdivisions to be joined) be added to ..... (Name) regional transit authority?" and shall a(n) ..... (here insert type of tax or taxes) at a rate ~~of taxation~~ not to exceed ..... (here insert maximum tax rate or rates) be levied for all transit purposes?"

If the resolution proposed the inclusion with a three-year time limitation, the question appearing on the ballot shall read:

"Shall the territory within the .....  
(Name or names of political subdivisions to be joined) be added to ..... (Name) regional transit authority?" for three years and shall a(n) ..... (here insert type of tax or taxes) at a rate ~~of taxation~~ not to exceed ..... (here insert maximum tax rate or rates) be levied for all transit purposes for three years?"

In either case, if the tax is a tax on property, the ballot shall express the levy's estimated annual collections and the rate shall be expressed numerically in mills for each one dollar of taxable value and numerically in dollars for each one hundred thousand dollars of fair market value, as that term is defined in section 5705.01 of the Revised Code.

(F) If the question is approved by at least a majority of the electors voting on the question, the addition of the new territory is effective six months from the date of the certification of its passage, and the regional transit authority may extend the levy of the tax against all the taxable property within the territory that was added. If the question is approved at a general election or at a special election occurring prior to the general election but after the fifteenth day of July, the regional transit authority may amend its budget and resolution adopted pursuant to section 5705.34 of the Revised Code, and the levy shall be placed on the current tax list and duplicate and collected as other taxes are collected from all taxable property within the territorial boundaries of the regional transit authority, including the territory within the political subdivision added as a result of the election. If the budget of the regional transit authority is amended pursuant to this paragraph, the county auditor shall prepare and deliver an amended certificate of estimated resources to reflect the change in anticipated revenues of the regional transit authority.

(G) If the question is approved by at least a majority of the electors voting on the question, the board of trustees of the regional transit authority immediately shall amend the resolution or ordinance creating the regional transit authority to include the additional political subdivision.

(H) If the question approved by a majority of the electors voting on the question added the subdivision for three years, the

territory of the additional municipal corporation or township in 96369  
the regional transit authority shall be removed from the territory 96370  
of the regional transit authority three years after the date the 96371  
territory was added, as determined in the effective date of the 96372  
election, and shall no longer be a part of that authority without 96373  
any further action by either the political subdivisions that were 96374  
included in the authority prior to submitting the question to the 96375  
electors or of the political subdivision added to the authority as 96376  
a result of the election. The regional transit authority reduced 96377  
to its territory as it existed prior to the inclusion of the 96378  
additional municipal corporation or township shall be entitled to 96379  
levy and collect any property taxes that it was authorized to levy 96380  
and collect prior to the enlargement of its territory and for 96381  
which authorization has not expired, as if the enlargement had not 96382  
occurred. 96383

**Sec. 345.01.** The (A) As used in this chapter, "fair market 96384  
value" has the same meaning as in section 5705.01 of the Revised 96385  
Code. 96386

(B) The taxing authority of any municipal corporation, 96387  
township, or county, at any time not less than one hundred days 96388  
prior to a general election in any year, by a vote of two-thirds 96389  
of all members of the taxing authority, may, and upon presentation 96390  
to the clerk or fiscal officer, as the case may be, of the taxing 96391  
authority of a petition signed by not less than two per cent of 96392  
the electors of the political subdivision, as shown at the 96393  
preceding general election held in the subdivision, shall, declare 96394  
by resolution that the amount of taxes which may be raised within 96395  
the ten-mill limitation will be insufficient to provide an 96396  
adequate amount for the necessary requirements of the subdivision, 96397  
and that it is necessary to levy taxes in excess of the limitation 96398  
for either or both of the following purposes: 96399

~~(A)~~ (1) For purchasing a site, and for erecting, equipping, 96400  
and furnishing, or for establishing a memorial to commemorate the 96401  
services of all members and veterans of the armed forces of the 96402  
United States; 96403

~~(B)~~ (2) For the operation and maintenance of a memorial, and 96404  
for the functions related to it. 96405

The resolution shall be confined to the purposes set forth in 96406  
this section, and shall specify the amount of increase in rate 96407  
which it is necessary to levy, expressed both in mills for each 96408  
one dollar of taxable value and in dollars for each one hundred 96409  
thousand dollars of fair market value, the purpose of the rate 96410  
increase, and the number of years during which the increase shall 96411  
be in effect. The increase may include a levy upon the tax 96412  
duplicate of the current year. The number of years shall be any 96413  
number not exceeding ten. The question of an increase in tax rate 96414  
under divisions ~~(A)~~ (B)(1) and ~~(B)~~ (2) of this section may be 96415  
submitted to the electors on one ballot. 96416

The total tax for the purposes included in this section shall 96417  
not, in any year, exceed one mill of each dollar of ~~valuation~~ 96418  
taxable value. 96419

The resolution shall go into immediate effect upon its 96420  
passage, and no publication of the resolution, other than that 96421  
provided for in the notice of election, shall be necessary. 96422

**Sec. 345.03.** A copy of any resolution adopted under section 96423  
345.01 of the Revised Code shall be certified within five days by 96424  
the taxing authority and not later than four ~~p.m.~~ p.m. of the 96425  
ninetieth day before the day of the election, to the county board 96426  
of elections, and such board shall submit the proposal to the 96427  
electors of the subdivision at the succeeding general election. 96428  
The board shall make the necessary arrangements for the submission 96429  
of such question to the electors of the subdivision, and the 96430

election shall be conducted, canvassed, and certified in like manner as regular elections in such subdivision.

Notice of the election shall be published once in a newspaper of general circulation in the subdivision, not less than two weeks prior to such election. The notice shall set out the purpose of the proposed increase in rate, the levy's estimated annual collections, the amount of the increase expressed in dollars ~~and cents~~ for each one hundred thousand dollars of ~~valuation~~ fair market value as well as in mills for each one dollar of ~~property valuation~~ taxable value, the number of years during which such increase will be in effect, and the time and place of holding such election.

**Sec. 345.04.** The form of the ballot cast at a general election, as provided by sections 345.01 to 345.03 of the Revised Code, shall be: "An additional tax for the benefit of (name of subdivision) for the purpose of (state purpose stated in the resolution), that the county auditor estimates will collect \$..... annually, at a rate not exceeding ..... mills for each ~~one dollar~~ \$1 of valuation taxable value, which amounts to ~~(rate expressed in dollars and cents)~~ \$..... for each ~~one hundred dollars~~ \$100,000 of valuation fair market value, for (the number of years the levy is to run).

	For the Tax Levy
	Against the Tax Levy

"

If the tax is to be placed on the current tax list, the form of the ballot shall be modified by adding, after the statement of the number of years the levy is to run, the phrase ", commencing in ..... (first year the tax is to be levied), first due in calendar year ..... (first calendar year in which the tax



shall be due)." 96462

The question covered by the resolution shall be submitted to 96463  
the electors as a separate proposition, but it may be printed on 96464  
the same ballot with any other proposition submitted at the same 96465  
election other than the election of officers. More than one such 96466  
question may be submitted at the same election. 96467

**Sec. 505.37.** (A) The board of township trustees may establish 96468  
all necessary rules to guard against the occurrence of fires and 96469  
to protect the property and lives of the citizens against damage 96470  
and accidents, and may, with the approval of the specifications by 96471  
the prosecuting attorney or, if the township has adopted limited 96472  
home rule government under Chapter 504. of the Revised Code, with 96473  
the approval of the specifications by the township's law director, 96474  
purchase, lease, lease with an option to purchase, or otherwise 96475  
provide any fire apparatus, mechanical resuscitators, underwater 96476  
rescue and recovery equipment, or other fire equipment, 96477  
appliances, materials, fire hydrants, and water supply for 96478  
fire-fighting and fire and rescue purposes that seems advisable to 96479  
the board. The board shall provide for the care and maintenance of 96480  
such fire equipment, and, for these purposes, may purchase, lease, 96481  
lease with an option to purchase, or construct and maintain 96482  
necessary buildings, and it may establish and maintain lines of 96483  
fire-alarm communications within the limits of the township. The 96484  
board may employ one or more persons to maintain and operate such 96485  
fire equipment, or it may enter into an agreement with a volunteer 96486  
fire company for the use and operation of the equipment. The board 96487  
may compensate the members of a volunteer fire company on any 96488  
basis and in any amount that it considers equitable. 96489

96490

When the estimated cost to purchase fire apparatus, 96491  
mechanical resuscitators, underwater rescue and recovery 96492

equipment, or other fire equipment, appliances, materials, fire 96493  
hydrants, buildings, or fire-alarm communications equipment or 96494  
services exceeds fifty thousand dollars, the contract shall be let 96495  
by competitive bidding. When competitive bidding is required, the 96496  
board shall advertise once a week for not less than two 96497  
consecutive weeks in a newspaper of general circulation within the 96498  
township. The board may also cause notice to be inserted in trade 96499  
papers or other publications designated by it or to be distributed 96500  
by electronic means, including posting the notice on the board's 96501  
internet web site. If the board posts the notice on its web site, 96502  
it may eliminate the second notice otherwise required to be 96503  
published in a newspaper of general circulation within the 96504  
township, provided that the first notice published in such 96505  
newspaper meets all of the following requirements: 96506

(1) It is published at least two weeks before the opening of 96507  
bids. 96508

(2) It includes a statement that the notice is posted on the 96509  
board's internet web site. 96510

(3) It includes the internet address of the board's internet 96511  
web site. 96512

(4) It includes instructions describing how the notice may be 96513  
accessed on the board's internet web site. 96514

The advertisement shall include the time, date, and place 96515  
where the clerk of the township, or the clerk's designee, will 96516  
read bids publicly. The time, date, and place of bid openings may 96517  
be extended to a later date by the board of township trustees, 96518  
provided that written or oral notice of the change shall be given 96519  
to all persons who have received or requested specifications not 96520  
later than ninety-six hours prior to the original time and date 96521  
fixed for the opening. The board may reject all the bids or accept 96522  
the lowest and best bid, provided that the successful bidder meets 96523

the requirements of section 153.54 of the Revised Code when the 96524  
contract is for the construction, demolition, alteration, repair, 96525  
or reconstruction of an improvement. 96526

(B) The boards of township trustees of any two or more 96527  
townships, or the legislative authorities of any two or more 96528  
political subdivisions, or any combination of these, may, through 96529  
joint action, unite in the joint purchase, lease, lease with an 96530  
option to purchase, maintenance, use, and operation of fire 96531  
equipment described in division (A) of this section, or for any 96532  
other purpose designated in sections 505.37 to 505.42 of the 96533  
Revised Code, and may prorate the expense of the joint action on 96534  
any terms that are mutually agreed upon. 96535

(C) The board of township trustees of any township may, by 96536  
resolution, whenever it is expedient and necessary to guard 96537  
against the occurrence of fires or to protect the property and 96538  
lives of the citizens against damages resulting from their 96539  
occurrence, create a fire district of any portions of the township 96540  
that it considers necessary. The board may purchase, lease, lease 96541  
with an option to purchase, or otherwise provide any fire 96542  
apparatus, mechanical resuscitators, underwater rescue and 96543  
recovery equipment, or other fire equipment, appliances, 96544  
materials, fire hydrants, and water supply for fire-fighting and 96545  
fire and rescue purposes, or may contract for the fire protection 96546  
for the fire district as provided in section 9.60 of the Revised 96547  
Code. The fire district so created shall be given a separate name 96548  
by which it shall be known. 96549

Additional unincorporated territory of the township may be 96550  
added to a fire district upon the board's adoption of a resolution 96551  
authorizing the addition. A municipal corporation that is within 96552  
or adjoining the township may be added to a fire district upon the 96553  
board's adoption of a resolution authorizing the addition and the 96554  
municipal legislative authority's adoption of a resolution or 96555

ordinance requesting the addition of the municipal corporation to the fire district. 96556  
96557

If the township fire district imposes a tax, additional unincorporated territory of the township or a municipal corporation that is within or adjoining the township shall become part of the fire district only after all of the following have occurred: 96558  
96559  
96560  
96561  
96562

(1) Adoption by the board of township trustees of a resolution approving the expansion of the territorial limits of the district and, if the resolution proposes to add a municipal corporation, adoption by the municipal legislative authority of a resolution or ordinance requesting the addition of the municipal corporation to the district; 96563  
96564  
96565  
96566  
96567  
96568

(2) Adoption by the board of township trustees of a resolution recommending the extension of the tax to the additional territory; 96569  
96570  
96571

(3) The board requests and obtains from the county auditor an estimate of the levy's annual collections in the same manner as required for a tax levy under section 5705.03 of the Revised Code, assuming that the additional territory has been added to the fire district. The auditor shall certify this estimate to the board within ten days after receiving the board's request. 96572  
96573  
96574  
96575  
96576  
96577

(4) Approval of the tax by the electors of the territory proposed for addition to the district. 96578  
96579

Each resolution of the board adopted under division (C)(2) of this section shall state the name of the fire district, a description of the territory to be added, and the rate, expressed in mills for each one dollar of taxable value and in dollars for each one hundred thousand dollars of fair market value, and termination date of the tax, which shall be the rate and termination date of the tax currently in effect in the fire 96580  
96581  
96582  
96583  
96584  
96585  
96586

district. 96587

The board of trustees shall certify each resolution adopted 96588  
under division (C)(2) of this section and the county auditor's 96589  
certification to the board of elections in accordance with section 96590  
5705.19 of the Revised Code. The election required under division 96591  
(C)~~(3)~~ (4) of this section shall be held, canvassed, and certified 96592  
in the manner provided for the submission of tax levies under 96593  
section 5705.25 of the Revised Code, except that the question 96594  
appearing on the ballot shall read: 96595

"Shall the territory within ..... 96596  
(description of the proposed territory to be added) be added to 96597  
..... (name) fire district, and a property tax, 96598  
that the county auditor estimates will collect \$..... annually, at 96599  
a rate ~~of taxation~~ not exceeding ..... ~~(here insert tax rate)~~ 96600  
mills for each \$1 of taxable value, which amounts to \$..... 96601  
for each \$100,000 of fair market value, be in effect for 96602  
..... (here insert the number of years the tax is to be in 96603  
effect or "a continuing period of time," as applicable)?" 96604

If the question is approved by at least a majority of the 96605  
electors voting on it, the joinder shall be effective as of the 96606  
first day of July of the year following approval, and on that 96607  
date, the township fire district tax shall be extended to the 96608  
taxable property within the territory that has been added. If the 96609  
territory that has been added is a municipal corporation and if it 96610  
had adopted a tax levy for fire purposes, the levy is terminated 96611  
on the effective date of the joinder. 96612

Any municipal corporation may withdraw from a township fire 96613  
district created under division (C) of this section by the 96614  
adoption by the municipal legislative authority of a resolution or 96615  
ordinance ordering withdrawal. On the first day of July of the 96616  
year following the adoption of the resolution or ordinance of 96617  
withdrawal, the municipal corporation withdrawing ceases to be a 96618

part of the district, and the power of the fire district to levy a tax upon taxable property in the withdrawing municipal corporation terminates, except that the fire district shall continue to levy and collect taxes for the payment of indebtedness within the territory of the fire district as it was composed at the time the indebtedness was incurred.

Upon the withdrawal of any municipal corporation from a township fire district created under division (C) of this section, the county auditor shall ascertain, apportion, and order a division of the funds on hand, moneys and taxes in the process of collection except for taxes levied for the payment of indebtedness, credits, and real and personal property, either in money or in kind, on the basis of the valuation of the respective tax duplicates of the withdrawing municipal corporation and the remaining territory of the fire district.

A board of township trustees may remove unincorporated territory of the township from the fire district upon the adoption of a resolution authorizing the removal. On the first day of July of the year following the adoption of the resolution, the unincorporated township territory described in the resolution ceases to be a part of the district, and the power of the fire district to levy a tax upon taxable property in that territory terminates, except that the fire district shall continue to levy and collect taxes for the payment of indebtedness within the territory of the fire district as it was composed at the time the indebtedness was incurred.

As used in this section, "fair market value" has the same meaning as in section 5705.01 of the Revised Code.

(D) The board of township trustees of any township, the board of fire district trustees of a fire district created under section 505.371 of the Revised Code, or the legislative authority of any municipal corporation may purchase, lease, or lease with an option

to purchase the necessary fire equipment described in division (A) 96651  
of this section, buildings, and sites for the township, fire 96652  
district, or municipal corporation and issue securities for that 96653  
purpose with maximum maturities as provided in section 133.20 of 96654  
the Revised Code. The board of township trustees, board of fire 96655  
district trustees, or legislative authority may also construct any 96656  
buildings necessary to house fire equipment and issue securities 96657  
for that purpose with maximum maturities as provided in section 96658  
133.20 of the Revised Code. 96659

The board of township trustees, board of fire district 96660  
trustees, or legislative authority may issue the securities of the 96661  
township, fire district, or municipal corporation, signed by the 96662  
board or designated officer of the municipal corporation and 96663  
attested by the signature of the township fiscal officer, fire 96664  
district clerk, or municipal clerk, covering any deferred payments 96665  
and payable at the times provided, which securities shall bear 96666  
interest not to exceed the rate determined as provided in section 96667  
9.95 of the Revised Code, and shall not be subject to Chapter 133. 96668  
of the Revised Code. The legislation authorizing the issuance of 96669  
the securities shall provide for levying and collecting annually 96670  
by taxation, amounts sufficient to pay the interest on and 96671  
principal of the securities. The securities shall be offered for 96672  
sale on the open market or given to the vendor or contractor if no 96673  
sale is made. 96674

Section 505.40 of the Revised Code does not apply to any 96675  
securities issued, or any lease with an option to purchase entered 96676  
into, in accordance with this division. 96677

(E) A board of township trustees of any township or a board 96678  
of fire district trustees of a fire district created under section 96679  
505.371 of the Revised Code may purchase a policy or policies of 96680  
liability insurance for the officers, employees, and appointees of 96681  
the fire department, fire district, or joint fire district 96682

governed by the board that includes personal injury liability 96683  
coverage as to the civil liability of those officers, employees, 96684  
and appointees for false arrest, detention, or imprisonment, 96685  
malicious prosecution, libel, slander, defamation or other 96686  
violation of the right of privacy, wrongful entry or eviction, or 96687  
other invasion of the right of private occupancy, arising out of 96688  
the performance of their duties. 96689

When a board of township trustees cannot, by deed of gift or 96690  
by purchase and upon terms it considers reasonable, procure land 96691  
for a township fire station that is needed in order to respond in 96692  
reasonable time to a fire or medical emergency, the board may 96693  
appropriate land for that purpose under sections 163.01 to 163.22 96694  
of the Revised Code. If it is necessary to acquire additional 96695  
adjacent land for enlarging or improving the fire station, the 96696  
board may purchase, appropriate, or accept a deed of gift for the 96697  
land for these purposes. 96698

(F) As used in this division, "emergency medical service 96699  
organization" has the same meaning as in section 4766.01 of the 96700  
Revised Code. 96701

A board of township trustees, by adoption of an appropriate 96702  
resolution, may choose to have the state board of emergency 96703  
medical, fire, and transportation services license any emergency 96704  
medical service organization it operates. If the board adopts such 96705  
a resolution, Chapter 4766. of the Revised Code, except for 96706  
sections 4766.06 and 4766.99 of the Revised Code, applies to the 96707  
organization. All rules adopted under the applicable sections of 96708  
that chapter also apply to the organization. A board of township 96709  
trustees, by adoption of an appropriate resolution, may remove its 96710  
emergency medical service organization from the jurisdiction of 96711  
the state board of emergency medical, fire, and transportation 96712  
services. 96713



Sec. 505.48. (A) The board of township trustees of any 96714  
township may, by resolution adopted by two-thirds of the members 96715  
of the board, create a township police district comprised of all 96716  
or a portion of the unincorporated territory of the township as 96717  
the resolution may specify. If the township police district does 96718  
not include all of the unincorporated territory of the township, 96719  
the resolution creating the district shall contain a complete and 96720  
accurate description of the territory of the district and a 96721  
separate and distinct name for the district. 96722

At any time not less than one hundred twenty days after a 96723  
township police district is created and operative, the territorial 96724  
limits of the district may be altered in the manner provided in 96725  
division (B) of this section or, if applicable, as provided in 96726  
section 505.482 of the Revised Code. 96727

(B) Except as otherwise provided in section 505.481 of the 96728  
Revised Code, the territorial limits of a township police district 96729  
may be altered by a resolution adopted by a two-thirds vote of the 96730  
board of township trustees. If the township police district 96731  
imposes a tax, any territory proposed for addition to the district 96732  
shall become part of the district only after all of the following 96733  
have occurred: 96734

(1) Adoption by two-thirds vote of the board of township 96735  
trustees of a resolution approving the expansion of the 96736  
territorial limits of the district; 96737

(2) Adoption by a two-thirds vote of the board of township 96738  
trustees of a resolution recommending the extension of the tax to 96739  
the additional territory; 96740

(3) The board requests and obtains from the county auditor an 96741  
estimate of the levy's annual collections, assuming that the 96742  
additional territory has been added to the township police 96743  
district, in the same manner as required for a tax levy under 96744

section 5705.03 of the Revised Code. The auditor shall certify this estimate to the board within ten days after receiving the board's request. 96745  
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(4) Approval of the tax by the electors of the territory proposed for addition to the district. 96748  
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Each resolution of the board adopted under division (B)(2) of this section shall state the name of the township police district, a description of the territory to be added, and the rate, expressed in mills for each one dollar of taxable value and in dollars for each one hundred thousand dollars of fair market value, and termination date of the tax, which shall be the rate and termination date of the tax currently in effect in the district. 96750  
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The board of trustees shall certify each resolution adopted under division (B)(2) of this section and the county auditor's certification to the board of elections in accordance with section 5705.19 of the Revised Code. The election required under division (B)~~(3)~~ (4) of this section shall be held, canvassed, and certified in the manner provided for the submission of tax levies under section 5705.25 of the Revised Code, except that the question appearing on the ballot shall read: 96758  
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"Shall the territory within .....  
(description of the proposed territory to be added) be added to ..... (name) township police district, and a property tax, that the county auditor estimates will collect \$..... annually, at a rate ~~of taxation~~ not exceeding ..... ~~(here insert tax rate)~~ mills for each \$1 of taxable value, which amounts to \$..... for each \$100,000 of fair market value, be in effect for ..... (here insert the number of years the tax is to be in effect or "a continuing period of time," as applicable)?" 96766  
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If the question is approved by at least a majority of the 96775

electors voting on it, the joinder shall be effective as of the 96776  
first day of January of the year following approval, and, on that 96777  
date, the township police district tax shall be extended to the 96778  
taxable property within the territory that has been added. 96779

As used in this section, "fair market value" has the same 96780  
meaning as in section 5705.01 of the Revised Code. 96781

**Sec. 505.481.** (A) If a township police district does not 96782  
include all the unincorporated territory of the township, the 96783  
remaining unincorporated territory of the township may be added to 96784  
the district by a resolution adopted by a unanimous vote of the 96785  
board of township trustees to place the issue of expansion of the 96786  
district on the ballot for the electors of the entire 96787  
unincorporated territory of the township. The resolution shall 96788  
state whether the proposed township police district initially will 96789  
hire personnel as provided in section 505.49 of the Revised Code 96790  
or contract for the provision of police protection services or 96791  
additional police protection services as provided in section 96792  
505.43 or 505.50 of the Revised Code. If the board proposes to 96793  
levy a tax throughout all of the unincorporated territory of the 96794  
township, the board shall request and obtain from the county 96795  
auditor an estimate of the levy's annual collections, assuming 96796  
that the unincorporated territory has been added to the township 96797  
police district, in the same manner as required for a tax levy 96798  
under section 5705.03 of the Revised Code. The auditor shall 96799  
certify this estimate to the board within ten days after receiving 96800  
the board's request. 96801

The ballot measure shall provide for the addition into a new 96802  
district of all the unincorporated territory of the township not 96803  
already included in the township police district and for the levy 96804  
of any tax then imposed by the district throughout the 96805  
unincorporated territory of the township. The measure shall state 96806

the rate of the tax, if any, to be imposed in the district 96807  
resulting from approval of the measure, expressed in mills for 96808  
each one dollar of taxable value and in dollars for each one 96809  
hundred thousand dollars of fair market value, which need not be 96810  
the same rate of any tax imposed by the existing district, ~~and~~ the 96811  
last year in which the tax will be levied or that it will be 96812  
levied for a continuous period of time, and the county auditor's 96813  
estimate of the levy's annual collections. 96814

(B) The election on the measure shall be held, canvassed, and 96815  
certified in the manner provided for the submission of tax levies 96816  
under section 5705.25 of the Revised Code, except that the 96817  
question appearing on the ballot shall read substantially as 96818  
follows: 96819

"Shall the unincorporated territory within ..... (name 96820  
of the township) not already included within the ..... (name 96821  
of township police district) be added to the township police 96822  
district to create the ..... (name of new township police 96823  
district) township police district?" 96824

The name of the proposed township police district shall be 96825  
separate and distinct from the name of the existing township 96826  
police district. 96827

If a tax is imposed in the existing township police district, 96828  
the question shall be modified by adding, at the end of the 96829  
question, the following: ", and shall a property tax be levied in 96830  
the new township police district, replacing the tax in the 96831  
existing township police district, that the county auditor 96832  
estimates will collect \$..... annually, at a rate not exceeding 96833  
..... mills ~~per dollar for each \$1~~ of taxable ~~valuation value,~~ 96834  
which amounts to \$..... (~~rate expressed in dollars and cents~~ 96835  
~~per one thousand dollars in taxable valuation)~~ for each \$100,000 96836  
of fair market value, for ..... (number of years the tax will be 96837  
levied, or "a continuing period of time")." 96838

If the measure is not approved by a majority of the electors voting on it, the township police district shall continue to occupy its existing territory until altered as provided in this section or section 505.48 of the Revised Code, and any existing tax imposed under section 505.51 of the Revised Code shall remain in effect in the existing district at the existing rate and for as long as provided in the resolution under the authority of which the tax is levied.

As used in this section, "fair market value" has the same meaning as in section 5705.01 of the Revised Code.

**Sec. 511.27.** (A) To defray the expenses of the township park district and for purchasing, appropriating, operating, maintaining, and improving lands for parks or recreational purposes, the board of park commissioners may levy a sufficient tax within the ten-mill limitation, not to exceed one mill on each dollar of ~~valuation~~ taxable value on all real and personal property within the township, and on all real and personal property within any municipal corporation that is within the township, that was within the township at the time that the park district was established, or the boundaries of which are coterminous with or include the township. The levy shall be over and above all other taxes and limitations on such property authorized by law.

(B) Except as otherwise provided in division (C) of this section, the board of park commissioners, not less than ninety days before the day of the election, may declare by resolution that the amount of taxes that may be raised within the ten-mill limitation will be insufficient to provide an adequate amount for the necessary requirements of the district and that it is necessary to levy a tax in excess of that limitation for the use of the district. The resolution shall specify the purpose for

which the taxes shall be used, the annual rate proposed, and the number of consecutive years the levy will be in effect. Upon the adoption of the resolution, the question of levying the taxes shall be submitted to the electors of the township and the electors of any municipal corporation that is within the township, that was within the township at the time that the park district was established, or the boundaries of which are coterminous with or include the township, at a special election to be held on whichever of the following occurs first:

(1) The day of the next ensuing general election;

(2) The first Tuesday after the first Monday in May of any calendar year, except that, if a presidential primary election is held in that calendar year, then the day of that election.

The rate submitted to the electors at any one election shall not exceed two mills annually upon each dollar of ~~valuation~~ taxable value. If a majority of the electors voting upon the question of the levy vote in favor of the levy, the tax shall be levied on all real and personal property within the township and on all real and personal property within any municipal corporation that is within the township, that was within the township at the time that the park district was established, or the boundaries of which are coterminous with or include the township, and the levy shall be over and above all other taxes and limitations on such property authorized by law.

(C) In any township park district that contains only unincorporated territory, if the township board of park commissioners is appointed by the board of township trustees, before a tax can be levied and certified to the county auditor pursuant to section 5705.34 of the Revised Code or before a resolution for a tax levy can be certified to the board of elections pursuant to section 511.28 of the Revised Code, the board of park commissioners shall receive approval for its levy

request from the board of township trustees. The board of park 96902  
commissioners shall adopt a resolution requesting the board of 96903  
township trustees to approve the levy request, stating the annual 96904  
rate of the proposed levy and the reason for the levy request. On 96905  
receiving this request, the board of township trustees shall vote 96906  
on whether to approve the request and, if a majority votes to 96907  
approve it, shall issue a resolution approving the levy at the 96908  
requested rate. 96909

**Sec. 511.28.** A copy of any resolution for a tax levy adopted 96910  
by the township board of park commissioners as provided in section 96911  
511.27 of the Revised Code shall be certified by the clerk of the 96912  
board of park commissioners to the board of elections of the 96913  
proper county, together with a certified copy of the resolution 96914  
approving the levy, passed by the board of township trustees if 96915  
such a resolution is required by division (C) of section 511.27 of 96916  
the Revised Code, not less than ninety days before a general or 96917  
primary election in any year. The board of elections shall submit 96918  
the proposal to the electors as provided in section 511.27 of the 96919  
Revised Code at the succeeding general or primary election. A 96920  
resolution to renew an existing levy may not be placed on the 96921  
ballot unless the question is submitted at the general election 96922  
held during the last year the tax to be renewed may be extended on 96923  
the real and public utility property tax list and duplicate, or at 96924  
any election held in the ensuing year. The board of park 96925  
commissioners shall cause notice that the vote will be taken to be 96926  
published once a week for two consecutive weeks prior to the 96927  
election in a newspaper of general circulation, or as provided in 96928  
section 7.16 of the Revised Code, in the county within which the 96929  
park district is located. Additionally, if the board of elections 96930  
operates and maintains a web site, the board of elections shall 96931  
post that notice on its web site for thirty days prior to the 96932  
election. The notice shall state the purpose of the proposed levy, 96933

the levy's estimated annual collections, the annual rate proposed 96934  
expressed in dollars ~~and cents~~ for each one hundred thousand 96935  
dollars of ~~valuation~~ fair market value as well as in mills for 96936  
each one dollar of ~~valuation~~ taxable value, the number of 96937  
consecutive years during which the levy shall be in effect, and 96938  
the time and place of the election. 96939

The form of the ballots cast at the election shall be: "An 96940  
additional tax for the benefit of (name of township park district) 96941  
..... for the purpose of (purpose stated in the order of the 96942  
board) ....., that the county auditor estimates will collect 96943  
\$..... annually, at a rate not exceeding ..... mills for each 96944  
~~one dollar~~ \$1 of valuation taxable value, which amounts to (~~rate~~ 96945  
~~expressed in dollars and cents~~) \$..... for each ~~one hundred~~ 96946  
~~dollars~~ \$100,000 of valuation fair market value, for (number of 96947  
years the levy is to run) .....

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

"

If the levy submitted is a proposal to renew, increase, or 96953  
decrease an existing levy, the form of the ballot specified in 96954  
this section ~~may~~ shall be changed by substituting for the words 96955  
"An additional" at the beginning of the form, the words "A renewal 96956  
of a" in the case of a proposal to renew an existing levy in the 96957  
same amount; the words "A renewal of ..... mills and an 96958  
increase of ..... mills for each \$1 of taxable value to 96959  
constitute a" in the case of an increase; or the words "A renewal 96960  
of part of an existing levy, being a reduction of ..... mills 96961  
for each \$1 of taxable value, to constitute a" in the case of a 96962  
decrease in the rate of the existing levy. 96963

If the tax is to be placed on the current tax list, the form 96964



of the ballot shall be modified by adding, after the statement of 96965  
the number of years the levy is to run, the phrase ", commencing 96966  
in ..... (first year the tax is to be levied), first due in 96967  
calendar year ..... (first calendar year in which the tax 96968  
shall be due)."

The question covered by the order shall be submitted as a 96970  
separate proposition, but may be printed on the same ballot with 96971  
any other proposition submitted at the same election, other than 96972  
the election of officers. More than one such question may be 96973  
submitted at the same election. 96974

As used in this section, "fair market value" has the same 96975  
meaning as in section 5705.01 of the Revised Code. 96976

**Sec. 511.34.** In townships composed of islands, and on one of 96977  
which islands lands have been conveyed in trust for the benefit of 96978  
the inhabitants of the island for use as a park, and a board of 96979  
park trustees has been provided for the control of the park, the 96980  
board of township trustees may create a tax district of the island 96981  
to raise funds by taxation as provided under divisions (A) and (B) 96982  
of this section. 96983

(A) For the care and maintenance of parks on the island, the 96984  
board of township trustees annually may levy a tax, not to exceed 96985  
one mill for each one dollar of taxable value, upon all the 96986  
taxable property in the district. The tax shall be in addition to 96987  
all other levies authorized by law, and subject to no limitation 96988  
on tax rates except as provided in this division. 96989

The proceeds of the tax levy shall be expended by the board 96990  
of township trustees for the purpose of the care and maintenance 96991  
of the parks, and shall be paid out of the township treasury upon 96992  
the orders of the board of park trustees. 96993

(B) For the purpose of acquiring additional land for use as a 96994

park, the board of township trustees may levy a tax in excess of 96995  
the ten-mill limitation on all taxable property in the district. 96996  
The tax shall be proposed by resolution adopted by two-thirds of 96997  
the members of the board of township trustees. The resolution 96998  
shall specify the purpose and rate of the tax and the number of 96999  
years the tax will be levied, which shall not exceed five years, 97000  
and which may include a levy on the current tax list and 97001  
duplicate. The resolution shall go into immediate effect upon its 97002  
passage, and no publication of the resolution is necessary other 97003  
than that provided for in the notice of election. The board of 97004  
township trustees shall certify a copy of the resolution to the 97005  
proper board of elections not later than ninety days before the 97006  
primary or general election in the township, and the board of 97007  
elections shall submit the question of the tax to the voters of 97008  
the district at the succeeding primary or general election. The 97009  
board of elections shall make the necessary arrangements for the 97010  
submission of the question to the electors of the district, and 97011  
the election shall be conducted, canvassed, and certified in the 97012  
same manner as regular elections in the township for the election 97013  
of officers. Notice of the election shall be published in a 97014  
newspaper of general circulation in the township once a week for 97015  
two consecutive weeks, or as provided in section 7.16 of the 97016  
Revised Code prior to the election. If the board of elections 97017  
operates and maintains a web site, notice of the election also 97018  
shall be posted on that web site for thirty days prior to the 97019  
election. The notice shall state the purpose of the tax, the 97020  
levy's estimated annual collections, the proposed rate of the tax 97021  
expressed in dollars ~~and cents~~ for each one hundred thousand 97022  
dollars of ~~valuation~~ fair market value and mills for each one 97023  
dollar of ~~valuation~~ taxable value, the number of years the tax 97024  
will be in effect, the first year the tax will be levied, and the 97025  
time and place of the election. 97026

The form of the ballots cast at an election held under this 97027

division shall be as follows: 97028

"An additional tax for the benefit of ..... (name of the 97029  
township) for the purpose of acquiring additional park land, that 97030  
the county auditor estimates will collect \$.... annually, at a 97031  
rate of ..... mills for each ~~one dollar~~ \$1 of valuation 97032  
taxable value, which amounts to \$..... (~~rate expressed in~~ 97033  
~~dollars and cents~~) for each ~~one hundred dollars~~ \$100,000 of 97034  
valuation fair market value, for ..... (number of years the 97035  
levy is to run) beginning in ..... (first year the tax will 97036  
be levied). 97037

	FOR THE TAX LEVY	
	AGAINST THE TAX LEVY	"

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97039  
97040  
97041

The question shall be submitted as a separate proposition but 97042  
may be printed on the same ballot with any other proposition 97043  
submitted at the same election other than the election of 97044  
officers. More than one such question may be submitted at the same 97045  
election. 97046

If the levy is approved by a majority of electors voting on 97047  
the question, the board of elections shall certify the result of 97048  
the election to the tax commissioner. In the first year of the 97049  
levy, the tax shall be extended on the tax lists after the 97050  
February settlement following the election. If the tax is to be 97051  
placed on the tax lists of the current year as specified in the 97052  
resolution, the board of elections shall certify the result of the 97053  
election immediately after the canvass to the board of township 97054  
trustees, which shall forthwith make the necessary levy and 97055  
certify the levy to the county auditor, who shall extend the levy 97056  
on the tax lists for collection. After the first year of the levy, 97057  
the levy shall be included in the annual tax budget that is 97058

certified to the county budget commission. 97059

As used in this section, "fair market value" has the same 97060

meaning as in section 5705.01 of the Revised Code. 97061

**Sec. 513.18.** In the event any township, contiguous to a joint 97062  
township hospital district, desires to become a part of such 97063  
district in existence under sections 513.07 to 513.18 of the 97064  
Revised Code, its board of township trustees, by a two-thirds 97065  
favorable vote of the members of such board, after the existing 97066  
joint township hospital board has, by a majority favorable vote of 97067  
the members thereof, approved the terms under which such township 97068  
proposes to join the district, shall become a part of the joint 97069  
township district hospital board under such terms and with all the 97070  
rights, privileges, and responsibilities enjoyed by and extended 97071  
to the existing members of the hospital board under such sections, 97072  
including representation on the board of hospital governors by the 97073  
appointment of an elector of such township as a member thereof. ~~If~~ 97074

If the terms under which such township proposes to join the 97075  
hospital district involve a tax levy for the purpose of sharing 97076  
the existing obligations, including bonded indebtedness, of the 97077  
district or the necessary operating expenses of such hospital, 97078  
such township shall not become a part of the district until its 97079  
electors have approved such levy as provided in this section. In 97080  
such a case, the board of township trustees shall request from the 97081  
county auditor an estimate of the levy's annual collections in the 97082  
same manner as required for a tax levy under section 5705.03 of 97083  
the Revised Code, assuming that the township has been added to the 97084  
hospital district. The auditor shall certify this estimate to the 97085  
board within ten days after receiving the board's request. 97086

Upon request of the board of township trustees of the 97087  
township proposing to join such district, by resolution approved 97088  
by a two-thirds vote of its members, the board of elections of the 97089

county in which the township lies shall place upon the ballot for 97090  
submission to the electorate of such township at the next primary 97091  
or general election occurring not less than ninety nor more than 97092  
one hundred thirty-five days after such request is received from 97093  
the board of township trustees the question of levying a tax, not 97094  
to exceed one mill outside the ten-mill limitation, for a period 97095  
of not to exceed five years, to provide funds for the payment of 97096  
the township's share of the necessary expenses incurred in the 97097  
operation of such hospital, or the question of levying a tax to 97098  
pay the township's share of the existing obligations, including 97099  
bonded indebtedness, of the district, or both questions may be 97100  
submitted at the same primary or general election. ~~If~~ The question 97101  
appearing on the ballot shall read: 97102

"Shall ..... (name of township) be added to the ..... (name 97103  
of joint township hospital district), and property tax be levied 97104  
for the purpose of ..... (purpose of tax), that the county auditor 97105  
estimates will collect \$..... annually, at a rate not exceeding 97106  
..... mills for each \$1 of taxable value, which amounts to \$..... 97107  
for each \$100,000 of fair market value, to be in effect for .....  97108  
(number of years the tax is to be in effect)?" 97109

If a majority of the electors voting on the propositions vote 97110  
in favor thereof, the county auditor shall place such levies on 97111  
the tax duplicate against the property in the township, which 97112  
township shall thereby become a part of said joint township 97113  
hospital district. 97114

**Sec. 755.181.** The legislative authority of any municipal 97115  
corporation, township, township park district, county, or school 97116  
district desiring to join a joint recreation district created 97117  
under section 755.14 of the Revised Code may, by resolution, 97118  
petition the joint recreation district board of trustees for 97119  
membership. If the joint recreation district does not impose a 97120

tax, the petitioning subdivision becomes a member upon approval by 97121  
the joint recreation district's board of trustees. If the joint 97122  
recreation district imposes a tax, the petitioning subdivision 97123  
becomes a member after approval by the joint recreation district's 97124  
board of trustees and after approval of the tax by the electors of 97125  
the petitioning subdivision. In such a case, the joint recreation 97126  
district's board of trustees shall request from the county auditor 97127  
an estimate of the levy's annual collections in the same manner as 97128  
required for a tax levy under section 5705.03 of the Revised Code, 97129  
assuming that the subdivision's territory has been added to the 97130  
joint recreation district. The auditor shall certify this estimate 97131  
to the board within ten days after receiving the board's request. 97132

Upon certification by the board of trustees of the joint 97133  
recreation district to the appropriate boards of election, the 97134  
boards of election shall make the necessary arrangements for the 97135  
submission of the question to the electors of the petitioning 97136  
subdivision qualified to vote thereon. The election shall be held, 97137  
canvassed, and certified in the manner provided for the submission 97138  
of tax levies under section 5705.19 of the Revised Code, except 97139  
that the question appearing on the ballot shall read: 97140

"Shall the territory within ..... (Name of the 97141  
subdivision to be added) be added to ..... (Name) 97142  
joint recreation district, and a property tax, that the county 97143  
auditor estimates will collect \$..... annually, at a rate of 97144  
taxation not exceeding ..... (here insert tax rate) 97145  
mills for each \$1 of taxable value, which amounts to 97146  
\$..... for each \$100,000 of fair market value, be in 97147  
effect for ..... (here insert the number of years the 97148  
tax is to be in effect)?" ~~if~~ 97149

If the question is approved by at least a majority of the 97150  
electors voting on it, the joinder shall be effective as of the 97151  
first day of January of the year following approval, and on that 97152

date, the joint recreation district tax shall be extended to the 97153  
taxable property within the territory that has been added. 97154

The legislative authority of any subdivision that is a member 97155  
of a joint recreation district may withdraw from it upon 97156  
certification of a resolution proclaiming a withdrawal to the 97157  
joint recreation district's board of trustees. Any subdivision 97158  
withdrawing from a joint recreation district shall continue to 97159  
have levied against its tax duplicate any tax levied by the 97160  
district on the effective date of the withdrawal until it expires 97161  
or is renewed. Members of a joint recreation district's board of 97162  
trustees who represent the withdrawing subdivision are deemed to 97163  
have resigned their position upon certification of a withdrawal 97164  
resolution. Upon the withdrawal of any subdivision from a joint 97165  
recreation district, the county auditor shall ascertain, 97166  
apportion, and order a division of the funds on hand, moneys and 97167  
taxes in the process of collection, except for taxes levied for 97168  
the payment of indebtedness, credits, and real and personal 97169  
property, either in money or in kind, on the basis of the 97170  
valuation of the respective tax duplicates of the withdrawing 97171  
subdivision and the remaining territory of the joint recreation 97172  
district. 97173

When the number of subdivisions comprising a joint recreation 97174  
district is reduced to one, the joint recreation district ceases 97175  
to exist, and the funds, credits, and property remaining after 97176  
apportionments to withdrawing subdivisions shall be assumed by the 97177  
one remaining subdivision. When a joint recreation district ceases 97178  
to exist and indebtedness remains unpaid, the board of county 97179  
commissioners shall continue to levy and collect taxes for the 97180  
payment of that indebtedness within the territory of the joint 97181  
recreation district as it was comprised at the time the 97182  
indebtedness was incurred. 97183

As used in this section, "fair market value" has the same 97184

meaning as in section 5705.01 of the Revised Code. 97185

**Sec. 1545.041.** (A) Any township park district created 97186  
pursuant to section 511.18 of the Revised Code that includes park 97187  
land located outside the township in which the park district was 97188  
established may be converted under the procedures provided in this 97189  
section into a park district to be operated and maintained as 97190  
provided for in this chapter, provided that there is no existing 97191  
park district created under section 1545.04 of the Revised Code in 97192  
the county in which the township park district is located. The 97193  
proposed park district shall include within its boundary all 97194  
townships and municipal corporations in which lands owned by the 97195  
township park district seeking conversion are located, and may 97196  
include any other townships and municipal corporations in the 97197  
county in which the township park district is located. 97198

(B) Conversion of a township park district into a park 97199  
district operated and maintained under this chapter shall be 97200  
initiated by a resolution adopted by the board of park 97201  
commissioners of the park district. Any resolution initiating a 97202  
conversion shall include the following: 97203

(1) The name of the township park district seeking 97204  
conversion; 97205

(2) The name of the proposed park district; 97206

(3) An accurate description of the territory to be included 97207  
in the proposed district; 97208

(4) An accurate map or plat of the proposed park district. 97209  
The resolution may also include a proposed tax levy for the 97210  
operation and maintenance of the proposed park district. If such a 97211  
tax levy is proposed, the resolution shall specify the annual rate 97212  
of the tax, expressed in dollars ~~and cents~~ for each one hundred 97213  
thousand dollars of ~~valuation~~ fair market value and in mills for 97214



each dollar of ~~valuation~~ taxable value, and ~~shall specify~~ the 97215  
number of consecutive years the levy will be in effect. The annual 97216  
rate of such a tax may not be higher than the total combined 97217  
millage of all levies then in effect for the benefit of the 97218  
township park district named in the resolution. 97219

(C) Upon adoption of the resolution provided for in division 97220  
(B) of this section, the board of park commissioners of the 97221  
township park district seeking conversion under this section shall 97222  
certify the resolution to the county auditor, who shall certify to 97223  
the board within ten days after receiving that resolution an 97224  
estimate of the proposed levy's annual collections within the 97225  
territory of the proposed park district in the same manner as 97226  
required for a tax levy under section 5705.03 of the Revised Code. 97227

The board shall certify the resolution and the county 97228  
auditor's certification to the board of elections of the county in 97229  
which the park district is located no later than four p.m. of the 97230  
seventy-fifth day before the day of the election at which the 97231  
question will be voted upon. Upon certification of the resolution 97232  
to the board, the board of elections shall make the necessary 97233  
arrangements to submit the question of conversion of the township 97234  
park into a park district operated and maintained under Chapter 97235  
1545. of the Revised Code, to the electors qualified to vote at 97236  
the next primary or general election who reside in the territory 97237  
of the proposed park district. The question shall provide for a 97238  
tax levy if such a levy is specified in the resolution. 97239

(D) The ballot submitted to the electors as provided in 97240  
division (C) of this section shall contain the following language: 97241

"Shall the ..... (name of the township park 97242  
district seeking conversion) be converted into a park district to 97243  
be operated and maintained under Chapter 1545. of the Revised Code 97244  
under the name of ..... (name of proposed park 97245  
district), which park district shall include the following 97246

townships and municipal corporations: 97247

(Name townships and municipal corporations) 97248

Approval of the proposed conversion will result in the 97249  
 termination of all existing tax levies voted for the benefit of 97250  
 ..... (name of the township park district sought to be 97251  
 converted) and in the levy of a new tax for the operation and 97252  
 maintenance of ..... (name of proposed park district), 97253  
that the county auditor estimates will collect \$..... annually, at 97254  
 a rate not exceeding ..... (~~number of mills~~) mills for each 97255  
~~one dollar~~ \$1 of valuation taxable value, which is amounts to 97256  
\$..... (~~rate expressed in dollars and cents~~) for each ~~one~~ 97257  
~~hundred dollars~~ \$100,000 of valuation fair market value, for ..... 97258  
 (number of years the millage is to be imposed) years, commencing 97259  
 on the ..... (year) tax duplicate. 97260

	For the proposed conversion	
	Against the proposed conversion	"

97261  
 97262  
 97263  
 97264

(E) If the proposed conversion is approved by at least a 97265  
 majority of the electors voting on the proposal, the township park 97266  
 district that seeks conversion shall become a park district 97267  
 subject to Chapter 1545. of the Revised Code effective the first 97268  
 day of January following approval by the voters. The park district 97269  
 shall have the name specified in the resolution, and effective the 97270  
 first day of January following approval by the voters, the 97271  
 following shall occur: 97272

(1) The indebtedness of the former township park district 97273  
 shall be assumed by the new park district; 97274

(2) All rights, assets, properties, and other interests of 97275  
 the former township park district shall become vested in the new 97276  
 park district, including the rights to any tax revenues previously 97277

vested in the former township park district; provided, that all 97278  
tax levies in excess of the ten mill limitation approved for the 97279  
benefit of the former township park district shall be removed from 97280  
the tax lists after the February settlement next succeeding the 97281  
conversion. Any tax levy approved in connection with the 97282  
conversion shall be certified as provided in section 5705.25 of 97283  
the Revised Code. 97284

(3) The members of the board of park commissioners of the 97285  
former township park district shall be the members ~~of the members~~ 97286  
of the board of park commissioners of the new park district, with 97287  
all the same powers and duties as if appointed under section 97288  
1545.05 of the Revised Code. The term of each such commissioner 97289  
shall expire on the first day of January of the year following the 97290  
year in which his term would have expired under section 511.19 of 97291  
the Revised Code. Thereafter, commissioners shall be appointed 97292  
pursuant to section 1545.05 of the Revised Code. 97293

As used in this section, "fair market value" has the same 97294  
meaning as in section 5705.01 of the Revised Code. 97295

**Sec. 1545.21.** The board of park commissioners, by resolution, 97296  
may submit to the electors of the park district the question of 97297  
levying taxes for the use of the district. The resolution shall 97298  
declare the necessity of levying such taxes, shall specify the 97299  
purpose for which such taxes shall be used, the annual rate 97300  
proposed, and the number of consecutive years the rate shall be 97301  
levied. Such resolution shall be forthwith certified to the board 97302  
of elections in each county in which any part of such district is 97303  
located, not later than the ninetieth day before the day of the 97304  
election, and the question of the levy of taxes as provided in 97305  
such resolution shall be submitted to the electors of the district 97306  
at a special election to be held on whichever of the following 97307  
occurs first: 97308

(A) The day of the next general election; 97309

(B) The first Tuesday after the first Monday in May in any 97310  
calendar year, except that if a presidential primary election is 97311  
held in that calendar year, then the day of that election. ~~The~~ 97312

The ballot shall set forth the purpose for which the taxes 97313  
shall be levied, the levy's estimated annual collections, the 97314  
annual rate of levy, and the number of years of such levy. If the 97315  
tax is to be placed on the current tax list, the form of the 97316  
ballot shall state that the tax will be levied in the current tax 97317  
year and shall indicate the first calendar year the tax will be 97318  
due. ~~It~~ 97319

If the resolution of the board of park commissioners provides 97320  
that an existing levy will be canceled upon the passage of the new 97321  
levy, the ballot ~~may~~ must include a statement that: "an existing 97322  
levy of ... mills (stating the original levy millage) for each \$1 97323  
of taxable value, which amounts to \$... for each \$100,000 of fair 97324  
market value, having ... years remaining, will be canceled and 97325  
replaced upon the passage of this levy." In such case, the ballot 97326  
may refer to the new levy as a "replacement levy" if the new 97327  
millage does not exceed the original millage of the levy being 97328  
canceled or as a "replacement and additional levy" if the new 97329  
millage exceeds the original millage of the levy being canceled. 97330  
If a majority of the electors voting upon the question of such 97331  
levy vote in favor thereof, such taxes shall be levied and shall 97332  
be in addition to the taxes authorized by section 1545.20 of the 97333  
Revised Code, and all other taxes authorized by law. The rate 97334  
submitted to the electors at any one time shall not exceed two 97335  
mills annually upon each dollar of ~~valuation~~ taxable value unless 97336  
the purpose of the levy includes providing operating revenues for 97337  
one of Ohio's major metropolitan zoos, as defined in section 97338  
4503.74 of the Revised Code, in which case the rate shall not 97339  
exceed three mills annually upon each dollar of ~~valuation~~ taxable 97340

value. When a tax levy has been authorized as provided in this 97341  
section or in section 1545.041 of the Revised Code, the board of 97342  
park commissioners may issue bonds pursuant to section 133.24 of 97343  
the Revised Code in anticipation of the collection of such levy, 97344  
provided that such bonds shall be issued only for the purpose of 97345  
acquiring and improving lands. Such levy, when collected, shall be 97346  
applied in payment of the bonds so issued and the interest 97347  
thereon. The amount of bonds so issued and outstanding at any time 97348  
shall not exceed one per cent of the total ~~tax valuation~~ taxable 97349  
value in such district. Such bonds shall bear interest at a rate 97350  
not to exceed the rate determined as provided in section 9.95 of 97351  
the Revised Code. 97352

**Sec. 1711.30.** Before issuing bonds under section 1711.28 of 97353  
the Revised Code, the board of county commissioners, by 97354  
resolution, shall submit to the qualified electors of the county 97355  
at the next general election for county officers, held not less 97356  
than ninety days after receiving from the county agricultural 97357  
society the notice provided for in section 1711.25 of the Revised 97358  
Code, the question of issuing and selling such bonds in such 97359  
amount and denomination as are necessary for the purpose in view, 97360  
and shall certify a copy of such resolution to the county board of 97361  
elections. 97362

The county board of elections shall place the question of 97363  
issuing and selling such bonds upon the ballot and make all other 97364  
necessary arrangements for the submission, at the time fixed by 97365  
such resolution, of such question to such electors. The votes cast 97366  
at such election upon such question must be counted, canvassed, 97367  
and certified in the same manner, except as provided by law, as 97368  
votes cast for county officers. Fifteen days' notice of such 97369  
submission shall be given by the county board of elections, by 97370  
publication once a week for two consecutive weeks in a newspaper 97371  
of general circulation in the county or as provided in section 97372

7.16 of the Revised Code, stating the amount of bonds to be 97373  
issued, the purpose for which they are to be issued, and the time 97374  
and places of holding such election. ~~Such~~ If the resolution 97375  
proposes the levy of a tax under section 1711.29 of the Revised 97376  
Code, the notice shall include the tax's estimated annual 97377  
collections and the rate of the tax in both mills for each one 97378  
dollar of taxable value and in dollars for each one hundred 97379  
thousand dollars in fair market value. 97380

The question must be stated on the ballot as follows: "For 97381  
the issue of county fair bonds, yes"; "For the issue of county 97382  
fair bonds, no." ~~If~~ 97383

If the resolution proposes the levy of a tax under section 97384  
1711.29 of the Revised Code, the question appearing on the ballot 97385  
shall include the tax's estimated annual collections and the rate 97386  
of the tax in both mills for each one dollar of taxable value and 97387  
in dollars for each one hundred thousand dollars in fair market 97388  
value. 97389

If the majority of those voting upon the question of issuing 97390  
the bonds vote in favor thereof, then and only then shall they be 97391  
issued and the tax provided for in section 1711.29 of the Revised 97392  
Code be levied. 97393

As used in this section, "fair market value" has the same 97394  
meaning as in section 5705.01 of the Revised Code. 97395

**Sec. 3311.50.** (A) As used in this section, "county school 97396  
financing district" means a taxing district consisting of the 97397  
following territory: 97398

(1) The territory that constitutes the educational service 97399  
center on the date that the governing board of that educational 97400  
service center adopts a resolution under division (B) of this 97401  
section declaring that the territory of the educational service 97402

center is a county school financing district, exclusive of any 97403  
territory subsequently withdrawn from the district under division 97404  
(D) of this section; 97405

(2) Any territory that has been added to the county school 97406  
financing district under this section. 97407

A county school financing district may include the territory 97408  
of a city, local, or exempted village school district whose 97409  
territory also is included in the territory of one or more other 97410  
county school financing districts. 97411

(B) The governing board of any educational service center 97412  
may, by resolution, declare that the territory of the educational 97413  
service center is a county school financing district. The 97414  
resolution shall state the purpose for which the county school 97415  
financing district is created, which may be for any one or more of 97416  
the following purposes: 97417

(1) To levy taxes for the provision of special education by 97418  
the school districts that are a part of the district, including 97419  
taxes for permanent improvements for special education; 97420

(2) To levy taxes for the provision of specified educational 97421  
programs and services by the school districts that are a part of 97422  
the district, as identified in the resolution creating the 97423  
district, including the levying of taxes for permanent 97424  
improvements for those programs and services. Services financed by 97425  
the levy may include school safety and security and mental health 97426  
services, including training and employment of or contracting for 97427  
the services of safety personnel, mental health personnel, social 97428  
workers, and counselors. 97429

(3) To levy taxes for permanent improvements of school 97430  
districts that are a part of the district. 97431

The governing board of the educational service center that 97432  
creates a county school financing district shall serve as the 97433

taxing authority of the district and may use educational service 97434  
center governing board employees to perform any of the functions 97435  
necessary in the performance of its duties as a taxing authority. 97436  
A county school financing district shall not employ any personnel. 97437

With the approval of a majority of the members of the board 97438  
of education of each school district within the territory of the 97439  
county school financing district, the taxing authority of the 97440  
financing district may amend the resolution creating the district 97441  
to broaden or narrow the purposes for which it was created. 97442

A governing board of an educational service center may create 97443  
more than one county school financing district. If a governing 97444  
board of an educational service center creates more than one such 97445  
district, it shall clearly distinguish among the districts it 97446  
creates by including a designation of each district's purpose in 97447  
the district's name. 97448

(C) A majority of the members of a board of education of a 97449  
city, local, or exempted village school district may adopt a 97450  
resolution requesting that its territory be joined with the 97451  
territory of any county school financing district. Copies of the 97452  
resolution shall be filed with the state board of education and 97453  
the taxing authority of the county school financing district. 97454  
Within sixty days of its receipt of such a resolution, the county 97455  
school financing district's taxing authority shall vote on the 97456  
question of whether to accept the school district's territory as 97457  
part of the county school financing district. If a majority of the 97458  
members of the taxing authority vote to accept the territory, the 97459  
school district's territory shall thereupon become a part of the 97460  
county school financing district unless the county school 97461  
financing district has in effect a tax imposed under section 97462  
5705.215 of the Revised Code. If the county school financing 97463  
district has such a tax in effect, the taxing authority shall 97464  
certify a copy of its resolution accepting the school district's 97465



territory to the school district's board of education, ~~which~~ . The 97466  
board of education shall request from the county auditor an 97467  
estimate of the levy's annual collections in the same manner as 97468  
required for a tax levy under section 5705.03 of the Revised Code, 97469  
assuming that the school district's territory has been added to 97470  
the county school financing district. The auditor shall certify 97471  
this estimate to the board within ten days after receiving the 97472  
board's request. The board may then adopt a resolution, with the 97473  
affirmative vote of a majority of its members, proposing the 97474  
submission to the electors of the question of whether the 97475  
district's territory shall become a part of the county school 97476  
financing district and subject to the taxes imposed by the 97477  
financing district. The resolution shall set forth the date on 97478  
which the question shall be submitted to the electors, which shall 97479  
be at a special election held on a date specified in the 97480  
resolution, which shall not be earlier than ninety days after the 97481  
adoption and certification of the resolution. A copy of the 97482  
resolution shall immediately be certified to the board of 97483  
elections of the proper county, which shall make arrangements for 97484  
the submission of the proposal to the electors of the school 97485  
district. The board of the joining district shall publish notice 97486  
of the election in a newspaper of general circulation in the 97487  
county once a week for two consecutive weeks, or as provided in 97488  
section 7.16 of the Revised Code, prior to the election. 97489  
Additionally, if the board of elections operates and maintains a 97490  
web site, the board of elections shall post notice of the election 97491  
on its web site for thirty days prior to the election. The 97492  
question appearing on the ballot shall read: 97493  
  
"Shall the territory within ..... (name of the school 97494  
district proposing to join the county school financing district) 97495  
..... be added to ..... (name) ..... county school 97496  
financing district, and a property tax for the purposes of 97497  
..... (here insert purposes), that the county auditor 97498

estimates will collect \$..... annually, ..... at a rate of 97499  
taxation not exceeding ..... (here insert the outstanding tax 97500  
rate) mills for each \$1 of taxable value, which amounts to 97501  
\$..... for each \$100,000 in fair market value, ..... be 97502  
in effect for ..... (here insert the number of years the tax 97503  
is to be in effect or "a continuing period of time," as 97504  
applicable) .....?" 97505

If the proposal is approved by a majority of the electors 97506  
voting on it, the joinder shall take effect on the first day of 97507  
July following the date of the election, and the county board of 97508  
elections shall notify the county auditor of each county in which 97509  
the school district joining its territory to the county school 97510  
financing district is located. 97511

(D) The board of any city, local, or exempted village school 97512  
district whose territory is part of a county school financing 97513  
district may withdraw its territory from the county school 97514  
financing district thirty days after submitting to the governing 97515  
board that is the taxing authority of the district and the state 97516  
board a resolution proclaiming such withdrawal, adopted by a 97517  
majority vote of its members, but any county school financing 97518  
district tax levied in such territory on the effective date of the 97519  
withdrawal shall remain in effect in such territory until such tax 97520  
expires or is renewed. No board may adopt a resolution withdrawing 97521  
from a county school financing district that would take effect 97522  
during the forty-five days preceding the date of an election at 97523  
which a levy proposed under section 5705.215 of the Revised Code 97524  
is to be voted upon. 97525

(E) A city, local, or exempted village school district does 97526  
not lose its separate identity or legal existence by reason of 97527  
joining its territory to a county school financing district under 97528  
this section and an educational service center does not lose its 97529  
separate identity or legal existence by reason of creating a 97530

county school financing district that accepts or loses territory 97531  
under this section. 97532

**Sec. 3318.01.** As used in sections 3318.01 to 3318.20 of the 97533  
Revised Code: 97534

(A) "Ohio facilities construction commission" means the 97535  
commission created pursuant to section 123.20 of the Revised Code. 97536

(B) "Classroom facilities" means rooms in which pupils 97537  
regularly assemble in public school buildings to receive 97538  
instruction and education and such facilities and building 97539  
improvements for the operation and use of such rooms as may be 97540  
needed in order to provide a complete educational program, and may 97541  
include space within which a child care facility or a community 97542  
resource center is housed. "Classroom facilities" includes any 97543  
space necessary for the operation of a vocational education 97544  
program for secondary students in any school district that 97545  
operates such a program. 97546

(C) "Project" means a project to construct or acquire 97547  
classroom facilities, or to reconstruct or make additions to 97548  
existing classroom facilities, to be used for housing the 97549  
applicable school district and its functions. 97550

(D) "School district" means a local, exempted village, or 97551  
city school district as such districts are defined in Chapter 97552  
3311. of the Revised Code, acting as an agency of state 97553  
government, performing essential governmental functions of state 97554  
government pursuant to sections 3318.01 to 3318.20 of the Revised 97555  
Code. 97556

For purposes of assistance provided under sections 3318.40 to 97557  
3318.45 of the Revised Code, the term "school district" as used in 97558  
this section and in divisions (A), (C), and (D) of section 3318.03 97559  
and in sections 3318.031, 3318.042, 3318.07, 3318.08, 3318.083, 97560

3318.084, 3318.085, 3318.086, 3318.10, 3318.11, 3318.12, 3318.13, 97561  
3318.14, 3318.15, 3318.16, and 3318.20 of the Revised Code means a 97562  
joint vocational school district established pursuant to section 97563  
3311.18 of the Revised Code. 97564

(E) "School district board" means the board of education of a 97565  
school district. 97566

(F) "Net bonded indebtedness" means the difference between 97567  
the sum of the par value of all outstanding and unpaid bonds and 97568  
notes which a school district board is obligated to pay and any 97569  
amounts the school district is obligated to pay under 97570  
lease-purchase agreements entered into under section 3313.375 of 97571  
the Revised Code, and the amount held in the sinking fund and 97572  
other indebtedness retirement funds for their redemption. Notes 97573  
issued for school buses in accordance with section 3327.08 of the 97574  
Revised Code, notes issued in anticipation of the collection of 97575  
current revenues, and bonds issued to pay final judgments shall 97576  
not be considered in calculating the net bonded indebtedness. 97577

"Net bonded indebtedness" does not include indebtedness 97578  
arising from the acquisition of land to provide a site for 97579  
classroom facilities constructed, acquired, or added to pursuant 97580  
to sections 3318.01 to 3318.20 of the Revised Code or the par 97581  
value of bonds that have been authorized by the electors and the 97582  
proceeds of which will be used by the district to provide any part 97583  
of its portion of the basic project cost. 97584

(G) "Board of elections" means the board of elections of the 97585  
county containing the most populous portion of the school 97586  
district. 97587

(H) "County auditor" means the auditor of the county in which 97588  
the greatest value of taxable property of such school district is 97589  
located. 97590

(I) "Tax duplicates" means the general tax lists and 97591

duplicates prescribed by sections 319.28 and 319.29 of the Revised Code. 97592  
97593

(J) "Required level of indebtedness" means: 97594

(1) In the case of school districts in the first percentile, 97595  
five per cent of the district's valuation for the year preceding 97596  
the year in which the controlling board approved the project under 97597  
section 3318.04 of the Revised Code. 97598

(2) In the case of school districts ranked in a subsequent 97599  
percentile, five per cent of the district's valuation for the year 97600  
preceding the year in which the controlling board approved the 97601  
project under section 3318.04 of the Revised Code, plus [two 97602  
one-hundredths of one per cent multiplied by (the percentile in 97603  
which the district ranks for the fiscal year preceding the fiscal 97604  
year in which the controlling board approved the district's 97605  
project minus one)]. 97606

(K) "Required percentage of the basic project costs" means 97607  
one per cent of the basic project costs times the percentile in 97608  
which the school district ranks for the fiscal year preceding the 97609  
fiscal year in which the controlling board approved the district's 97610  
project. 97611

(L) "Basic project cost" means a cost amount determined in 97612  
accordance with rules adopted under section 111.15 of the Revised 97613  
Code by the Ohio facilities construction commission. The basic 97614  
project cost calculation shall take into consideration the square 97615  
footage and cost per square foot necessary for the grade levels to 97616  
be housed in the classroom facilities, the variation across the 97617  
state in construction and related costs, the cost of the 97618  
installation of site utilities and site preparation, the cost of 97619  
demolition of all or part of any existing classroom facilities 97620  
that are abandoned under the project, the cost of insuring the 97621  
project until it is completed, any contingency reserve amount 97622

prescribed by the commission under section 3318.086 of the Revised Code, and the professional planning, administration, and design fees that a school district may have to pay to undertake a classroom facilities project.

For a joint vocational school district that receives assistance under sections 3318.40 to 3318.45 of the Revised Code, the basic project cost calculation for a project under those sections shall also take into account the types of laboratory spaces and program square footages needed for the vocational education programs for high school students offered by the school district.

For a district that opts to divide its entire classroom facilities needs into segments, as authorized by section 3318.034 of the Revised Code, "basic project cost" means the cost determined in accordance with this division of a segment.

(M)(1) Except for a joint vocational school district that receives assistance under sections 3318.40 to 3318.45 of the Revised Code, a "school district's portion of the basic project cost" means the amount determined under section 3318.032 of the Revised Code.

(2) For a joint vocational school district that receives assistance under sections 3318.40 to 3318.45 of the Revised Code, a "school district's portion of the basic project cost" means the amount determined under division (C) of section 3318.42 of the Revised Code.

(N) "Child care facility" means space within a classroom facility in which the needs of infants, toddlers, preschool children, and school children are provided for by persons other than the parent or guardian of such children for any part of the day, including persons not employed by the school district operating such classroom facility.

(O) "Community resource center" means space within a classroom facility in which comprehensive services that support the needs of families and children are provided by community-based social service providers.

(P) "Valuation" means the total value of all property in the school district as listed and assessed for taxation on the tax duplicates.

(Q) "Percentile" means the percentile in which the school district is ranked pursuant to section 3318.011 of the Revised Code.

(R) "Installation of site utilities" means the installation of a site domestic water system, site fire protection system, site gas distribution system, site sanitary system, site storm drainage system, and site telephone and data system.

(S) "Site preparation" means the earthwork necessary for preparation of the building foundation system, the paved pedestrian and vehicular circulation system, playgrounds on the project site, and lawn and planting on the project site.

(T) "Fair market value" has the same meaning as in section 5705.01 of the Revised Code.

**Sec. 3318.06.** (A) After receipt of the conditional approval of the Ohio facilities construction commission, the school district board by a majority of all of its members shall, if it desires to proceed with the project, declare all of the following by resolution:

(1) That by issuing bonds in an amount equal to the school district's portion of the basic project cost the district is unable to provide adequate classroom facilities without assistance from the state;

(2) Unless the school district board has resolved to transfer

money in accordance with section 3318.051 of the Revised Code or 97684  
to apply the proceeds of a property tax or the proceeds of an 97685  
income tax, or a combination of proceeds from such taxes, as 97686  
authorized under section 3318.052 of the Revised Code, that to 97687  
qualify for such state assistance it is necessary to do either of 97688  
the following: 97689

(a) Levy a tax outside the ten-mill limitation the proceeds 97690  
of which shall be used to pay the cost of maintaining the 97691  
classroom facilities included in the project; 97692

(b) Earmark for maintenance of classroom facilities from the 97693  
proceeds of an existing permanent improvement tax levied under 97694  
section 5705.21 of the Revised Code, if such tax can be used for 97695  
maintenance, an amount equivalent to the amount of the additional 97696  
tax otherwise required under this section and sections 3318.05 and 97697  
3318.08 of the Revised Code. 97698

(3) That the question of any tax levy specified in a 97699  
resolution described in division (A)(2)(a) of this section, if 97700  
required, shall be submitted to the electors of the school 97701  
district at the next general or primary election, if there be a 97702  
general or primary election not less than ninety and not more than 97703  
one hundred ten days after the day of the adoption of such 97704  
resolution or, if not, at a special election to be held at a time 97705  
specified in the resolution which shall be not less than ninety 97706  
days after the day of the adoption of the resolution and which 97707  
shall be in accordance with the requirements of section 3501.01 of 97708  
the Revised Code. 97709

Such resolution shall also state that the question of issuing 97710  
bonds of the board shall be combined in a single proposal with the 97711  
question of such tax levy. More than one election under this 97712  
section may be held in any one calendar year. Such resolution 97713  
shall specify both of the following: 97714



(a) That the rate which it is necessary to levy shall be at 97715  
the rate of not less than one-half mill for each one dollar of 97716  
~~valuation~~ taxable value, and that such tax shall be levied for a 97717  
period of twenty-three years; 97718

(b) That the proceeds of the tax shall be used to pay the 97719  
cost of maintaining the classroom facilities included in the 97720  
project. 97721

(B) A copy of a resolution adopted under division (A) of this 97722  
section shall after its passage and not less than ninety days 97723  
prior to the date set therein for the election be certified to the 97724  
county board of elections. 97725

The resolution of the school district board, in addition to 97726  
meeting other applicable requirements of section 133.18 of the 97727  
Revised Code, shall state that the amount of bonds to be issued 97728  
will be an amount equal to the school district's portion of the 97729  
basic project cost, and state the maximum maturity of the bonds 97730  
which may be any number of years not exceeding the term calculated 97731  
under section 133.20 of the Revised Code as determined by the 97732  
board. In estimating the amount of bonds to be issued, the board 97733  
shall take into consideration the amount of moneys then in the 97734  
bond retirement fund and the amount of moneys to be collected for 97735  
and disbursed from the bond retirement fund during the remainder 97736  
of the year in which the resolution of necessity is adopted. 97737

If the bonds are to be issued in more than one series, the 97738  
resolution may state, in addition to the information required to 97739  
be stated under division (B)(3) of section 133.18 of the Revised 97740  
Code, the number of series, which shall not exceed five, the 97741  
principal amount of each series, and the approximate date each 97742  
series will be issued, and may provide that no series, or any 97743  
portion thereof, may be issued before such date. Upon such a 97744  
resolution being certified to the county auditor as required by 97745  
division (C) of section 133.18 of the Revised Code, the county 97746

auditor, in calculating, advising, and confirming the estimated 97747  
average annual property tax levy under that division, shall also 97748  
calculate, advise, and confirm by certification the estimated 97749  
average property tax levy for each series of bonds to be issued. 97750

Notice of the election shall include the fact that the tax 97751  
levy shall be at the rate of not less than one-half mill for each 97752  
one dollar of ~~valuation~~ taxable value for a period of twenty-three 97753  
years, and that the proceeds of the tax shall be used to pay the 97754  
cost of maintaining the classroom facilities included in the 97755  
project. The notice shall also express the rate in dollars for 97756  
each one hundred thousand dollars of fair market value and the 97757  
county auditor's estimate of the amount the tax levy is estimated 97758  
to collect for each tax year it is levied, as certified pursuant 97759  
to section 5705.03 of the Revised Code. 97760

If the bonds are to be issued in more than one series, the 97761  
board of education shall request from the county auditor an 97762  
estimate of the levy's annual collections for each series in the 97763  
same manner as required for a tax levy under section 5705.03 of 97764  
the Revised Code. The auditor shall certify these estimates to the 97765  
board within ten days after receiving the board's request. 97766

If the bonds are to be issued in more than one series, the 97767  
board of education, when filing copies of the resolution with the 97768  
board of elections as required by division (D) of section 133.18 97769  
of the Revised Code, may direct the board of elections to include 97770  
in the notice of election the principal amount and approximate 97771  
date of each series, the maximum number of years over which the 97772  
principal of each series may be paid, the estimated additional 97773  
average property tax levy for each series, the estimated annual 97774  
collections of the tax for each series, and the first calendar 97775  
year in which the tax is expected to be due for each series, in 97776  
addition to the information required to be stated in the notice 97777  
under divisions (E)(3)(a) ~~to (e)~~, (b), (c), (e), and (f) of 97778

section 133.18 of the Revised Code. 97779

(C)(1) Except as otherwise provided in division (C)(2) of 97780  
this section, the form of the ballot to be used at such election 97781  
shall be: 97782

"A majority affirmative vote is necessary for passage. 97783

Shall bonds be issued by the ..... (here insert name 97784  
of school district) school district to pay the local share of 97785  
school construction under the State of Ohio Classroom Facilities 97786  
Assistance Program in the principal amount of \$..... (here 97787  
insert principal amount of the bond issue), to be repaid annually 97788  
over a maximum period of ..... (here insert the maximum 97789  
number of years over which the principal of the bonds may be paid) 97790  
years, and an annual levy of property taxes be made outside the 97791  
ten-mill limitation, estimated by the county auditor to collect 97792  
\$..... annually and average over the repayment period of the bond 97793  
issue ..... (~~here insert the number of mills estimated~~) 97794  
mills for each ~~one dollar~~ \$1 of tax valuation taxable value, which 97795  
amounts to \$..... (~~rate expressed in cents or dollars and~~ 97796  
~~cents, such as "thirty six cents" or "\$0.36"~~) for each ~~one hundred~~ 97797  
~~dollars~~ \$100,000 of tax valuation fair market value to pay the 97798  
annual debt charges on the bonds and to pay debt charges on any 97799  
notes issued in anticipation of the bonds?" 97800

and, unless the additional levy 97801

of taxes is not required pursuant 97802

to division (C) of section 97803

3318.05 of the Revised Code, 97804

"Shall an additional levy of taxes be made for a period of 97805  
twenty-three years to benefit the ..... (here insert name 97806  
of school district) school district, the proceeds of which shall 97807  
be used to pay the cost of maintaining the classroom facilities 97808  
included in the project, that the county auditor estimates will 97809  
collect \$..... annually, at the rate of ..... (here insert 97810

the number of mills, which shall not be less than one-half mill) 97811  
 mills for each ~~one-dollar~~ \$1 of ~~valuation~~ taxable value, which 97812  
amounts to \$..... for each \$100,000 of fair market value? 97813

	FOR THE BOND ISSUE AND TAX LEVY	
	AGAINST THE BOND ISSUE AND TAX LEVY	"

97814  
 97815  
 97816  
 97817

(2) If authority is sought to issue bonds in more than one 97818  
 series and the board of education so elects, the form of the 97819  
 ballot shall be as prescribed in section 3318.062 of the Revised 97820  
 Code. If the board of education elects the form of the ballot 97821  
 prescribed in that section, it shall so state in the resolution 97822  
 adopted under this section. 97823

(D) If it is necessary for the school district to acquire a 97824  
 site for the classroom facilities to be acquired pursuant to 97825  
 sections 3318.01 to 3318.20 of the Revised Code, the district 97826  
 board may propose either to issue bonds of the board or to levy a 97827  
 tax to pay for the acquisition of such site, and may combine the 97828  
 question of doing so with the questions specified in division (B) 97829  
 of this section. Bonds issued under this division for the purpose 97830  
 of acquiring a site are a general obligation of the school 97831  
 district and are Chapter 133. securities. 97832

The form of that portion of the ballot to include the 97833  
 question of either issuing bonds or levying a tax for site 97834  
 acquisition purposes shall be one of the following: 97835

(1) "Shall bonds be issued by the ..... (here insert 97836  
 name of the school district) school district to pay costs of 97837  
 acquiring a site for classroom facilities under the State of Ohio 97838  
 Classroom Facilities Assistance Program in the principal amount of 97839  
 \$..... (here insert principal amount of the bond issue), to 97840  
 be repaid annually over a maximum period of ..... (here 97841

insert maximum number of years over which the principal of the 97842  
bonds may be paid) years, and an annual levy of property taxes be 97843  
made outside the ten-mill limitation, estimated by the county 97844  
auditor to collect \$..... annually and to average over the 97845  
repayment period of the bond issue ..... ~~(here insert number~~ 97846  
~~of mills)~~ mills for each ~~one dollar~~ \$1 of tax valuation taxable 97847  
value, which ~~amount~~ amounts to \$..... ~~(here insert rate~~ 97848  
~~expressed in cents or dollars and cents, such as "thirty six~~ 97849  
~~cents" or "\$0.36")~~ for each ~~one hundred dollars~~ \$100,000 of 97850  
~~valuation~~ fair market value to pay the annual debt charges on the 97851  
bonds and to pay debt charges on any notes issued in anticipation 97852  
of the bonds?" 97853

(2) "Shall an additional levy of taxes outside the ten-mill 97854  
limitation be made for the benefit of the ..... (here insert 97855  
name of the school district) school district for the purpose of 97856  
acquiring a site for classroom facilities in the sum of \$..... 97857  
(here insert annual amount the levy is to produce) estimated by 97858  
the county auditor to average ..... ~~(here insert number of~~ 97859  
~~mills)~~ mills for each ~~one hundred dollars~~ \$1 of valuation taxable 97860  
value, which amounts to \$..... for each \$100,000 of fair market 97861  
value, for a period of ..... (here insert number of years the 97862  
millage is to be imposed) years?" 97863

Where it is necessary to combine the question of issuing 97864  
bonds of the school district and levying a tax as described in 97865  
division (B) of this section with the question of issuing bonds of 97866  
the school district for acquisition of a site, the question 97867  
specified in that division to be voted on shall be "For the Bond 97868  
Issues and the Tax Levy" and "Against the Bond Issues and the Tax 97869  
Levy." 97870

Where it is necessary to combine the question of issuing 97871  
bonds of the school district and levying a tax as described in 97872  
division (B) of this section with the question of levying a tax 97873

for the acquisition of a site, the question specified in that 97874  
division to be voted on shall be "For the Bond Issue and the Tax 97875  
Levies" and "Against the Bond Issue and the Tax Levies." 97876

Where the school district board chooses to combine the 97877  
question in division (B) of this section with any of the 97878  
additional questions described in divisions (A) to (D) of section 97879  
3318.056 of the Revised Code, the question specified in division 97880  
(B) of this section to be voted on shall be "For the Bond Issues 97881  
and the Tax Levies" and "Against the Bond Issues and the Tax 97882  
Levies." 97883

If a majority of those voting upon a proposition hereunder 97884  
which includes the question of issuing bonds vote in favor 97885  
thereof, and if the agreement provided for by section 3318.08 of 97886  
the Revised Code has been entered into, the school district board 97887  
may proceed under Chapter 133. of the Revised Code, with the 97888  
issuance of bonds or bond anticipation notes in accordance with 97889  
the terms of the agreement. 97890

**Sec. 3318.061.** This section applies only to school districts 97891  
eligible to receive additional assistance under division (B)(2) of 97892  
section 3318.04 of the Revised Code. 97893

The board of education of a school district in which a tax 97894  
described by division (B) of section 3318.05 and levied under 97895  
section 3318.06 of the Revised Code is in effect, may adopt a 97896  
resolution by vote of a majority of its members to extend the term 97897  
of that tax beyond the expiration of that tax as originally 97898  
approved under that section. The school district board may include 97899  
in the resolution a proposal to extend the term of that tax at the 97900  
rate of not less than one-half mill for each dollar of ~~valuation~~ 97901  
taxable value for a period of twenty-three years from the year in 97902  
which the school district board and the Ohio facilities 97903  
construction commission enter into an agreement under division 97904

(B)(2) of section 3318.04 of the Revised Code or in the following 97905  
year, as specified in the resolution. Such a resolution may be 97906  
adopted at any time before such an agreement is entered into and 97907  
before the tax levied pursuant to section 3318.06 of the Revised 97908  
Code expires. If the resolution is combined with a resolution to 97909  
issue bonds to pay the school district's portion of the basic 97910  
project cost, it shall conform with the requirements of divisions 97911  
(A)(1), (2), and (3) of section 3318.06 of the Revised Code, 97912  
except that the resolution also shall state that the tax levy 97913  
proposed in the resolution is an extension of an existing tax 97914  
levied under that section. A resolution proposing an extension 97915  
adopted under this section does not take effect until it is 97916  
approved by a majority of electors voting in favor of the 97917  
resolution at a general, primary, or special election as provided 97918  
in this section. 97919

A tax levy extended under this section is subject to the same 97920  
terms and limitations to which the original tax levied under 97921  
section 3318.06 of the Revised Code is subject under that section, 97922  
except the term of the extension shall be as specified in this 97923  
section. 97924

The school district board shall request from the county 97925  
auditor an estimate of the extended levy's annual collections in 97926  
the same manner as required for a tax levy under section 5705.03 97927  
of the Revised Code. The auditor shall certify this estimate to 97928  
the board within ten days after receiving the board's request. The 97929  
board shall certify a copy of the resolution adopted under this 97930  
and the auditor's certification to the proper county board 97931  
of elections not later than ninety days before the date set in the 97932  
resolution as the date of the election at which the question will 97933  
be submitted to electors. The notice of the election shall conform 97934  
with the requirements of division (A)(3) of section 3318.06 of the 97935  
Revised Code, except that the notice also shall state that the 97936

maintenance tax levy is an extension of an existing tax levy and 97937  
the levy's estimated annual collections. 97938

The form of the ballot shall be as follows: 97939

"Shall the existing tax levied to pay the cost of maintaining 97940  
classroom facilities constructed with the proceeds of the 97941  
previously issued bonds, that the county auditor estimates will 97942  
collect \$..... annually, at the rate of ..... (here insert 97943  
the number of mills, which shall not be less than one-half mill) 97944  
mills per dollar for each \$1 of tax valuation taxable value, which 97945  
amounts to \$..... for each \$100,000 of fair market value, be 97946  
extended until ..... (here insert the year that is twenty-three 97947  
years after the year in which the district and commission will 97948  
enter into an agreement under division (B)(2) of section 3318.04 97949  
of the Revised Code or the following year)? 97950

	FOR EXTENDING THE EXISTING TAX LEVY
	AGAINST EXTENDING THE EXISTING TAX LEVY

"

97951  
97952  
97953  
97954  
97955  
97956  
Section 3318.07 of the Revised Code applies to ballot  
questions under this section.

**Sec. 3318.062.** (A) If authority is sought to issue bonds in 97957  
more than one series to pay the school district's portion of the 97958  
basic project cost under sections 3318.01 to 3318.20 of the 97959  
Revised Code, the form of the ballot shall be: 97960

"Shall bonds be issued by the ..... (here insert name of 97961  
school district) school district to pay the local share of school 97962  
construction under the State of Ohio Classroom Facilities 97963  
Assistance Program in the total principal amount of \$..... 97964  
(total principal amount of the bond issue), to be issued in ..... 97965  
(number of series) series, each series to be repaid annually over 97966



not more than ..... (maximum number of years over which the 97967  
principal of each series may be paid) years, and an annual levy of 97968  
property taxes be made outside the ten-mill limitation to pay the 97969  
annual debt charges on the bonds and on any notes issued in 97970  
anticipation of the bonds, with annual collections and at a rate 97971  
estimated by the county auditor to average over the repayment 97972  
period of each series as follows: ..... (insert the following 97973  
for each series: "the ..... series, in a principal amount of 97974  
\$..... dollars, requiring that the county auditor estimates 97975  
will collect \$..... annually and require ..... mills ~~per dollar~~ 97976  
for each \$1 of tax valuation taxable value, which amounts to 97977  
\$..... (~~rate expressed in cents or dollars and cents, such as "36~~ 97978  
~~cents" or "\$1.41") for each ~~one hundred dollars in tax~~ 97979  
~~valuation~~\$100,000 of fair market value, commencing in ..... 97980  
and first payable in .....)?" 97981~~

and, unless the additional levy 97982  
of taxes is not required pursuant 97983  
to division (C) of section 97984  
3318.05 of the Revised Code, 97985

"Shall an additional levy of taxes be made for a period of 97986  
twenty-three years to benefit the ..... (here insert name of 97987  
school district) school district, the proceeds of which shall be 97988  
used to pay the cost of maintaining the classroom facilities 97989  
included in the project, that the county auditor estimates will 97990  
collect \$..... annually, at the rate of ..... (here insert 97991  
the number of mills, which shall not be less than one-half mill) 97992  
mills for each ~~one dollar~~ \$1 of valuation taxable value, which 97993  
amounts to \$..... for each \$100,000 of fair market value? 97994

	For the bond issue
	Against the bond issue

"

97995  
97996  
97997  
97998

(B) If it is necessary for the school district to acquire a site for the classroom facilities to be acquired pursuant to sections 3318.01 to 3318.20 of the Revised Code, the district board may propose either to issue bonds of the board or to levy a tax to pay for the acquisition of such site, and may combine the question of doing so with the questions specified in division (A) of this section. Bonds issued under this division for the purpose of acquiring a site are a general obligation of the school district and are Chapter 133. securities.

The form of that portion of the ballot to include the question of either issuing bonds or levying a tax for site acquisition purposes shall be one of the forms prescribed in division (D) of section 3318.06 of the Revised Code.

(C) Where the school district board chooses to combine the question in division (A) of this section with any of the additional questions described in divisions (A) to (D) of section 3318.056 of the Revised Code, the question specified in division (A) of this section to be voted on shall be "For the Bond Issues and the Tax Levies" and "Against the Bond Issues and the Tax Levies."

(D) If a majority of those voting upon a proposition prescribed in this section which includes the question of issuing bonds vote in favor of that issuance, and if the agreement prescribed in section 3318.08 of the Revised Code has been entered into, the school district board may proceed under Chapter 133. of the Revised Code with the issuance of bonds or bond anticipation notes in accordance with the terms of the agreement.

**Sec. 3318.063.** If the board of education of a city, exempted village, or local school district that has entered into an agreement under section 3318.051 of the Revised Code to make transfers of money in lieu of levying the tax for maintenance of

the classroom facilities included in the district's project 98030  
determines that it no longer can continue making the transfers so 98031  
agreed to and desires to rescind that agreement, the board shall 98032  
adopt the resolution to submit the question of the tax levy 98033  
prescribed in this section. 98034

The resolution shall declare that the question of a tax levy 98035  
specified in division (F) of section 3318.051 of the Revised Code 98036  
shall be submitted to the electors of the school district at the 98037  
next general or primary election, if there be a general or primary 98038  
election not less than seventy-five and not more than ninety-five 98039  
days after the day of the adoption of such resolution or, if not, 98040  
at a special election to be held at a time specified in the 98041  
resolution which shall be not less than seventy-five days after 98042  
the day of the adoption of the resolution and which shall be in 98043  
accordance with the requirements of section 3501.01 of the Revised 98044  
Code. Such resolution shall specify both of the following: 98045

(A) That the rate which it is necessary to levy shall be at 98046  
the rate of not less than one-half mill for each one dollar of 98047  
~~valuation~~ taxable value, and that such tax shall be levied for the 98048  
number of years required by division (F) of section 3318.051 of 98049  
the Revised Code; 98050

(B) That the proceeds of the tax shall be used to pay the 98051  
cost of maintaining the classroom facilities included in the 98052  
project. 98053

A copy of such resolution shall after its passage and not 98054  
less than seventy-five days prior to the date set therein for the 98055  
election be certified to the county board of elections. 98056

Notice of the election shall include the levy's estimated 98057  
annual collections, the fact that the tax levy shall be at the 98058  
rate of not less than one-half mill for each one dollar of 98059  
~~valuation~~ taxable value for the number of years required by 98060

division (F) of section 3318.051 of the Revised Code, and that the  
proceeds of the tax shall be used to pay the cost of maintaining  
the classroom facilities included in the project. The notice shall  
also express the rate in dollars for each one hundred thousand  
dollars of fair market value.

The form of the ballot to be used at such election shall be:

"Shall a levy of taxes be made for a period of .....  
(here insert the number of years, which shall not be less than the  
number required by division (F) of section 3318.051 of the Revised  
Code) years to benefit the ..... (here insert name of  
school district) school district, the proceeds of which shall be  
used to pay the cost of maintaining the classroom facilities  
included in the project, that the county auditor estimates will  
collect \$..... annually, at the rate of ..... (here insert  
the number of mills, which shall not be less than one-half mill)  
mills for each ~~one dollar~~ \$1 of valuation taxable value, which  
amounts to \$..... for each \$100,000 of fair market value?

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

"

**Sec. 3318.361.** A school district board opting to qualify for  
state assistance pursuant to section 3318.36 of the Revised Code  
through levying the tax specified in division (D)(2)(a) or (D)(4)  
of that section shall declare by resolution that the question of a  
tax levy specified in division (D)(2)(a) or (4), as applicable, of  
section 3318.36 of the Revised Code shall be submitted to the  
electors of the school district at the next general or primary  
election, if there be a general or primary election not less than  
ninety and not more than one hundred ten days after the day of the  
adoption of such resolution or, if not, at a special election to

be held at a time specified in the resolution which shall be not 98092  
less than ninety days after the day of the adoption of the 98093  
resolution and which shall be in accordance with the requirements 98094  
of section 3501.01 of the Revised Code. Such resolution shall 98095  
specify both of the following: 98096

(A) That the rate which it is necessary to levy shall be at 98097  
the rate of not less than one-half mill for each one dollar of 98098  
~~valuation~~ taxable value, and that such tax shall be levied for a 98099  
period of twenty-three years; 98100

(B) That the proceeds of the tax shall be used to pay the 98101  
cost of maintaining the classroom facilities included in the 98102  
project. 98103

A copy of such resolution shall after its passage and not 98104  
less than ninety days prior to the date set therein for the 98105  
election be certified to the county board of elections. 98106

Notice of the election shall include the levy's estimated 98107  
annual collections, the fact that the tax levy shall be at the 98108  
rate of not less than one-half mill for each one dollar of 98109  
~~valuation~~ taxable value for a period of twenty-three years, and 98110  
that the proceeds of the tax shall be used to pay the cost of 98111  
maintaining the classroom facilities included in the project. The 98112  
notice shall also express the rate in dollars for each one hundred 98113  
thousand dollars of fair market value. 98114

The form of the ballot to be used at such election shall be: 98115

"Shall a levy of taxes be made for a period of twenty-three 98116  
years to benefit the ..... (here insert name of school 98117  
district) school district, the proceeds of which shall be used to 98118  
pay the cost of maintaining the classroom facilities included in 98119  
the project, that the county auditor estimates will collect \$..... 98120  
annually, at the rate of ..... (here insert the number of 98121  
mills, which shall not be less than one-half mill) mills for each 98122

~~one dollar \$1 of valuation taxable value, which amounts to~~ 98123  
~~\$..... for each \$100,000 of fair market value?~~ 98124

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

"

98125  
 98126  
 98127  
 98128

**Sec. 3318.45.** (A) Unless division (B) of section 3318.44 of 98129  
 the Revised Code applies, if a joint vocational school district 98130  
 board of education proposes to issue securities to generate all or 98131  
 part of the school district's portion of the basic project cost of 98132  
 the school district's project under sections 3318.40 to 3318.45 of 98133  
 the Revised Code, the school district board shall adopt a 98134  
 resolution in accordance with Chapter 133. and section 3311.20 of 98135  
 the Revised Code. Unless the school district board seeks authority 98136  
 to issue securities in more than one series, the school district 98137  
 board shall adopt the form of the ballot prescribed in section 98138  
 133.18 of the Revised Code. 98139

(B) If authority is sought to issue bonds in more than one 98140  
 series, the form of the ballot shall be: 98141

"Shall bonds be issued by the ..... (here insert name of 98142  
 joint vocational school district) joint vocational school district 98143  
 to pay the local share of school construction under the State of 98144  
 Ohio Joint Vocational School Facilities Assistance Program in the 98145  
 total principal amount of \$..... (total principal amount of 98146  
 the bond issue), to be issued in ..... (number of series) series, 98147  
 each series to be repaid annually over not more than ..... 98148  
 (maximum number of years over which the principal of each series 98149  
 may be paid) years, and an annual levy of property taxes be made 98150  
 outside the ten-mill limitation to pay the annual debt charges on 98151  
 the bonds and on any notes issued in anticipation of the bonds, 98152  
with annual collections and at a rate estimated by the county 98153

auditor to average over the repayment period of each series as 98154  
 follows: ..... [insert the following for each series: "the 98155  
 ..... series, in a principal amount of \$...... dollars, 98156  
~~requiring that the county auditor estimates will collect \$.....~~ 98157  
~~annually and require ..... mills per dollar for each \$1 of tax~~ 98158  
~~valuation taxable value, which amount amounts to \$..... (rate~~ 98159  
~~expressed in cents or dollars and cents, such as "36 cents" or~~ 98160  
~~"\$1.41") for each one hundred dollars in tax valuation \$100,000 of~~ 98161  
~~fair market value, commencing in ..... and first payable in~~ 98162  
~~....."]?~~ 98163

	For the bond issue	
	Against the bond issue	"

(C) If it is necessary for the school district to acquire a 98168  
 site for the classroom facilities to be acquired pursuant to 98169  
 sections 3318.40 to 3318.45 of the Revised Code, the district 98170  
 board may propose either to issue bonds of the board or to levy a 98171  
 tax to pay for the acquisition of such site and may combine the 98172  
 question of doing so with the question specified by reference in 98173  
 division (A) of this section or the question specified in division 98174  
 (B) of this section. Bonds issued under this division for the 98175  
 purpose of acquiring a site are a general obligation of the school 98176  
 district and are Chapter 133. securities. 98177

The form of that portion of the ballot to include the 98178  
 question of either issuing bonds or levying a tax for site 98179  
 acquisition purposes shall be one of the following: 98180

(1) "Shall bonds be issued by the ..... (here insert 98181  
 name of the joint vocational school district) joint vocational 98182  
 school district to pay costs of acquiring a site for classroom 98183  
 facilities under the State of Ohio Joint Vocational School 98184

Facilities Assistance Program in the principal amount of 98185  
\$. . . . . (here insert principal amount of the bond issue), to 98186  
be repaid annually over a maximum period of . . . . . (here 98187  
insert maximum number of years over which the principal of the 98188  
bonds may be paid) years, and an annual levy of property taxes be 98189  
made outside the ten-mill limitation, estimated by the county 98190  
auditor to collect \$. . . . . annually and to average over the 98191  
repayment period of the bond issue . . . . . (~~here insert number~~ 98192  
~~of mills~~) mills for each ~~one dollar~~ \$1 of ~~tax valuation~~ taxable 98193  
value, which ~~amount~~ amounts to \$. . . . . (~~here insert rate~~ 98194  
~~expressed in cents or dollars and cents, such as "thirty six~~ 98195  
~~cents" or "\$0.36"~~) for each ~~one hundred dollars~~ \$100,000 of 98196  
~~valuation~~ fair market value, to pay the annual debt charges on the 98197  
bonds and to pay debt charges on any notes issued in anticipation 98198  
of the bonds?" 98199

(2) "Shall an additional levy of taxes outside the ten-mill 98200  
limitation be made for the benefit of the . . . . . (here insert 98201  
name of the joint vocational school district) joint vocational 98202  
school district for the purpose of acquiring a site for classroom 98203  
facilities in the sum of \$. . . . . (here insert annual amount the 98204  
levy is to produce) estimated by the county auditor to collect 98205  
\$. . . . . annually and to average . . . . . (~~here insert number of~~ 98206  
~~mills~~) mills for each ~~one hundred dollars~~ \$1 of ~~valuation~~ taxable 98207  
value, which ~~amount~~ amounts to \$. . . . . (~~here insert rate~~ 98208  
~~expressed in cents or dollars and cents, such as "thirty six~~ 98209  
~~cents" or "\$0.36"~~) for each ~~one hundred dollars~~ \$100,000 of 98210  
~~valuation~~ fair market value, for a period of . . . . . (here 98211  
insert number of years the millage is to be imposed) years?" 98212

Where it is necessary to combine the question of issuing 98213  
bonds of the joint vocational school district as described in 98214  
division (A) of this section with the question of issuing bonds of 98215  
the school district for acquisition of a site, the question 98216



specified in that division to be voted on shall be "For the bond issues" and "Against the bond issues."

Where it is necessary to combine the question of issuing bonds of the joint vocational school district as described in division (A) of this section with the question of levying a tax for the acquisition of a site, the question specified in that division to be voted on shall be "For the bond issue and the tax levy" and "Against the bond issue and the tax levy."

(D) Where the school district board chooses to combine a question specified in this section with any of the additional questions described in division (C) of section 3318.44 of the Revised Code, the question to be voted on shall be "For the bond issues and the tax levies" and "Against the bond issues and the tax levies."

(E) If a majority of those voting upon a proposition prescribed in this section which includes the question of issuing bonds vote in favor of that issuance and if the agreement prescribed in section 3318.08 of the Revised Code has been entered into, the school district board may proceed under Chapter 133. of the Revised Code with the issuance of bonds or bond anticipation notes in accordance with the terms of the agreement.

**Sec. 3381.03.** Any county, or any two or more counties, municipal corporations, or townships, or any combination of these may create a regional arts and cultural district by the adoption of a resolution or ordinance by the board of county commissioners of each county, the legislative authority of each municipal corporation, and the board of township trustees of each township that desires to create or to join in the creation of the district. The resolution or ordinance shall state all of the following:

(A) The purposes for the creation of the district;

(B) The counties, municipal corporations, or townships that are to be included in the district;	98247 98248
(C) The official name by which the district shall be known;	98249
(D) The location of the principal office of the district or the manner in which the location shall be selected;	98250 98251
(E) Subject to section 3381.05 of the Revised Code, the number, term, and compensation, which shall not exceed the sum of fifty dollars for each board and committee meeting attended by a member, of the members of the board of trustees of the district;	98252 98253 98254 98255
(F) Subject to section 3381.05 of the Revised Code, the manner in which members of the board of trustees of the district shall be appointed; the method of filling vacancies; and the period, if any, for which a trustee continues in office after expiration of the trustee's term pending the appointment of the trustee's successor;	98256 98257 98258 98259 98260 98261
(G) The manner of apportioning expenses of the district among the participating counties, municipal corporations, and townships.	98262 98263
The resolution or ordinance may also provide that the authority of the districts to make grants under section 3381.20 of the Revised Code may be totally or partially delegated to one or more area arts councils, as defined in section 757.03 of the Revised Code, located within the district.	98264 98265 98266 98267 98268
The district provided for in the resolution or ordinance shall be created upon the adoption of the resolution or ordinance by the board of county commissioners of each county, the legislative authority of each municipal corporation, and the board of township trustees of each township enumerated in the resolution or ordinance. The resolution or ordinance may be amended to include additional counties, municipal corporations, or townships or for any other purpose by the adoption of an amendment by the board of county commissioners of each county, the legislative	98269 98270 98271 98272 98273 98274 98275 98276 98277

authority of each municipal corporation, and the board of township trustees of each township that has created or joined or proposes to join the district. 98278  
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98280

After each county, municipal corporation, and township has adopted a resolution or ordinance approving inclusion of additional counties, municipal corporations, or townships in the district, a copy of the resolution or ordinance shall be filed with the clerk of the board of the county commissioners of each county, the clerk of the legislative authority of each municipal corporation, and the fiscal officer of the board of trustees of each township proposed to be included in the district. The inclusion is effective when all such filing is completed unless the district to which territory is to be added has authority to levy an ad valorem tax on property within its territory, in which event the inclusion shall become effective upon voter approval of the joinder and the tax. ~~The~~ 98281  
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If a tax on property is to be levied, the board shall request and obtain from the county auditor an estimate of the levy's annual collections in the same manner as required for a tax levy under section 5705.03 of the Revised Code, assuming that the additional territory has been added to the district. The auditor shall certify this estimate to the board within ten days after receiving the board's request. The board of trustees shall promptly certify the proposal and the auditor's certification to the board or boards of elections for the purpose of having the proposal placed on the ballot at the next general or primary election that occurs not less than sixty days after the date of the meeting of the board of trustees, or at a special election held on a date specified in the certification that is not less than sixty days after the date of the meeting of the board. If territory of more than one county, municipal corporation, or township is to be added to the regional arts and cultural 98294  
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district, the electors of the territories of the counties, 98310  
municipal corporations, or townships which are to be added shall 98311  
vote as a district, and the outcome of the election shall be 98312  
determined by the vote cast in the entire district. Upon 98313  
certification of a proposal to the board or boards of elections 98314  
pursuant to this section, the board or boards of elections shall 98315  
make the necessary arrangements for the submission of the 98316  
questions to the electors of the territory to be added to the 98317  
district, and the election shall be held, canvassed, and certified 98318  
in the manner provided for the submission of tax levies under 98319  
section 5705.19 of the Revised Code, except that the question 98320  
appearing on the ballot shall read: 98321

"Shall the territory within the ..... (name or 98322  
names of political subdivisions to be joined) be added to 98323  
..... (name) regional arts and cultural 98324  
district? And shall a(n) ..... (here insert type of 98325  
~~tax or taxes~~) a property tax that the county auditor estimates 98326  
will collect \$..... annually at a rate of ~~taxation~~ ~~not to exceed~~ 98327  
exceeding ..... (here insert maximum tax rate or rates) mills 98328  
for each \$1 of taxable value, which amounts to \$..... for each 98329  
\$100,000 of fair market value, be levied for purposes of such 98330  
district?" 98331

If the question is approved by a majority of the electors 98332  
voting on the question, the joinder is effective immediately, and 98333  
the district may extend the levy of the tax against all the 98334  
taxable property within the territory that has been added. If the 98335  
question is approved at a general election or at a special 98336  
election occurring prior to a general election but after the 98337  
fifteenth day of July in any calendar year, the district may amend 98338  
its budget and resolution adopted pursuant to section 5705.34 of 98339  
the Revised Code, and the levy shall be placed on the current tax 98340  
list and duplicate and collected as other taxes are collected from 98341

all taxable property within the territory of the district, 98342  
including the territory added as a result of the election. 98343

The territory of a district shall be coextensive with the 98344  
territory of the counties, municipal corporations, and townships 98345  
included within the district, provided that the same territory may 98346  
not be included in more than one regional arts and cultural 98347  
district, and provided, that if a district includes only a portion 98348  
of an entire county, a district may be created in the remaining 98349  
portion of the same county by resolution of the board of county 98350  
commissioners acting alone or in conjunction with municipal 98351  
corporations and townships as provided in this section. 98352

**Sec. 3505.06.** (A) On the questions and issues ballot shall be 98353  
printed all questions and issues to be submitted at any one 98354  
election together with the percentage of affirmative votes 98355  
necessary for passage as required by law. Such ballot shall have 98356  
printed across the top thereof, and below the stubs, "Official 98357  
Questions and Issues Ballot." 98358

(B)(1) Questions and issues shall be grouped together on the 98359  
ballot from top to bottom as provided in division (B)(1) of this 98360  
section, except as otherwise provided in division (B)(2) of this 98361  
section. State questions and issues shall always appear as the top 98362  
group of questions and issues. In calendar year 1997, the 98363  
following questions and issues shall be grouped together on the 98364  
ballot, in the following order from top to bottom, after the state 98365  
questions and issues: 98366

(a) County questions and issues; 98367

(b) Municipal questions and issues; 98368

(c) Township questions and issues; 98369

(d) School or other district questions and issues. 98370

In each succeeding calendar year after 1997, each group of 98371

questions and issues described in division (B)(1)(a) to (d) of 98372  
this section shall be moved down one place on the ballot except 98373  
that the group that was last on the ballot during the immediately 98374  
preceding calendar year shall appear at the top of the ballot 98375  
after the state questions and issues. The rotation shall be 98376  
performed only once each calendar year, beginning with the first 98377  
election held during the calendar year. The rotation of groups of 98378  
questions and issues shall be performed during each calendar year 98379  
as required by division (B)(1) of this section, even if no 98380  
questions and issues from any one or more such groups appear on 98381  
the ballot at any particular election held during that calendar 98382  
year. 98383

(2) Questions and issues shall be grouped together on the 98384  
ballot, from top to bottom, in the following order when it is not 98385  
practicable to group them together as required by division (B)(1) 98386  
of this section because of the type of voting machines used by the 98387  
board of elections: state questions and issues, county questions 98388  
and issues, municipal questions and issues, township questions and 98389  
issues, and school or other district questions and issues. The 98390  
particular order in which each of a group of state questions or 98391  
issues is placed on the ballot shall be determined by, and 98392  
certified to each board of elections by, the secretary of state. 98393

(3) Failure of the board of elections to rotate questions and 98394  
issues as required by division (B)(1) of this section does not 98395  
affect the validity of the election at which the failure occurred, 98396  
and is not grounds for contesting an election under section 98397  
3515.08 of the Revised Code. 98398

(C) The particular order in which each of a group of county, 98399  
municipal, township, or school district questions or issues is 98400  
placed on the ballot shall be determined by the board providing 98401  
the ballots. 98402

(D) The printed matter pertaining to each question or issue 98403

on the ballot shall be enclosed at the top and bottom thereof by a heavy horizontal line across the width of the ballot. Immediately below such top line shall be printed a brief title descriptive of the question or issue below it, such as "Proposed Constitutional Amendment," "Proposed Bond Issue," "Proposed Annexation of Territory," "Proposed Increase in Tax Rate," or such other brief title as will be descriptive of the question or issue to which it pertains, together with a brief statement of the percentage of affirmative votes necessary for passage, such as "A sixty-five per cent affirmative vote is necessary for passage," "A majority vote is necessary for passage," or such other brief statement as will be descriptive of the percentage of affirmative votes required.

(E) The questions and issues ballot need not contain the full text of the proposal to be voted upon. A condensed text that will properly describe the question, issue, or an amendment proposed by other than the general assembly shall be used as prepared and certified by the secretary of state for state-wide questions or issues or by the board for local questions or issues. If other than a full text is used, the full text of the proposed question, issue, or amendment together with the percentage of affirmative votes necessary for passage as required by law shall be posted in each polling place in some spot that is easily accessible to the voters.

(F) Each question and issue appearing on the questions and issues ballot may be consecutively numbered. The question or issue determined to appear at the top of the ballot may be designated on the face thereof by the Arabic numeral "1" and all questions and issues placed below on the ballot shall be consecutively numbered. Such numeral shall be placed below the heavy top horizontal line enclosing such question or issue and to the left of the brief title thereof.

(G) No portion of a ballot question proposing to levy a

property tax in excess of the ten-mill limitation under any 98436  
section of the Revised Code, including the renewal or replacement 98437  
of such a levy, may be printed in boldface type or in a font size 98438  
that is different from the font size of other text in the ballot 98439  
question. The prohibitions in division (g) of this section do not 98440  
apply to printed matter either described in division (D) of this 98441  
section related to such a ballot question or located in the area 98442  
of the ballot in which votes are indicated for or against that 98443  
question. 98444

**Sec. 4582.024.** After a port authority has been created, any 98445  
municipal corporation, township, or county, acting by ordinance, 98446  
resolution of the township trustees, or resolution of the county 98447  
commissioners, respectively, which is contiguous to such port 98448  
authority, or to any municipal corporation, township, or county 98449  
which proposes to join such port authority at the same time and is 98450  
contiguous to such port authority, or any county within which such 98451  
port authority is situated, may join such port authority and 98452  
thereupon the jurisdiction and territory of such port authority 98453  
shall include such municipal corporation, county, or township. If 98454  
more than one such political subdivision is to be joined to the 98455  
port authority at the same time, then each such ordinance or 98456  
resolution shall designate the political subdivisions which are to 98457  
be so joined. Any territory or municipal corporation not included 98458  
in a port authority and which is annexed to a municipal 98459  
corporation included within the jurisdiction and territory of a 98460  
port authority shall, on such annexation and without further 98461  
proceedings, be annexed to and be included in the jurisdiction and 98462  
territory of such port authority. Before such political 98463  
subdivision or subdivisions are joined to a port authority, other 98464  
than by annexation to a municipality, the political subdivision or 98465  
subdivisions theretofore comprising such port authority shall 98466  
agree upon the terms and conditions pursuant to which such 98467



political subdivision or subdivisions are to be joined. For all 98468  
purposes of sections 4582.01 to 4582.20, inclusive, of the Revised 98469  
Code, such political subdivision or subdivisions shall be 98470  
considered to have participated in the creation of such port 98471  
authority, except that the initial term of any director of the 98472  
port authority appointed by such a political subdivision shall be 98473  
four years. After each ordinance or resolution proposing joinder 98474  
to the port authority has become effective and the terms and 98475  
conditions of joinder have been agreed to, the board of directors 98476  
of the port authority shall by resolution either accept or reject 98477  
such joinder. Such joinder shall be effective on adoption of the 98478  
resolution accepting such joinder, unless the port authority to 98479  
which a political subdivision or subdivisions including a county 98480  
within which such port authority is located, are to be joined has 98481  
authority under section 4582.14 of the Revised Code to levy a tax 98482  
on property within its jurisdiction, then such joinder shall not 98483  
be effective until approved by the affirmative vote of a majority 98484  
of the electors voting on the question of such joinder. If more 98485  
than one political subdivision is to be joined to the port 98486  
authority, then the electors of such subdivision shall vote as a 98487  
district and the majority affirmative vote shall be determined by 98488  
the vote cast in such district as a whole. ~~Such~~ 98489

If a tax on property is to be levied, the board of directors 98490  
of the port authority shall request and obtain from the county 98491  
auditor an estimate of the levy's annual collections in the same 98492  
manner as required for a tax levy under section 5705.03 of the 98493  
Revised Code, assuming that the additional subdivision or 98494  
subdivisions have joined the port authority. The auditor shall 98495  
certify this estimate to the board within ten days after receiving 98496  
the board's request. 98497

The election shall be called by the board of directors of the 98498  
port authority and shall be held, canvassed, and certified in the 98499

manner provided for the submission of tax levies under section 98500  
5705.191 of the Revised Code except that the question appearing on 98501  
the ballot shall read: 98502

"Shall ..... 98503  
(name or names of political subdivisions to be joined) 98504  
be joined to ..... (name) port authority and the 98505  
~~(name)~~ 98506  
existing tax levy (levies) of such port authority ~~(aggregating)~~ 98507  
that the county auditor estimates will collect \$..... annually, at 98508  
a rate not exceeding 98509  
..... ~~mill per dollar~~ mill(s) for each \$1 of valuation taxable 98510  
value, which amounts to \$..... for each \$100,000 of fair market 98511  
value, be authorized to be 98512  
levied against properties within 98513  
....." 98514  
(name or names of political subdivisions to be joined) 98515

If the question is approved such joinder shall be immediately 98516  
effective and the port authority shall be authorized to extend the 98517  
levy of such tax against all the taxable property within the 98518  
political subdivision or political subdivisions which have been 98519  
joined. If such question is approved at a general election then 98520  
the port authority may amend its budget and resolution adopted 98521  
pursuant to section 5705.34 of the Revised Code and such levy 98522  
shall be placed on the current tax list and duplicate and 98523  
collected as other taxes are collected from all taxable property 98524  
within the port authority including the political subdivision or 98525  
political subdivisions joined as a result of such election. 98526

As used in this section, "fair market value" has the same 98527  
meaning as in section 5705.01 of the Revised Code. 98528

Sec. 4582.26. After a port authority has been created, any 98529  
municipal corporation, township, county, or other political 98530  
subdivision, acting by ordinance or resolution, which is 98531  
contiguous to any municipal corporation, township, county, or 98532  
other political subdivision which participated in the creation of 98533  
such port authority or to any municipal corporation, township, 98534  
county, or other political subdivision which proposes to join the 98535  
port authority at the same time and is contiguous to any municipal 98536  
corporation, township, county, or other political subdivision 98537  
which participated in the creation of such port authority, may 98538  
join such port authority, and thereupon the jurisdiction and 98539  
territory of the port authority includes the municipal 98540  
corporation, county, township, or other political subdivision so 98541  
joining. If more than one such political subdivision is to be 98542  
joined to the port authority at the same time, then each such 98543  
ordinance or resolution shall designate the political subdivisions 98544  
which are to be so joined. Any territory or municipal corporation 98545  
not included in a port authority and which is annexed to a 98546  
municipal corporation included within the jurisdiction and 98547  
territory of a port authority shall, on such annexation and 98548  
without further proceedings, be annexed to and be included in the 98549  
jurisdiction and territory of the port authority. Before such 98550  
political subdivision or subdivisions are joined to a port 98551  
authority, other than by annexation to a municipal corporation, 98552  
the political subdivision or subdivisions theretofore comprising 98553  
such port authority shall agree upon the terms and conditions 98554  
pursuant to which such political subdivision or subdivisions are 98555  
to be joined. For all purposes of sections 4582.21 to 4582.59 of 98556  
the Revised Code, such political subdivision or subdivisions shall 98557  
be considered to have participated in the creation of such port 98558  
authority, except that the initial term of any director of the 98559  
port authority appointed by such a political subdivision shall be 98560

four years. After each ordinance or resolution proposing joinder 98561  
to the port authority has become effective and the terms and 98562  
conditions of joinder have been agreed to, the board of directors 98563  
of the port authority shall by resolution either accept or reject 98564  
such joinder. Such joinder shall be effective upon adoption of the 98565  
resolution accepting such joinder, unless the port authority to 98566  
which a political subdivision or subdivisions, including a county 98567  
within which such port authority is located, are to be joined, has 98568  
authority under section 4582.40 of the Revised Code to levy a tax 98569  
on property within its jurisdiction, then such joinder shall not 98570  
be effective until approved by the affirmative vote of a majority 98571  
of the electors voting on the question of the joinder. If more 98572  
than one political subdivision is to be joined to the port 98573  
authority, then the electors of such subdivisions shall vote as a 98574  
district and the majority affirmative vote shall be determined by 98575  
the vote cast in such district as a whole. ~~The~~ 98576

If a tax on property is to be levied, the board of directors 98577  
of the port authority shall request and obtain from the county 98578  
auditor an estimate of the levy's annual collections in the same 98579  
manner as required for a tax levy under section 5705.03 of the 98580  
Revised Code, assuming that the additional subdivision or 98581  
subdivisions have joined the port authority. The auditor shall 98582  
certify this estimate to the board within ten days after receiving 98583  
the board's request. 98584

The election shall be called by the board of directors of the 98585  
port authority and shall be held, canvassed, and certified in the 98586  
manner provided for the submission of tax levies under section 98587  
5705.191 of the Revised Code except that the question appearing on 98588  
the ballot shall read: 98589

"Shall ..... 98590

(Name or names of political subdivisions to be joined) 98591

..... 98592

~~be joined~~) 98593

be joined to ..... (Name) port authority 98594

~~(Name)~~ 98595

and the existing tax levy (levies) of such port authority 98596

~~(aggregating)~~ , that the county auditor estimates will collect 98597

\$..... annually, at a rate not exceeding ..... ~~mill per~~ 98598

dollar mill(s) for each \$1 of valuation taxable value, which 98599

amounts to \$..... for each \$100,000 of fair market value 98600

be authorized to be levied against properties within 98601

.....?" 98602

(Name or names of political subdivisions to be joined) 98603

If the question is approved the joinder becomes immediately 98604

effective and the port authority is authorized to extend the levy 98605

of such tax against all the taxable property within the political 98606

subdivision or political subdivisions which have been joined. If 98607

such question is approved at a general election, then the port 98608

authority may amend its budget and resolution adopted pursuant to 98609

section 5705.34 of the Revised Code and such levy shall be placed 98610

on the current tax list and duplicate and collected as other taxes 98611

are collected from all taxable property within the port authority 98612

including the political subdivision or political subdivisions 98613

joined as a result of the election. 98614

As used in this section, "fair market value" has the same 98615

meaning as in section 5705.01 of the Revised Code. 98616

**Sec. 5705.01.** As used in this chapter: 98617

(A) "Subdivision" means any county; municipal corporation; 98618

township; township police district; joint police district; 98619

township fire district; joint fire district; joint ambulance 98620

district; joint emergency medical services district; fire and 98621  
ambulance district; joint recreation district; township waste 98622  
disposal district; township road district; community college 98623  
district; technical college district; detention facility district; 98624  
a district organized under section 2151.65 of the Revised Code; a 98625  
combined district organized under sections 2152.41 and 2151.65 of 98626  
the Revised Code; a joint-county alcohol, drug addiction, and 98627  
mental health service district; a drainage improvement district 98628  
created under section 6131.52 of the Revised Code; a lake 98629  
facilities authority created under Chapter 353. of the Revised 98630  
Code; a union cemetery district; a county school financing 98631  
district; a city, local, exempted village, cooperative education, 98632  
or joint vocational school district; or a regional student 98633  
education district created under section 3313.83 of the Revised 98634  
Code. 98635

(B) "Municipal corporation" means all municipal corporations, 98636  
including those that have adopted a charter under Article XVIII, 98637  
Ohio Constitution. 98638

(C) "Taxing authority" or "bond issuing authority" means, in 98639  
the case of any county, the board of county commissioners; in the 98640  
case of a municipal corporation, the council or other legislative 98641  
authority of the municipal corporation; in the case of a city, 98642  
local, exempted village, cooperative education, or joint 98643  
vocational school district, the board of education; in the case of 98644  
a community college district, the board of trustees of the 98645  
district; in the case of a technical college district, the board 98646  
of trustees of the district; in the case of a detention facility 98647  
district, a district organized under section 2151.65 of the 98648  
Revised Code, or a combined district organized under sections 98649  
2152.41 and 2151.65 of the Revised Code, the joint board of county 98650  
commissioners of the district; in the case of a township, the 98651  
board of township trustees; in the case of a joint police 98652

district, the joint police district board; in the case of a joint 98653  
fire district, the board of fire district trustees; in the case of 98654  
a joint recreation district, the joint recreation district board 98655  
of trustees; in the case of a joint-county alcohol, drug 98656  
addiction, and mental health service district, the district's 98657  
board of alcohol, drug addiction, and mental health services; in 98658  
the case of a joint ambulance district or a fire and ambulance 98659  
district, the board of trustees of the district; in the case of a 98660  
union cemetery district, the legislative authority of the 98661  
municipal corporation and the board of township trustees, acting 98662  
jointly as described in section 759.341 of the Revised Code; in 98663  
the case of a drainage improvement district, the board of county 98664  
commissioners of the county in which the drainage district is 98665  
located; in the case of a lake facilities authority, the board of 98666  
directors; in the case of a joint emergency medical services 98667  
district, the joint board of county commissioners of all counties 98668  
in which all or any part of the district lies; and in the case of 98669  
a township police district, a township fire district, a township 98670  
road district, or a township waste disposal district, the board of 98671  
township trustees of the township in which the district is 98672  
located. "Taxing authority" also means the educational service 98673  
center governing board that serves as the taxing authority of a 98674  
county school financing district as provided in section 3311.50 of 98675  
the Revised Code, and the board of directors of a regional student 98676  
education district created under section 3313.83 of the Revised 98677  
Code. 98678

(D) "Fiscal officer" in the case of a county, means the 98679  
county auditor; in the case of a municipal corporation, the city 98680  
auditor or village clerk, or an officer who, by virtue of the 98681  
charter, has the duties and functions of the city auditor or 98682  
village clerk, except that in the case of a municipal university 98683  
the board of directors of which have assumed, in the manner 98684  
provided by law, the custody and control of the funds of the 98685

university, the chief accounting officer of the university shall 98686  
perform, with respect to the funds, the duties vested in the 98687  
fiscal officer of the subdivision by sections 5705.41 and 5705.44 98688  
of the Revised Code; in the case of a school district, the 98689  
treasurer of the board of education; in the case of a county 98690  
school financing district, the treasurer of the educational 98691  
service center governing board that serves as the taxing 98692  
authority; in the case of a township, the township fiscal officer; 98693  
in the case of a joint police district, the treasurer of the 98694  
district; in the case of a joint fire district, the clerk of the 98695  
board of fire district trustees; in the case of a joint ambulance 98696  
district, the clerk of the board of trustees of the district; in 98697  
the case of a joint emergency medical services district, the 98698  
person appointed as fiscal officer pursuant to division (D) of 98699  
section 307.053 of the Revised Code; in the case of a fire and 98700  
ambulance district, the person appointed as fiscal officer 98701  
pursuant to division (B) of section 505.375 of the Revised Code; 98702  
in the case of a joint recreation district, the person designated 98703  
pursuant to section 755.15 of the Revised Code; in the case of a 98704  
union cemetery district, the clerk of the municipal corporation 98705  
designated in section 759.34 of the Revised Code; in the case of a 98706  
children's home district, educational service center, general 98707  
health district, joint-county alcohol, drug addiction, and mental 98708  
health service district, county library district, detention 98709  
facility district, district organized under section 2151.65 of the 98710  
Revised Code, a combined district organized under sections 2152.41 98711  
and 2151.65 of the Revised Code, or a metropolitan park district 98712  
for which no treasurer has been appointed pursuant to section 98713  
1545.07 of the Revised Code, the county auditor of the county 98714  
designated by law to act as the auditor of the district; in the 98715  
case of a metropolitan park district which has appointed a 98716  
treasurer pursuant to section 1545.07 of the Revised Code, that 98717  
treasurer; in the case of a drainage improvement district, the 98718



auditor of the county in which the drainage improvement district 98719  
is located; in the case of a lake facilities authority, the fiscal 98720  
officer designated under section 353.02 of the Revised Code; in 98721  
the case of a regional student education district, the fiscal 98722  
officer appointed pursuant to section 3313.83 of the Revised Code; 98723  
and in all other cases, the officer responsible for keeping the 98724  
appropriation accounts and drawing warrants for the expenditure of 98725  
the moneys of the district or taxing unit. 98726

(E) "Permanent improvement" or "improvement" means any 98727  
property, asset, or improvement with an estimated life or 98728  
usefulness of five years or more, including land and interests 98729  
therein, and reconstructions, enlargements, and extensions thereof 98730  
having an estimated life or usefulness of five years or more. 98731

(F) "Current operating expenses" and "current expenses" mean 98732  
the lawful expenditures of a subdivision, except those for 98733  
permanent improvements, and except payments for interest, sinking 98734  
fund, and retirement of bonds, notes, and certificates of 98735  
indebtedness of the subdivision. 98736

(G) "Debt charges" means interest, sinking fund, and 98737  
retirement charges on bonds, notes, or certificates of 98738  
indebtedness. 98739

(H) "Taxing unit" means any subdivision or other governmental 98740  
district having authority to levy taxes on the property in the 98741  
district or issue bonds that constitute a charge against the 98742  
property of the district, including conservancy districts, 98743  
metropolitan park districts, sanitary districts, road districts, 98744  
and other districts. 98745

(I) "District authority" means any board of directors, 98746  
trustees, commissioners, or other officers controlling a district 98747  
institution or activity that derives its income or funds from two 98748  
or more subdivisions, such as the educational service center, the 98749

trustees of district children's homes, the district board of 98750  
health, a joint-county alcohol, drug addiction, and mental health 98751  
service district's board of alcohol, drug addiction, and mental 98752  
health services, detention facility districts, a joint recreation 98753  
district board of trustees, districts organized under section 98754  
2151.65 of the Revised Code, combined districts organized under 98755  
sections 2152.41 and 2151.65 of the Revised Code, and other such 98756  
boards. 98757

(J) "Tax list" and "tax duplicate" mean the general tax lists 98758  
and duplicates prescribed by sections 319.28 and 319.29 of the 98759  
Revised Code. 98760

(K) "Property" as applied to a tax levy means taxable 98761  
property listed on general tax lists and duplicates. 98762

(L) "Association library district" means a territory, the 98763  
boundaries of which are defined by the state library board 98764  
pursuant to division (I) of section 3375.01 of the Revised Code, 98765  
in which a library association or private corporation maintains a 98766  
free public library. 98767

(M) "Library district" means a territory, the boundaries of 98768  
which are defined by the state library board pursuant to section 98769  
3375.01 of the Revised Code, in which the board of trustees of a 98770  
county, municipal corporation, school district, or township public 98771  
library maintains a free public library. 98772

(N) "Qualifying library levy" means either of the following: 98773

(1) A levy for the support of a library association or 98774  
private corporation that has an association library district with 98775  
boundaries that are not identical to those of a subdivision; 98776

(2) A levy proposed under section 5705.23 of the Revised Code 98777  
for the support of the board of trustees of a public library that 98778  
has a library district with boundaries that are not identical to 98779  
those of a subdivision. 98780

(O) "School library district" means a school district in 98781  
which a free public library has been established that is under the 98782  
control and management of a board of library trustees as provided 98783  
in section 3375.15 of the Revised Code. 98784

(P) "Fair market value" means the true value in money of real 98785  
property. 98786

**Sec. 5705.03.** (A) The taxing authority of each subdivision 98787  
may levy taxes annually, subject to the limitations of sections 98788  
5705.01 to 5705.47 of the Revised Code, on the real and personal 98789  
property within the subdivision for the purpose of paying the 98790  
current operating expenses of the subdivision and acquiring or 98791  
constructing permanent improvements. The taxing authority of each 98792  
subdivision and taxing unit shall, subject to the limitations of 98793  
such sections, levy such taxes annually as are necessary to pay 98794  
the interest and sinking fund on and retire at maturity the bonds, 98795  
notes, and certificates of indebtedness of such subdivision and 98796  
taxing unit, including levies in anticipation of which the 98797  
subdivision or taxing unit has incurred indebtedness. 98798

(B)(1) When a taxing authority determines that it is 98799  
necessary to levy a tax outside the ten-mill limitation for any 98800  
purpose authorized by the Revised Code, the taxing authority shall 98801  
certify to the county auditor a resolution or ordinance requesting 98802  
that the county auditor certify to the taxing authority the total 98803  
current tax valuation of the subdivision, and the number of mills 98804  
for each one dollar of taxable value and that rate stated in 98805  
dollars, rounded to the nearest dollar, for each one hundred 98806  
thousand dollars of fair market value required to generate a 98807  
specified amount of revenue, or the dollar amount of revenue, 98808  
rounded to the nearest dollar, that would be generated by a 98809  
specified number of mills for each one dollar of taxable value. 98810  
The auditor shall additionally certify an estimate of the levy's 98811

annual collections, rounded to the nearest dollar, which shall be 98812  
calculated assuming that the amount of the tax list of the taxing 98813  
authority remains throughout the life of the levy the same as the 98814  
amount of the tax list for the current year, and if this is not 98815  
determined, the estimated amount submitted by the auditor to the 98816  
county budget commission. The resolution or ordinance the taxing 98817  
authority certifies to the county auditor shall state all of the 98818  
following: 98819

(a) The purpose of the tax; 98820

(b) Whether the tax is an additional levy, a renewal or a 98821  
replacement of an existing tax, or a renewal or replacement of an 98822  
existing tax with an increase or a decrease; 98823

(c) The section of the Revised Code authorizing submission of 98824  
the question of the tax; 98825

(d) The term of years of the tax or if the tax is for a 98826  
continuing period of time; 98827

(e) That the tax is to be levied upon the entire territory of 98828  
the subdivision or, if authorized by the Revised Code, a 98829  
description of the portion of the territory of the subdivision in 98830  
which the tax is to be levied; 98831

(f) The date of the election at which the question of the tax 98832  
shall appear on the ballot; 98833

(g) That the ballot measure shall be submitted to the entire 98834  
territory of the subdivision or, if authorized by the Revised 98835  
Code, a description of the portion of the territory of the 98836  
subdivision to which the ballot measure shall be submitted; 98837

(h) The tax year in which the tax will first be levied and 98838  
the calendar year in which the tax will first be collected; 98839

(i) Each such county in which the subdivision has territory. 98840  
If a subdivision is located in more than one county, the 98841

county auditor shall obtain from the county auditor of each other 98842  
county in which the subdivision is located the current tax 98843  
valuation for the portion of the subdivision in that county. The 98844  
county auditor shall issue the certification to the taxing 98845  
authority within ten days after receiving the taxing authority's 98846  
resolution or ordinance requesting it. 98847

~~(2) When considering the tangible personal property component 98848  
of the tax valuation of the subdivision, the county auditor shall 98849  
take into account the assessment percentages prescribed in section 98850  
5711.22 of the Revised Code. The tax commissioner may issue rules, 98851  
orders, or instructions directing how the assessment percentages 98852  
must be utilized. 98853~~

~~(3) Upon receiving the certification from the county auditor, 98854  
the taxing authority may adopt a resolution or ordinance stating 98855  
the rate of the tax levy, expressed in mills for each one dollar 98856  
in tax valuation of taxable value and in dollars for each one 98857  
hundred thousand dollars of fair market value, as estimated by the 98858  
county auditor, and that the taxing authority will proceed with 98859  
the submission of the question of the tax to electors. The taxing 98860  
authority shall certify this resolution or ordinance, a copy of 98861  
the county auditor's ~~certification~~ certifications, and the 98862  
resolution or ordinance the taxing authority adopted under 98863  
division (B)(1) of this section to the proper county board of 98864  
elections in the manner and within the time prescribed by the 98865  
section of the Revised Code governing submission of the question. 98866  
The county board of elections shall not submit the question of the 98867  
tax to electors unless a copy of the county auditor's 98868  
certification accompanies the resolutions or ordinances the taxing 98869  
authority certifies to the board. Before requesting a taxing 98870  
authority to submit a tax levy, any agency or authority authorized 98871  
to make that request shall first request the certification from 98872  
the county auditor provided under this section. 98873~~

~~(4)~~ (3) This division is supplemental to, and not in 98874  
derogation of, any similar requirement governing the certification 98875  
by the county auditor of the tax valuation of a subdivision or 98876  
necessary tax rates for the purposes of the submission of the 98877  
question of a tax in excess of the ten-mill limitation, including 98878  
sections 133.18 and 5705.195 of the Revised Code. 98879

(C) All taxes levied on property shall be extended on the tax 98880  
list and duplicate by the county auditor of the county in which 98881  
the property is located, and shall be collected by the county 98882  
treasurer of such county in the same manner and under the same 98883  
laws and rules as are prescribed for the assessment and collection 98884  
of county taxes. The proceeds of any tax levied by or for any 98885  
subdivision when received by its fiscal officer shall be deposited 98886  
in its treasury to the credit of the appropriate fund. 98887

**Sec. 5705.192.** (A) For the purposes of this section only, 98888  
"taxing authority" includes a township board of park commissioners 98889  
appointed under section 511.18 of the Revised Code. 98890

(B) A taxing authority may propose to replace an existing 98891  
levy that the taxing authority is authorized to levy, regardless 98892  
of the section of the Revised Code under which the authority is 98893  
granted, except a school district emergency levy proposed pursuant 98894  
to sections 5705.194 to 5705.197 of the Revised Code. The taxing 98895  
authority may propose to replace the existing levy in its entirety 98896  
at the rate at which it is authorized to be levied; may propose to 98897  
replace a portion of the existing levy at a lesser rate; or may 98898  
propose to replace the existing levy in its entirety and increase 98899  
the rate at which it is levied. If the taxing authority proposes 98900  
to replace an existing levy, the proposed levy shall be called a 98901  
replacement levy and shall be so designated on the ballot. Except 98902  
as otherwise provided in this division, a replacement levy shall 98903  
be limited to the purpose of the existing levy, and shall appear 98904

separately on the ballot from, and shall not be conjoined with, 98905  
the renewal of any other existing levy. In the case of an existing 98906  
school district levy imposed under section 5705.21 of the Revised 98907  
Code for the purpose specified in division (F) of section 5705.19 98908  
of the Revised Code, or in the case of an existing school district 98909  
levy imposed under section 5705.217 of the Revised Code for the 98910  
acquisition, construction, enlargement, renovation, and financing 98911  
of permanent improvements, the replacement for that existing levy 98912  
may be for the same purpose or for the purpose of general 98913  
permanent improvements as defined in section 5705.21 of the 98914  
Revised Code. The replacement for an existing levy imposed under 98915  
division (L) of section 5705.19 or section 5705.222 of the Revised 98916  
Code may be for any purpose authorized for a levy imposed under 98917  
section 5705.222 of the Revised Code. 98918

The resolution proposing a replacement levy shall specify the 98919  
purpose of the levy; its proposed rate expressed in mills for each 98920  
one dollar of taxable value and in dollars for each one hundred 98921  
thousand dollars of fair market value; whether the proposed rate 98922  
is the same as the rate of the existing levy, a reduction, or an 98923  
increase; the extent of any reduction or increase expressed in 98924  
mills for each one dollar of taxable value and in dollars for each 98925  
one hundred thousand dollars of fair market value; the first 98926  
calendar year in which the levy will be due; and the term of the 98927  
levy, expressed in years or, if applicable, that it will be levied 98928  
for a continuing period of time. 98929

The sections of the Revised Code governing the maximum rate 98930  
and term of the existing levy, the contents of the resolution that 98931  
proposed the levy, the adoption of the resolution, the 98932  
arrangements for the submission of the question of the levy, and 98933  
notice of the election also govern the respective provisions of 98934  
the proposal to replace the existing levy, except as provided in 98935  
divisions (B)(1) to ~~(4)~~ (5) of this section: 98936

(1) In the case of an existing school district levy that is 98937  
imposed under section 5705.21 of the Revised Code for the purpose 98938  
specified in division (F) of section 5705.19 of the Revised Code 98939  
or under section 5705.217 of the Revised Code for the acquisition, 98940  
construction, enlargement, renovation, and financing of permanent 98941  
improvements, and that is to be replaced by a levy for general 98942  
permanent improvements, the term of the replacement levy may be 98943  
for a continuing period of time. 98944

(2) The date on which the election is held shall be as 98945  
follows: 98946

(a) For the replacement of a levy with a fixed term of years, 98947  
the date of the general election held during the last year the 98948  
existing levy may be extended on the real and public utility 98949  
property tax list and duplicate, or the date of any election held 98950  
in the ensuing year; 98951

(b) For the replacement of a levy imposed for a continuing 98952  
period of time, the date of any election held in any year after 98953  
the year the levy to be replaced is first approved by the 98954  
electors, except that only one election on the question of 98955  
replacing the levy may be held during any calendar year. 98956

The failure by the electors to approve a proposal to replace 98957  
a levy imposed for a continuing period of time does not terminate 98958  
the existing continuing levy. 98959

(3) In the case of an existing school district levy imposed 98960  
under division (B) of section 5705.21, division (C) of section 98961  
5705.212, or division (J) of section 5705.218 of the Revised Code, 98962  
the rates allocated to the qualifying school district and to 98963  
partnering community schools each may be increased or decreased or 98964  
remain the same, and the total rate may be increased, decreased, 98965  
or remain the same. 98966

(4) In the case of an existing levy imposed under division 98967



(L) of section 5705.19 of the Revised Code, the term may be for 98968  
any number of years not exceeding ten or for a continuing period 98969  
of time. 98970

(5) In addition to other required information, the election 98971  
notice shall express the levy's annual collections, as estimated 98972  
and certified by the county auditor under section 5705.03 of the 98973  
Revised Code. 98974

(C) The form of the ballot at the election on the question of 98975  
a replacement levy shall be as follows: 98976

"A replacement of a tax for the benefit of ..... (name 98977  
of subdivision or public library) for the purpose of ..... 98978  
(the purpose stated in the resolution), that the county auditor 98979  
estimates will collect \$..... annually, at a rate not exceeding 98980  
..... mills for each ~~one dollar~~ \$1 of ~~valuation~~ taxable 98981  
value, which amounts to \$..... (~~rate expressed in dollars and 98982~~  
~~cents~~) for each ~~one hundred dollars in valuation~~ \$100,000 of fair 98983  
market value, for ..... (number of years levy is to run, or 98984  
that it will be levied for a continuous period of time) 98985

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

"

If the replacement levy is proposed by a qualifying school 98990  
district to replace an existing tax levied under division (B) of 98991  
section 5705.21, division (C)(1) of section 5705.212, or division 98992  
(J) of section 5705.218 of the Revised Code, the form of the 98993  
ballot shall be modified by adding, after the phrase "each ~~one 98994~~  
~~dollar~~ \$1 of ~~valuation~~ taxable value," the following: "(of which 98995  
..... mills is to be allocated to partnering community schools)." 98996

If the proposal is to replace an existing levy and increase 98997  
the rate of the existing levy, the form of the ballot shall be 98998

changed by adding the words "..... mills of an existing levy 98999  
and an increase of ..... mills, to constitute" after the 99000  
words "a replacement of." If the proposal is to replace only a 99001  
portion of an existing levy, the form of the ballot shall be 99002  
changed by adding the words "a portion of an existing levy, being 99003  
a reduction of ..... mills, to constitute" after the words "a 99004  
replacement of." If the existing levy is imposed under division 99005  
(B) of section 5705.21, division (C)(1) of section 5705.212, or 99006  
division (J) of section 5705.218 of the Revised Code, the form of 99007  
the ballot also shall state the portion of the total increased 99008  
rate or of the total rate as reduced that is to be allocated to 99009  
partnering community schools. 99010

If the tax is to be placed on the tax list of the current tax 99011  
year, the form of the ballot shall be modified by adding at the 99012  
end of the form the phrase ", commencing in ..... (first year 99013  
the replacement tax is to be levied), first due in calendar year 99014  
..... (first calendar year in which the tax shall be due)." 99015

The question covered by the resolution shall be submitted as 99016  
a separate proposition, but may be printed on the same ballot with 99017  
any other proposition submitted at the same election, other than 99018  
the election of officers. More than one such question may be 99019  
submitted at the same election. 99020

(D) Two or more existing levies, or any portion of those 99021  
levies, may be combined into one replacement levy, so long as all 99022  
of the existing levies are for the same purpose and either all are 99023  
due to expire the same year or all are for a continuing period of 99024  
time. The question of combining all or portions of those existing 99025  
levies into the replacement levy shall appear as one ballot 99026  
proposition before the electors. If the electors approve the 99027  
ballot proposition, all or the stated portions of the existing 99028  
levies are replaced by one replacement levy. 99029

(E) A levy approved in excess of the ten-mill limitation 99030

under this section shall be certified to the tax commissioner. In 99031  
the first year of a levy approved under this section, the levy 99032  
shall be extended on the tax lists after the February settlement 99033  
succeeding the election at which the levy was approved. If the 99034  
levy is to be placed on the tax lists of the current year, as 99035  
specified in the resolution providing for its submission, the 99036  
result of the election shall be certified immediately after the 99037  
canvass by the board of elections to the taxing authority, which 99038  
shall forthwith make the necessary levy and certify it to the 99039  
county auditor, who shall extend it on the tax lists for 99040  
collection. After the first year, the levy shall be included in 99041  
the annual tax budget that is certified to the county budget 99042  
commission. 99043

If notes are authorized to be issued in anticipation of the 99044  
proceeds of the existing levy, notes may be issued in anticipation 99045  
of the proceeds of the replacement levy, and such issuance is 99046  
subject to the terms and limitations governing the issuance of 99047  
notes in anticipation of the proceeds of the existing levy. 99048

(F) This section does not authorize a tax to be levied in any 99049  
year after the year in which revenue is not needed for the purpose 99050  
for which the tax is levied. 99051

**Sec. 5705.195.** Within five days after the resolution is 99052  
certified to the county auditor as provided by section 5705.194 of 99053  
the Revised Code, the auditor shall calculate and certify to the 99054  
taxing authority the annual levy, expressed in dollars ~~and cents~~ 99055  
for each one hundred thousand dollars of ~~valuation~~ fair market 99056  
value as well as in mills for each one dollar of ~~valuation~~ taxable 99057  
value, throughout the life of the levy which will be required to 99058  
produce the annual amount set forth in the resolution assuming 99059  
that the amount of the tax list of such subdivision remains 99060  
throughout the life of the levy the same as the amount of the tax 99061

list for the current year, and if this is not determined, the 99062  
estimated amount submitted by the auditor to the county budget 99063  
commission. ~~When considering the tangible personal property 99064~~  
~~component of the tax valuation of the subdivision, the county 99065~~  
~~auditor shall take into account the assessment percentages 99066~~  
~~prescribed in section 5711.22 of the Revised Code. The tax 99067~~  
~~commissioner may issue rules, orders, or instructions directing 99068~~  
~~how the assessment percentages must be utilized. 99069~~

Upon receiving the certification from the county auditor, if 99070  
the taxing authority desires to proceed with the submission of the 99071  
question it shall, not less than ninety days before the day of 99072  
such election, certify its resolution, together with the amount of 99073  
the average tax levy, expressed in dollars ~~and cents~~ for each one 99074  
hundred thousand dollars of ~~valuation~~ fair market value as well as 99075  
in mills for each one dollar of ~~valuation~~ taxable value, estimated 99076  
by the auditor, and the number of years the levy is to run to the 99077  
board of elections of the county which shall prepare the ballots 99078  
and make other necessary arrangements for the submission of the 99079  
question to the voters of the subdivision. 99080

**Sec. 5705.196.** The election provided for in section 5705.194 99081  
of the Revised Code shall be held at the regular places for voting 99082  
in the district, and shall be conducted, canvassed, and certified 99083  
in the same manner as regular elections in the district for the 99084  
election of county officers, provided that in any such election in 99085  
which only part of the electors of a precinct are qualified to 99086  
vote, the board of elections may assign voters in such part to an 99087  
adjoining precinct. Such an assignment may be made to an adjoining 99088  
precinct in another county with the consent and approval of the 99089  
board of elections of such other county. Notice of the election 99090  
shall be published in one newspaper of general circulation in the 99091  
district once a week for two consecutive weeks or as provided in 99092  
section 7.16 of the Revised Code, prior to the election. If the 99093

board of elections operates and maintains a web site, the board of 99094  
elections shall post notice of the election on its web site for 99095  
thirty days prior to the election. Such notice shall state the 99096  
annual proceeds of the proposed levy, the purpose for which such 99097  
proceeds are to be used, the number of years during which the levy 99098  
shall run, and the estimated average additional tax rate expressed 99099  
in dollars ~~and cents~~ for each one hundred thousand dollars of 99100  
~~valuation~~ fair market value as well as in mills for each one 99101  
dollar of ~~valuation~~ taxable value, outside the limitation imposed 99102  
by Section 2 of Article XII, Ohio Constitution, as certified by 99103  
the county auditor. 99104

**Sec. 5705.197.** The form of the ballot to be used at the 99105  
election provided for in section 5705.195 of the Revised Code 99106  
shall be as follows: 99107

"Shall a levy be imposed by the ..... (here insert 99108  
name of school district) for the purpose of ..... (here 99109  
insert purpose of levy) in the sum of \$..... (here insert 99110  
annual amount the levy is to produce) and a levy of taxes to be 99111  
made outside of the ten-mill limitation estimated by the county 99112  
auditor to average ..... ~~(here insert number of mills)~~ mills 99113  
for each ~~one dollar~~ \$1 of ~~valuation~~ taxable value, which amounts 99114  
to \$..... ~~(here insert rate expressed in dollars and cents)~~ 99115  
for each ~~one hundred dollars~~ \$100,000 of ~~valuation~~ fair market 99116  
value, for a period of ..... (here insert the number of years 99117  
the millage is to be imposed) years? 99118

	For the Tax Levy	
	Against the Tax Levy	"

~~The purpose for which the tax is to be levied shall be 99119  
printed in the space indicated, in boldface type of at least twice 99120  
99121  
99122  
99123  
99124~~

~~the size of the type immediately surrounding it.~~ 99125

If the tax is to be placed on the current tax list, the form 99126  
of the ballot shall be modified by adding, after "years," the 99127  
phrase ", commencing in ..... (first year the tax is to be 99128  
levied), first due in calendar year ..... (first calendar 99129  
year in which the tax shall be due)." 99130

If the levy submitted is a proposal to renew all or a portion 99131  
of an existing levy, the form of the ballot specified in this 99132  
section ~~may~~ must be changed by adding the following at the 99133  
beginning of the form, after the words "shall a levy": 99134

(A) "Renewing an existing levy" in the case of a proposal to 99135  
renew an existing levy in the same amount; 99136

(B) "Renewing \$..... ~~dollars~~ and providing an increase of 99137  
\$..... ~~dollars~~" in the case of an increase; 99138

(C) "Renewing part of an existing levy, being a reduction of 99139  
\$..... ~~dollars~~" in the case of a renewal of only part of an 99140  
existing levy. 99141

If the levy submitted is a proposal to renew all or a portion 99142  
of more than one existing levy, the form of the ballot may be 99143  
changed in any of the manners provided in division (A), (B), or 99144  
(C) of this section, or any combination of those manners, as 99145  
appropriate, so long as the form of the ballot reflects the number 99146  
of levies to be renewed, whether the amount of any of the levies 99147  
will be increased or decreased, the amount of any such increase or 99148  
decrease for each levy, and that none of the existing levies to be 99149  
renewed will be levied after the year preceding the year in which 99150  
the renewal levy is first imposed. The form of the ballot shall be 99151  
changed by adding the following statement after "for a period of 99152  
..... years?" and before "For the Tax Levy" and "Against the Tax 99153  
Levy": 99154

"If approved, any remaining tax years on any of the above 99155

..... (here insert the number of existing levies) existing levies 99156  
will not be collected after ..... (here insert the current tax 99157  
year or, if not the current tax year, the applicable tax year)." 99158

**Sec. 5705.199.** (A) At any time the board of education of a 99159  
city, local, exempted village, cooperative education, or joint 99160  
vocational school district, by a vote of two-thirds of all its 99161  
members, may declare by resolution that the revenue that will be 99162  
raised by all tax levies that the district is authorized to 99163  
impose, when combined with state and federal revenues, will be 99164  
insufficient to provide for the necessary requirements of the 99165  
school district, and that it is therefore necessary to levy a tax 99166  
in excess of the ten-mill limitation for the purpose of providing 99167  
for the necessary requirements of the school district. Such a levy 99168  
shall be proposed as a substitute for all or a portion of one or 99169  
more existing levies imposed under sections 5705.194 to 5705.197 99170  
of the Revised Code or under this section, by levying a tax as 99171  
follows: 99172

(1) In the initial year the levy is in effect, the levy shall 99173  
be in a specified amount of money equal to the aggregate annual 99174  
dollar amount of proceeds derived from the levy or levies, or 99175  
portion thereof, being substituted. 99176

(2) In each subsequent year the levy is in effect, the levy 99177  
shall be in a specified amount of money equal to the sum of the 99178  
following: 99179

(a) The dollar amount of the proceeds derived from the levy 99180  
in the prior year; and 99181

(b) The dollar amount equal to the product of the total 99182  
taxable value of all taxable real property in the school district 99183  
in the then-current year, excluding carryover property as defined 99184  
in section 319.301 of the Revised Code, multiplied by the annual 99185  
levy, expressed in mills for each one dollar of ~~valuation~~ taxable 99186

value, that was required to produce the annual dollar amount of 99187  
the levy under this section in the prior year; provided, that the 99188  
amount under division (A)(2)(b) of this section shall not be less 99189  
than zero. 99190

(B) The resolution proposing the substitute levy shall 99191  
specify the annual dollar amount the levy is to produce in its 99192  
initial year; the first calendar year in which the levy will be 99193  
due; and the term of the levy expressed in years, which may be any 99194  
number not exceeding ten, or for a continuing period of time. The 99195  
resolution shall specify the date of holding the election, which 99196  
shall not be earlier than ninety days after certification of the 99197  
resolution to the board of elections, and which shall be 99198  
consistent with the requirements of section 3501.01 of the Revised 99199  
Code. If two or more existing levies are to be included in a 99200  
single substitute levy, but are not scheduled to expire in the 99201  
same year, the resolution shall specify that the existing levies 99202  
to be substituted shall not be levied after the year preceding the 99203  
year in which the substitute levy is first imposed. 99204

The resolution shall go into immediate effect upon its 99205  
passage, and no publication of the resolution shall be necessary 99206  
other than that provided for in the notice of election. A copy of 99207  
the resolution shall immediately after its passage be certified to 99208  
the county auditor in the manner provided by section 5705.195 of 99209  
the Revised Code, and sections 5705.194 and 5705.196 of the 99210  
Revised Code shall govern the arrangements for the submission of 99211  
the question and other matters concerning the notice of election 99212  
and the election, except as may be provided otherwise in this 99213  
section. 99214

(C) The form of the ballot to be used at the election on the 99215  
question of a levy under this section shall be as follows: 99216

"Shall a tax levy substituting for an existing levy be 99217  
imposed by the ..... (here insert name of school district) 99218



for the purpose of providing for the necessary requirements of the 99219  
school district in the initial sum of \$..... (here insert the 99220  
annual dollar amount the levy is to produce in its initial year), 99221  
and a levy of taxes be made outside of the ten-mill limitation 99222  
estimated by the county auditor to require ..... ~~(here insert~~ 99223  
~~number of mills)~~ mills for each ~~one dollar~~ \$1 of ~~valuation taxable~~ 99224  
value, which amounts to \$..... ~~(here insert rate expressed in~~ 99225  
~~dollars and cents)~~ for each ~~one hundred dollars~~ \$100,000 of 99226  
~~valuation~~ fair market value for the initial year of the tax, for a 99227  
period of ..... (here insert the number of years the levy is 99228  
to be imposed, or that it will be levied for a continuing period 99229  
of time), commencing in ..... (first year the tax is to be 99230  
levied), first due in calendar year ..... (first calendar 99231  
year in which the tax shall be due), with the sum of such tax to 99232  
increase only if and as new land or real property improvements not 99233  
previously taxed by the school district are added to its tax list? 99234

	FOR THE TAX LEVY	
	AGAINST THE TAX LEVY	"

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If the levy submitted is a proposal to substitute all or a  
portion of more than one existing levy, the form of the ballot may  
be changed so long as the ballot reflects the number of levies to  
be substituted and that none of the existing levies to be  
substituted will be levied after the year preceding the year in  
which the substitute levy is first imposed. The form of the ballot  
shall be modified by substituting the statement "Shall a tax levy  
substituting for an existing levy" with "Shall a tax levy  
substituting for existing levies" and adding the following  
statement after "added to its tax list?" and before "For the Tax  
Levy":

"If approved, any remaining tax years on any of the 99250

..... (here insert the number of existing levies) existing 99251  
levies will not be collected after ..... (here insert the 99252  
current tax year or, if not the current tax year, the applicable 99253  
tax year). " 99254

(D) The submission of questions to the electors under this 99255  
section is subject to the limitation on the number of election 99256  
dates established by section 5705.214 of the Revised Code. 99257

(E) If a majority of the electors voting on the question so 99258  
submitted in an election vote in favor of the levy, the board of 99259  
education may make the necessary levy within the school district 99260  
at the rate and for the purpose stated in the resolution. The tax 99261  
levy shall be included in the next tax budget that is certified to 99262  
the county budget commission. 99263

(F) A levy for a continuing period of time may be decreased 99264  
pursuant to section 5705.261 of the Revised Code. 99265

(G) A levy under this section substituting for all or a 99266  
portion of one or more existing levies imposed under sections 99267  
5705.194 to 5705.197 of the Revised Code or under this section 99268  
shall be treated as having renewed the levy or levies being 99269  
substituted for purposes of the payments made under sections 99270  
5751.20 to 5751.22 of the Revised Code. 99271

(H) After the approval of a levy on the current tax list and 99272  
duplicate, and prior to the time when the first tax collection 99273  
from the levy can be made, the board of education may anticipate a 99274  
fraction of the proceeds of the levy and issue anticipation notes 99275  
in a principal amount not exceeding fifty per cent of the total 99276  
estimated proceeds of the levy to be collected during the first 99277  
year of the levy. The notes shall be issued as provided in section 99278  
133.24 of the Revised Code, shall have principal payments during 99279  
each year after the year of their issuance over a period not to 99280  
exceed five years, and may have a principal payment in the year of 99281

their issuance. 99282

**Sec. 5705.21.** (A) At any time, the board of education of any 99283  
city, local, exempted village, cooperative education, or joint 99284  
vocational school district, by a vote of two-thirds of all its 99285  
members, may declare by resolution that the amount of taxes that 99286  
may be raised within the ten-mill limitation by levies on the 99287  
current tax ~~duplicate~~ list will be insufficient to provide an 99288  
adequate amount for the necessary requirements of the school 99289  
district, that it is necessary to levy a tax in excess of such 99290  
limitation for one of the purposes specified in division (A), (D), 99291  
(F), (H), or (DD) of section 5705.19 of the Revised Code, for 99292  
general permanent improvements, for the purpose of operating a 99293  
cultural center, for the purpose of providing for school safety 99294  
and security, or for the purpose of providing education 99295  
technology, and that the question of such additional tax levy 99296  
shall be submitted to the electors of the school district at a 99297  
special election on a day to be specified in the resolution. In 99298  
the case of a qualifying library levy for the support of a library 99299  
association or private corporation, the question shall be 99300  
submitted to the electors of the association library district. If 99301  
the resolution states that the levy is for the purpose of 99302  
operating a cultural center, the ballot shall state that the levy 99303  
is "for the purpose of operating the..... (name of cultural 99304  
center)."

As used in this division, "cultural center" means a 99306  
freestanding building, separate from a public school building, 99307  
that is open to the public for educational, musical, artistic, and 99308  
cultural purposes; "education technology" means, but is not 99309  
limited to, computer hardware, equipment, materials, and 99310  
accessories, equipment used for two-way audio or video, and 99311  
software; "general permanent improvements" means permanent 99312  
improvements without regard to the limitation of division (F) of 99313

section 5705.19 of the Revised Code that the improvements be a 99314  
specific improvement or a class of improvements that may be 99315  
included in a single bond issue; and "providing for school safety 99316  
and security" includes but is not limited to providing for 99317  
permanent improvements to provide or enhance security, employment 99318  
of or contracting for the services of safety personnel, providing 99319  
mental health services and counseling, or providing training in 99320  
safety and security practices and responses. 99321

A resolution adopted under this division shall be confined to 99322  
a single purpose and shall specify the amount of the increase in 99323  
rate that it is necessary to levy, the purpose of the levy, and 99324  
the number of years during which the increase in rate shall be in 99325  
effect. The number of years may be any number not exceeding five 99326  
or, if the levy is for current expenses of the district or for 99327  
general permanent improvements, for a continuing period of time. 99328

(B)(1) The board of education of a qualifying school 99329  
district, by resolution, may declare that it is necessary to levy 99330  
a tax in excess of the ten-mill limitation for the purpose of 99331  
paying the current expenses of partnering community schools and, 99332  
if any of the levy proceeds are so allocated, of the district. A 99333  
qualifying school district that is not a municipal school district 99334  
may allocate all of the levy proceeds to partnering community 99335  
schools. A municipal school district shall allocate a portion of 99336  
the levy proceeds to the current expenses of the district. The 99337  
resolution shall declare that the question of the additional tax 99338  
levy shall be submitted to the electors of the school district at 99339  
a special election on a day to be specified in the resolution. The 99340  
resolution shall state the purpose of the levy, the rate of the 99341  
tax expressed in mills ~~per~~ for each one dollar of taxable value, 99342  
the number of such mills to be levied for the current expenses of 99343  
the partnering community schools and the number of such mills, if 99344  
any, to be levied for the current expenses of the school district, 99345

the number of years the tax will be levied, and the first year the tax will be levied. The number of years the tax may be levied may be any number not exceeding ten years, or for a continuing period of time.

The levy of a tax for the current expenses of a partnering community school under this section and the distribution of proceeds from the tax by a qualifying school district to partnering community schools is hereby determined to be a proper public purpose.

(2)(a) If any portion of the levy proceeds are to be allocated to the current expenses of the qualifying school district, the form of the ballot at an election held pursuant to division (B) of this section shall be as follows:

"Shall a levy be imposed by the..... (insert the name of the qualifying school district) for the purpose of current expenses of the school district and of partnering community schools, that the county auditor estimates will collect \$..... annually, at a rate not exceeding..... (~~insert the number of mills~~) mills for each ~~one dollar~~ \$1 of ~~valuation~~ taxable value, of which..... (insert the number of mills to be allocated to partnering community schools) mills is to be allocated to partnering community schools), which amounts to..... (~~insert the rate expressed in dollars and cents~~) \$..... for each ~~one hundred dollars~~ \$100,000 of ~~valuation~~ fair market value, for..... (insert the number of years the levy is to be imposed, or that it will be levied for a continuing period of time), beginning..... (insert first year the tax is to be levied), which will first be payable in calendar year..... (insert the first calendar year in which the tax would be payable)?

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

"

(b) If all of the levy proceeds are to be allocated to the

current expenses of partnering community schools, the form of the 99378  
ballot shall be as follows: 99379

"Shall a levy be imposed by the..... (insert the name of 99380  
the qualifying school district) for the purpose of current 99381  
expenses of partnering community schools, that the county auditor 99382  
estimates will collect \$..... annually, at a rate not 99383  
exceeding..... ~~(insert the number of mills)~~ mills for each ~~one~~ 99384  
~~dollar~~ \$1 of ~~valuation~~ taxable value which amounts to..... 99385  
~~(insert the rate expressed in dollars and cents)~~ \$..... for each 99386  
~~one hundred dollars~~ \$100,000 of ~~valuation~~ fair market value, 99387  
for..... (insert the number of years the levy is to be imposed, 99388  
or that it will be levied for a continuing period of time), 99389  
beginning..... (insert first year the tax is to be levied), which 99390  
will first be payable in calendar year..... (insert the first 99391  
calendar year in which the tax would be payable)? 99392

	FOR THE TAX LEVY	"
	AGAINST THE TAX LEVY	

(3) Upon each receipt of a tax distribution by the qualifying 99395  
school district, the board of education shall credit the portion 99396  
allocated to partnering community schools to the partnering 99397  
community schools fund. All income from the investment of money in 99398  
the partnering community schools fund shall be credited to that 99399  
fund. 99400

(a) If the qualifying school district is a municipal school 99401  
district, the board of education shall distribute the partnering 99402  
community schools amount among the then qualifying community 99403  
schools not more than forty-five days after the school district 99404  
receives and deposits each tax distribution. From each tax 99405  
distribution, each such partnering community school shall receive 99406  
a portion of the partnering community schools amount in the 99407  
proportion that the number of its resident students bears to the 99408  
aggregate number of resident students of all such partnering 99409

community schools as of the date of receipt and deposit of the tax 99410  
distribution. 99411

(b) If the qualifying school district is not a municipal 99412  
school district, the board of education may distribute all or a 99413  
portion of the amount in the partnering community schools fund 99414  
during a fiscal year to partnering community schools on or before 99415  
the first day of June of the preceding fiscal year. Each such 99416  
partnering community school shall receive a portion of the amount 99417  
distributed by the board from the partnering community schools 99418  
fund during the fiscal year in the proportion that the number of 99419  
its resident students bears to the aggregate number of resident 99420  
students of all such partnering community schools as of the date 99421  
the school district received and deposited the most recent tax 99422  
distribution. On or before the fifteenth day of June of each 99423  
fiscal year, the board of education shall announce an estimated 99424  
allocation to partnering community schools for the ensuing fiscal 99425  
year. The board is not required to allocate to partnering 99426  
community schools the entire partnering community schools amount 99427  
in the fiscal year in which a tax distribution is received and 99428  
deposited in the partnering community schools fund. The estimated 99429  
allocation shall be published on the web site of the school 99430  
district and expressed as a dollar amount per resident student. 99431  
The actual allocation to community schools in a fiscal year need 99432  
not conform to the estimate published by the school district so 99433  
long if the estimate was made in good faith. 99434

Distributions by a school district under division (B)(3)(b) 99435  
of this section shall be made in accordance with distribution 99436  
agreements entered into by the board of education and each 99437  
partnering community school eligible for distributions under this 99438  
division. The distribution agreements shall be certified to the 99439  
department of education each fiscal year before the thirtieth day 99440  
of July. Each agreement shall provide for at least three 99441

distributions by the school district to the partnering community 99442  
school during the fiscal year and shall require the initial 99443  
distribution be made on or before the thirtieth day of July. 99444

(c) For the purposes of division (B) of this section, the 99445  
number of resident students shall be the number of such students 99446  
reported under section 3317.03 of the Revised Code and established 99447  
by the department of education as of the date of receipt and 99448  
deposit of the tax distribution. 99449

(4) To the extent an agreement whereby the qualifying school 99450  
district and a community school endorse each other's programs is 99451  
necessary for the community school to qualify as a partnering 99452  
community school under division (B)(6)(b) of this section, the 99453  
board of education of the school district shall certify to the 99454  
department of education the agreement along with the determination 99455  
that such agreement satisfies the requirements of that division. 99456  
The board's determination is conclusive. 99457

(5) For the purposes of Chapter 3317. of the Revised Code or 99458  
other laws referring to the "taxes charged and payable" for a 99459  
school district, the taxes charged and payable for a qualifying 99460  
school district that levies a tax under division (B) of this 99461  
section includes only the taxes charged and payable under that 99462  
levy for the current expenses of the school district, and does not 99463  
include the taxes charged and payable for the current expenses of 99464  
partnering community schools. The taxes charged and payable for 99465  
the current expenses of partnering community schools shall not 99466  
affect the calculation of "state education aid" as defined in 99467  
section 5751.20 of the Revised Code. 99468

(6) As used in division (B) of this section: 99469

(a) "Qualifying school district" means a municipal school 99470  
district, as defined in section 3311.71 of the Revised Code or a 99471  
school district that contains within its territory a partnering 99472



community school. 99473

(b) "Partnering community school" means a community school 99474  
established under Chapter 3314. of the Revised Code that is 99475  
located within the territory of the qualifying school district and 99476  
meets one of the following criteria: 99477

(i) If the qualifying school district is a municipal school 99478  
district, the community school is sponsored by the district or is 99479  
a party to an agreement with the district whereby the district and 99480  
the community school endorse each other's programs; 99481

(ii) If the qualifying school district is not a municipal 99482  
school district, the community school is sponsored by a sponsor 99483  
that was rated as "exemplary" in the ratings most recently 99484  
published under section 3314.016 of the Revised Code before the 99485  
resolution proposing the levy is certified to the board of 99486  
elections. 99487

(c) "Partnering community schools amount" means the product 99488  
obtained, as of the receipt and deposit of the tax distribution, 99489  
by multiplying the amount of a tax distribution by a fraction, the 99490  
numerator of which is the number of mills per dollar of taxable 99491  
value of the property tax to be allocated to partnering community 99492  
schools, and the denominator of which is the total number of mills 99493  
per dollar of taxable value authorized by the electors in the 99494  
election held under division (B) of this section, each as set 99495  
forth in the resolution levying the tax. If the resolution 99496  
allocates all of the levy proceeds to partnering community 99497  
schools, the "partnering schools amount" equals the amount of the 99498  
tax distribution. 99499

(d) "Partnering community schools fund" means a separate fund 99500  
established by the board of education of a qualifying school 99501  
district for the deposit of partnering community school amounts 99502  
under this section. 99503

(e) "Resident student" means a student enrolled in a 99504  
partnering community school who is entitled to attend school in 99505  
the qualifying school district under section 3313.64 or 3313.65 of 99506  
the Revised Code. 99507

(f) "Tax distribution" means a distribution of proceeds of 99508  
the tax authorized by division (B) of this section under section 99509  
321.24 of the Revised Code and distributions that are attributable 99510  
to that tax under sections 323.156 and 4503.068 of the Revised 99511  
Code or other applicable law. 99512

(C) A resolution adopted under this section shall specify the 99513  
date of holding the election, which shall not be earlier than 99514  
ninety days after the adoption and certification of the resolution 99515  
and which shall be consistent with the requirements of section 99516  
3501.01 of the Revised Code. 99517

A resolution adopted under this section may propose to renew 99518  
one or more existing levies imposed under division (A) or (B) of 99519  
this section or to increase or decrease a single levy imposed 99520  
under either such division. 99521

If the board of education imposes one or more existing levies 99522  
for the purpose specified in division (F) of section 5705.19 of 99523  
the Revised Code, the resolution may propose to renew one or more 99524  
of those existing levies, or to increase or decrease a single such 99525  
existing levy, for the purpose of general permanent improvements. 99526

If the resolution proposes to renew two or more existing 99527  
levies, the levies shall be levied for the same purpose. The 99528  
resolution shall identify those levies and the rates at which they 99529  
are levied. The resolution also shall specify that the existing 99530  
levies shall not be extended on the tax lists after the year 99531  
preceding the year in which the renewal levy is first imposed, 99532  
regardless of the years for which those levies originally were 99533  
authorized to be levied. 99534

If the resolution proposes to renew an existing levy imposed 99535  
under division (B) of this section, the rates allocated to the 99536  
qualifying school district and to partnering community schools 99537  
each may be increased or decreased or remain the same, and the 99538  
total rate may be increased, decreased, or remain the same. The 99539  
resolution and notice of election shall specify the number of the 99540  
mills to be levied for the current expenses of the partnering 99541  
community schools and the number of the mills, if any, to be 99542  
levied for the current expenses of the qualifying school district. 99543

A resolution adopted under this section shall go into 99544  
immediate effect upon its passage, and no publication of the 99545  
resolution shall be necessary other than that provided for in the 99546  
notice of election. A copy of the resolution shall immediately 99547  
after its passing be certified to the board of elections of the 99548  
proper county in the manner provided by section 5705.25 of the 99549  
Revised Code. That section shall govern the arrangements for the 99550  
submission of such question and other matters concerning the 99551  
election to which that section refers, including publication of 99552  
notice of the election, except that the election shall be held on 99553  
the date specified in the resolution. In the case of a resolution 99554  
adopted under division (B) of this section, the publication of 99555  
notice of that election shall state the number of the mills, if 99556  
any, to be levied for the current expenses of partnering community 99557  
schools and the number of the mills to be levied for the current 99558  
expenses of the qualifying school district. If a majority of the 99559  
electors voting on the question so submitted in an election vote 99560  
in favor of the levy, the board of education may make the 99561  
necessary levy within the school district or, in the case of a 99562  
qualifying library levy for the support of a library association 99563  
or private corporation, within the association library district, 99564  
at the additional rate, or at any lesser rate in excess of the 99565  
ten-mill limitation on the tax list, for the purpose stated in the 99566  
resolution. A levy for a continuing period of time may be reduced 99567

pursuant to section 5705.261 of the Revised Code. The tax levy 99568  
shall be included in the next tax budget that is certified to the 99569  
county budget commission. 99570

(D)(1) After the approval of a levy on the current tax list 99571  
and duplicate for current expenses, for recreational purposes, for 99572  
community centers provided for in section 755.16 of the Revised 99573  
Code, or for a public library of the district under division (A) 99574  
of this section, and prior to the time when the first tax 99575  
collection from the levy can be made, the board of education may 99576  
anticipate a fraction of the proceeds of the levy and issue 99577  
anticipation notes in a principal amount not exceeding fifty per 99578  
cent of the total estimated proceeds of the levy to be collected 99579  
during the first year of the levy. 99580

(2) After the approval of a levy for general permanent 99581  
improvements for a specified number of years or for permanent 99582  
improvements having the purpose specified in division (F) of 99583  
section 5705.19 of the Revised Code, the board of education may 99584  
anticipate a fraction of the proceeds of the levy and issue 99585  
anticipation notes in a principal amount not exceeding fifty per 99586  
cent of the total estimated proceeds of the levy remaining to be 99587  
collected in each year over a period of five years after the 99588  
issuance of the notes. 99589

The notes shall be issued as provided in section 133.24 of 99590  
the Revised Code, shall have principal payments during each year 99591  
after the year of their issuance over a period not to exceed five 99592  
years, and may have a principal payment in the year of their 99593  
issuance. 99594

(3) After approval of a levy for general permanent 99595  
improvements for a continuing period of time, the board of 99596  
education may anticipate a fraction of the proceeds of the levy 99597  
and issue anticipation notes in a principal amount not exceeding 99598  
fifty per cent of the total estimated proceeds of the levy to be 99599

collected in each year over a specified period of years, not 99600  
exceeding ten, after the issuance of the notes. 99601

The notes shall be issued as provided in section 133.24 of 99602  
the Revised Code, shall have principal payments during each year 99603  
after the year of their issuance over a period not to exceed ten 99604  
years, and may have a principal payment in the year of their 99605  
issuance. 99606

(4) After the approval of a levy on the current tax list and 99607  
duplicate under division (B) of this section, and prior to the 99608  
time when the first tax collection from the levy can be made, the 99609  
board of education may anticipate a fraction of the proceeds of 99610  
the levy for the current expenses of the school district and issue 99611  
anticipation notes in a principal amount not exceeding fifty per 99612  
cent of the estimated proceeds of the levy to be collected during 99613  
the first year of the levy and allocated to the school district. 99614  
The portion of the levy proceeds to be allocated to partnering 99615  
community schools under that division shall not be included in the 99616  
estimated proceeds anticipated under this division and shall not 99617  
be used to pay debt charges on any anticipation notes. 99618

The notes shall be issued as provided in section 133.24 of 99619  
the Revised Code, shall have principal payments during each year 99620  
after the year of their issuance over a period not to exceed five 99621  
years, and may have a principal payment in the year of their 99622  
issuance. 99623

(E) The submission of questions to the electors under this 99624  
section is subject to the limitation on the number of election 99625  
dates established by section 5705.214 of the Revised Code. 99626

(F) The board of education of any school district that levies 99627  
a tax under this section for the purpose of providing for school 99628  
safety and security may report to the department of education how 99629  
the district is using revenue from that tax. 99630

Sec. 5705.212. (A)(1) The board of education of any school 99631  
district, at any time and by a vote of two-thirds of all of its 99632  
members, may declare by resolution that the amount of taxes that 99633  
may be raised within the ten-mill limitation will be insufficient 99634  
to provide an adequate amount for the present and future 99635  
requirements of the school district, that it is necessary to levy 99636  
not more than five taxes in excess of that limitation for current 99637  
expenses, and that each of the proposed taxes first will be levied 99638  
in a different year, over a specified period of time. The board 99639  
shall identify the taxes proposed under this section as follows: 99640  
the first tax to be levied shall be called the "original tax." 99641  
Each tax subsequently levied shall be called an "incremental tax." 99642  
The rate of each incremental tax shall be identical, but the rates 99643  
of such incremental taxes need not be the same as the rate of the 99644  
original tax. The resolution also shall state that the question of 99645  
these additional taxes shall be submitted to the electors of the 99646  
school district at a special election. The resolution shall 99647  
specify separately for each tax proposed: the amount of the 99648  
increase in rate that it is necessary to levy, expressed 99649  
separately for the original tax and each incremental tax; that the 99650  
purpose of the levy is for current expenses; the number of years 99651  
during which the original tax shall be in effect; a specification 99652  
that the last year in which the original tax is in effect shall 99653  
also be the last year in which each incremental tax shall be in 99654  
effect; and the year in which each tax first is proposed to be 99655  
levied. The original tax may be levied for any number of years not 99656  
exceeding ten, or for a continuing period of time. The resolution 99657  
shall specify the date of holding the special election, which 99658  
shall not be earlier than ninety days after the adoption and 99659  
certification of the resolution and shall be consistent with the 99660  
requirements of section 3501.01 of the Revised Code. 99661

(2) The board of education, by a vote of two-thirds of all of 99662

its members, may adopt a resolution proposing to renew taxes 99663  
levied other than for a continuing period of time under division 99664  
(A)(1) of this section. Such a resolution shall provide for 99665  
levying a tax and specify all of the following: 99666

(a) That the tax shall be called and designated on the ballot 99667  
as a renewal levy; 99668

(b) The rate of the renewal tax, which shall be a single rate 99669  
that combines the rate of the original tax and each incremental 99670  
tax into a single rate. The rate of the renewal tax shall not 99671  
exceed the aggregate rate of the original and incremental taxes. 99672

(c) The number of years, not to exceed ten, that the renewal 99673  
tax will be levied, or that it will be levied for a continuing 99674  
period of time; 99675

(d) That the purpose of the renewal levy is for current 99676  
expenses; 99677

(e) Subject to the certification and notification 99678  
requirements of section 5705.251 of the Revised Code, that the 99679  
question of the renewal levy shall be submitted to the electors of 99680  
the school district at the general election held during the last 99681  
year the original tax may be extended on the real and public 99682  
utility property tax list and duplicate or at a special election 99683  
held during the ensuing year. 99684

(3) A resolution adopted under division (A)(1) or (2) of this 99685  
section shall go into immediate effect upon its adoption and no 99686  
publication of the resolution is necessary other than that 99687  
provided for in the notice of election. Immediately after its 99688  
adoption, a copy of the resolution shall be certified to the board 99689  
of elections of the proper county in the manner provided by 99690  
division (A) of section 5705.251 of the Revised Code, and that 99691  
division shall govern the arrangements for the submission of the 99692  
question and other matters concerning the election to which that 99693

section refers. The election shall be held on the date specified 99694  
in the resolution. If a majority of the electors voting on the 99695  
question so submitted in an election vote in favor of the taxes or 99696  
a renewal tax, the board of education, if the original or a 99697  
renewal tax is authorized to be levied for the current year, 99698  
immediately may make the necessary levy within the school district 99699  
at the authorized rate, or at any lesser rate in excess of the 99700  
ten-mill limitation, for the purpose stated in the resolution. No 99701  
tax shall be imposed prior to the year specified in the resolution 99702  
as the year in which it is first proposed to be levied. The rate 99703  
of the original tax and the rate of each incremental tax shall be 99704  
cumulative, so that the aggregate rate levied in any year is the 99705  
sum of the rates of both the original tax and all incremental 99706  
taxes levied in or prior to that year under the same proposal. A 99707  
tax levied for a continuing period of time under this section may 99708  
be reduced pursuant to section 5705.261 of the Revised Code. 99709

(B) Notwithstanding section 133.30 of the Revised Code, after 99710  
the approval of a tax to be levied in the current or the 99711  
succeeding year and prior to the time when the first tax 99712  
collection from that levy can be made, the board of education may 99713  
anticipate a fraction of the proceeds of the levy and issue 99714  
anticipation notes in an amount not to exceed fifty per cent of 99715  
the total estimated proceeds of the levy to be collected during 99716  
the first year of the levy. The notes shall be sold as provided in 99717  
Chapter 133. of the Revised Code. If anticipation notes are 99718  
issued, they shall mature serially and in substantially equal 99719  
amounts during each year over a period not to exceed five years; 99720  
and the amount necessary to pay the interest and principal as the 99721  
anticipation notes mature shall be deemed appropriated for those 99722  
purposes from the levy, and appropriations from the levy by the 99723  
board of education shall be limited each fiscal year to the 99724  
balance available in excess of that amount. 99725



If the auditor of state has certified a deficit pursuant to 99726  
section 3313.483 of the Revised Code, the notes authorized under 99727  
this section may be sold in accordance with Chapter 133. of the 99728  
Revised Code, except that the board may sell the notes after 99729  
providing a reasonable opportunity for competitive bidding. 99730

(C)(1) The board of education of a qualifying school 99731  
district, at any time and by a vote of two-thirds of all its 99732  
members, may declare by resolution that it is necessary to levy 99733  
not more than five taxes in excess of the ten-mill limitation for 99734  
the current expenses of partnering community schools and, if any 99735  
of the levy proceeds are so allocated, of the school district, and 99736  
that each of the proposed taxes first will be levied in a 99737  
different year, over a specified period of time. A qualifying 99738  
school district that is not a municipal school district may 99739  
allocate all of the levy proceeds to partnering community schools. 99740  
A municipal school district shall allocate a portion of the levy 99741  
proceeds to the current expenses of the district. The board shall 99742  
identify the taxes proposed under this division in the same manner 99743  
as in division (A)(1) of this section. The rate of each 99744  
incremental tax shall be identical, but the rates of such 99745  
incremental taxes need not be the same as the rate of the original 99746  
tax. In addition to the specifications required of the resolution 99747  
in division (A) of this section, the resolution shall state the 99748  
number of the mills to be levied each year for the current 99749  
expenses of the partnering community schools and the number of the 99750  
mills, if any, to be levied each year for the current expenses of 99751  
the school district. The number of mills for the current expenses 99752  
of partnering community schools shall be the same for each of the 99753  
incremental taxes, and the number of mills for the current 99754  
expenses of the qualifying school district shall be the same for 99755  
each of the incremental taxes. 99756

The levy of taxes for the current expenses of a partnering 99757

community school under division (C) of this section and the 99758  
distribution of proceeds from the tax by a qualifying school 99759  
district to partnering community schools is hereby determined to 99760  
be a proper public purpose. 99761

(2) The board of education, by a vote of two-thirds of all of 99762  
its members, may adopt a resolution proposing to renew taxes 99763  
levied other than for a continuing period of time under division 99764  
(C)(1) of this section. In such a renewal levy, the rates 99765  
allocated to the qualifying school district and to partnering 99766  
community schools each may be increased or decreased or remain the 99767  
same, and the total rate may be increased, decreased, or remain 99768  
the same. In addition to the requirements of division (A)(2) of 99769  
this section, the resolution shall state the number of the mills 99770  
to be levied for the current expenses of the partnering community 99771  
schools and the number of the mills to be levied for the current 99772  
expenses of the school district. 99773

(3) A resolution adopted under division (C)(1) or (2) of this 99774  
section is subject to the rules and procedures prescribed by 99775  
division (A)(3) of this section. 99776

(4) The proceeds of each tax levied under division (C)(1) or 99777  
(2) of this section shall be credited and distributed in the 99778  
manner prescribed by division (B)(3) of section 5705.21 of the 99779  
Revised Code, and divisions (B)(4), (5), and (6) of that section 99780  
apply to taxes levied under division (C) of this section. 99781

(5) Notwithstanding section 133.30 of the Revised Code, after 99782  
the approval of a tax to be levied under division (C)(1) or (2) of 99783  
this section, in the current or succeeding year and prior to the 99784  
time when the first tax collection from that levy can be made, the 99785  
board of education may anticipate a fraction of the proceeds of 99786  
the levy for the current expenses of the qualifying school 99787  
district and issue anticipation notes in a principal amount not 99788  
exceeding fifty per cent of the estimated proceeds of the levy to 99789

be collected during the first year of the levy and allocated to 99790  
the school district. The portion of levy proceeds to be allocated 99791  
to partnering community schools shall not be included in the 99792  
estimated proceeds anticipated under this division and shall not 99793  
be used to pay debt charges on any anticipation notes. 99794

The notes shall be sold as provided in Chapter 133. of the 99795  
Revised Code. If anticipation notes are issued, they shall mature 99796  
serially and in substantially equal amounts during each year over 99797  
a period not to exceed five years. The amount necessary to pay the 99798  
interest and principal as the anticipation notes mature shall be 99799  
deemed appropriated for those purposes from the levy, and 99800  
appropriations from the levy by the board of education shall be 99801  
limited each fiscal year to the balance available in excess of 99802  
that amount. 99803

If the auditor of state has certified a deficit pursuant to 99804  
section 3313.483 of the Revised Code, the notes authorized under 99805  
this section may be sold in accordance with Chapter 133. of the 99806  
Revised Code, except that the board may sell the notes after 99807  
providing a reasonable opportunity for competitive bidding. 99808

As used in division (C) of this section, "qualifying school 99809  
district" and "partnering community schools" have the same 99810  
meanings as in section 5705.21 of the Revised Code. 99811

(D) The submission of questions to the electors under this 99812  
section is subject to the limitation on the number of election 99813  
dates established by section 5705.214 of the Revised Code. 99814

(E) When a school board certifies a resolution to the county 99815  
auditor under division (B)(1) of section 5705.03 of the Revised 99816  
Code proposing to levy a tax under division (A)(1) or (C)(1) of 99817  
this section, the county auditor shall certify, within ten days 99818  
after receiving the board's request, an estimate of both the 99819  
levy's annual collections for the tax year for which the original 99820

tax applies and the levies' aggregate annual collections for the 99821  
tax year for which the final incremental tax applies, in both 99822  
cases rounded to the nearest dollar, which shall be calculated 99823  
assuming that the amount of the tax list of the taxing authority 99824  
remains throughout the life of the levy the same as the amount of 99825  
the tax list for the current year, and if this is not determined, 99826  
the estimated amount submitted by the auditor to the county budget 99827  
commission. If a school district is located in more than one 99828  
county, the county auditor shall obtain from the county auditor of 99829  
each other county in which the district is located the current tax 99830  
valuation for the portion of the district in that county. 99831

**Sec. 5705.213.** (A)(1) The board of education of any school 99832  
district, at any time and by a vote of two-thirds of all of its 99833  
members, may declare by resolution that the amount of taxes that 99834  
may be raised within the ten-mill limitation will be insufficient 99835  
to provide an adequate amount for the present and future 99836  
requirements of the school district and that it is necessary to 99837  
levy a tax in excess of that limitation for current expenses. The 99838  
resolution also shall state that the question of the additional 99839  
tax shall be submitted to the electors of the school district at a 99840  
special election. The resolution shall specify, for each year the 99841  
levy is in effect, the amount of money that the levy is proposed 99842  
to raise, which may, for years after the first year the levy is 99843  
made, be expressed in terms of a dollar or percentage increase 99844  
over the prior year's amount. The resolution also shall specify 99845  
that the purpose of the levy is for current expenses, the number 99846  
of years during which the tax shall be in effect which may be for 99847  
any number of years not exceeding ten, and the year in which the 99848  
tax first is proposed to be levied. The resolution shall specify 99849  
the date of holding the special election, which shall not be 99850  
earlier than ninety-five days after the adoption and certification 99851  
of the resolution to the county auditor and not earlier than 99852

ninety days after certification to the board of elections. The 99853  
date of the election shall be consistent with the requirements of 99854  
section 3501.01 of the Revised Code. 99855

(2) The board of education, by a vote of two-thirds of all of 99856  
its members, may adopt a resolution proposing to renew a tax 99857  
levied under division (A)(1) of this section. Such a resolution 99858  
shall provide for levying a tax and specify all of the following: 99859

(a) That the tax shall be called and designated on the ballot 99860  
as a renewal levy; 99861

(b) The amount of the renewal tax, which shall be no more 99862  
than the amount of tax levied during the last year the tax being 99863  
renewed is authorized to be in effect; 99864

(c) The number of years, not to exceed ten, that the renewal 99865  
tax will be levied, or that it will be levied for a continuing 99866  
period of time; 99867

(d) That the purpose of the renewal levy is for current 99868  
expenses; 99869

(e) Subject to the certification and notification 99870  
requirements of section 5705.251 of the Revised Code, that the 99871  
question of the renewal levy shall be submitted to the electors of 99872  
the school district at the general election held during the last 99873  
year the tax being renewed may be extended on the real and public 99874  
utility property tax list and duplicate or at a special election 99875  
held during the ensuing year. 99876

(3) A resolution adopted under division (A)(1) or (2) of this 99877  
section shall go into immediate effect upon its adoption and no 99878  
publication of the resolution is necessary other than that 99879  
provided for in the notice of election. Immediately after its 99880  
adoption, a copy of the resolution shall be certified to the 99881  
county auditor of the proper county, who shall, within five days, 99882  
calculate and certify to the board of education the estimated 99883

levy, for the first year, and for each subsequent year for which 99884  
the tax is proposed to be in effect. The estimates shall be made 99885  
both in mills for each one dollar of ~~valuation, taxable value~~ and 99886  
in dollars ~~and cents~~ for each one hundred thousand dollars of 99887  
~~valuation~~ fair market value. In making the estimates, the auditor 99888  
shall assume that the amount of the tax list remains throughout 99889  
the life of the levy, the same as the tax list for the current 99890  
year. If the tax list for the current year is not determined, the 99891  
auditor shall base the auditor's estimates on the estimated amount 99892  
of the tax list for the current year as submitted to the county 99893  
budget commission. 99894

If the board desires to proceed with the submission of the 99895  
question, it shall certify its resolution, with the estimated tax 99896  
levy expressed in mills for each one dollar of taxable value and 99897  
dollars ~~and cents per~~ for each one hundred thousand dollars of 99898  
~~valuation~~ fair market value for each year that the tax is proposed 99899  
to be in effect, to the board of elections of the proper county in 99900  
the manner provided by division (A) of section 5705.251 of the 99901  
Revised Code. Section 5705.251 of the Revised Code shall govern 99902  
the arrangements for the submission of the question and other 99903  
matters concerning the election to which that section refers. The 99904  
election shall be held on the date specified in the resolution. If 99905  
a majority of the electors voting on the question so submitted in 99906  
an election vote in favor of the tax, and if the tax is authorized 99907  
to be levied for the current year, the board of education 99908  
immediately may make the additional levy necessary to raise the 99909  
amount specified in the resolution or a lesser amount for the 99910  
purpose stated in the resolution. 99911

(4) The submission of questions to the electors under this 99912  
section is subject to the limitation on the number of election 99913  
dates established by section 5705.214 of the Revised Code. 99914

(B) Notwithstanding sections 133.30 and 133.301 of the 99915

Revised Code, after the approval of a tax to be levied in the 99916  
current or the succeeding year and prior to the time when the 99917  
first tax collection from that levy can be made, the board of 99918  
education may anticipate a fraction of the proceeds of the levy 99919  
and issue anticipation notes in an amount not to exceed fifty per 99920  
cent of the total estimated proceeds of the levy to be collected 99921  
during the first year of the levy. The notes shall be sold as 99922  
provided in Chapter 133. of the Revised Code. If anticipation 99923  
notes are issued, they shall mature serially and in substantially 99924  
equal amounts during each year over a period not to exceed five 99925  
years; and the amount necessary to pay the interest and principal 99926  
as the anticipation notes mature shall be deemed appropriated for 99927  
those purposes from the levy, and appropriations from the levy by 99928  
the board of education shall be limited each fiscal year to the 99929  
balance available in excess of that amount. 99930

If the auditor of state has certified a deficit pursuant to 99931  
section 3313.483 of the Revised Code, the notes authorized under 99932  
this section may be sold in accordance with Chapter 133. of the 99933  
Revised Code, except that the board may sell the notes after 99934  
providing a reasonable opportunity for competitive bidding. 99935

**Sec. 5705.215.** (A) The governing board of an educational 99936  
service center that is the taxing authority of a county school 99937  
financing district, upon receipt of identical resolutions adopted 99938  
within a sixty-day period by a majority of the members of the 99939  
board of education of each school district that is within the 99940  
territory of the county school financing district, may submit a 99941  
tax levy to the electors of the territory in the same manner as a 99942  
school board may submit a levy under division (C) of section 99943  
5705.21 of the Revised Code, except that: 99944

(1) The levy may be for a period not to exceed ten years, or, 99945  
if the levy is solely for the purpose or purposes described in 99946

division (A)(2)(a), (c), or (f) of this section, for a continuing 99947  
period of time. 99948

(2) The purpose of the levy shall be one or more of the 99949  
following: 99950

(a) For current expenses for the provision of special 99951  
education and related services within the territory of the 99952  
district; 99953

(b) For permanent improvements within the territory of the 99954  
district for special education and related services; 99955

(c) For current expenses for specified educational programs 99956  
within the territory of the district; 99957

(d) For permanent improvements within the territory of the 99958  
district for specified educational programs; 99959

(e) For permanent improvements within the territory of the 99960  
district; 99961

(f) For current expenses for school safety and security and 99962  
mental health services, including training and employment of or 99963  
contracting for the services of safety personnel, mental health 99964  
personnel, social workers, and counselors. 99965

(B) If the levy provides for but is not limited to current 99966  
expenses, the resolutions shall apportion the annual rate of the 99967  
levy between current expenses and the other purposes. The 99968  
apportionment need not be the same for each year of the levy, but 99969  
the respective portions of the rate actually levied each year for 99970  
current expenses and the other purposes shall be limited by that 99971  
apportionment. 99972

(C) Prior to the application of section 319.301 of the 99973  
Revised Code, the rate of a levy that is limited to, or to the 99974  
extent that it is apportioned to, purposes other than current 99975  
expenses shall be reduced in the same proportion in which the 99976



district's total valuation increases during the life of the levy 99977  
because of additions to such valuation that have resulted from 99978  
improvements added to the tax list and duplicate. 99979

(D) After the approval of a county school financing district 99980  
levy under this section, the taxing authority may anticipate a 99981  
fraction of the proceeds of such levy and may from time to time 99982  
during the life of such levy, but in any given year prior to the 99983  
time when the tax collection from such levy can be made for that 99984  
year, issue anticipation notes in an amount not exceeding fifty 99985  
per cent of the estimated proceeds of the levy to be collected in 99986  
each year up to a period of five years after the date of the 99987  
issuance of such notes, less an amount equal to the proceeds of 99988  
such levy obligated for each year by the issuance of anticipation 99989  
notes, provided that the total amount maturing in any one year 99990  
shall not exceed fifty per cent of the anticipated proceeds of the 99991  
levy for that year. Each issue of notes shall be sold as provided 99992  
in Chapter 133. of the Revised Code, and shall, except for ~~such~~ 99993  
the limitation that the total amount of such notes maturing in any 99994  
one year shall not exceed fifty per cent of the anticipated 99995  
proceeds of such levy for that year, mature serially in 99996  
substantially equal installments during each year over a period 99997  
not to exceed five years after their issuance. 99998

(E)(1) In a resolution to be submitted to the taxing 99999  
authority of a county school financing district under division (A) 100000  
of this section calling for a ballot issue on the question of the 100001  
levying of a tax for a continuing period of time by the taxing 100002  
authority, the board of education of a school district that is 100003  
part of the territory of the county school financing district also 100004  
may propose to reduce the rate of one or more of that school 100005  
district's property taxes levied for a continuing period of time 100006  
in excess of the ten-mill limitation. The reduction in the rate of 100007  
a property tax may be any amount, expressed in mills ~~per~~ for each 100008

one dollar of ~~valuation~~ taxable value and in dollars for each one 100009  
hundred thousand dollars of fair market value, not exceeding the 100010  
rate at which the tax is authorized to be levied. The reduction in 100011  
the rate of a tax shall first take effect in the same year that 100012  
the county school financing district tax takes effect, and shall 100013  
continue for each year that the county school financing district 100014  
tax is in effect. A board of education's resolution proposing to 100015  
reduce the rate of one or more of its school district property 100016  
taxes shall specifically identify each such tax and shall state 100017  
for each tax the maximum rate at which it currently may be levied 100018  
and the maximum rate at which it could be levied after the 100019  
proposed reduction, expressed in mills ~~per~~ for each one dollar of 100020  
valuation taxable value and in dollars for each one hundred 100021  
thousand dollars of fair market value. 100022

Before submitting the resolution to the taxing authority of 100023  
the county school financing district, the board of education of 100024  
the school district shall certify a copy of it to the tax 100025  
commissioner and the county auditor. Within ten days of receiving 100026  
the copy, (a) the tax commissioner shall certify to the board the 100027  
reduction in the school district's total effective tax rate for 100028  
each class of property that would have resulted if the proposed 100029  
reduction in the rate or rates had been in effect the previous 100030  
year and (b) the county auditor shall certify an estimate of the 100031  
levy's annual collections beginning for the first tax year for 100032  
which the reduction applies, rounded to the nearest dollar, which 100033  
shall be calculated assuming that the amount of the tax list of 100034  
the taxing authority remains throughout the life of the reduced 100035  
levy the same as the amount of the tax list for the current year, 100036  
and if this is not determined, the estimated amount submitted by 100037  
the auditor to the county budget commission. 100038

If a school district is located in more than one county, the 100039  
county auditor shall obtain from the county auditor of each other 100040

county in which the district is located the current tax valuation 100041  
for the portion of the district in that county. After 100042

After receiving the certification these certifications from 100043  
the commissioner and the auditor, the board may amend its 100044  
resolution to change the proposed property tax rate reduction 100045  
before submitting the resolution to the financing district taxing 100046  
authority, provided the board certifies a copy of the amended 100047  
resolution to the county auditor with a request to provide the 100048  
information required under division (E)(1)(b) of this section and 100049  
transmits that estimate to the taxing authority. As used in this 100050  
paragraph, "effective tax rate" has the same meaning as in section 100051  
323.08 of the Revised Code. 100052

If the board of education of a school district that is part 100053  
of the territory of a county school financing district adopts a 100054  
resolution proposing to reduce the rate of one or more of its 100055  
property taxes in conjunction with the levying of a tax by the 100056  
financing district, the resolution submitted by the board to the 100057  
taxing authority of the financing district under division (A) of 100058  
this section does not have to be identical in this respect to the 100059  
resolutions submitted by the boards of education of the other 100060  
school districts that are part of the territory of the county 100061  
school financing district. 100062

(2) Each school district that is part of the territory of a 100063  
county school financing district may tailor to its own situation a 100064  
proposed reduction in one or more property tax rates in 100065  
conjunction with the proposed levying of a tax by the county 100066  
school financing district; if one such school district proposes a 100067  
reduction in one or more tax rates, another school district may 100068  
propose a reduction of a different size or may propose no 100069  
reduction. Within each school district that is part of the 100070  
territory of the county school financing district, the electors 100071  
shall vote on one ballot issue combining the question of the 100072

levying of the tax by the taxing authority of the county school financing district with, if any such reduction is proposed, the question of the reduction in the rate of one or more taxes of the school district. If a majority of the electors of the county school financing district voting on the question of the proposed levying of a tax by the taxing authority of the financing district vote to approve the question, any tax reductions proposed by school districts that are part of the territory of the financing district also are approved.

(3) The form of the ballot for an issue proposing to levy a county school financing district tax in conjunction with the reduction of the rate of one or more school district taxes shall be as follows:

"Shall the ..... (name of the county school financing district) be authorized to levy an additional tax for ..... (purpose stated in the resolutions), that the county auditor estimates will collect \$..... annually, at a rate not exceeding ..... mills for each ~~one dollar~~ \$1 of valuation taxable value, which amounts to \$..... (~~rate expressed in dollars and cents~~) for each ~~one hundred dollars~~ \$100,000 of valuation fair market value, for a continuing period of time? If the county school financing district tax is approved, the rate of an existing tax currently levied by the ..... (name of the school district of which the elector is a resident) at the rate of ..... mills ~~for each one dollar of valuation~~ shall be reduced to ..... mills for each \$1 of taxable value, which amounts to a reduction from \$..... to \$..... for each \$100,000 of fair market value, that the county auditor estimates will collect \$..... annually, until any such time as the county school financing district tax is decreased or repealed.

	For the issue
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100104

	Against the issue	"
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If the board of education of the school district proposes to 100107  
reduce the rate of more than one of its existing taxes, the second 100108  
sentence of the ballot language shall be modified for residents of 100109  
that district to express the rates at which those taxes currently 100110  
are levied and the rates to which they would be reduced, as well 100111  
as each levy's estimated annual collections as provided by the 100112  
county auditor under division (E)(1)(b) of this section. If the 100113  
board of education of the school district does not propose to 100114  
reduce the rate of any of its taxes, the second sentence of the 100115  
ballot language shall not be used for residents of that district. 100116  
In any case, the first sentence of the ballot language shall be 100117  
the same for all the electors in the county school financing 100118  
district, but the second sentence shall be different in each 100119  
school district depending on whether and in what amount the board 100120  
of education of the school district proposes to reduce the rate of 100121  
one or more of its property taxes. 100122

(4) If the rate of a school district property tax is reduced 100123  
pursuant to this division, the tax commissioner shall compute the 100124  
percentage required to be computed for that tax under division (D) 100125  
of section 319.301 of the Revised Code each year the rate is 100126  
reduced as if the tax had been levied in the preceding year at the 100127  
rate to which it has been reduced. If the reduced rate of a tax is 100128  
increased under division (E)(5) of this section, the commissioner 100129  
shall compute the percentage required to be computed for that tax 100130  
under division (D) of section 319.301 of the Revised Code each 100131  
year the rate is increased as if the tax had been levied in the 100132  
preceding year at the rate to which it has been increased. 100133

(5) After the levying of a county school financing district 100134  
tax in conjunction with the reduction of the rate of one or more 100135  
school district taxes is approved by the electors under this 100136

division, if the rate of the county school financing district tax 100137  
is decreased pursuant to an election under section 5705.261 of the 100138  
Revised Code, the rate of each school district tax that had been 100139  
reduced shall be increased by the number of mills obtained by 100140  
multiplying the number of mills of the original reduction by the 100141  
same percentage that the financing district tax rate is decreased. 100142  
If the county school financing district tax is repealed pursuant 100143  
to an election under section 5705.261 of the Revised Code, each 100144  
school district may resume levying the property taxes that had 100145  
been reduced at the full rate originally approved by the electors. 100146  
A reduction in the rate of a school district property tax under 100147  
this division is a reduction in the rate at which the board of 100148  
education may levy that tax only for the period during which the 100149  
county school financing district tax is levied prior to any 100150  
decrease or repeal under section 5705.261 of the Revised Code. The 100151  
resumption of the authority of the board of education to levy an 100152  
increased or the full rate of tax does not constitute the levying 100153  
of a new tax in excess of the ten-mill limitation. 100154

(F) If a county school financing district has a tax in effect 100155  
under this section, the territory of a city, local, or exempted 100156  
village school district that is not a part of the county school 100157  
financing district shall not become a part of the county school 100158  
financing district unless approved by the electors of the city, 100159  
local, or exempted village school district in accordance with 100160  
division (C) of section 3311.50 of the Revised Code. 100161

**Sec. 5705.218.** (A) The board of education of a city, local, 100162  
or exempted village school district, at any time by a vote of 100163  
two-thirds of all its members, may declare by resolution that it 100164  
may be necessary for the school district to issue general 100165  
obligation bonds for permanent improvements. The resolution shall 100166  
state all of the following: 100167

(1) The necessity and purpose of the bond issue; 100168

(2) The date of the special election at which the question 100169  
shall be submitted to the electors; 100170

(3) The amount, approximate date, estimated rate of interest, 100171  
and maximum number of years over which the principal of the bonds 100172  
may be paid; 100173

(4) The necessity of levying a tax outside the ten-mill 100174  
limitation to pay debt charges on the bonds and any anticipatory 100175  
securities. 100176

On adoption of the resolution, the board shall certify a copy 100177  
of it to the county auditor. The county auditor promptly shall 100178  
estimate and certify to the board the average annual property tax 100179  
rate, expressed in mills for each one dollar of taxable value and 100180  
in dollars for each one hundred thousand dollars of fair market 100181  
value, required throughout the stated maturity of the bonds to pay 100182  
debt charges on the bonds and the amount the levy is estimated to 100183  
collect for each tax year it is levied, in the same manner as 100184  
under division (C) of section 133.18 of the Revised Code. 100185

(B) After receiving the county auditor's certification under 100186  
division (A) of this section, the board of education of the city, 100187  
local, or exempted village school district, by a vote of 100188  
two-thirds of all its members, may declare by resolution that the 100189  
amount of taxes that can be raised within the ten-mill limitation 100190  
will be insufficient to provide an adequate amount for the present 100191  
and future requirements of the school district; that it is 100192  
necessary to issue general obligation bonds of the school district 100193  
for permanent improvements and to levy an additional tax in excess 100194  
of the ten-mill limitation to pay debt charges on the bonds and 100195  
any anticipatory securities; that it is necessary for a specified 100196  
number of years or for a continuing period of time to levy 100197  
additional taxes in excess of the ten-mill limitation to provide 100198

funds for the acquisition, construction, enlargement, renovation, 100199  
and financing of permanent improvements or to pay for current 100200  
operating expenses, or both; and that the question of the bonds 100201  
and taxes shall be submitted to the electors of the school 100202  
district at a special election, which shall not be earlier than 100203  
ninety days after certification of the resolution to the board of 100204  
elections, and the date of which shall be consistent with section 100205  
3501.01 of the Revised Code. The resolution shall specify all of 100206  
the following: 100207

(1) The county auditor's estimate of the average annual 100208  
property tax rate required throughout the stated maturity of the 100209  
bonds to pay debt charges on the bonds; 100210

(2) The proposed rate of the tax, if any, for current 100211  
operating expenses expressed in mills for each one dollar of 100212  
taxable value and in dollars for each one hundred thousand dollars 100213  
of fair market value, the first year the tax will be levied, and 100214  
the number of years it will be levied, or that it will be levied 100215  
for a continuing period of time; 100216

(3) The proposed rate of the tax, if any, for permanent 100217  
improvements expressed in mills for each one dollar of taxable 100218  
value and in dollars for each one hundred thousand dollars of fair 100219  
market value, the first year the tax will be levied, and the 100220  
number of years it will be levied, or that it will be levied for a 100221  
continuing period of time. 100222

The resolution shall apportion the annual rate of the tax 100223  
between current operating expenses and permanent improvements, if 100224  
both taxes are proposed. The apportionment may but need not be the 100225  
same for each year of the tax, but the respective portions of the 100226  
rate actually levied each year for current operating expenses and 100227  
permanent improvements shall be limited by the apportionment. The 100228  
resolution shall go into immediate effect upon its passage, and no 100229  
publication of it is necessary other than that provided in the 100230



notice of election. The board of education shall certify a copy of 100231  
the resolution, along with copies of the auditor's estimate 100232  
estimates and its resolution under division (A) of this section, 100233  
to the board of elections immediately after its adoption. 100234

(C) The board of elections shall make the arrangements for 100235  
the submission to the electors of the school district of the 100236  
question proposed under division (B) or (J) of this section, and 100237  
the election shall be conducted, canvassed, and certified in the 100238  
same manner as regular elections in the district for the election 100239  
of county officers. The resolution shall be put before the 100240  
electors as one ballot question, with a favorable vote indicating 100241  
approval of the bond issue, the levy to pay debt charges on the 100242  
bonds and any anticipatory securities, the current operating 100243  
expenses levy, the permanent improvements levy, and the levy for 100244  
the current expenses of a qualifying school district and of 100245  
partnering community schools, as those levies may be proposed. The 100246  
board of elections shall publish notice of the election in a 100247  
newspaper of general circulation in the school district once a 100248  
week for two consecutive weeks, or as provided in section 7.16 of 100249  
the Revised Code, prior to the election. If a board of elections 100250  
operates and maintains a web site, that board also shall post 100251  
notice of the election on its web site for thirty days prior to 100252  
the election. The notice of election shall state all of the 100253  
following: 100254

(1) The principal amount of the proposed bond issue; 100255

(2) The permanent improvements for which the bonds are to be 100256  
issued; 100257

(3) The maximum number of years over which the principal of 100258  
the bonds may be paid; 100259

(4) The estimated additional average annual property tax rate 100260  
to pay the debt charges on the bonds, as certified by the county 100261

auditor and expressed in mills for each one dollar of taxable 100262  
value and in dollars for each one hundred thousand dollars of fair 100263  
market value; 100264

(5) The proposed rate of the additional tax, if any, for 100265  
current operating expenses expressed in mills for each one dollar 100266  
of taxable value and in dollars for each one hundred thousand 100267  
dollars of fair market value and, if the question is proposed 100268  
under division (J) of this section, the portion of the rate to be 100269  
allocated to the school district and the portion to be allocated 100270  
to partnering community schools; 100271

(6) The number of years the current operating expenses tax 100272  
will be in effect, or that it will be in effect for a continuing 100273  
period of time; 100274

(7) The proposed rate of the additional tax, if any, for 100275  
permanent improvements expressed in mills for each one dollar of 100276  
taxable value and in dollars for each one hundred thousand dollars 100277  
of fair market value; 100278

(8) The number of years the permanent improvements tax will 100279  
be in effect, or that it will be in effect for a continuing period 100280  
of time; 100281

(9) The annual estimated collections of the debt levy and, if 100282  
applicable, the current operating expenses levy and permanent 100283  
improvements levy, as certified by the county auditor; 100284

(10) The time and place of the special election. 100285

(D) The form of the ballot for an election under this section 100286  
is as follows: 100287

"Shall the ..... school district be authorized to do the 100288  
following: 100289

(1) Issue bonds for the purpose of ..... in the 100290  
principal amount of \$....., to be repaid annually over a maximum 100291

period of ..... years, and levy a property tax outside the 100292  
ten-mill limitation, estimated by the county auditor to collect 100293  
~~\$. . . . . annually and~~ to average over the bond repayment period 100294  
. . . . . mills for each ~~one dollar~~ \$1 of tax valuation taxable 100295  
value, which amounts to ~~\$. . . . . (rate expressed in cents or~~ 100296  
~~dollars and cents, such as "36 cents" or "\$1.41")~~ for each \$100 100297  
~~\$100,000 of tax valuation~~ fair market value, to pay the annual 100298  
debt charges on the bonds, and to pay debt charges on any notes 100299  
issued in anticipation of those bonds?" 100300

If either a levy for permanent improvements or a levy for 100301  
current operating expenses is proposed, or both are proposed, the 100302  
ballot also shall contain the following language, as appropriate: 100303

"(2) Levy an additional property tax to provide funds for the 100304  
acquisition, construction, enlargement, renovation, and financing 100305  
of permanent improvements, that the county auditor estimates will 100306  
collect \$. . . . . annually, at a rate not exceeding . . . . . mills for 100307  
each ~~one dollar~~ \$1 of tax valuation taxable value, which amounts 100308  
to ~~\$. . . . . (rate expressed in cents or dollars and cents)~~ for 100309  
each ~~\$100~~ \$100,000 of tax valuation fair market value, for . . . . . 100310  
(number of years of the levy, or a continuing period of time)? 100311

(3) Levy an additional property tax to pay current operating 100312  
expenses, that the county auditor estimates will collect \$. . . . . 100313  
annually, at a rate not exceeding . . . . . mills for each ~~one~~ 100314  
~~dollar~~ \$1 of tax valuation taxable value, which amounts to 100315  
~~\$. . . . . (rate expressed in cents or dollars and cents)~~ for each 100316  
~~\$100~~ \$100,000 of tax valuation fair market value, for . . . . . 100317  
(number of years of the levy, or a continuing period of time)? 100318

100319

	FOR THE BOND ISSUE AND LEVY (OR LEVIES)
	AGAINST THE BOND ISSUE AND LEVY (OR LEVIES)

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" 100321

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If the question is proposed under division (J) of this section, the form of the ballot shall be modified as prescribed by division (J)(4) of this section.

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(E) The board of elections promptly shall certify the results of the election to the tax commissioner and the county auditor of the county in which the school district is located. If a majority of the electors voting on the question vote for it, the board of education may proceed with issuance of the bonds and with the levy and collection of the property tax or taxes at the additional rate or any lesser rate in excess of the ten-mill limitation. Any securities issued by the board of education under this section are Chapter 133. securities, as that term is defined in section 133.01 of the Revised Code.

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(F)(1) After the approval of a tax for current operating expenses under this section and prior to the time the first collection and distribution from the levy can be made, the board of education may anticipate a fraction of the proceeds of such levy and issue anticipation notes in a principal amount not exceeding fifty per cent of the total estimated proceeds of the tax to be collected during the first year of the levy.

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(2) After the approval of a tax under this section for permanent improvements having a specific purpose, the board of education may anticipate a fraction of the proceeds of such tax and issue anticipation notes in a principal amount not exceeding fifty per cent of the total estimated proceeds of the tax remaining to be collected in each year over a period of five years after issuance of the notes.

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(3) After the approval of a tax under this section for general permanent improvements as defined under section 5705.21 of the Revised Code, the board of education may anticipate a fraction of the proceeds of such tax and issue anticipation notes in a principal amount not exceeding fifty per cent of the total

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estimated proceeds of the tax to be collected in each year over a 100355  
specified period of years, not exceeding ten, after issuance of 100356  
the notes. 100357

Anticipation notes under this section shall be issued as 100358  
provided in section 133.24 of the Revised Code. Notes issued under 100359  
division (F)(1) or (2) of this section shall have principal 100360  
payments during each year after the year of their issuance over a 100361  
period not to exceed five years, and may have a principal payment 100362  
in the year of their issuance. Notes issued under division (F)(3) 100363  
of this section shall have principal payments during each year 100364  
after the year of their issuance over a period not to exceed ten 100365  
years, and may have a principal payment in the year of their 100366  
issuance. 100367

(G) A tax for current operating expenses or for permanent 100368  
improvements levied under this section for a specified number of 100369  
years may be renewed or replaced in the same manner as a tax for 100370  
current operating expenses or for permanent improvements levied 100371  
under section 5705.21 of the Revised Code. A tax for current 100372  
operating expenses or for permanent improvements levied under this 100373  
section for a continuing period of time may be decreased in 100374  
accordance with section 5705.261 of the Revised Code. 100375

(H) The submission of a question to the electors under this 100376  
section is subject to the limitation on the number of elections 100377  
that can be held in a year under section 5705.214 of the Revised 100378  
Code. 100379

(I) A school district board of education proposing a ballot 100380  
measure under this section to generate local resources for a 100381  
project under the school building assistance expedited local 100382  
partnership program under section 3318.36 of the Revised Code may 100383  
combine the questions under division (D) of this section with a 100384  
question for the levy of a property tax to generate moneys for 100385  
maintenance of the classroom facilities acquired under that 100386

project as prescribed in section 3318.361 of the Revised Code. 100387

(J)(1) After receiving the county auditor's ~~certification~~ 100388  
certifications under division (A) of this section, the board of 100389  
education of a qualifying school district, by a vote of two-thirds 100390  
of all its members, may declare by resolution that it is necessary 100391  
to levy a tax in excess of the ten-mill limitation for the purpose 100392  
of paying the current expenses of the school district and of 100393  
partnering community schools, as defined in section 5705.21 of the 100394  
Revised Code; that it is necessary to issue general obligation 100395  
bonds of the school district for permanent improvements of the 100396  
district and to levy an additional tax in excess of the ten-mill 100397  
limitation to pay debt charges on the bonds and any anticipatory 100398  
securities; and that the question of the bonds and taxes shall be 100399  
submitted to the electors of the school district at a special 100400  
election, which shall not be earlier than ninety days after 100401  
certification of the resolution to the board of elections, and the 100402  
date of which shall be consistent with section 3505.01 of the 100403  
Revised Code. 100404

The levy of taxes for the current expenses of a partnering 100405  
community school under division (J) of this section and the 100406  
distribution of proceeds from the tax by a qualifying school 100407  
district to partnering community schools is hereby determined to 100408  
be a proper public purpose. 100409

(2) The tax for the current expenses of the school district 100410  
and of partnering community schools is subject to the requirements 100411  
of divisions (B)(3), (4), and (5) of section 5705.21 of the 100412  
Revised Code. 100413

(3) In addition to the required specifications of the 100414  
resolution under division (B) of this section, the resolution 100415  
shall express the rate of the tax in mills ~~per~~ for each one dollar 100416  
of taxable value and in dollars for each one hundred thousand 100417  
dollars of fair market value, state the number of the mills to be 100418

levied for the current expenses of the partnering community 100419  
schools and the number of the mills to be levied for the current 100420  
expenses of the school district, specify the number of years (not 100421  
exceeding ten) the tax will be levied or that it will be levied 100422  
for a continuing period of time, and state the first year the tax 100423  
will be levied. 100424

The resolution shall go into immediate effect upon its 100425  
passage, and no publication of it is necessary other than that 100426  
provided in the notice of election. The board of education shall 100427  
certify a copy of the resolution, along with copies of the 100428  
auditor's estimate and its resolution under division (A) of this 100429  
section, to the board of elections immediately after its adoption. 100430

(4) The form of the ballot shall be modified by replacing the 100431  
ballot form set forth in division (D)(3) of this section with the 100432  
following: 100433

"Levy an additional property tax for the purpose of the 100434  
current expenses of the school district and of partnering 100435  
community schools, that the county auditor estimates will collect 100436  
\$..... annually, at a rate not exceeding ..... ~~(insert the number~~ 100437  
~~of mills)~~ mills for each ~~one-dollar~~ \$1 of valuation taxable value 100438  
(of which ..... (insert the number of mills to be allocated to 100439  
partnering community schools) mills is to be allocated to 100440  
partnering community schools), which amounts to \$..... ~~(insert~~ 100441  
~~the rate expressed in dollars and cents)~~ for each ~~one hundred~~ 100442  
~~dollars~~ \$100,000 of valuation fair market value, for ..... 100443  
(insert the number of years the levy is to be imposed, or that it 100444  
will be levied for a continuing period of time)? 100445

	FOR THE BOND ISSUE AND LEVY (OR LEVIES)		100446
	AGAINST THE BOND ISSUE AND LEVY (OR LEVIES)	"	100447

(5) After the approval of a tax for the current expenses of 100448  
the school district and of partnering community schools under 100449  
division (J) of this section, and prior to the time the first 100450

collection and distribution from the levy can be made, the board 100451  
of education may anticipate a fraction of the proceeds of the levy 100452  
for the current expenses of the school district and issue 100453  
anticipation notes in a principal amount not exceeding fifty per 100454  
cent of the estimated proceeds of the levy to be collected during 100455  
the first year of the levy and allocated to the school district. 100456  
The portion of levy proceeds to be allocated to partnering 100457  
community schools shall not be included in the estimated proceeds 100458  
anticipated under this division and shall not be used to pay debt 100459  
charges on any anticipation notes. 100460

The notes shall be issued as provided in section 133.24 of 100461  
the Revised Code, shall have principal payments during each year 100462  
after the year of their issuance over a period not to exceed five 100463  
years, and may have a principal payment in the year of their 100464  
issuance. 100465

(6) A tax for the current expenses of the school district and 100466  
of partnering community schools levied under division (J) of this 100467  
section for a specified number of years may be renewed or replaced 100468  
in the same manner as a tax for the current expenses of a school 100469  
district and of partnering community schools levied under division 100470  
(B) of section 5705.21 of the Revised Code. A tax for the current 100471  
expenses of the school district and of partnering community 100472  
schools levied under this division for a continuing period of time 100473  
may be decreased in accordance with section 5705.261 of the 100474  
Revised Code. 100475

(7) The proceeds from the issuance of the general obligation 100476  
bonds under division (J) of this section shall be used solely to 100477  
pay for permanent improvements of the school district and not for 100478  
permanent improvements of partnering community schools. 100479

**Sec. 5705.219.** (A) As used in this section: 100480

(1) "Eligible school district" means a city, local, or 100481



exempted village school district in which the taxes charged and 100482  
payable for current expenses on residential/agricultural real 100483  
property in the tax year preceding the year in which the levy 100484  
authorized by this section will be submitted for elector approval 100485  
or rejection are greater than two per cent of the taxable value of 100486  
the residential/agricultural real property. 100487

(2) "Residential/agricultural real property" and 100488  
"nonresidential/agricultural real property" means the property 100489  
classified as such under section 5713.041 of the Revised Code. 100490

(3) "Effective tax rate" and "taxes charged and payable" have 100491  
the same meanings as in division (B) of section 319.301 of the 100492  
Revised Code. 100493

(B) On or after January 1, 2010, but before January 1, 2015, 100494  
the board of education of an eligible school district, by a vote 100495  
of two-thirds of all its members, may adopt a resolution proposing 100496  
to convert existing levies imposed for the purpose of current 100497  
expenses into a levy raising a specified amount of tax money by 100498  
repealing all or a portion of one or more of those existing levies 100499  
and imposing a levy in excess of the ten-mill limitation that will 100500  
raise a specified amount of money for current expenses of the 100501  
district. 100502

The board of education shall certify a copy of the resolution 100503  
to the tax commissioner not later than one hundred five days 100504  
before the election upon which the repeal and levy authorized by 100505  
this section will be proposed to the electors. Within ten days 100506  
after receiving the copy of the resolution, the tax commissioner 100507  
shall determine each of the following and certify the 100508  
determinations to the board of education: 100509

(1) The dollar amount to be raised by the proposed levy, 100510  
which shall be the product of: 100511

(a) The difference between the aggregate effective tax rate 100512

for residential/agricultural real property for the tax year 100513  
preceding the year in which the repeal and levy will be proposed 100514  
to the electors and twenty mills ~~per~~ for each one dollar of 100515  
taxable value; 100516

(b) The total taxable value of all property on the tax list 100517  
of real and public utility property for the tax year preceding the 100518  
year in which the repeal and levy will be proposed to the 100519  
electors. 100520

(2) The estimated tax rate of the proposed levy. 100521

(3) The existing levies and any portion of an existing levy 100522  
to be repealed upon approval of the question. Levies shall be 100523  
repealed in reverse chronological order from most recently imposed 100524  
to least recently imposed until the sum of the effective tax rates 100525  
repealed for residential/agricultural real property is equal to 100526  
the difference calculated in division (B)(1)(a) of this section. 100527

(4) The sum of the following: 100528

(a) The total taxable value of nonresidential/agricultural 100529  
real property for the tax year preceding the year in which the 100530  
repeal and levy will be proposed to the electors multiplied by the 100531  
difference between (i) the aggregate effective tax rate for 100532  
nonresidential/agricultural real property for the existing levies 100533  
and any portion of an existing levy to be repealed and (ii) the 100534  
amount determined under division (B)(1)(a) of this section, but 100535  
not less than zero; 100536

(b) The total taxable value of public utility tangible 100537  
personal property for the tax year preceding the year in which the 100538  
repeal and levy will be proposed to the electors multiplied by the 100539  
difference between (i) the aggregate voted tax rate for the 100540  
existing levies and any portion of an existing levy to be repealed 100541  
and (ii) the amount determined under division (B)(1)(a) of this 100542  
section, but not less than zero. 100543

(C) Upon receipt of the certification from the tax commissioner under division (B) of this section, a majority of the members of the board of education may adopt a resolution proposing the repeal of the existing levies as identified in the certification and the imposition of a levy in excess of the ten-mill limitation that will raise annually the amount certified by the commissioner. If the board determines that the tax should be for an amount less than that certified by the commissioner, the board may request that the commissioner redetermine the rate under division (B)(2) of this section on the basis of the lesser amount the levy is to raise as specified by the board. The amount certified under division (B)(4) and the levies to be repealed as certified under division (B)(3) of this section shall not be redetermined. Within ten days after receiving a timely request specifying the lesser amount to be raised by the levy, the commissioner shall redetermine the rate and recertify it to the board as otherwise provided in division (B) of this section. Only one such request may be made by the board of education of an eligible school district.

The resolution shall state the first calendar year in which the levy will be due; the existing levies and any portion of an existing levy that will be repealed, as certified by the commissioner; the term of the levy expressed in years, which may be any number not exceeding ten, or that it will be levied for a continuing period of time; and the date of the election, which shall be the date of a primary or general election.

Immediately upon its passage, the resolution shall go into effect and shall be certified by the board of education to the county auditor of the proper county. The county auditor and the board of education shall proceed as required under section 5705.195 of the Revised Code. No publication of the resolution is necessary other than that provided for in the notice of election.

Section 5705.196 of the Revised Code shall govern the matters 100576  
concerning the election. The submission of a question to the 100577  
electors under this section is subject to the limitation on the 100578  
number of election dates established by section 5705.214 of the 100579  
Revised Code. 100580

(D) The form of the ballot to be used at the election 100581  
provided for in this section shall be as follows: 100582

"Shall the existing levy of ..... (insert the voted 100583  
millage rate of the levy to be repealed), currently being charged 100584  
against residential and agricultural property by the ..... 100585  
(insert the name of school district) at a rate of ..... 100586  
(insert the residential/agricultural real property effective tax 100587  
rate of the levy being repealed) for the purpose of ..... 100588  
(insert the purpose of the existing levy) be repealed, and shall a 100589  
levy be imposed by the ..... (insert the name of school 100590  
district) in excess of the ten-mill limitation for the necessary 100591  
requirements of the school district in the sum of ..... 100592  
(insert the annual amount the levy is to produce), estimated by 100593  
the tax commissioner to require ..... (insert the number of 100594  
mills) mills for each one dollar of valuation, which amounts to 100595  
..... (insert the rate expressed in dollars and cents) for 100596  
each one hundred dollars of valuation for the initial year of the 100597  
tax, for a period of ..... (insert the number of years the 100598  
levy is to be imposed, or that it will be levied for a continuing 100599  
period of time), commencing in ..... (insert the first year 100600  
the tax is to be levied), first due in calendar year ..... 100601  
(insert the first calendar year in which the tax shall be due)? 100602

	FOR THE REPEAL AND TAX
	AGAINST THE REPEAL AND TAX

"

100603  
100604  
100605  
100606

If the question submitted is a proposal to repeal all or a portion of more than one existing levy, the form of the ballot shall be modified by substituting the statement "shall the existing levy of" with "shall existing levies of" and inserting the aggregate voted and aggregate effective tax rates to be repealed.

(E) If a majority of the electors voting on the question submitted in an election vote in favor of the repeal and levy, the result shall be certified immediately after the canvass by the board of elections to the board of education. The board of education may make the levy necessary to raise the amount specified in the resolution for the purpose stated in the resolution and shall certify it to the county auditor, who shall extend it on the current year tax lists for collection. After the first year, the levy shall be included in the annual tax budget that is certified to the county budget commission.

(F) A levy imposed under this section for a continuing period of time may be decreased or repealed pursuant to section 5705.261 of the Revised Code. If a levy imposed under this section is decreased, the amount calculated under division (B)(4) of this section and paid under section 5705.2110 of the Revised Code shall be decreased by the same proportion as the levy is decreased. If the levy is repealed, no further payments shall be made to the district under that section.

(G) At any time, the board of education, by a vote of two-thirds of all of its members, may adopt a resolution to renew a tax levied under this section. The resolution shall provide for levying the tax and specifically all of the following:

(1) That the tax shall be called, and designated on the ballot as, a renewal levy;

(2) The amount of the renewal tax, which shall be no more

than the amount of tax previously collected; 100638

(3) The number of years, not to exceed ten, that the renewal 100639  
tax will be levied, or that it will be levied for a continuing 100640  
period of time; 100641

(4) That the purpose of the renewal tax is for current 100642  
expenses. 100643

The board shall certify a copy of the resolution to the board 100644  
of elections not later than ninety days before the date of the 100645  
election at which the question is to be submitted, which shall be 100646  
the date of a primary or general election. 100647

(H) The form of the ballot to be used at the election on the 100648  
question of renewing a levy under this section shall be as 100649  
follows: 100650

"Shall a tax levy renewing an existing levy of ..... 100651  
(insert the annual dollar amount the levy is to produce each 100652  
year), estimated to require ..... (insert the number of 100653  
mills) mills for each ~~one-dollar~~ \$1 of ~~valuation~~ taxable value, 100654  
which amounts to \$..... for each \$100,000 of fair market 100655  
value, be imposed by the ..... (insert the name of school 100656  
district) for the purpose of current expenses for a period of 100657  
..... (insert the number of years the levy is to be imposed, 100658  
or that it will be levied for a continuing period of time), 100659  
commencing in ..... (insert the first year the tax is to be 100660  
levied), first due in calendar year ..... (insert the first 100661  
calendar year in which the tax shall be due)? 100662

	FOR THE RENEWAL OF THE TAX LEVY	
	AGAINST THE RENEWAL OF THE TAX LEVY	"

100663

100664

100665

100666

If the levy submitted is to be for less than the amount of 100667

money previously collected, the form of the ballot shall be 100668  
modified to add "and reducing" after "renewing" and to add before 100669  
"estimated to require" the statement "be approved at a tax rate 100670  
necessary to produce \$..... (insert the lower annual dollar 100671  
amount the levy is to produce each year)." 100672

**Sec. 5705.233.** (A) As used in this section, "criminal justice 100673  
facility" means any facility located within the county in which a 100674  
tax is levied under this section and for which the board of 100675  
commissioners of such county may make an appropriation under 100676  
section 307.45 of the Revised Code. 100677

(B) The board of county commissioners of any county, at any 100678  
time, may declare by resolution that it may be necessary for the 100679  
county to issue general obligation bonds for permanent 100680  
improvements to a criminal justice facility, including the 100681  
acquisition, construction, enlargement, renovation, or maintenance 100682  
of such a facility. The resolution shall state all of the 100683  
following: 100684

(1) The necessity and purpose of the bond issue; 100685

(2) The date of the general or special election at which the 100686  
question shall be submitted to the electors; 100687

(3) The amount, approximate date, estimated rate of interest, 100688  
and maximum number of years over which the principal of the bonds 100689  
may be paid; 100690

(4) The necessity of levying a tax outside the ten-mill 100691  
limitation to pay debt charges on the bonds and any anticipatory 100692  
securities. 100693

On adoption of the resolution, the board of county 100694  
commissioners shall certify a copy of it to the county auditor. 100695  
The county auditor promptly shall estimate and certify to the 100696  
board the average annual property tax rate, expressed in mills for 100697

each one dollar of taxable value and in dollars for each one 100698  
hundred thousand dollars of fair market value, required throughout 100699  
the stated maturity of the bonds to pay debt charges on the bonds 100700  
and the amount the levy is estimated to collect for each tax year 100701  
it is levied, in the same manner as under division (C) of section 100702  
133.18 of the Revised Code. ~~Division~~ Except as provided in 100703  
division (C) of this section, division (B) of section 5705.03 of 100704  
the Revised Code does not apply to tax levy proceedings initiated 100705  
under this section. 100706

(C) After receiving the county auditor's certification under 100707  
division (B) of this section and, if applicable, section 5705.03 100708  
of the Revised Code, the board of county commissioners may declare 100709  
by resolution that the amount of taxes that can be raised within 100710  
the ten-mill limitation will be insufficient to provide an 100711  
adequate amount for the present and future criminal justice 100712  
requirements of the county; that it is necessary to issue general 100713  
obligation bonds of the county for permanent improvements to a 100714  
criminal justice facility and to levy an additional tax in excess 100715  
of the ten-mill limitation to pay debt charges on the bonds and 100716  
any anticipatory securities; that it is necessary for a specified 100717  
number of years or for a continuing period of time to levy 100718  
additional taxes in excess of the ten-mill limitation to provide 100719  
funds for the acquisition, construction, enlargement, renovation, 100720  
maintenance, and financing of permanent improvements to such a 100721  
criminal justice facility or to pay for operating expenses of the 100722  
facility and other criminal justice services for which the board 100723  
may make an appropriation under section 307.45 of the Revised 100724  
Code, or both; and that the question of the bonds and taxes shall 100725  
be submitted to the electors of the county at a general or special 100726  
election, which shall not be earlier than ninety days after 100727  
certification of the resolution to the board of elections, and the 100728  
date of which shall be consistent with section 3501.01 of the 100729  
Revised Code. The resolution shall specify all of the following: 100730



(1) The county auditor's estimate of the average annual property tax rate required throughout the stated maturity of the bonds to pay debt charges on the bonds;

(2) The proposed rate of the tax, if any, for operating expenses and criminal justice services, the first year the tax will be levied, and the number of years it will be levied, or that it will be levied for a continuing period of time;

(3) The proposed rate of the tax, if any, for permanent improvements to a criminal justice facility, the first year the tax will be levied, and the number of years it will be levied, or that it will be levied for a continuing period of time.

The resolution shall go into immediate effect upon its passage, and no publication of it is necessary other than that provided in the notice of election, except that division (B) of section 5705.03 of the Revised Code applies if the resolution proposes an additional tax for operating expenses and criminal justice services or permanent improvements. The board of county commissioners shall certify, immediately after its adoption, a copy of the resolution, along with copies of the auditor's estimate certifications under division (B) of this section or section 5705.03 of the Revised Code, if applicable, and ~~its the~~ board's resolution under division (B) of this section, to the board of elections ~~immediately after its adoption.~~

(D) The board of elections shall make the arrangements for the submission of the question proposed under division (C) of this section to the electors of the county, and the election shall be conducted, canvassed, and certified in the same manner as regular elections in the county for the election of county officers. The resolution shall be put before the electors as one ballot question, with a favorable vote indicating approval of the bond issue, the levy to pay debt charges on the bonds and any anticipatory securities, the operating expenses and criminal

justice services levy, and the permanent improvements levy, as 100763  
those levies may be proposed. The board of elections shall publish 100764  
notice of the election in a newspaper of general circulation in 100765  
the county once a week for two consecutive weeks, or as provided 100766  
in section 7.16 of the Revised Code, before the election. If a 100767  
board of elections operates and maintains a web site, that board 100768  
also shall post notice of the election on its web site for thirty 100769  
days before the election. The notice of election shall state all 100770  
of the following: 100771

(1) The principal amount of the proposed bond issue; 100772

(2) The permanent improvements for which the bonds are to be 100773  
issued; 100774

(3) The maximum number of years over which the principal of 100775  
the bonds may be paid; 100776

(4) The estimated additional average annual property tax 100777  
rate, expressed in mills for each one dollar of taxable value and 100778  
in dollars for each one hundred thousand dollars of fair market 100779  
value, to pay the debt charges on the bonds, as certified by the 100780  
county auditor; 100781

(5) The proposed rate of the additional tax, if any, for 100782  
operating expenses and criminal justice services; 100783

(6) The number of years the operating expenses or criminal 100784  
justice services tax will be in effect, or that it will be in 100785  
effect for a continuing period of time; 100786

(7) The proposed rate of the additional tax, if any, for 100787  
permanent improvements; 100788

(8) The number of years the permanent improvements tax will 100789  
be in effect, or that it will be in effect for a continuing period 100790  
of time; 100791

(9) The estimated annual collections of the debt levy and, if 100792

applicable, the current operating expenses or criminal justice services levy and permanent improvements levy, as certified by the county auditor; 100793  
100794  
100795

(10) The time and place of the election. 100796

(E) The form of the ballot for an election under this section is as follows: 100797  
100798

"Shall ..... be authorized to do the following: 100799

(1) Issue bonds for the purpose of ..... in the principal amount of \$....., to be repaid annually over a maximum period of ..... years, and levy a property tax outside the ten-mill limitation, estimated by the county auditor to collect \$..... annually and to average over the bond repayment period ..... mills for each ~~one dollar~~ \$1 of tax valuation taxable value, which amounts to \$..... (~~rate expressed in cents or dollars and cents, such as "36 cents" or "\$1.41"~~) for each \$100 \$100,000 of ~~tax valuation~~ fair market value, to pay the annual debt charges on the bonds, and to pay debt charges on any notes issued in anticipation of those bonds?" 100800  
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If either a levy for permanent improvements or a levy for operating expenses and criminal justice services is proposed, or both are proposed, the ballot also shall contain the following language, as appropriate: 100811  
100812  
100813  
100814

"(2) Levy an additional property tax to provide funds for the acquisition, construction, enlargement, renovation, maintenance, and financing of permanent improvements to a criminal justice facility, that the county auditor estimates will collect \$..... annually, at a rate not exceeding ..... mills for each ~~one dollar~~ \$1 of tax valuation taxable value, which amounts to \$..... (~~rate expressed in cents or dollars and cents~~) for each \$100 \$100,000 of ~~tax valuation~~ fair market value, for ..... (number of years of the levy, or a continuing period of time)? 100815  
100816  
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(3) Levy an additional property tax to pay operating expenses 100824  
of a criminal justice facility and provide other criminal justice 100825  
services, that the county auditor estimates will collect \$..... 100826  
annually, at a rate not exceeding ..... mills for each ~~one~~ 100827  
~~dollar~~ \$1 of ~~tax valuation~~ taxable value, which amounts to 100828  
\$..... (~~rate expressed in cents or dollars and cents~~) for each 100829  
~~\$100~~ \$100,000 of ~~tax valuation~~ fair market value, for ..... 100830  
(number of years of the levy, or a continuing period of time)? 100831

FOR THE BOND ISSUE AND LEVY (OR LEVIES) 100832

AGAINST THE BOND ISSUE AND LEVY (OR LEVIES)" 100833

(F) The board of elections promptly shall certify the results 100834  
of the election to the tax commissioner and the county auditor. If 100835  
a majority of the electors voting on the question vote for it, the 100836  
board of county commissioners may proceed with issuance of the 100837  
bonds and the levy and collection of the property tax for the debt 100838  
service on the bonds and any anticipatory securities in the same 100839  
manner and subject to the same limitations as for securities 100840  
issued under section 133.18 of the Revised Code, and with the levy 100841  
and collection of the property tax or taxes for operating expenses 100842  
and criminal justice services and for permanent improvements at 100843  
the additional rate or any lesser rate in excess of the ten-mill 100844  
limitation. Any securities issued by the board of commissioners 100845  
under this section are Chapter 133. securities, as that term is 100846  
defined in section 133.01 of the Revised Code. 100847

(G)(1) After the approval of a tax for operating expenses and 100848  
criminal justice services under this section and before the time 100849  
the first collection and distribution from the levy can be made, 100850  
the board of county commissioners may anticipate a fraction of the 100851  
proceeds of the levy and issue anticipation notes in a principal 100852  
amount not exceeding fifty per cent of the total estimated 100853  
proceeds of the tax to be collected during the first year of the 100854  
levy. 100855

(2) After the approval of a tax under this section for permanent improvements to a criminal justice facility, the board of county commissioners may anticipate a fraction of the proceeds of the tax and issue anticipation notes in a principal amount not exceeding fifty per cent of the total estimated proceeds of the tax remaining to be collected in each year over a period of five years after issuance of the notes.

Anticipation notes under this section shall be issued as provided in section 133.24 of the Revised Code. Notes issued under division (G) of this section shall have principal payments during each year after the year of their issuance over a period not to exceed five years, and may have a principal payment in the year of their issuance.

(H) A tax for operating expenses and criminal justice services or for permanent improvements levied under this section for a specified number of years may be renewed or replaced in the same manner as a tax for current operating expenses or permanent improvements levied under section 5705.19 of the Revised Code. A tax levied under this section for a continuing period of time may be decreased in accordance with section 5705.261 of the Revised Code.

**Sec. 5705.25.** (A) A copy of any resolution adopted as provided in section 5705.19 or 5705.2111 of the Revised Code shall be certified by the taxing authority to the board of elections of the proper county not less than ninety days before the general election in any year, and the board shall submit the proposal to the electors of the subdivision at the succeeding November election. In the case of a qualifying library levy, the board shall submit the question to the electors of the library district or association library district. Except as otherwise provided in this division, a resolution to renew an existing levy, regardless

of the section of the Revised Code under which the tax was 100887  
imposed, shall not be placed on the ballot unless the question is 100888  
submitted at the general election held during the last year the 100889  
tax to be renewed may be extended on the real and public utility 100890  
property tax list and duplicate, or at any election held in the 100891  
ensuing year. The limitation of the foregoing sentence does not 100892  
apply to a resolution to renew and increase or to renew part of an 100893  
existing levy that was imposed under section 5705.191 of the 100894  
Revised Code to supplement the general fund for the purpose of 100895  
making appropriations for one or more of the following purposes: 100896  
for public assistance, human or social services, relief, welfare, 100897  
hospitalization, health, and support of general hospitals. The 100898  
limitation of the second preceding sentence also does not apply to 100899  
a resolution that proposes to renew two or more existing levies 100900  
imposed under section 5705.222 or division (L) of section 5705.19 100901  
of the Revised Code, or under section 5705.21 or 5705.217 of the 100902  
Revised Code, in which case the question shall be submitted on the 100903  
date of the general or primary election held during the last year 100904  
at least one of the levies to be renewed may be extended on the 100905  
real and public utility property tax list and duplicate, or at any 100906  
election held during the ensuing year. For purposes of this 100907  
section, a levy shall be considered to be an "existing levy" 100908  
through the year following the last year it can be placed on that 100909  
tax list and duplicate. 100910

The board shall make the necessary arrangements for the 100911  
submission of such questions to the electors of such subdivision, 100912  
library district, or association library district, and the 100913  
election shall be conducted, canvassed, and certified in the same 100914  
manner as regular elections in such subdivision, library district, 100915  
or association library district for the election of county 100916  
officers. Notice of the election shall be published in a newspaper 100917  
of general circulation in the subdivision, library district, or 100918  
association library district once a week for two consecutive 100919

weeks, or as provided in section 7.16 of the Revised Code, prior 100920  
to the election. If the board of elections operates and maintains 100921  
a web site, the board of elections shall post notice of the 100922  
election on its web site for thirty days prior to the election. 100923  
The notice shall state the purpose, the levy's estimated annual 100924  
collections, the proposed increase in rate expressed in dollars 100925  
~~and cents~~ for each one hundred thousand dollars of ~~valuation fair~~ 100926  
market value as well as in mills for each one dollar of ~~valuation~~ 100927  
taxable value, the number of years during which the increase will 100928  
be in effect, the first month and year in which the tax will be 100929  
levied, and the time and place of the election. 100930

(B) The form of the ballots cast at an election held pursuant 100931  
to division (A) of this section shall be as follows: 100932

"An additional tax for the benefit of (name of subdivision or 100933  
public library) ..... for the purpose of (purpose stated in 100934  
the resolution) ....., that the county auditor estimates will 100935  
collect \$..... annually, at a rate not exceeding ..... mills for 100936  
each ~~one dollar~~ \$1 of ~~valuation taxable value~~, which amounts to 100937  
~~(rate expressed in dollars and cents)~~ \$..... for each ~~one~~ 100938  
~~hundred dollars~~ \$100,000 of ~~valuation fair market value~~, for 100939  
..... (life of indebtedness or number of years the levy is to 100940  
run). 100941

	For the Tax Levy
	Against the Tax Levy

"

100942

100943

100944

100945

(C) If the levy is to be in effect for a continuing period of 100946  
time, the notice of election and the form of ballot shall so state 100947  
instead of setting forth a specified number of years for the levy. 100948

If the tax is to be placed on the current tax list, the form 100949  
of the ballot shall be modified by adding, after the statement of 100950

the number of years the levy is to run, the phrase ", commencing  
in ..... (first year the tax is to be levied), first due in  
calendar year ..... (first calendar year in which the tax  
shall be due)."

If the levy submitted is a proposal to renew, increase, or  
decrease an existing levy, the form of the ballot specified in  
division (B) of this section ~~may~~ must be changed by substituting  
for the words "An additional" at the beginning of the form, the  
words "A renewal of a" in case of a proposal to renew an existing  
levy in the same amount; the words "A renewal of ..... mills  
and an increase of ..... mills for each \$1 of taxable value to  
constitute a" in the case of an increase; or the words "A renewal  
of part of an existing levy, being a reduction of ..... mills for  
each \$1 of taxable value, to constitute a" in the case of a  
decrease in the proposed levy.

If the levy submitted is a proposal to renew two or more  
existing levies imposed under section 5705.222 or division (L) of  
section 5705.19 of the Revised Code, or under section 5705.21 or  
5705.217 of the Revised Code, the form of the ballot specified in  
division (B) of this section shall be modified by substituting for  
the words "an additional tax" the words "a renewal of ....(insert  
the number of levies to be renewed) existing taxes."

If the levy submitted is a levy under section 5705.72 of the  
Revised Code or a proposal to renew, increase, or decrease an  
existing levy imposed under that section, the name of the  
subdivision shall be "the unincorporated area of ..... (name  
of township)."

The question covered by such resolution shall be submitted as  
a separate proposition but may be printed on the same ballot with  
any other proposition submitted at the same election, other than  
the election of officers. More than one such question may be  
submitted at the same election.



(D) A levy voted in excess of the ten-mill limitation under 100983  
this section shall be certified to the tax commissioner. In the 100984  
first year of the levy, it shall be extended on the tax lists 100985  
after the February settlement succeeding the election. If the 100986  
additional tax is to be placed upon the tax list of the current 100987  
year, as specified in the resolution providing for its submission, 100988  
the result of the election shall be certified immediately after 100989  
the canvass by the board of elections to the taxing authority, who 100990  
shall make the necessary levy and certify it to the county 100991  
auditor, who shall extend it on the tax lists for collection. 100992  
After the first year, the tax levy shall be included in the annual 100993  
tax budget that is certified to the county budget commission. 100994

**Sec. 5705.251.** (A) A copy of a resolution adopted under 100995  
section 5705.212 or 5705.213 of the Revised Code shall be 100996  
certified by the board of education to the board of elections of 100997  
the proper county not less than ninety days before the date of the 100998  
election specified in the resolution, and the board of elections 100999  
shall submit the proposal to the electors of the school district 101000  
at a special election to be held on that date. The board of 101001  
elections shall make the necessary arrangements for the submission 101002  
of the question or questions to the electors of the school 101003  
district, and the election shall be conducted, canvassed, and 101004  
certified in the same manner as regular elections in the school 101005  
district for the election of county officers. Notice of the 101006  
election shall be published in a newspaper of general circulation 101007  
in the subdivision once a week for two consecutive weeks, or as 101008  
provided in section 7.16 of the Revised Code, prior to the 101009  
election. If the board of elections operates and maintains a web 101010  
site, the board of elections shall post notice of the election on 101011  
its web site for thirty days prior to the election. 101012

(1) In the case of a resolution adopted under section 101013  
5705.212 of the Revised Code, the notice shall state separately, 101014

for each tax being proposed, the purpose; the proposed increase in 101015  
rate, expressed in dollars ~~and cents~~ for each one hundred thousand 101016  
dollars of ~~valuation~~ fair market value as well as in mills for 101017  
each one dollar of ~~valuation~~ taxable value; the number of years 101018  
during which the increase will be in effect; and the first 101019  
calendar year in which the tax will be due. The notice shall also 101020  
state the original tax's estimated annual collections and the 101021  
estimated aggregate annual collections of all such taxes. For an 101022  
election on the question of a renewal levy, the notice shall state 101023  
the purpose; the levy's estimated annual collections; the proposed 101024  
rate, expressed in dollars ~~and cents~~ for each one hundred thousand 101025  
dollars of ~~valuation~~ fair market value as well as in mills for 101026  
each one dollar of ~~valuation~~ taxable value; and the number of 101027  
years the tax will be in effect. If the resolution is adopted 101028  
under division (C) of that section, the rate of each tax being 101029  
proposed shall be expressed as both the total rate and the portion 101030  
of the total rate to be allocated to the qualifying school 101031  
district and the portion to be allocated to partnering community 101032  
schools. 101033

(2) In the case of a resolution adopted under section 101034  
5705.213 of the Revised Code, the notice shall state the purpose; 101035  
the amount proposed to be raised by the tax in the first year it 101036  
is levied; the estimated average additional tax rate for the first 101037  
year it is proposed to be levied, expressed in mills for each one 101038  
dollar of ~~valuation~~ taxable value and in dollars ~~and cents~~ for 101039  
each one hundred thousand dollars of ~~valuation~~ fair market value; 101040  
the number of years during which the increase will be in effect; 101041  
and the first calendar year in which the tax will be due. The 101042  
notice also shall state the amount by which the amount to be 101043  
raised by the tax may be increased in each year after the first 101044  
year. The amount of the allowable increase may be expressed in 101045  
terms of a dollar increase over, or a percentage of, the amount 101046  
raised by the tax in the immediately preceding year. For an 101047

election on the question of a renewal levy, the notice shall state 101048  
the purpose; the amount proposed to be raised by the tax; the 101049  
estimated tax rate, expressed in mills for each one dollar of 101050  
~~valuation taxable value~~ and in dollars ~~and cents~~ for each one 101051  
hundred ~~thousand~~ dollars of ~~valuation fair market value~~; and the 101052  
number of years the tax will be in effect. 101053

In any case, the notice also shall state the time and place 101054  
of the election. 101055

(B)(1) The form of the ballot in an election on taxes 101056  
proposed under section 5705.212 of the Revised Code shall be as 101057  
follows: 101058

"Shall the ..... school district be authorized to levy 101059  
taxes for current expenses, the aggregate rate of which may 101060  
increase in ..... (number) increment(s) of not more than ..... 101061  
mill(s) for each ~~dollar~~ \$1 of ~~valuation taxable value~~, from an 101062  
original rate of ..... mill(s) for each ~~dollar~~ \$1 of ~~valuation~~ 101063  
~~taxable value~~, which amounts to \$..... ~~(rate expressed in dollars~~ 101064  
~~and cents)~~ for each ~~one hundred dollars~~ \$100,000 of ~~valuation fair~~ 101065  
~~market value~~, that the county auditor estimates will collect 101066  
\$..... annually, to a maximum rate of ..... mill(s) for each 101067  
~~dollar~~ \$1 of ~~valuation taxable value~~, which amounts to \$..... 101068  
~~(rate expressed in dollars and cents)~~ for each ~~one hundred dollars~~ 101069  
\$100,000 of ~~valuation fair market value~~, that the county auditor 101070  
estimates will collect \$..... annually? The original tax is first 101071  
proposed to be levied in ..... (the first year of the tax), and 101072  
the incremental tax in ..... (the first year of the increment) 101073  
(if more than one incremental tax is proposed in the resolution, 101074  
the first year that each incremental tax is proposed to be levied 101075  
shall be stated in the preceding format, and the increments shall 101076  
be referred to as the first, second, third, or fourth increment, 101077  
depending on their number). The aggregate rate of tax so 101078  
authorized will ..... (insert either, "expire with the 101079

original rate of tax which shall be in effect for ..... years" or 101080  
"be in effect for a continuing period of time"). 101081

101082

	FOR THE TAX LEVIES
	AGAINST THE TAX LEVIES

"

101083

101084

101085

If the tax is proposed by a qualifying school district under 101086  
division (C)(1) of section 5705.212 of the Revised Code, the form 101087  
of the ballot shall be modified by adding, after the phrase "each 101088  
~~dollar \$1~~ of ~~valuation~~ taxable value," the following: "(of which 101089  
..... mills is to be allocated to partnering community schools)." 101090

(2) The form of the ballot in an election on the question of 101091  
a renewal levy under section 5705.212 of the Revised Code shall be 101092  
as follows: 101093

"Shall the ..... school district be authorized to renew a 101094  
tax for current expenses, that the county auditor estimates will 101095  
collect \$..... annually, at a rate not exceeding ..... mills 101096  
for each ~~dollar \$1~~ of ~~valuation~~ taxable value, which amounts to 101097  
\$..... (rate expressed in dollars and cents) for each ~~one~~ 101098  
~~hundred dollars~~ \$100,000 of ~~valuation~~ fair market value, for 101099  
..... (number of years the levy shall be in effect, or a 101100  
continuing period of time)? 101101

101102

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

"

101103

101104

101105

If the tax is proposed by a qualifying school district under 101106  
division (C)(2) of section 5705.212 of the Revised Code and the 101107  
total rate and the rates allocated to the school district and 101108  
partnering community schools are to remain the same as those of 101109

the levy being renewed, the form of the ballot shall be modified 101110  
by adding, after the phrase "each ~~dollar~~ \$1 of ~~valuation taxable~~ 101111  
value," the following: "(of which ..... mills is to be allocated 101112  
to partnering community schools)." If the total rate is to be 101113  
increased, the form of the ballot shall state that the proposal is 101114  
to renew the existing tax with an increase in rate and shall state 101115  
the increase in rate, the total rate resulting from the increase, 101116  
and, of that rate, the portion of the rate to be allocated to 101117  
partnering community schools. If the total rate is to be 101118  
decreased, the form of the ballot shall state that the proposal is 101119  
to renew a part of the existing tax and shall state the reduction 101120  
in rate, the total rate resulting from the decrease, and, of that 101121  
rate, the portion of the rate to be allocated to partnering 101122  
community schools. 101123

(3) If a tax proposed by a ballot form prescribed in division 101124  
(B)(1) or (2) of this section is to be placed on the current tax 101125  
list, the form of the ballot shall be modified by adding, after 101126  
the statement of the number of years the levy is to be in effect, 101127  
the phrase ", commencing in ..... (first year the tax is to 101128  
be levied), first due in calendar year ..... (first calendar 101129  
year in which the tax shall be due)." 101130

(C) The form of the ballot in an election on a tax proposed 101131  
under section 5705.213 of the Revised Code shall be as follows: 101132

"Shall the ..... school district be authorized to levy the 101133  
following tax for current expenses? The tax will first be levied 101134  
in ..... (year) to raise \$..... ~~(dollars)~~. In the ..... (number 101135  
of years) following years, the tax will increase by not more than 101136  
..... (per cent or dollar amount of increase) each year, so that, 101137  
during ..... (last year of the tax), the tax will raise 101138  
approximately ..... (dollars). The county auditor estimates that 101139  
the rate of ~~the tax per dollar of valuation~~ will be ..... mill(s) 101140  
for each \$1 of taxable value, which amounts to \$..... ~~per one~~ 101141

~~hundred dollars~~ for each \$100,000 of valuation fair market value, 101142  
 both during ..... (first year of the tax) and ..... mill(s) for 101143  
each \$1 of taxable value, which amounts to \$..... ~~per one hundred~~ 101144  
~~dollars~~ for each \$100,000 of valuation fair market value, during 101145  
 ..... (last year of the tax). The tax will not be levied after 101146  
 ..... (year). 101147

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

"

The form of the ballot in an election on the question of a 101148  
 renewal levy under section 5705.213 of the Revised Code shall be 101149  
 as follows: 101150  
 101151

"Shall the ..... school district be authorized to renew a 101152  
 tax for current expenses which will raise \$..... ~~(dollars),~~ 101153  
 estimated by the county auditor to be ..... mills for each 101154  
~~dollar~~ \$1 of valuation taxable value, which amounts to \$..... 101155  
~~(rate expressed in dollars and cents)~~ for each ~~one hundred dollars~~ 101156  
\$100,000 of valuation fair market value? The tax shall be in 101157  
 effect for ..... (the number of years the levy shall be in 101158  
 effect, or a continuing period of time). 101159  
 101160  
 101161  
 101162

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

"

If the tax is to be placed on the current tax list, the form 101163  
 of the ballot shall be modified by adding, after the statement of 101164  
 the number of years the levy is to be in effect, the phrase ", 101165  
 commencing in ..... (first year the tax is to be levied), 101166  
 first due in calendar year ..... (first calendar year in 101167  
 which the tax shall be due)." 101168  
 101169  
 101170  
 101171  
 101172

(D) The question covered by a resolution adopted under section 5705.212 or 5705.213 of the Revised Code shall be submitted as a separate question, but may be printed on the same ballot with any other question submitted at the same election, other than the election of officers. More than one question may be submitted at the same election.

(E) Taxes voted in excess of the ten-mill limitation under division (B) or (C) of this section shall be certified to the tax commissioner. If an additional tax is to be placed upon the tax list of the current year, as specified in the resolution providing for its submission, the result of the election shall be certified immediately after the canvass by the board of elections to the board of education. The board of education immediately shall make the necessary levy and certify it to the county auditor, who shall extend it on the tax list for collection. After the first year, the levy shall be included in the annual tax budget that is certified to the county budget commission.

**Sec. 5705.261.** (A) The question of decrease of an increased rate of levy approved for a continuing period of time by the voters of a subdivision or, in the case of a qualifying library levy, the voters of the library district or association library district, may be initiated by the filing of a petition with the board of elections of the proper county not less than ninety days before the general election in any year requesting that an election be held on such question. Such petition shall state the amount of the proposed decrease in the rate of levy and shall be signed by qualified electors residing in the subdivision, library district, or association library district equal in number to at least ten per cent of the total number of votes cast in the subdivision, library district, or association library district for the office of governor at the most recent general election for that office. Only one such petition may be filed during each

five-year period following the election at which the voters 101205  
approved the increased rate for a continuing period of time. 101206

After determination by it that such petition is valid, the 101207  
board of elections shall ~~submit~~ do both of the following: 101208

(1) Request that the county auditor certify to the board an 101209  
estimate of the levy's annual collections in the same manner as 101210  
required for a tax levy under section 5705.03 of the Revised Code. 101211  
If the subdivision, library district, or association library 101212  
district is located in more than one county, the county auditor 101213  
shall obtain from the county auditor of each other county in which 101214  
the subdivision or district is located the tax valuation 101215  
applicable to the portion of the subdivision or district in that 101216  
county. 101217

The county auditor shall certify such information to the 101218  
board of elections within ten days after receiving the board's 101219  
request. 101220

(2) Submit the question to the electors of the subdivision, 101221  
library district, or association library district at the 101222  
succeeding general election pursuant to division (B) of this 101223  
section. The 101224

(B) The election shall be conducted, canvassed, and certified 101225  
in the same manner as regular elections in such subdivision, 101226  
library district, or association library district for county 101227  
offices. Notice of the election shall be published in a newspaper 101228  
of general circulation in the district once a week for two 101229  
consecutive weeks, or as provided in section 7.16 of the Revised 101230  
Code, prior to the election. If the board of elections operates 101231  
and maintains a web site, the board of elections shall post notice 101232  
of the election on its web site for thirty days prior to the 101233  
election. The notice shall state the purpose, the levy's estimated 101234  
annual collections, the amount of the proposed decrease in rate, 101235



expressed in mills for each one dollar of taxable value and 101236  
dollars for each one hundred thousand dollars of fair market 101237  
value, and the time and place of the election. The form of the 101238  
ballot cast at such election shall be prescribed by the secretary 101239  
of state but must include all information required to be included 101240  
in the notice. The question covered by ~~such~~ the petition shall be 101241  
submitted as a separate proposition but it may be printed on the 101242  
same ballot with any other propositions submitted at the same 101243  
election other than the election of officers. If a majority of the 101244  
qualified electors voting on the question of a decrease at such 101245  
election approve the proposed decrease in rate, the result of the 101246  
election shall be certified immediately after the canvass by the 101247  
board of elections to the appropriate taxing authority, which 101248  
shall thereupon, after the current year, cease to levy such 101249  
increased rate or levy such tax at such reduced rate upon the 101250  
~~duplicate~~ tax list of the subdivision, library district, or 101251  
association library district. If notes have been issued in 101252  
anticipation of the collection of such levy, the taxing authority 101253  
shall continue to levy and collect under authority of the election 101254  
authorizing the original levy such amounts as will be sufficient 101255  
to pay the principal of and interest on such anticipation notes as 101256  
the same fall due. 101257

In the case of a levy for the current expenses of a 101258  
qualifying school district and of partnering community schools 101259  
imposed under section 5705.192, division (B) of section 5705.21,  
division (C) of section 5705.212, or division (J) of section 101260  
5705.218 of the Revised Code for a continuing period of time, the 101261  
rate allocated to the school district and to partnering community 101262  
schools shall each be decreased by a number of mills per dollar 101263  
that is proportionate to the decrease in the rate of the levy in 101264  
proportion to the rate at which the levy was imposed before the 101265  
decrease. 101266  
101267

Sec. 5705.55. (A) The board of directors of a lake facilities authority, by a vote of two-thirds of all its members, may at any time declare by resolution that the amount of taxes which may be raised within the ten-mill limitation by levies on the current tax duplicate will be insufficient to provide an adequate amount for the necessary requirements of the authority, that it is necessary to levy a tax in excess of such limitation for any of the purposes specified in divisions (A), (B), (F), and (H) of section 5705.19 of the Revised Code, and that the question of such additional tax levy shall be submitted by the board to the electors residing within the boundaries of the impacted lake district on the day of a primary or general election. The resolution shall conform to section 5705.19 of the Revised Code, except that the tax levy may be in effect for no more than five years, as set forth in the resolution, unless the levy is for the payment of debt charges, and the total number of mills levied for each dollar of taxable valuation that may be levied under this section for any tax year shall not exceed one mill. If the levy is for the payment of debt charges, the levy shall be for the life of the bond indebtedness.

The resolution shall specify the date of holding the election, which shall not be earlier than ninety days after the adoption and certification of the resolution to the board of elections. The resolution shall not include a levy on the current tax list and duplicate unless the election is to be held at or prior to the first Tuesday after the first Monday in November of the current tax year.

The resolution shall be certified to the board of elections of the proper county or counties not less than ninety days before the date of the election. The resolution shall go into immediate effect upon its passage, and no publication of the resolution shall be necessary other than that provided in the notice of

election. Section 5705.25 of the Revised Code shall govern the 101300  
arrangements for the submission of such question and other matters 101301  
concerning the election, to which that section refers, except that 101302  
the election shall be held on the date specified in the 101303  
resolution. If a majority of the electors voting on the question 101304  
so submitted in an election vote in favor of the levy, the board 101305  
of directors may forthwith make the necessary levy within the 101306  
boundaries of the impacted lake district at the additional rate in 101307  
excess of the ten-mill limitation on the tax list, for the purpose 101308  
stated in the resolution. The tax levy shall be included in the 101309  
next annual tax budget that is certified to the county budget 101310  
commission. 101311

(B) The form of the ballot in an election held on the 101312  
question of levying a tax proposed pursuant to this section shall 101313  
be as follows or in any other form acceptable to the secretary of 101314  
state: 101315

"A tax for the benefit of (name of lake facilities authority) 101316  
..... for the purpose of ....., that the county auditor 101317  
estimates will collect \$..... annually, at a rate not exceeding 101318  
..... mills for each ~~one dollar~~ \$1 of ~~valuation~~ taxable value, 101319  
which amounts to ~~(rate expressed in dollars and cents)~~ 101320  
\$..... for each ~~one hundred dollars~~ \$100,000 of ~~valuation~~ 101321  
fair market value, for ..... (life of indebtedness or 101322  
number of years the levy is to run). 101323

	For the Tax Levy
	Against the Tax Levy

"

(C) On approval of the levy, notes may be issued in 101328  
anticipation of the collection of the proceeds of the tax levy, 101329  
other than the proceeds to be received for the payment of bond 101330

debt charges, in the amount and manner and at the times as are provided in section 5705.193 of the Revised Code, for the issuance of notes by a county in anticipation of the proceeds of a tax levy. The lake facilities authority may borrow money in anticipation of the collection of current revenues as provided in section 133.10 of the Revised Code.

(D) If a tax is levied under this section in a tax year, no other taxing authority of a subdivision or taxing unit, including a port authority, may levy a tax on property in the impacted lake district in the same tax year if the purpose of the levy is substantially the same as the purpose for which the lake facilities authority of the impacted lake district was created.

**Sec. 5748.01.** As used in this chapter:

(A) "School district income tax" means an income tax adopted under one of the following:

(1) Former section 5748.03 of the Revised Code as it existed prior to its repeal by Amended Substitute House Bill No. 291 of the 115th general assembly;

(2) Section 5748.03 of the Revised Code as enacted in Substitute Senate Bill No. 28 of the 118th general assembly;

(3) Section 5748.08 of the Revised Code as enacted in Amended Substitute Senate Bill No. 17 of the 122nd general assembly;

(4) Section 5748.021 of the Revised Code;

(5) Section 5748.081 of the Revised Code;

(6) Section 5748.09 of the Revised Code.

(B) "Individual" means an individual subject to the tax levied by section 5747.02 of the Revised Code.

(C) "Estate" means an estate subject to the tax levied by section 5747.02 of the Revised Code.

(D) "Taxable year" means a taxable year as defined in	101360
division (M) of section 5747.01 of the Revised Code.	101361
(E) "Taxable income" means:	101362
(1) In the case of an individual, one of the following, as	101363
specified in the resolution imposing the tax:	101364
(a) Ohio adjusted gross income for the taxable year as	101365
defined in division (A) of section 5747.01 of the Revised Code,	101366
less the exemptions provided by section 5747.02 of the Revised	101367
Code, plus any amount deducted under division (A)(31) of section	101368
5747.01 of the Revised Code for the taxable year;	101369
(b) Wages, salaries, tips, and other employee compensation to	101370
the extent included in Ohio adjusted gross income as defined in	101371
section 5747.01 of the Revised Code, and net earnings from	101372
self-employment, as defined in section 1402(a) of the Internal	101373
Revenue Code, to the extent included in Ohio adjusted gross	101374
income.	101375
(2) In the case of an estate, taxable income for the taxable	101376
year as defined in division (S) of section 5747.01 of the Revised	101377
Code.	101378
(F) "Resident" of the school district means:	101379
(1) An individual who is a resident of this state as defined	101380
in division (I) of section 5747.01 of the Revised Code during all	101381
or a portion of the taxable year and who, during all or a portion	101382
of such period of state residency, is domiciled in the school	101383
district or lives in and maintains a permanent place of abode in	101384
the school district;	101385
(2) An estate of a decedent who, at the time of death, was	101386
domiciled in the school district.	101387
(G) "School district income" means:	101388
(1) With respect to an individual, the portion of the taxable	101389

income of an individual that is received by the individual during 101390  
the portion of the taxable year that the individual is a resident 101391  
of the school district and the school district income tax is in 101392  
effect in that school district. An individual may have school 101393  
district income with respect to more than one school district. 101394

(2) With respect to an estate, the taxable income of the 101395  
estate for the portion of the taxable year that the school 101396  
district income tax is in effect in that school district. 101397

(H) "Taxpayer" means an individual or estate having school 101398  
district income upon which a school district income tax is 101399  
imposed. 101400

(I) "School district purposes" means any of the purposes for 101401  
which a tax may be levied pursuant to division (A) of section 101402  
5705.21 of the Revised Code, including the combined purposes 101403  
authorized by section 5705.217 of the Revised Code. 101404

(J) "Fair market value" has the same meaning as in section 101405  
5705.01 of the Revised Code. 101406

**Sec. 5748.02.** (A) The board of education of any school 101407  
district, except a joint vocational school district, may declare, 101408  
by resolution, the necessity of raising annually a specified 101409  
amount of money for school district purposes. The resolution shall 101410  
specify whether the income that is to be subject to the tax is 101411  
taxable income of individuals and estates as defined in divisions 101412  
(E)(1)(a) and (2) of section 5748.01 of the Revised Code or 101413  
taxable income of individuals as defined in division (E)(1)(b) of 101414  
that section. A copy of the resolution shall be certified to the 101415  
tax commissioner no later than one hundred days prior to the date 101416  
of the election at which the board intends to propose a levy under 101417  
this section. Upon receipt of the copy of the resolution, the tax 101418  
commissioner shall estimate both of the following: 101419

(1) The property tax rate that would have to be imposed in 101420  
the current year by the district to produce an equivalent amount 101421  
of money; 101422

(2) The income tax rate that would have had to have been in 101423  
effect for the current year to produce an equivalent amount of 101424  
money from a school district income tax. 101425

Within ten days of receiving the copy of the board's 101426  
resolution, the commissioner shall prepare these estimates and 101427  
certify them to the board. Upon receipt of the certification, the 101428  
board may adopt a resolution proposing an income tax under 101429  
division (B) of this section at the estimated rate contained in 101430  
the certification rounded to the nearest one-fourth of one per 101431  
cent. The commissioner's certification applies only to the board's 101432  
proposal to levy an income tax at the election for which the board 101433  
requested the certification. If the board intends to submit a 101434  
proposal to levy an income tax at any other election, it shall 101435  
request another certification for that election in the manner 101436  
prescribed in this division. 101437

(B)(1) Upon the receipt of a certification from the tax 101438  
commissioner under division (A) of this section, a majority of the 101439  
members of a board of education may adopt a resolution proposing 101440  
the levy of an annual tax for school district purposes on school 101441  
district income. The proposed levy may be for a continuing period 101442  
of time or for a specified number of years. The resolution shall 101443  
set forth the purpose for which the tax is to be imposed, the rate 101444  
of the tax, which shall be the rate set forth in the 101445  
commissioner's certification rounded to the nearest one-fourth of 101446  
one per cent, the number of years the tax will be levied or that 101447  
it will be levied for a continuing period of time, the date on 101448  
which the tax shall take effect, which shall be the first day of 101449  
January of any year following the year in which the question is 101450  
submitted, and the date of the election at which the proposal 101451

shall be submitted to the electors of the district, which shall be 101452  
on the date of a primary, general, or special election the date of 101453  
which is consistent with section 3501.01 of the Revised Code. The 101454  
resolution shall specify whether the income that is to be subject 101455  
to the tax is taxable income of individuals and estates as defined 101456  
in divisions (E)(1)(a) and (2) of section 5748.01 of the Revised 101457  
Code or taxable income of individuals as defined in division 101458  
(E)(1)(b) of that section. The specification shall be the same as 101459  
the specification in the resolution adopted and certified under 101460  
division (A) of this section. 101461

If the tax is to be levied for current expenses and permanent 101462  
improvements, the resolution shall apportion the annual rate of 101463  
the tax. The apportionment may be the same or different for each 101464  
year the tax is levied, but the respective portions of the rate 101465  
actually levied each year for current expenses and for permanent 101466  
improvements shall be limited by the apportionment. 101467

If the board of education currently imposes an income tax 101468  
pursuant to this chapter that is due to expire and a question is 101469  
submitted under this section for a proposed income tax to take 101470  
effect upon the expiration of the existing tax, the board may 101471  
specify in the resolution that the proposed tax renews the 101472  
expiring tax. Two or more expiring income taxes may be renewed 101473  
under this paragraph if the taxes are due to expire on the same 101474  
date. If the tax rate being proposed is no higher than the total 101475  
tax rate imposed by the expiring tax or taxes, the resolution may 101476  
state that the proposed tax is not an additional income tax. 101477

(2) A board of education adopting a resolution under division 101478  
(B)(1) of this section proposing a school district income tax for 101479  
a continuing period of time and limited to the purpose of current 101480  
expenses may propose in that resolution to reduce the rate or 101481  
rates of one or more of the school district's property taxes 101482  
levied for a continuing period of time in excess of the ten-mill 101483



limitation for the purpose of current expenses. The reduction in 101484  
the rate of a property tax may be any amount, expressed in mills 101485  
~~per for each~~ one dollar in ~~valuation taxable value and in dollars~~ 101486  
for each one hundred thousand dollars in fair market value, not 101487  
exceeding the rate at which the tax is authorized to be levied. 101488  
The reduction in the rate of a tax shall first take effect for the 101489  
tax year that includes the day on which the school district income 101490  
tax first takes effect, and shall continue for each tax year that 101491  
both the school district income tax and the property tax levy are 101492  
in effect. 101493

In addition to the matters required to be set forth in the 101494  
resolution under division (B)(1) of this section, a resolution 101495  
containing a proposal to reduce the rate of one or more property 101496  
taxes shall state for each such tax the maximum rate at which it 101497  
currently may be levied and the maximum rate at which the tax 101498  
could be levied after the proposed reduction, expressed in mills 101499  
~~per for each~~ one dollar in ~~valuation taxable value and in dollars~~ 101500  
for each one hundred thousand dollars in fair market value, and 101501  
that the tax is levied for a continuing period of time. 101502

A board proposing to reduce the rate of one or more property 101503  
taxes under division (B)(2) of this section shall comply with 101504  
division (B) of section 5705.03 of the Revised Code. 101505

If a board of education proposes to reduce the rate of one or 101506  
more property taxes under division (B)(2) of this section, the 101507  
board, when it makes the certification required under division (A) 101508  
of this section, shall designate the specific levy or levies to be 101509  
reduced, the maximum rate at which each levy currently is 101510  
authorized to be levied, and the rate by which each levy is 101511  
proposed to be reduced. The tax commissioner, when making the 101512  
certification to the board under division (A) of this section, 101513  
also shall certify the reduction in the total effective tax rate 101514  
for current expenses for each class of property that would have 101515

resulted if the proposed reduction in the rate or rates had been 101516  
in effect the previous tax year. As used in this paragraph, 101517  
"effective tax rate" has the same meaning as in section 323.08 of 101518  
the Revised Code. 101519

(C) A resolution adopted under division (B) of this section 101520  
shall go into immediate effect upon its passage, and no 101521  
publication of the resolution shall be necessary other than that 101522  
provided for in the notice of election. Immediately after its 101523  
adoption and at least ninety days prior to the election at which 101524  
the question will appear on the ballot, a copy of the resolution 101525  
and, if applicable, the county auditor's certifications under 101526  
section 5705.03 of the Revised Code shall be certified to the 101527  
board of elections of the proper county, which shall submit the 101528  
proposal to the electors on the date specified in the resolution. 101529  
The form of the ballot shall be as provided in section 5748.03 of 101530  
the Revised Code. Publication of notice of the election shall be 101531  
made in a newspaper of general circulation in the county once a 101532  
week for two consecutive weeks, or as provided in section 7.16 of 101533  
the Revised Code, prior to the election. If the board of elections 101534  
operates and maintains a web site, the board of elections shall 101535  
post notice of the election on its web site for thirty days prior 101536  
to the election. The notice shall contain the time and place of 101537  
the election and the question to be submitted to the electors. The 101538  
question covered by the resolution shall be submitted as a 101539  
separate proposition, but may be printed on the same ballot with 101540  
any other proposition submitted at the same election, other than 101541  
the election of officers. 101542

(D) No board of education shall submit the question of a tax 101543  
on school district income to the electors of the district more 101544  
than twice in any calendar year. If a board submits the question 101545  
twice in any calendar year, one of the elections on the question 101546  
shall be held on the date of the general election. 101547

(E)(1) No board of education may submit to the electors of the district the question of a tax on school district income on the taxable income of individuals as defined in division (E)(1)(b) of section 5748.01 of the Revised Code if that tax would be in addition to an existing tax on the taxable income of individuals and estates as defined in divisions (E)(1)(a) and (2) of that section.

(2) No board of education may submit to the electors of the district the question of a tax on school district income on the taxable income of individuals and estates as defined in divisions (E)(1)(a) and (2) of section 5748.01 of the Revised Code if that tax would be in addition to an existing tax on the taxable income of individuals as defined in division (E)(1)(b) of that section.

**Sec. 5748.03.** (A) The form of the ballot on a question submitted to the electors under section 5748.02 of the Revised Code shall be as follows:

"Shall an annual income tax of ..... (state the proposed rate of tax) on the school district income of individuals and of estates be imposed by ..... (state the name of the school district), for ..... (state the number of years the tax would be levied, or that it would be levied for a continuing period of time), beginning ..... (state the date the tax would first take effect), for the purpose of ..... (state the purpose of the tax)?

	FOR THE TAX
	AGAINST THE TAX

(B)(1) If the question submitted to electors proposes a school district income tax only on the taxable income of individuals as defined in division (E)(1)(b) of section 5748.01 of

the Revised Code, the form of the ballot shall be modified by 101578  
stating that the tax is to be levied on the "earned income of 101579  
individuals residing in the school district" in lieu of the 101580  
"school district income of individuals and of estates." 101581

(2) If the question submitted to electors proposes to renew 101582  
one or more expiring income tax levies, the ballot shall be 101583  
modified by adding the following language immediately after the 101584  
name of the school district that would impose the tax: "to renew 101585  
an income tax (or income taxes) expiring at the end of ..... 101586  
(state the last year the existing income tax or taxes may be 101587  
levied)." 101588

(3) If the question includes a proposal under division (B)(2) 101589  
of section 5748.02 of the Revised Code to reduce the rate of one 101590  
or more school district property taxes, the ballot shall state 101591  
that the purpose of the school district income tax is for current 101592  
expenses, and the form of the ballot shall be modified by adding 101593  
the following language immediately after the statement of the 101594  
purpose of the proposed income tax: ", and shall the rate of an 101595  
existing tax on property, currently levied for the purpose of 101596  
current expenses at the rate of ..... mills, be REDUCED to 101597  
..... mills for each \$1 of taxable value, which amounts to a 101598  
reduction from \$..... to \$..... for each \$100,000 of fair 101599  
market value, that the county auditor estimates will collect 101600  
\$..... annually, the reduction continuing until any such time as 101601  
the income tax is repealed." In lieu of "for the tax" and "against 101602  
the tax," the phrases "for the issue" and "against the issue," 101603  
respectively, shall be used. If a board of education proposes a 101604  
reduction in the rates of more than one tax, the ballot language 101605  
shall be modified accordingly to express the rates at which those 101606  
taxes currently are levied and the rates to which the taxes will 101607  
be reduced. 101608

(C) The board of elections shall certify the results of the 101609

election to the board of education and to the tax commissioner. If 101610  
a majority of the electors voting on the question vote in favor of 101611  
it, the income tax, the applicable provisions of Chapter 5747. of 101612  
the Revised Code, and the reduction in the rate or rates of 101613  
existing property taxes if the question included such a reduction 101614  
shall take effect on the date specified in the resolution. If the 101615  
question approved by the voters includes a reduction in the rate 101616  
of a school district property tax, the board of education shall 101617  
not levy the tax at a rate greater than the rate to which the tax 101618  
is reduced, unless the school district income tax is repealed in 101619  
an election under section 5748.04 of the Revised Code. 101620

(D) If the rate at which a property tax is levied and 101621  
collected is reduced pursuant to a question approved under this 101622  
section, the tax commissioner shall compute the percentage 101623  
required to be computed for that tax under division (D) of section 101624  
319.301 of the Revised Code each year the rate is reduced as if 101625  
the tax had been levied in the preceding year at the rate at which 101626  
it has been reduced. If the rate of a property tax increases due 101627  
to the repeal of the school district income tax pursuant to 101628  
section 5748.04 of the Revised Code, the tax commissioner, for the 101629  
first year for which the rate increases, shall compute the 101630  
percentage as if the tax in the preceding year had been levied at 101631  
the rate at which the tax was authorized to be levied prior to any 101632  
rate reduction. 101633

**Sec. 5748.04.** (A) The question of the repeal of a school 101634  
district income tax levied for more than five years may be 101635  
initiated not more than once in any five-year period by filing 101636  
with the board of elections of the appropriate counties not later 101637  
than ninety days before the general election in any year after the 101638  
year in which it is approved by the electors a petition requesting 101639  
that an election be held on the question. The petition shall be 101640  
signed by qualified electors residing in the school district 101641

levying the income tax equal in number to ten per cent of those 101642  
voting for governor at the most recent gubernatorial election. 101643

The board of elections shall determine whether the petition 101644  
is valid, and if it so determines, it shall ~~submit~~ do both of the 101645  
following: 101646

(1) Submit the question to the electors of the district at 101647  
the next general election; 101648

(2) If the rate of one or more property tax levies was 101649  
reduced for the duration of the income tax levy pursuant to 101650  
division (B)(2) of section 5748.02 of the Revised Code, request 101651  
that the county auditor certify to the board an estimate of the 101652  
levies' annual collections for the first year in which the levies 101653  
are increased in the same manner as required for a tax levy under 101654  
section 5705.03 of the Revised Code. 101655

The county auditor shall certify such information to the 101656  
board of elections within ten days after receiving the board's 101657  
request. If a school district is located in more than one county, 101658  
the county auditor shall obtain from the county auditor of each 101659  
other county in which the district is located the tax valuation 101660  
applicable to the portion of the district in that county. The 101661

The election shall be conducted, canvassed, and certified in 101662  
the same manner as regular elections for county offices in the 101663  
county. Notice of the election shall be published in a newspaper 101664  
of general circulation in the district once a week for two 101665  
consecutive weeks, or as provided in section 7.16 of the Revised 101666  
Code, prior to the election. If the board of elections operates 101667  
and maintains a web site, the board of elections shall post notice 101668  
of the election on its web site for thirty days prior to the 101669  
election. The notice shall state the ~~purpose,~~ time, and place of 101670  
the election and the question to be submitted to the electors. The 101671  
form of the ballot cast at the election shall be as follows: 101672

"Shall the annual income tax of ..... per cent, currently  
levied on the school district income of individuals and estates by  
..... (state the name of the school district) for the purpose  
of ..... (state purpose of the tax), be repealed?

	For repeal of the income tax	
	Against repeal of the income tax	"

(B)(1) If the tax is imposed on taxable income as defined in  
division (E)(1)(b) of section 5748.01 of the Revised Code, the  
form of the ballot shall be modified by stating that the tax  
currently is levied on the "earned income of individuals residing  
in the school district" in lieu of the "school district income of  
individuals and estates."

(2) If the rate of one or more property tax levies was  
reduced for the duration of the income tax levy pursuant to  
division (B)(2) of section 5748.02 of the Revised Code, the form  
of the ballot shall be modified by adding the following language  
immediately after "repealed": ", and shall the rate of an existing  
tax on property for the purpose of current expenses, which rate  
was reduced for the duration of the income tax, be INCREASED from  
..... mills to ..... mills per one dollar for each \$1 of valuation  
taxable value which amounts to an increase from \$..... to \$.....  
for each \$100,000 of fair market value, that the county auditor  
estimates will collect \$..... annually, beginning in ..... (state  
the first year for which the rate of the property tax will  
increase)." In lieu of "for repeal of the income tax" and "against  
repeal of the income tax," the phrases "for the issue" and  
"against the issue," respectively, shall be substituted.

(3) If the rate of more than one property tax was reduced for  
the duration of the income tax, the ballot language shall be

modified accordingly to express the rates at which those taxes 101704  
currently are levied and the rates to which the taxes would be 101705  
increased. 101706

(C) The question covered by the petition shall be submitted 101707  
as a separate proposition, but it may be printed on the same 101708  
ballot with any other proposition submitted at the same election 101709  
other than the election of officers. If a majority of the 101710  
qualified electors voting on the question vote in favor of it, the 101711  
result shall be certified immediately after the canvass by the 101712  
board of elections to the board of education of the school 101713  
district and the tax commissioner, who shall thereupon, after the 101714  
current year, cease to levy the tax, except that if notes have 101715  
been issued pursuant to section 5748.05 of the Revised Code the 101716  
tax commissioner shall continue to levy and collect under 101717  
authority of the election authorizing the levy an annual amount, 101718  
rounded upward to the nearest one-fourth of one per cent, as will 101719  
be sufficient to pay the debt charges on the notes as they fall 101720  
due. 101721

(D) If a school district income tax repealed pursuant to this 101722  
section was approved in conjunction with a reduction in the rate 101723  
of one or more school district property taxes as provided in 101724  
division (B)(2) of section 5748.02 of the Revised Code, then each 101725  
such property tax may be levied after the current year at the rate 101726  
at which it could be levied prior to the reduction, subject to any 101727  
adjustments required by the county budget commission pursuant to 101728  
Chapter 5705. of the Revised Code. Upon the repeal of a school 101729  
district income tax under this section, the board of education may 101730  
resume levying a property tax, the rate of which has been reduced 101731  
pursuant to a question approved under section 5748.02 of the 101732  
Revised Code, at the rate the board originally was authorized to 101733  
levy the tax. A reduction in the rate of a property tax under 101734  
section 5748.02 of the Revised Code is a reduction in the rate at 101735



which a board of education may levy that tax only for the period 101736  
during which a school district income tax is levied prior to any 101737  
repeal pursuant to this section. The resumption of the authority 101738  
to levy the tax upon such a repeal does not constitute a tax 101739  
levied in excess of the one per cent limitation prescribed by 101740  
Section 2 of Article XII, Ohio Constitution, or in excess of the 101741  
ten-mill limitation. 101742

(E) This section does not apply to school district income tax 101743  
levies that are levied for five or fewer years. 101744

**Sec. 5748.08.** (A) The board of education of a city, local, or 101745  
exempted village school district, at any time by a vote of 101746  
two-thirds of all its members, may declare by resolution that it 101747  
may be necessary for the school district to do all of the 101748  
following: 101749

(1) Raise a specified amount of money for school district 101750  
purposes by levying an annual tax on school district income; 101751

(2) Issue general obligation bonds for permanent 101752  
improvements, stating in the resolution the necessity and purpose 101753  
of the bond issue and the amount, approximate date, estimated rate 101754  
of interest, and maximum number of years over which the principal 101755  
of the bonds may be paid; 101756

(3) Levy a tax outside the ten-mill limitation to pay debt 101757  
charges on the bonds and any anticipatory securities; 101758

(4) Submit the question of the school district income tax and 101759  
bond issue to the electors of the district at a special election. 101760

The resolution shall specify whether the income that is to be 101761  
subject to the tax is taxable income of individuals and estates as 101762  
defined in divisions (E)(1)(a) and (2) of section 5748.01 of the 101763  
Revised Code or taxable income of individuals as defined in 101764  
division (E)(1)(b) of that section. 101765

On adoption of the resolution, the board shall certify a copy 101766  
of it to the tax commissioner and the county auditor no later than 101767  
one hundred five days prior to the date of the special election at 101768  
which the board intends to propose the income tax and bond issue. 101769  
Not later than ten days of receipt of the resolution, the tax 101770  
commissioner, in the same manner as required by division (A) of 101771  
section 5748.02 of the Revised Code, shall estimate the rates 101772  
designated in divisions (A)(1) and (2) of that section and certify 101773  
them to the board. Not later than ten days of receipt of the 101774  
resolution, the county auditor shall estimate and certify to the 101775  
board the average annual property tax rate required throughout the 101776  
stated maturity of the bonds to pay debt charges on the bonds and 101777  
the amount the levy is estimated to collect for each tax year it 101778  
is levied, in the same manner as under division (C) of section 101779  
133.18 of the Revised Code. 101780

(B) On receipt of the tax commissioner's and county auditor's 101781  
certifications prepared under division (A) of this section, the 101782  
board of education of the city, local, or exempted village school 101783  
district, by a vote of two-thirds of all its members, may adopt a 101784  
resolution proposing for a specified number of years or for a 101785  
continuing period of time the levy of an annual tax for school 101786  
district purposes on school district income and declaring that the 101787  
amount of taxes that can be raised within the ten-mill limitation 101788  
will be insufficient to provide an adequate amount for the present 101789  
and future requirements of the school district; that it is 101790  
necessary to issue general obligation bonds of the school district 101791  
for specified permanent improvements and to levy an additional tax 101792  
in excess of the ten-mill limitation to pay the debt charges on 101793  
the bonds and any anticipatory securities; and that the question 101794  
of the bonds and taxes shall be submitted to the electors of the 101795  
school district at a special election, which shall not be earlier 101796  
than ninety days after certification of the resolution to the 101797  
board of elections, and the date of which shall be consistent with 101798

section 3501.01 of the Revised Code. The resolution shall specify 101799  
all of the following: 101800

(1) The purpose for which the school district income tax is 101801  
to be imposed and the rate of the tax, which shall be the rate set 101802  
forth in the tax commissioner's certification rounded to the 101803  
nearest one-fourth of one per cent; 101804

(2) Whether the income that is to be subject to the tax is 101805  
taxable income of individuals and estates as defined in divisions 101806  
(E)(1)(a) and (2) of section 5748.01 of the Revised Code or 101807  
taxable income of individuals as defined in division (E)(1)(b) of 101808  
that section. The specification shall be the same as the 101809  
specification in the resolution adopted and certified under 101810  
division (A) of this section. 101811

(3) The number of years the tax will be levied, or that it 101812  
will be levied for a continuing period of time; 101813

(4) The date on which the tax shall take effect, which shall 101814  
be the first day of January of any year following the year in 101815  
which the question is submitted; 101816

(5) The amount of the estimated average annual property tax 101817  
levy, expressed in mills for each one dollar of taxable value and 101818  
dollars for each one hundred thousand dollars of fair market 101819  
value, as certified by the county auditor under division (A) of 101820  
this section; 101821

(6) The amount the property tax is estimated to collect for 101822  
each tax year it is levied, as certified by the county auditor's 101823  
estimate of the average annual property tax rate required 101824  
throughout the stated maturity of the bonds to pay debt charges on 101825  
the bonds auditor under division (A) of this section. 101826

(C) A resolution adopted under division (B) of this section 101827  
shall go into immediate effect upon its passage, and no 101828  
publication of the resolution shall be necessary other than that 101829

provided for in the notice of election. Immediately after its 101830  
adoption and at least ninety days prior to the election at which 101831  
the question will appear on the ballot, the board of education 101832  
shall certify a copy of the resolution, along with copies of the 101833  
auditor's estimate and its resolution under division (A) of this 101834  
section, to the board of elections of the proper county. The board 101835  
of education shall make the arrangements for the submission of the 101836  
question to the electors of the school district, and the election 101837  
shall be conducted, canvassed, and certified in the same manner as 101838  
regular elections in the district for the election of county 101839  
officers. 101840

The resolution shall be put before the electors as one ballot 101841  
question, with a majority vote indicating approval of the school 101842  
district income tax, the bond issue, and the levy to pay debt 101843  
charges on the bonds and any anticipatory securities. The board of 101844  
elections shall publish the notice of the election in a newspaper 101845  
of general circulation in the school district once a week for two 101846  
consecutive weeks, or as provided in section 7.16 of the Revised 101847  
Code, prior to the election. If the board of elections operates 101848  
and maintains a web site, it also shall post notice of the 101849  
election on its web site for thirty days prior to the election. 101850  
The notice of election shall state all of the following: 101851

(1) The questions to be submitted to the electors; 101852

(2) The rate of the school district income tax; 101853

(3) The principal amount of the proposed bond issue; 101854

(4) The permanent improvements for which the bonds are to be 101855  
issued; 101856

(5) The maximum number of years over which the principal of 101857  
the bonds may be paid; 101858

(6) The estimated annual collections of the property tax, as 101859  
certified by the county auditor; 101860

(7) The estimated additional average annual property tax rate 101861  
to pay the debt charges on the bonds, as certified by the county 101862  
auditor, and expressed in mills for each one dollar of taxable 101863  
value and in dollars for each one hundred thousand dollars of fair 101864  
market value; 101865

~~(7)~~ (8) The time and place of the special election. 101866

(D) The form of the ballot on a question submitted to the 101867  
electors under this section shall be as follows: 101868

"Shall the ..... school district be authorized to do both 101869  
of the following: 101870

(1) Impose an annual income tax of ..... (state the proposed 101871  
rate of tax) on the school district income of individuals and of 101872  
estates, for ..... (state the number of years the tax would be 101873  
levied, or that it would be levied for a continuing period of 101874  
time), beginning ..... (state the date the tax would first take 101875  
effect), for the purpose of ..... (state the purpose of the 101876  
tax)? 101877

(2) Issue bonds for the purpose of ..... in the principal 101878  
amount of \$....., to be repaid annually over a maximum period of 101879  
..... years, and levy a property tax outside the ten-mill 101880  
limitation estimated by the county auditor to collect \$..... 101881  
annually and to average over the bond repayment period ..... 101882  
mills for each ~~one dollar~~ \$1 of ~~tax valuation~~ taxable value, which 101883  
amounts to \$..... (~~rate expressed in cents or dollars and cents,~~ 101884  
~~such as "36 cents" or "\$1.41"~~) for each ~~\$100~~ \$100,000 of ~~tax~~ 101885  
~~valuation~~ fair market value, to pay the annual debt charges on the 101886  
bonds, and to pay debt charges on any notes issued in anticipation 101887  
of those bonds? 101888

	FOR THE INCOME TAX AND BOND ISSUE	
	AGAINST THE INCOME TAX AND BOND ISSUE	"

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(E) If the question submitted to electors proposes a school district income tax only on the taxable income of individuals as defined in division (E)(1)(b) of section 5748.01 of the Revised Code, the form of the ballot shall be modified by stating that the tax is to be levied on the "earned income of individuals residing in the school district" in lieu of the "school district income of individuals and of estates."

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(F) The board of elections promptly shall certify the results of the election to the tax commissioner and the county auditor of the county in which the school district is located. If a majority of the electors voting on the question vote in favor of it, the income tax and the applicable provisions of Chapter 5747. of the Revised Code shall take effect on the date specified in the resolution, and the board of education may proceed with issuance of the bonds and with the levy and collection of the property taxes to pay debt charges on the bonds, at the additional rate or any lesser rate in excess of the ten-mill limitation. Any securities issued by the board of education under this section are Chapter 133. securities, as that term is defined in section 133.01 of the Revised Code.

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(G) After approval of a question under this section, the board of education may anticipate a fraction of the proceeds of the school district income tax in accordance with section 5748.05 of the Revised Code. Any anticipation notes under this division shall be issued as provided in section 133.24 of the Revised Code, shall have principal payments during each year after the year of their issuance over a period not to exceed five years, and may have a principal payment in the year of their issuance.

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(H) The question of repeal of a school district income tax levied for more than five years may be initiated and submitted in accordance with section 5748.04 of the Revised Code.

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(I) No board of education shall submit a question under this section to the electors of the school district more than twice in any calendar year. If a board submits the question twice in any calendar year, one of the elections on the question shall be held on the date of the general election.

**Sec. 5748.09.** (A) The board of education of a city, local, or exempted village school district, at any time by a vote of two-thirds of all its members, may declare by resolution that it may be necessary for the school district to do all of the following:

(1) Raise a specified amount of money for school district purposes by levying an annual tax on school district income;

(2) Levy an additional property tax in excess of the ten-mill limitation for the purpose of providing for the necessary requirements of the district, stating in the resolution the amount of money to be raised each year for such purpose;

(3) Submit the question of the school district income tax and property tax to the electors of the district at a special election.

The resolution shall specify whether the income that is to be subject to the tax is taxable income of individuals and estates as defined in divisions (E)(1)(a) and (2) of section 5748.01 of the Revised Code or taxable income of individuals as defined in division (E)(1)(b) of that section.

On adoption of the resolution, the board shall certify a copy of it to the tax commissioner and the county auditor not later than one hundred days prior to the date of the special election at which the board intends to propose the income tax and property tax. Not later than ten days after receipt of the resolution, the tax commissioner, in the same manner as required by division (A)

of section 5748.02 of the Revised Code, shall estimate the rates 101954  
designated in divisions (A)(1) and (2) of that section and certify 101955  
them to the board. Not later than ten days after receipt of the 101956  
resolution, the county auditor, in the same manner as required by 101957  
section 5705.195 of the Revised Code, shall make the calculation 101958  
specified in that section and certify it to the board. 101959

(B) On receipt of the tax commissioner's and county auditor's 101960  
certifications prepared under division (A) of this section, the 101961  
board of education of the city, local, or exempted village school 101962  
district, by a vote of two-thirds of all its members, may adopt a 101963  
resolution declaring that the amount of taxes that can be raised 101964  
by all tax levies the district is authorized to impose, when 101965  
combined with state and federal revenues, will be insufficient to 101966  
provide an adequate amount for the present and future requirements 101967  
of the school district, and that it is therefore necessary to 101968  
levy, for a specified number of years or for a continuing period 101969  
of time, an annual tax for school district purposes on school 101970  
district income, and to levy, for a specified number of years not 101971  
exceeding ten or for a continuing period of time, an additional 101972  
property tax in excess of the ten-mill limitation for the purpose 101973  
of providing for the necessary requirements of the district, and 101974  
declaring that the question of the school district income tax and 101975  
property tax shall be submitted to the electors of the school 101976  
district at a special election, which shall not be earlier than 101977  
ninety days after certification of the resolution to the board of 101978  
elections, and the date of which shall be consistent with section 101979  
3501.01 of the Revised Code. The resolution shall specify all of 101980  
the following: 101981

(1) The purpose for which the school district income tax is 101982  
to be imposed and the rate of the tax, which shall be the rate set 101983  
forth in the tax commissioner's certification rounded to the 101984  
nearest one-fourth of one per cent; 101985



(2) Whether the income that is to be subject to the tax is taxable income of individuals and estates as defined in divisions (E)(1)(a) and (2) of section 5748.01 of the Revised Code or taxable income of individuals as defined in division (E)(1)(b) of that section. The specification shall be the same as the specification in the resolution adopted and certified under division (A) of this section. 101986  
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(3) The number of years the school district income tax will be levied, or that it will be levied for a continuing period of time; 101993  
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(4) The date on which the school district income tax shall take effect, which shall be the first day of January of any year following the year in which the question is submitted; 101996  
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(5) The amount of money it is necessary to raise for the purpose of providing for the necessary requirements of the district for each year the property tax is to be imposed; 101999  
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(6) The number of years the property tax will be levied, or that it will be levied for a continuing period of time; 102002  
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(7) The tax list upon which the property tax shall be first levied, which may be the current year's tax list; 102004  
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(8) The amount of the average tax levy, expressed in dollars ~~and cents~~ for each one hundred thousand dollars of ~~valuation~~ fair market value as well as in mills for each one dollar of ~~valuation~~ taxable value, estimated by the county auditor under division (A) of this section. 102006  
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(C) A resolution adopted under division (B) of this section shall go into immediate effect upon its passage, and no publication of the resolution shall be necessary other than that provided for in the notice of election. Immediately after its adoption and at least ninety days prior to the election at which the question will appear on the ballot, the board of education 102011  
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shall certify a copy of the resolution, along with copies of the county auditor's certification and the resolution under division (A) of this section, to the board of elections of the proper county. The board of education shall make the arrangements for the submission of the question to the electors of the school district, and the election shall be conducted, canvassed, and certified in the same manner as regular elections in the district for the election of county officers.

The resolution shall be put before the electors as one ballot question, with a majority vote indicating approval of the school district income tax and the property tax. The board of elections shall publish the notice of the election in a newspaper of general circulation in the school district once a week for two consecutive weeks, or as provided in section 7.16 of the Revised Code, prior to the election. If the board of elections operates and maintains a web site, also shall post notice of the election on its web site for thirty days prior to the election. The notice of election shall state all of the following:

(1) The questions to be submitted to the electors as a single ballot question;

(2) The rate of the school district income tax;

(3) The number of years the school district income tax will be levied or that it will be levied for a continuing period of time;

(4) The annual proceeds of the proposed property tax levy for the purpose of providing for the necessary requirements of the district;

(5) The number of years during which the property tax levy shall be levied, or that it shall be levied for a continuing period of time;

(6) The estimated average additional tax rate of the property

tax, expressed in dollars ~~and cents~~ for each one hundred thousand 102048  
dollars of ~~valuation~~ fair market value as well as in mills for 102049  
each one dollar of ~~valuation~~ taxable value, outside the limitation 102050  
imposed by Section 2 of Article XII, Ohio Constitution, as 102051  
certified by the county auditor; 102052

(7) The time and place of the special election. 102053

(D) The form of the ballot on a question submitted to the 102054  
electors under this section shall be as follows: 102055

"Shall the ..... school district be authorized to do both of 102056  
the following: 102057

(1) Impose an annual income tax of ..... (state the proposed 102058  
rate of tax) on the school district income of individuals and of 102059  
estates, for ..... (state the number of years the tax would be 102060  
levied, or that it would be levied for a continuing period of 102061  
time), beginning ..... (state the date the tax would first take 102062  
effect), for the purpose of ..... (state the purpose of the 102063  
tax)? 102064

(2) Impose a property tax levy outside of the ten-mill 102065  
limitation for the purpose of providing for the necessary 102066  
requirements of the district in the sum of \$..... 102067  
(here insert annual amount the levy is to produce), estimated by 102068  
the county auditor to average ..... (~~here insert number~~ 102069  
~~of mills~~) mills for each ~~one dollar~~ \$1 of valuation taxable value, 102070  
which amounts to \$..... (~~here insert rate expressed in~~ 102071  
~~dollars and cents~~) for each ~~one hundred dollars~~ \$100,000 of 102072  
valuation fair market value, for ..... (state the number 102073  
of years the tax is to be imposed or that it will be imposed for a 102074  
continuing period of time), commencing in ..... (first year 102075  
the tax is to be levied), first due in calendar year ..... 102076  
(first calendar year in which the tax shall be due)? 102077

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	FOR THE INCOME TAX AND PROPERTY TAX	102079
	AGAINST THE INCOME TAX AND PROPERTY TAX	102080

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If the question submitted to electors proposes a school district income tax only on the taxable income of individuals as defined in division (E)(1)(b) of section 5748.01 of the Revised Code, the form of the ballot shall be modified by stating that the tax is to be levied on the "earned income of individuals residing in the school district" in lieu of the "school district income of individuals and of estates."

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(E) The board of elections promptly shall certify the results of the election to the tax commissioner and the county auditor of the county in which the school district is located. If a majority of the electors voting on the question vote in favor of it:

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(1) The income tax and the applicable provisions of Chapter 5747. of the Revised Code shall take effect on the date specified in the resolution.

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(2) The board of education of the school district may make the additional property tax levy necessary to raise the amount specified on the ballot for the purpose of providing for the necessary requirements of the district. The property tax levy shall be included in the next tax budget that is certified to the county budget commission.

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(F)(1) After approval of a question under this section, the board of education may anticipate a fraction of the proceeds of the school district income tax in accordance with section 5748.05 of the Revised Code. Any anticipation notes under this division shall be issued as provided in section 133.24 of the Revised Code, shall have principal payments during each year after the year of

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their issuance over a period not to exceed five years, and may 102108  
have a principal payment in the year of their issuance. 102109

(2) After the approval of a question under this section and 102110  
prior to the time when the first tax collection from the property 102111  
tax levy can be made, the board of education may anticipate a 102112  
fraction of the proceeds of the levy and issue anticipation notes 102113  
in an amount not exceeding the total estimated proceeds of the 102114  
levy to be collected during the first year of the levy. Any 102115  
anticipation notes under this division shall be issued as provided 102116  
in section 133.24 of the Revised Code, shall have principal 102117  
payments during each year after the year of their issuance over a 102118  
period not to exceed five years, and may have a principal payment 102119  
in the year of their issuance. 102120

(G)(1) The question of repeal of a school district income tax 102121  
levied for more than five years may be initiated and submitted in 102122  
accordance with section 5748.04 of the Revised Code. 102123

(2) A property tax levy for a continuing period of time may 102124  
be reduced in the manner provided under section 5705.261 of the 102125  
Revised Code. 102126

(H) No board of education shall submit a question under this 102127  
section to the electors of the school district more than twice in 102128  
any calendar year. If a board submits the question twice in any 102129  
calendar year, one of the elections on the question shall be held 102130  
on the date of the general election. 102131

(I) If the electors of the school district approve a question 102132  
under this section, and if the last calendar year the school 102133  
district income tax is in effect and the last calendar year of 102134  
collection of the property tax are the same, the board of 102135  
education of the school district may propose to submit under this 102136  
section the combined question of a school district income tax to 102137  
take effect upon the expiration of the existing income tax and a 102138

property tax to be first collected in the calendar year after the 102139  
calendar year of last collection of the existing property tax, and 102140  
specify in the resolutions adopted under this section that the 102141  
proposed taxes would renew the existing taxes. The form of the 102142  
ballot on a question submitted to the electors under division (I) 102143  
of this section shall be as follows: 102144

"Shall the ..... school district be authorized to do both 102145  
of the following: 102146

(1) Impose an annual income tax of ..... (state the 102147  
proposed rate of tax) on the school district income of individuals 102148  
and of estates to renew an income tax expiring at the end of 102149  
..... (state the last year the existing income tax may be 102150  
levied) for ..... (state the number of years the tax would be 102151  
levied, or that it would be levied for a continuing period of 102152  
time), beginning ..... (state the date the tax would first take 102153  
effect), for the purpose of ..... (state the purpose of the 102154  
tax)? 102155

(2) Impose a property tax levy renewing an existing levy 102156  
outside of the ten-mill limitation for the purpose of providing 102157  
for the necessary requirements of the district in the sum of 102158  
\$...... (here insert annual amount the levy is to 102159  
produce), estimated by the county auditor to average 102160  
..... (~~here insert number of mills~~) mills for each ~~one~~ 102161  
~~dollar~~ \$1 of ~~valuation~~ taxable value, which amounts to 102162  
\$...... (~~here insert rate expressed in dollars and~~ 102163  
~~cents~~) for each ~~one hundred dollars~~ \$100,000 of ~~valuation~~ fair 102164  
market value, for ..... (state the number of years the tax 102165  
is to be imposed or that it will be imposed for a continuing 102166  
period of time), commencing in ..... (first year the tax is 102167  
to be levied), first due in calendar year ..... (first 102168  
calendar year in which the tax shall be due)? 102169

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	FOR THE INCOME TAX AND PROPERTY TAX	102171
	AGAINST THE INCOME TAX AND PROPERTY TAX	102172

102173

If the question submitted to electors proposes a school district income tax only on the taxable income of individuals as defined in division (E)(1)(b) of section 5748.01 of the Revised Code, the form of the ballot shall be modified by stating that the tax is to be levied on the "earned income of individuals residing in the school district" in lieu of the "school district income of individuals and of estates."

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The question of a renewal levy under this division shall not be placed on the ballot unless the question is submitted on a date on which a special election may be held under section 3501.01 of the Revised Code, except for the first Tuesday after the first Monday in February and August, during the last year the property tax levy to be renewed may be extended on the real and public utility property tax list and duplicate, or at any election held in the ensuing year.

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(J) If the electors of the school district approve a question under this section, the board of education of the school district may propose to renew either or both of the existing taxes as individual ballot questions in accordance with section 5748.02 of the Revised Code for the school district income tax, or section 5705.194 of the Revised Code for the property tax.

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**Section 130.81.** That existing sections 133.18, 306.32, 306.322, 345.01, 345.03, 345.04, 505.37, 505.48, 505.481, 511.27, 511.28, 511.34, 513.18, 755.181, 1545.041, 1545.21, 1711.30, 3311.50, 3318.01, 3318.06, 3318.061, 3318.062, 3318.063, 3318.361, 3318.45, 3381.03, 3505.06, 4582.024, 4582.26, 5705.01, 5705.03,

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5705.192, 5705.195, 5705.196, 5705.197, 5705.199, 5705.21, 102200  
5705.212, 5705.213, 5705.215, 5705.218, 5705.219, 5705.233, 102201  
5705.25, 5705.251, 5705.261, 5705.55, 5748.01, 5748.02, 5748.03, 102202  
5748.04, 5748.08, and 5748.09 of the Revised Code are hereby 102203  
repealed. 102204

**Section 130.82.** Sections 130.80 and 130.81 of this act apply 102205  
to elections held on or after the one hundredth day after the 102206  
effective date of those sections. 102207

**Section 201.10.** Except as otherwise provided in this act, all 102208  
appropriation items in this act are appropriated out of any moneys 102209  
in the state treasury to the credit of the designated fund that 102210  
are not otherwise appropriated. For all appropriations made in 102211  
this act, the amounts in the first column are for fiscal year 2020 102212  
and the amounts in the second column are for fiscal year 2021. 102213

**Section 203.10.** ACC ACCOUNTANCY BOARD OF OHIO 102214

Dedicated Purpose Fund Group 102215

4J80 889601	CPA Education	\$	525,000	\$	525,000	102216
	Assistance					
4K90 889609	Operating Expenses	\$	1,236,965	\$	1,291,139	102217
TOTAL DPF Dedicated Purpose Fund						102218
Group						
		\$	1,761,965	\$	1,816,139	102219
TOTAL ALL BUDGET FUND GROUPS						102220
		\$	1,761,965	\$	1,816,139	

**Section 205.10.** ADJ ADJUTANT GENERAL 102222

General Revenue Fund 102223

GRF 745401	Ohio Military Reserve	\$	25,000	\$	25,000	102224
GRF 745404	Air National Guard	\$	1,805,346	\$	1,773,954	102225
GRF 745407	National Guard	\$	388,000	\$	388,000	102226
	Benefits					



GRF	745409	Central Administration	\$	5,123,132	\$	5,184,396	102227
GRF	745499	Army National Guard	\$	3,644,419	\$	3,620,908	102228
TOTAL GRF		General Revenue Fund	\$	10,985,897	\$	10,992,258	102229
		Dedicated Purpose Fund Group					102230
5340	745612	Property Operations Management	\$	900,000	\$	900,000	102231
5360	745605	Marksmanship Activities	\$	115,000	\$	115,000	102232
5360	745620	Camp Perry and Buckeye Inn Operations	\$	874,054	\$	874,054	102233
5370	745604	Ohio National Guard Facilities Maintenance	\$	190,000	\$	190,000	102234
5LY0	745626	Military Medal of Distinction	\$	5,000	\$	5,000	102235
5U80	745613	Community Match Armories	\$	350,000	\$	350,000	102236
TOTAL DPF		Dedicated Purpose Fund Group	\$	2,434,054	\$	2,434,054	102237
		Federal Fund Group					102238
3420	745616	Army National Guard Service Agreement	\$	26,262,967	\$	26,252,590	102239
3E80	745628	Air National Guard Operations and Maintenance	\$	16,276,986	\$	16,276,984	102240
3R80	745603	Counter Drug Operations	\$	15,000	\$	15,000	102241
TOTAL FED		Federal Fund Group	\$	42,554,953	\$	42,544,574	102242
TOTAL ALL BUDGET FUND GROUPS			\$	55,974,904	\$	55,970,886	102243
		<b>Section 205.20. NATIONAL GUARD BENEFITS</b>					102245

The foregoing appropriation item 745407, National Guard 102246  
Benefits, shall be used for purposes of sections 5919.31 and 102247  
5919.33 of the Revised Code, and for administrative costs of the 102248  
associated programs. 102249

If necessary, in order to pay benefits in a timely manner 102250  
pursuant to sections 5919.31 and 5919.33 of the Revised Code, the 102251  
Adjutant General may request the Director of Budget and Management 102252  
transfer appropriation from any appropriation item used by the 102253  
Adjutant General to appropriation item 745407, National Guard 102254  
Benefits. Such amounts are hereby appropriated. The Adjutant 102255  
General may subsequently seek Controlling Board approval to 102256  
restore the appropriation in the appropriation item from which 102257  
such a transfer was made. 102258

For active duty members of the Ohio National Guard who died 102259  
after October 7, 2001, while performing active duty, the death 102260  
benefit, pursuant to section 5919.33 of the Revised Code, shall be 102261  
paid to the beneficiary or beneficiaries designated on the 102262  
member's Servicemembers' Group Life Insurance Policy. 102263

STATE ACTIVE DUTY COSTS 102264

Of the foregoing appropriation item 745409, Central 102265  
Administration, \$50,000 in each fiscal year shall be used for the 102266  
purpose of paying expenses related to state active duty of members 102267  
of the Ohio organized militia, in accordance with a proclamation 102268  
of the Governor. Expenses include, but are not limited to, the 102269  
cost of equipment, supplies, and services, as determined by the 102270  
Adjutant General's Department. On June 1 of each fiscal year, if 102271  
it is determined by the Adjutant General that any portion of this 102272  
\$50,000 in that fiscal year will not be used for state active duty 102273  
expenses, those amounts may be encumbered by the Adjutant General 102274  
for maintenance expenses. If before the end of that fiscal year, 102275  
state active duty expenses occur, these encumbrances should be 102276  
canceled by the Adjutant General to pay for expenses related to 102277

state active duty.	102278
CYBER RANGE	102279
The Adjutant General's Department, in conjunction and	102280
collaboration with the Department of Administrative Services, the	102281
Department of Public Safety, the Department of Higher Education,	102282
and the Department of Education shall establish and maintain a	102283
cyber range. The Adjutant General's Department may work with	102284
federal agencies to assist in accomplishing this objective. The	102285
cyber range shall: (1) provide cyber training and education to	102286
K-12 students, higher education students, Ohio National Guardsmen,	102287
federal employees, and state and local government employees, and	102288
(2) provide for emergency preparedness exercises and training. The	102289
state agencies identified in this paragraph may procure any	102290
necessary goods and services including, but not limited to,	102291
contracted services, hardware, networking services, maintenance	102292
costs, and the training and management costs of a cyber range.	102293
These state agencies shall determine the amount of funds each	102294
agency will contribute from available funds and appropriations	102295
enacted herein in order to establish and maintain a cyber range.	102296
Of the foregoing appropriation item 745409, Central	102297
Administration, up to \$2,000,000 in each fiscal year shall be used	102298
by the Adjutant General's Department for the purposes of	102299
establishing and maintaining the cyber range.	102300
<b>Section 207.10.</b> DAS DEPARTMENT OF ADMINISTRATIVE SERVICES	102301
General Revenue Fund	102302
GRF 100412 Unemployment Insurance \$ 0 \$ 1,817,900	102303
System Lease Rental	
Payments	
GRF 100413 EDCS Lease Rental \$ 11,843,800 \$ 13,716,500	102304
Payments	

GRF	100414	MARCS Lease Rental	\$	6,768,900	\$	6,769,600	102305
		Payments					
GRF	100415	OAKS Lease Rental	\$	2,440,300	\$	2,444,500	102306
		Payments					
GRF	100416	STARS Lease Rental	\$	3,846,000	\$	5,097,800	102307
		Payments					
GRF	100447	Administrative	\$	86,914,500	\$	94,266,800	102308
		Buildings Lease Rental					
		Bond Payments					
GRF	100456	State IT Services	\$	2,249,158	\$	2,249,773	102309
GRF	100457	Equal Opportunity	\$	2,178,704	\$	2,178,704	102310
		Services					
GRF	100459	Ohio Business Gateway	\$	15,527,621	\$	14,527,621	102311
GRF	100469	Aronoff Center	\$	270,000	\$	270,000	102312
		Building Maintenance					
GRF	100501	MARCS Fee Offset	\$	2,000,000	\$	2,000,000	102313
GRF	130321	State Agency Support	\$	18,494,092	\$	18,513,941	102314
		Services					
TOTAL GRF		General Revenue Fund	\$	152,533,075	\$	163,853,139	102315
		Dedicated Purpose Fund Group					102316
5L70	100610	Professional	\$	1,650,000	\$	1,650,000	102317
		Development					
5MV0	100662	Theater Equipment	\$	50,000	\$	50,000	102318
		Maintenance					
5NM0	100663	911 Program	\$	717,060	\$	715,522	102319
5V60	100619	Employee Educational	\$	1,245,000	\$	1,245,000	102320
		Development					
TOTAL DPF		Dedicated Purpose Fund	\$	3,662,060	\$	3,660,522	102321
		Group					
		Internal Service Activity Fund Group					102322
1120	100616	DAS Administration	\$	12,667,391	\$	13,100,541	102323
1150	100632	Central Service Agency	\$	956,061	\$	975,025	102324

1170	100644	General Services	\$	18,265,815	\$	21,460,060	102325
		Division - Operating					
1220	100637	Fleet Management	\$	18,650,951	\$	23,315,522	102326
1250	100622	Human Resources	\$	18,612,217	\$	18,718,045	102327
		Division - Operating					
1250	100657	Benefits Communication	\$	607,577	\$	615,521	102328
1280	100620	Office of Collective	\$	4,283,998	\$	4,385,893	102329
		Bargaining					
1300	100606	Risk Management	\$	15,370,845	\$	15,389,803	102330
		Reserve					
1320	100631	DAS Building	\$	49,173,190	\$	49,384,799	102331
		Management					
1330	100607	IT Services Delivery	\$	162,248,367	\$	162,665,093	102332
1880	100649	Equal Opportunity	\$	1,836,834	\$	1,264,515	102333
		Division - Operating					
2100	100612	State Printing	\$	29,092,749	\$	28,295,851	102334
2290	100630	IT Governance	\$	32,125,970	\$	32,602,191	102335
2290	100640	Consolidated IT	\$	69,348,000	\$	74,348,000	102336
		Purchases					
4270	100602	Investment Recovery	\$	1,662,341	\$	1,662,341	102337
4N60	100617	Major IT Purchases	\$	3,288,990	\$	5,736,219	102338
5C20	100605	MARCS Administration	\$	27,207,396	\$	26,484,493	102339
5EB0	100635	OAKS Support	\$	55,382,093	\$	58,807,701	102340
		Organization					
5EB0	100656	OAKS Updates and	\$	6,423,624	\$	6,359,539	102341
		Developments					
5JQ0	100658	Professionals	\$	9,996,303	\$	8,723,135	102342
		Licensing System					
5KZ0	100659	Building Improvement	\$	3,449,500	\$	2,862,000	102343
5LJ0	100661	IT Development	\$	21,500,000	\$	21,500,000	102344
5PC0	100665	Enterprise	\$	111,095,956	\$	111,263,921	102345
		Applications					
TOTAL ISA Internal Service Activity							102346

Fund Group	\$	673,246,168	\$	689,920,208	102347
Fiduciary Fund Group					102348
5UH0 100670 Enterprise	\$	1,150,000	\$	1,150,000	102349
Transactions					
TOTAL FID Fiduciary Fund Group	\$	1,150,000	\$	1,150,000	102350
Federal Fund Group					102351
3AJ0 100623 Information Technology	\$	10,000	\$	10,000	102352
Grants					
TOTAL FED Federal Fund Group	\$	10,000	\$	10,000	102353
TOTAL ALL BUDGET FUND GROUPS	\$	830,601,303	\$	858,593,869	102354

**Section 207.20. UNEMPLOYMENT INSURANCE SYSTEM LEASE RENTAL** 102356

**PAYMENTS** 102357

The foregoing appropriation item 100412, Unemployment 102358  
Insurance System Lease Rental Payments, shall be used to make 102359  
payments during the period from July 1, 2019, through June 30, 102360  
2021, pursuant to leases and agreements entered into under Chapter 102361  
125. of the Revised Code, as supplemented by Section 701.40 of 102362  
H.B. 529 of the 132nd General Assembly, with respect to financing 102363  
the costs associated with the acquisition, development, 102364  
implementation, and integration of the Unemployment Insurance 102365  
System. 102366

**EDCS LEASE RENTAL PAYMENTS** 102367

The foregoing appropriation item 100413, EDCS Lease Rental 102368  
Payments, shall be used to make payments during the period from 102369  
July 1, 2019, through June 30, 2021, pursuant to leases and 102370  
agreements entered into under Chapter 125. of the Revised Code, as 102371  
supplemented by Section 701.10 of H.B. 529 of the 132nd General 102372  
Assembly and other prior acts of the General Assembly, with 102373  
respect to financing the costs associated with the acquisition, 102374  
development, implementation, and integration of the Enterprise 102375  
Data Center Solutions (EDCS) information technology initiative. 102376

MULTI-AGENCY RADIO COMMUNICATION SYSTEM LEASE RENTAL PAYMENTS 102377

The foregoing appropriation item 100414, MARCS Lease Rental 102378  
Payments, shall be used to make payments during the period from 102379  
July 1, 2019, through June 30, 2021, pursuant to leases and 102380  
agreements entered into under Chapter 125. of the Revised Code, as 102381  
supplemented by Section 701.10 of Sub. H.B. 497 of the 130th 102382  
General Assembly and other prior acts of the General Assembly, 102383  
with respect to financing the costs associated with the 102384  
acquisition, development, implementation, and integration of the 102385  
Multi-Agency Radio Communications System (MARCS) upgrade. 102386

OHIO ADMINISTRATIVE KNOWLEDGE SYSTEM LEASE RENTAL PAYMENTS 102387

The foregoing appropriation item 100415, OAKS Lease Rental 102388  
Payments, shall be used to make payments during the period from 102389  
July 1, 2019, through June 30, 2021, pursuant to leases and 102390  
agreements entered into under Chapter 125. of the Revised Code, as 102391  
supplemented by Section 701.10 of H.B. 529 of the 132nd General 102392  
Assembly and other prior acts of the General Assembly, with 102393  
respect to financing the costs associated with the acquisition, 102394  
development, implementation, and integration of the Ohio 102395  
Administrative Knowledge System (OAKS). 102396

STATE TAXATION ACCOUNTING AND REVENUE SYSTEM LEASE RENTAL 102397  
PAYMENTS 102398

The foregoing appropriation item 100416, STARS Lease Rental 102399  
Payments, shall be used to make payments during the period from 102400  
July 1, 2019, through June 30, 2021, pursuant to leases and 102401  
agreements entered into under Chapter 125. of the Revised Code, as 102402  
supplemented by Section 701.30 of H.B. 529 of the 132nd General 102403  
Assembly and other prior acts of the General Assembly, with 102404  
respect to financing the costs associated with the acquisition, 102405  
development, implementation, and integration of the State Taxation 102406  
Accounting and Revenue System (STARS). 102407

ADMINISTRATIVE BUILDINGS LEASE RENTAL BOND PAYMENTS 102408

The foregoing appropriation item 100447, Administrative 102409  
Buildings Lease Rental Bond Payments, shall be used to meet all 102410  
payments during the period from July 1, 2019, through June 30, 102411  
2021, by the Department of Administrative Services pursuant to 102412  
leases and agreements under Chapters 152. and 154. of the Revised 102413  
Code. These appropriations are the source of funds pledged for 102414  
bond service charges on related obligations issued under Chapters 102415  
152. and 154. of the Revised Code. 102416

MULTI-AGENCY RADIO COMMUNICATION SYSTEM DEBT SERVICE PAYMENTS 102417

The Director of Administrative Services, in consultation with 102418  
the Multi-Agency Radio Communication System (MARCS) Steering 102419  
Committee and the Director of Budget and Management, shall 102420  
determine the share of debt service payments attributable to 102421  
spending for MARCS components that are not specific to any one 102422  
agency and that shall be charged to the Public Safety - Highway 102423  
Purposes Fund (Fund 5TM0). Such share of debt service payments 102424  
shall be calculated for MARCS capital disbursements made beginning 102425  
July 1, 1997. Within thirty days of any payment made from 102426  
appropriation item 100447, Administrative Buildings Lease Rental 102427  
Bond Payments, the Director of Administrative Services shall 102428  
certify to the Director of Budget and Management the amount of 102429  
this share. On or before June 30 of each fiscal year, the Director 102430  
of Budget and Management may transfer an amount up to the amount 102431  
certified for that fiscal year to the General Revenue Fund from 102432  
the Public Safety - Highway Purposes Fund (Fund 5TM0) established 102433  
in section 4501.06 of the Revised Code. 102434

DAS - BUILDING OPERATING PAYMENTS AND BUILDING MANAGEMENT 102435  
FUND 102436

The foregoing appropriation item 130321, State Agency Support 102437  
Services, may be used to provide funding for the cost of property 102438



appraisals or building studies that the Department of 102439  
Administrative Services may be required to obtain for property 102440  
that is being sold by the state or property under consideration to 102441  
be renovated or purchased by the state. 102442

Notwithstanding section 125.28 of the Revised Code, the 102443  
foregoing appropriation item 130321, State Agency Support 102444  
Services, also may be used to pay the operating expenses of state 102445  
facilities maintained by the Department of Administrative Services 102446  
that are not billed to building tenants, or other costs associated 102447  
with the Voinovich Center in Youngstown, Ohio. These expenses may 102448  
include, but are not limited to, the costs for vacant space and 102449  
space undergoing renovation, and the rent expenses of tenants that 102450  
are relocated because of building renovations. These payments may 102451  
be processed by the Department of Administrative Services through 102452  
intrastate transfer vouchers and placed into the Building 102453  
Management Fund (Fund 1320). 102454

At least once per year, the portion of appropriation item 102455  
130321, State Agency Support Services, that is not used for the 102456  
regular expenses of the appropriation item may be processed by the 102457  
Department of Administrative Services through intrastate transfer 102458  
voucher and placed in the Building Improvement Fund (Fund 5KZ0). 102459

CASH TRANSFER FROM THE MARCS ADMINISTRATION FUND TO THE GRF 102460

Upon the request of the Director of Administrative Services, 102461  
the Director of Budget and Management may transfer unobligated 102462  
cash in the MARCS Administration Fund (Fund 5C20) to the General 102463  
Revenue Fund to reimburse the General Revenue Fund for lease 102464  
rental payments made on behalf of the MARCS upgrade. 102465

**Section 207.30. PROFESSIONAL DEVELOPMENT FUND** 102466

The foregoing appropriation item 100610, Professional 102467  
Development, shall be used to make payments from the Professional 102468

Development Fund (Fund 5L70) under section 124.182 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

911 PROGRAM

The foregoing appropriation item 100663, 911 Program, shall be used by the Department of Administrative Services to pay the administrative, marketing, and educational costs of the Statewide Emergency Services Internet Protocol Network program.

EMPLOYEE EDUCATIONAL DEVELOPMENT

The foregoing appropriation item 100619, Employee Educational Development, shall be used to make payments from the Employee Educational Development Fund (Fund 5V60) under section 124.86 of the Revised Code. The fund shall be used to pay the costs of administering educational programs under existing collective bargaining agreements with District 1199, the Health Care and Social Service Union, Service Employees International Union; State Council of Professional Educators; Ohio Education Association and National Education Association; the Fraternal Order of Police State of Ohio, Unit 2 Association; and the Ohio State Troopers Association, Units 1 and 15.

If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

**Section 207.40.** GENERAL SERVICE CHARGES

The Department of Administrative Services, with the approval of the Director of Budget and Management, shall establish charges for recovering the costs of administering the programs funded by the General Services Fund (Fund 1170) and the State Printing Fund (Fund 2100).

COLLECTIVE BARGAINING ARBITRATION EXPENSES	102499
The Department of Administrative Services may seek	102500
reimbursement from state agencies for the actual costs and	102501
expenses the Department incurs in the collective bargaining	102502
arbitration process. The reimbursements shall be processed through	102503
intrastate transfer vouchers and credited to the Collective	102504
Bargaining Fund (Fund 1280).	102505
EQUAL OPPORTUNITY PROGRAM	102506
The Department of Administrative Services, with the approval	102507
of the Director of Budget and Management, shall establish charges	102508
for recovering the costs of administering the activities supported	102509
by the State EEO Fund (Fund 1880). These charges shall be	102510
deposited to the credit of Fund 1880 upon payment made by state	102511
agencies, state-supported or state-assisted institutions of higher	102512
education, tax-supported agencies, municipal corporations, and	102513
other political subdivisions of the state, for services rendered.	102514
CONSOLIDATED IT PURCHASES	102515
The foregoing appropriation item 100640, Consolidated IT	102516
Purchases, shall be used by the Department of Administrative	102517
Services acting as the purchasing agent for one or more government	102518
entities under the authority of division (G) of section 125.18 of	102519
the Revised Code to make information technology purchases at a	102520
lower aggregate cost than each individual government entity could	102521
have obtained independently for that information technology	102522
purchase.	102523
INVESTMENT RECOVERY FUND	102524
Notwithstanding division (B) of section 125.14 of the Revised	102525
Code, cash balances in the Investment Recovery Fund (Fund 4270)	102526
may be used to support the operating expenses of the Federal	102527
Surplus Operating Program created in sections 125.84 to 125.90 of	102528
the Revised Code.	102529

Notwithstanding division (B) of section 125.14 of the Revised Code, the Director of Budget and Management, at the request of the Director of Administrative Services, shall transfer up to \$3,800,000 of cash in excess of needs from the Investment Recovery Fund (Fund 4270) to the Enterprise Applications Fund (Fund 5PC0) during the biennium beginning July 1, 2019, and ending June 30, 2021, to pay the operating and maintenance expenses of the Ohio Business Gateway.

MAJOR IT PURCHASES CHARGES

Effective July 1, 2019, the Director of Budget and Management shall cancel any existing encumbrances against appropriation item 100617, Major IT Purchases, and reestablish them against appropriation item 100640, Consolidated IT Purchases. The reestablished encumbrance amounts are hereby appropriated. Any business commenced but not completed under appropriation item 100617, Major IT Purchases, by July 1, 2019, shall be completed under appropriation item 100640, Consolidated IT Purchases, in the same manner, and with the same effect, as if completed with regard to appropriation item 100617, Major IT Purchases.

On July 1, 2019, or as soon as possible thereafter, the Director of Administrative Services shall certify to the Director of Budget and Management the amount of cash in the Major Information Technology Purchases Fund (Fund 4N60) that was received from agencies for actual expenditures. The Director of Budget and Management shall transfer the certified amount of cash from the Major Information Technology Purchases Fund (Fund 4N60) to the IT Governance Fund (Fund 2290).

Upon the request of the Director of Administrative Services, the Director of Budget and Management may transfer up to the amount collected for statewide indirect costs attributable to debt service paid for the enterprise data center solutions project from the General Revenue Fund to the Major Information Technology

Purchases Fund (Fund 4N60). 102562

PROFESSIONS LICENSING SYSTEM 102563

The foregoing appropriation item, 100658, Ohio Professionals Licensing System, shall be used to purchase the equipment, products, and services necessary to update and maintain an automated licensing system for the professional licensing boards.

The Department of Administrative Services shall establish charges for recovering the costs of ongoing maintenance of the system that are not otherwise recovered under section 125.18 of the Revised Code. The charges shall be billed to state agencies, boards, and commissions using the state's enterprise electronic licensing system and deposited via intrastate transfer vouchers to the credit of the Professions Licensing System Fund (Fund 5JQ0).

**Section 207.45. BUILDING IMPROVEMENT FUND**

The foregoing appropriation item 100659, Building Improvement, shall be used to make payments from the Building Improvement Fund (Fund 5KZ0) for major maintenance or improvements required in facilities maintained by the Department of Administrative Services. The Department of Administrative Services shall conduct or contract for regular assessments of these buildings and shall maintain a cash balance in Fund 5KZ0 equal to the cost of the repairs and improvements that are recommended to occur within the next five years, with the following exception described below.

Upon request of the Director of Administrative Services, the Director of Budget and Management may permit a cash transfer from Fund 5KZ0 to the Building Management Fund (Fund 1320) to pay costs of operating and maintaining facilities managed by the Department of Administrative Services that are not charged to tenants during the same fiscal year.

Should the cash balance in Fund 1320 be determined to be 102592  
sufficient, the Director of Administrative Services may request 102593  
that the Director of Budget and Management transfer cash from Fund 102594  
1320 to Fund 5KZ0 in an amount equal to the initial cash transfer 102595  
made under this section plus applicable interest. 102596

INFORMATION TECHNOLOGY DEVELOPMENT 102597

The foregoing appropriation item 100661, IT Development, 102598  
shall be used by the Department of Administrative Services to pay 102599  
the costs of modernizing the state's information technology 102600  
management and investment practices away from a limited, 102601  
agency-specific focus in favor of a statewide methodology 102602  
supporting development of enterprise solutions. This appropriation 102603  
item may be used to pay the costs of enterprise information 102604  
technology initiatives affecting state agencies or their 102605  
customers. 102606

Notwithstanding any provision of law to the contrary, the 102607  
Department of Administrative Services, with the approval of the 102608  
Director of Budget and Management, may charge state agencies an 102609  
information technology development assessment based on state 102610  
agencies' information technology expenditures or other methodology 102611  
and may assess fees or charges to entities that are not state 102612  
agencies to offset the cost of specific technology events or 102613  
services. The revenue from these assessments, fees, or charges 102614  
shall be deposited into the Information Technology Development 102615  
Fund (Fund 5LJ0), which is hereby created. 102616

Upon the request of the Director of Administrative Services, 102617  
the Director of Budget and Management may transfer up to 102618  
\$9,000,000 in cash in each fiscal year from the General Revenue 102619  
Fund to the Information Technology Development Fund (Fund 5LJ0) to 102620  
support the operations of the Office of InnovateOhio. 102621

CASH TRANSFER FROM THE OCCUPATIONAL LICENSING AND REGULATORY 102622

FUND TO THE INFORMATION TECHNOLOGY DEVELOPMENT FUND 102623

The Director of Administrative Services may request the 102624  
Controlling Board to approve a cash transfer of up to \$350,000 102625  
from the Occupational Licensing and Regulatory Fund (Fund 4K90) to 102626  
the Information Technology Development Fund (Fund 5LJ0). The 102627  
Director may also request the Controlling Board to approve a 102628  
corresponding increase in appropriations under Fund 5LJ0 102629  
appropriation item 100661, IT Development. 102630

ENTERPRISE APPLICATIONS 102631

The foregoing appropriation item 100665, Enterprise 102632  
Applications, shall be used for the operation and management of 102633  
information technology applications that support state agencies' 102634  
objectives. Charges billed to benefiting agencies shall be 102635  
deposited to the credit of the Enterprise Applications Fund (Fund 102636  
5PC0). 102637

CASH TRANSFER FROM THE DIRECTOR'S OFFICE FUND TO THE LOCAL 102638  
GOVERNMENT INNOVATION FUND 102639

On July 1, 2019, or as soon as possible thereafter, the 102640  
Director of Budget and Management shall transfer \$38,555.24 cash 102641  
from the Director's Office Fund (Fund 1120) to the Local 102642  
Government Innovation Fund (Fund 5KN0). This amount represents the 102643  
unexpended balance of a grant received from the Local Government 102644  
Innovation Fund (Fund 5KN0) and appropriated under Fund 1120 102645  
appropriation item 100667, Local Government Efficiency Programs. 102646

**Section 207.50.** ENTERPRISE IT STRATEGY IMPLEMENTATION 102647

The Director of Administrative Services shall determine and 102648  
implement strategies that benefit the enterprise by improving 102649  
efficiency, reducing costs, or enhancing capacity of information 102650  
technology (IT) services. Such improvements and efficiencies may 102651  
result in the consolidation and transfer of such services. As 102652

determined to be necessary for successful implementation of this 102653  
section and notwithstanding any provision of law to the contrary, 102654  
the Director of Administrative Services may request the Director 102655  
of Budget and Management to consolidate or transfer IT-specific 102656  
budget authority between agencies or within an agency as necessary 102657  
to implement enterprise IT cost containment strategies and related 102658  
efficiencies. Once the Director of Budget and Management is 102659  
satisfied that the proposed initiative is cost advantageous to the 102660  
enterprise, the Director of Budget and Management may transfer 102661  
appropriations, funds, and cash as needed to implement the 102662  
proposed initiative. The establishment of any new fund or 102663  
additional appropriation as a result of this section shall be 102664  
subject to Controlling Board approval. 102665

The Director of Budget and Management and the Director of 102666  
Administrative Services may transfer any employees, assets, and 102667  
liabilities, including, but not limited to, records, contracts, 102668  
and agreements in order to facilitate the improvements determined 102669  
in accordance with this section. 102670

**Section 209.10. AGE DEPARTMENT OF AGING** 102671

General Revenue Fund 102672

GRF 490321 Operating Expenses \$ 1,551,161 \$ 1,514,690 102673

GRF 490410 Long-Term Care \$ 1,846,979 \$ 3,112,901 102674

Ombudsman

GRF 490411 Senior Community \$ 8,152,696 \$ 8,144,480 102675

Services

GRF 490414 Alzheimer's and Other \$ 2,495,245 \$ 2,495,245 102676

Dementia Respite

GRF 490506 National Senior \$ 222,792 \$ 222,792 102677

Service Corps

GRF 656423 Long-Term Care Budget \$ 5,073,618 \$ 5,325,896 102678

- State



TOTAL GRF General Revenue Fund	\$	19,342,491	\$	20,816,004	102679
Dedicated Purpose Fund Group					102680
4800 490606 Senior Community Outreach and Education	\$	372,523	\$	372,523	102681
4C40 490609 Regional Long-Term Care Ombudsman Program	\$	1,000,000	\$	1,000,000	102682
5BA0 490620 Ombudsman Support	\$	1,500,000	\$	1,500,000	102683
5K90 490613 Long-Term Care Consumers Guide	\$	1,350,000	\$	1,350,000	102684
5MT0 490627 Board of Executives of Long-Term Services and Supports	\$	800,000	\$	800,000	102685
5T40 656625 Health Care Grants - State	\$	200,000	\$	200,000	102686
5TI0 656624 Provider Certification	\$	120,000	\$	120,000	102687
5W10 490616 Resident Services Coordinator Program	\$	344,700	\$	344,700	102688
TOTAL DPF Dedicated Purpose Fund Group	\$	5,687,223	\$	5,687,223	102689
Federal Fund Group					102690
3220 490618 Federal Aging Grants	\$	8,700,000	\$	8,700,000	102692
3C40 656623 Long-Term Care Budget - Federal	\$	5,341,281	\$	5,477,117	102693
3M40 490612 Federal Independence Services	\$	58,655,080	\$	58,655,080	102694
TOTAL FED Federal Fund Group	\$	72,696,361	\$	72,832,197	102695
TOTAL ALL BUDGET FUND GROUPS	\$	97,726,075	\$	99,335,424	102696
<b>Section 209.20. LONG-TERM CARE</b>					102698

Pursuant to an interagency agreement, the Department of Medicaid may designate the Department of Aging to perform assessments under section 5165.04 of the Revised Code. The Department of Aging shall provide long-term care consultations under section 173.42 of the Revised Code to assist individuals in planning for their long-term health care needs.

The Department of Aging shall administer the Medicaid waiver-funded PASSPORT Home Care Program, the Assisted Living Program, and PACE as delegated by the Department of Medicaid in an interagency agreement.

**PERFORMANCE-BASED REIMBURSEMENT**

The Department of Aging may design and utilize a payment method for PASSPORT administrative agency operations that includes a pay-for-performance incentive component that is earned by a PASSPORT administrative agency when defined consumer and policy outcomes are achieved.

**Section 209.30. MYCARE OHIO**

The authority of the Office of the State Long-Term Care Ombudsman as described in sections 173.14 to 173.28 of the Revised Code extends to MyCare Ohio during the period of the federal financial alignment demonstration program.

**SENIOR COMMUNITY SERVICES**

The foregoing appropriation item 490411, Senior Community Services, may be used for programs, services, and activities designated by the Department of Aging, including, but not limited to, home-delivered and congregate meals, transportation services, personal care services, respite services, adult day services, home repair, care coordination, prevention and disease self-management, and decision support systems. The Department may also use these funds to provide grants to community organizations to support and

expand evidence-based/informed programming. Service priority shall 102729  
be given to low income, high need, and/or cognitively impaired 102730  
persons 60 years of age and over. 102731

NATIONAL SENIOR SERVICE CORPS 102732

The foregoing appropriation item 490506, National Senior 102733  
Service Corps, may be used by the Department of Aging to fund 102734  
grants to organizations that receive federal funds from the 102735  
Corporation for National and Community Service to support the 102736  
following Senior Corps programs: the Foster Grandparents Program, 102737  
the Senior Companion Program, and the Retired Senior Volunteer 102738  
Program. A recipient of these grant funds shall use the funds to 102739  
support priorities established by the Department and the Ohio 102740  
State Office of the Corporation for National and Community 102741  
Service. Neither the Department nor any area agencies on aging 102742  
that are involved in the distribution of these funds to 102743  
lower-tiered grant recipients may use any portion of these funds 102744  
to cover administrative costs. 102745

BOARD OF EXECUTIVES OF LONG-TERM SERVICES AND SUPPORTS 102746

The foregoing appropriation item 490627, Board of Executives 102747  
of Long-Term Services and Supports, may be used by the Board of 102748  
Executives of Long-Term Services and Supports to administer and 102749  
enforce Chapter 4751. of the Revised Code and rules adopted under 102750  
it. 102751

**Section 209.40.** PASSPORT PROGRAM PAYMENT RATES 102752

The base and unit payment rates for the following services 102753  
provided under the Medicaid-funded and state-funded components of 102754  
the PASSPORT program during fiscal years 2020 and 2021 shall be at 102755  
least five and one-tenth per cent higher than the rates for the 102756  
services in effect on June 30, 2019: 102757

(A) Home care attendant services; 102758

(B) Personal care services;	102759
(C) Waiver nursing services.	102760
<b>Section 209.50.</b> PASSPORT PAYMENT RATES FOR HOME-DELIVERED	102761
MEALS	102762
The payment rates for home-delivered meals provided under the	102763
PASSPORT program during the period beginning July 1, 2019, and	102764
ending July 1, 2021, shall be the following:	102765
(A) For each meal delivered daily on a per-meal delivery	102766
basis by a volunteer or employee of the provider, \$7.19;	102767
(B) For each meal delivered in a chilled or frozen format on	102768
a weekly delivery basis by a volunteer or employee of the	102769
provider, \$6.99;	102770
(C) For each meal delivered in a chilled or frozen format on	102771
a weekly basis by a common carrier used by the provider, \$6.50.	102772
<b>Section 209.60.</b> ASSISTED LIVING PROGRAM PAYMENT RATES	102773
The payment rates for each tier of assisted living services	102774
provided under the Medicaid-funded and state-funded components of	102775
the Assisted Living Program during fiscal years 2020 and 2021	102776
shall be at least five and one-tenth per cent higher than the	102777
rates for the services in effect on June 30, 2019.	102778
<b>Section 211.10.</b> AGR DEPARTMENT OF AGRICULTURE	102779
General Revenue Fund	102780
GRF 700401 Animal Health Programs \$ 3,785,399 \$ 3,700,399	102781
GRF 700403 Dairy Division \$ 1,208,067 \$ 1,178,459	102782
GRF 700404 Ohio Proud \$ 99,159 \$ 100,771	102783
GRF 700406 Consumer Protection \$ 1,369,703 \$ 1,320,696	102784
Lab	
GRF 700407 Food Safety \$ 1,385,046 \$ 1,340,046	102785

GRF 700409	Farmland Preservation	\$	74,686	\$	74,686	102786
GRF 700410	Plant Industry	\$	152,468	\$	147,468	102787
GRF 700412	Weights and Measures	\$	614,723	\$	614,723	102788
GRF 700415	Poultry Inspection	\$	811,427	\$	811,428	102789
GRF 700417	Soil and Water Phosphorus Program	\$	20,000,000	\$	20,000,000	102790
GRF 700418	Livestock Regulation Program	\$	1,145,071	\$	1,145,071	102791
GRF 700424	Livestock Testing and Inspections	\$	117,493	\$	117,493	102792
GRF 700426	Dangerous and Restricted Animals	\$	582,340	\$	604,060	102793
GRF 700427	High Volume Breeder Kennel Control	\$	1,235,767	\$	1,235,767	102794
GRF 700428	Soil and Water Division	\$	3,543,482	\$	3,543,482	102795
GRF 700499	Meat Inspection Program - State Share	\$	6,172,407	\$	5,882,091	102796
GRF 700501	County Agricultural Societies	\$	379,673	\$	379,673	102797
GRF 700509	Soil and Water District Support	\$	11,833,016	\$	11,833,016	102798
GRF 700511	Ride Inspection	\$	400,000	\$	400,000	102799
TOTAL GRF	General Revenue Fund	\$	54,909,927	\$	54,429,329	102800
	Dedicated Purpose Fund Group					102801
4900 700651	License Plates - Sustainable Agriculture	\$	17,500	\$	17,500	102802
4940 700612	Agricultural Commodity Marketing Program	\$	253,000	\$	253,000	102803
4960 700626	Ohio Grape Industries	\$	1,543,223	\$	1,550,000	102804
4970 700627	Grain Warehouse	\$	491,590	\$	500,000	102805

		Program				
4C90	700605	Commercial Feed and Seed	\$	2,367,396	\$	2,426,251 102806
4D20	700609	Auction Education	\$	50,000	\$	50,000 102807
4E40	700606	Utility Radiological Safety	\$	97,610	\$	101,130 102808
4P70	700610	Food Safety Inspection	\$	1,022,005	\$	1,043,743 102809
4R00	700636	Ohio Proud Marketing	\$	30,500	\$	30,500 102810
4R20	700637	Dairy Industry Inspection	\$	1,800,246	\$	1,852,950 102811
4T60	700611	Poultry and Meat Inspection	\$	120,000	\$	120,000 102812
5780	700620	Ride Inspection	\$	1,827,551	\$	1,944,585 102813
5B80	700629	Auctioneers	\$	350,449	\$	361,450 102814
5BV0	700660	Heidelberg Water Quality Lab	\$	275,000	\$	275,000 102815
5BV0	700661	Soil and Water Districts	\$	8,000,000	\$	8,000,000 102816
5FC0	700648	Plant Pest Program	\$	1,468,037	\$	1,515,298 102817
5H20	700608	Metrology Lab and Scale Certification	\$	975,000	\$	975,000 102818
5L80	700604	Livestock Management Program	\$	274,814	\$	275,000 102819
5MA0	700657	Dangerous and Restricted Animals	\$	7,000	\$	7,000 102820
5MR0	700658	High Volume Breeders and Kennels	\$	320,000	\$	320,000 102821
5MS0	700659	Captive Deer	\$	40,000	\$	40,000 102822
5QW0	700653	Watershed Assistance	\$	515,000	\$	515,000 102823
6520	700634	Animal, Consumer, and ATL Labs	\$	5,396,151	\$	5,466,896 102824
6690	700635	Pesticide,	\$	4,859,314	\$	5,000,000 102825

		Fertilizer, and Lime					
		Inspection Program					
6H20	700670	H2Ohio	\$	30,300,000	\$	0	102826
TOTAL DPF Dedicated Purpose							102827
Fund Group			\$	62,401,386	\$	32,640,303	102828
Internal Service Activity Fund Group							102829
5DA0	700644	Laboratory	\$	1,200,807	\$	1,204,626	102830
		Administration					
		Support					
5GH0	700655	Administrative	\$	5,403,892	\$	5,524,048	102831
		Support					
TOTAL ISA Internal Service Activity							102832
Fund Group			\$	6,604,699		6,728,674	102833
Capital Projects Fund Group							102834
7057	700632	Clean Ohio	\$	589,960	\$	610,000	102835
		Agricultural Easement					
		Operating					
TOTAL CPF Capital Projects Fund			\$	589,960	\$	610,000	102836
Group							
Federal Fund Group							102837
3260	700618	Meat Inspection	\$	5,036,419	\$	5,194,424	102838
		Program - Federal					
		Share					
3360	700617	Ohio Farm Loan -	\$	351,743	\$	360,000	102839
		Revolving					
3820	700601	Federal Cooperative	\$	7,000,000	\$	7,000,000	102840
		Contracts					
3AB0	700641	Agricultural Easement	\$	342,419	\$	350,000	102841
3J40	700607	Federal	\$	1,209,234	\$	1,209,234	102842
		Administrative					
		Programs					
3R20	700614	Federal Plant	\$	6,020,619	\$	6,095,972	102843

Industry

TOTAL FED Federal Fund Group	\$	19,960,434	\$	20,209,630	102844
TOTAL ALL BUDGET FUND GROUPS	\$	144,466,406	\$	114,617,936	102845

**Section 211.20.** SOIL AND WATER PHOSPHORUS PROGRAM 102847

The Department of Agriculture shall establish programs to 102848  
assist in reducing total phosphorus and dissolved reactive 102849  
phosphorus in the Western Lake Erie Basin. The programs shall give 102850  
priority to those subwatersheds determined to be highest in total 102851  
phosphorus and dissolved reactive phosphorus nutrient loading. 102852

The foregoing appropriation item 700417, Soil and Water 102853  
Phosphorus Program, shall be used to support the programs 102854  
described above, which may include but not be limited to, the 102855  
following: (1) equipment for subsurface placement of nutrients 102856  
into the soil; (2) equipment for nutrient placement based on 102857  
geographic information system data; (3) soil testing; (4) 102858  
implementation of variable rate technology; (5) equipment 102859  
implementing manure transformation and manure conversion 102860  
technologies; (6) tributary monitoring; (7) water management and 102861  
edge-of-field drainage management; and (8) an agricultural 102862  
phosphorus reduction revolving loan program. Not more than forty 102863  
per cent of the foregoing appropriation item 700417, Soil and 102864  
Water Phosphorus Program, shall be used for any single activity. 102865

DANGEROUS AND RESTRICTED WILD ANIMALS 102866

The foregoing appropriation item 700426, Dangerous and 102867  
Restricted Animals, shall be used to administer the Dangerous and 102868  
Restricted Wild Animal Permitting Program. 102869

COUNTY AGRICULTURAL SOCIETIES 102870

The foregoing appropriation item 700501, County Agricultural 102871  
Societies, shall be used to reimburse county and independent 102872  
agricultural societies for expenses related to Junior Fair 102873



activities. 102874

SUPPORT FOR SOIL AND WATER DISTRICTS IN THE WESTERN LAKE ERIE 102875  
BASIN 102876

Of the foregoing appropriation item 700509, Soil and Water 102877  
District Support, \$350,000 in each fiscal year shall be used by 102878  
the Department of Agriculture for a program to support soil and 102879  
water conservation districts in the Western Lake Erie Basin in 102880  
complying with provisions of Sub. S.B. 1 of the 131st General 102881  
Assembly. The Department shall approve a soil and water district's 102882  
application for funding under the program if the application 102883  
demonstrates that funding will be used for, but not limited to, 102884  
providing technical assistance, developing applicable nutrient or 102885  
manure management plans, hiring and training of soil and water 102886  
conservation district staff on best conservation practices, or 102887  
other activities the Director determines appropriate to assist 102888  
farmers in the Western Lake Erie Basin in complying with the 102889  
provisions of Sub. S.B. 1 of the 131st General Assembly. 102890

Of the foregoing appropriation item 700509, Soil and Water 102891  
District Support, \$3,500,000 in each fiscal year shall be used to 102892  
support county soil and water conservation districts in the 102893  
Western Lake Erie Basin for staffing costs and to assist in soil 102894  
testing and nutrient management plan development, including manure 102895  
transformation and manure conversion technologies, enhanced filter 102896  
strips, water management, and other conservation support. 102897

SOIL AND WATER DISTRICTS 102898

In addition to state payments to soil and water conservation 102899  
districts authorized by section 940.15 of the Revised Code, the 102900  
Department of Agriculture may use appropriation item 700661, Soil 102901  
and Water Districts, to pay any soil and water conservation 102902  
district an annual amount not to exceed \$40,000 upon receipt of a 102903  
request and justification from the district and approval by the 102904

Ohio Soil and Water Conservation Commission. The county auditor shall credit the payments to the special fund established under section 940.12 of the Revised Code for use by the local soil and water conservation district. The amounts received by each district shall be expended for the purposes of the district.

H2OHIO FUND

The foregoing appropriation item 700670, H2Ohio, shall be used by the Department of Agriculture to support best management practices for farmers including but not limited to assistance with equipment purchases and soil testing. In addition, the foregoing appropriation item 700760, H2Ohio, may be used to fund improvements and protection of state waterways in support of water quality priorities and management in accordance with section 126.60 of the Revised Code.

On July 1, 2020, or as soon as possible thereafter, the Director of Agriculture may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item, 700670, H2Ohio, at the end of fiscal year 2020 to be reappropriated in fiscal year 2021. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2021.

CLEAN OHIO AGRICULTURAL EASEMENT OPERATING EXPENSES

The foregoing appropriation item 700632, Clean Ohio Agricultural Easement Operating, shall be used by the Department of Agriculture in administering Clean Ohio Agricultural Easement Fund (Fund 7057) projects pursuant to sections 901.21, 901.22, and 5301.67 to 5301.70 of the Revised Code.

**Section 213.10.** AIR AIR QUALITY DEVELOPMENT AUTHORITY

Dedicated Purpose Fund Group  
4Z90 898602 Small Business \$ 208,813 \$ 208,813

		Ombudsman				
5700	898601	Operating Expenses	\$	565,364	\$	583,395 102935
5A00	898603	Small Business	\$	450,000	\$	450,000 102936
		Assistance				
TOTAL	DPF	Dedicated Purpose Fund	\$	1,224,177	\$	1,242,208 102937
		Group				
TOTAL	ALL BUDGET FUND GROUPS		\$	1,224,177	\$	1,242,208 102938

**Section 213.20. REIMBURSEMENT TO AIR QUALITY DEVELOPMENT** 102940  
**AUTHORITY TRUST ACCOUNT** 102941

Notwithstanding any other provision of law to the contrary, 102942  
the Air Quality Development Authority may reimburse the Air 102943  
Quality Development Authority trust account established under 102944  
section 3706.10 of the Revised Code from all operating funds of 102945  
the agency for expenses pertaining to the administration and 102946  
shared costs incurred by the Air Quality Development Authority in 102947  
the execution of responsibilities as prescribed in Chapter 3706. 102948  
of the Revised Code. The reimbursement shall be made by voucher 102949  
and completed in accordance with the administrative indirect costs 102950  
allocation plan approved by the Office of Budget and Management. 102951

**Section 215.10. ARC ARCHITECTS BOARDS** 102952

		Dedicated Purpose Fund Group				102953
4K90	891609	Operating	\$	638,611	\$	646,294 102954
TOTAL	DPF	Dedicated Purpose Fund				102955
		Group	\$	638,611	\$	646,294 102956
TOTAL	ALL BUDGET FUND GROUPS		\$	638,611	\$	646,294 102957

**Section 217.10. ART OHIO ARTS COUNCIL** 102959

		General Revenue Fund				102960
GRF	370321	Operating Expenses	\$	1,947,031	\$	2,042,828 102961
GRF	370502	State Program	\$	15,230,750	\$	15,230,750 102962

Subsidies

TOTAL GRF General Revenue Fund	\$	17,177,781	\$	17,273,578	102963
Dedicated Purpose Fund Group					102964
4600 370602 Arts Council Program	\$	377,942	\$	385,000	102965
Support					
4B70 370603 Percent for Art	\$	165,000	\$	165,000	102966
Acquisitions					
TOTAL DPF Dedicated Purpose Fund	\$	542,942	\$	550,000	102967
Group					
Federal Fund Group					102968
3140 370601 Federal Support	\$	1,250,000	\$	1,250,000	102969
TOTAL FED Federal Fund Group	\$	1,250,000	\$	1,250,000	102970
TOTAL ALL BUDGET FUND GROUPS	\$	18,970,723	\$	19,073,578	102971

FEDERAL SUPPORT 102972

Notwithstanding any provision of law to the contrary, the 102973  
foregoing appropriation item 370601, Federal Support, shall be 102974  
used by the Ohio Arts Council for subsidies only, and not for its 102975  
administrative costs, unless the Council is required to use a 102976  
portion of the funds for administrative costs under conditions of 102977  
the federal grant. 102978

**Section 219.10. ATH ATHLETIC COMMISSION** 102979

Dedicated Purpose Fund Group					102980
4K90 175609 Operating Expenses	\$	331,169	\$	331,822	102981
TOTAL DPF Dedicated Purpose Fund	\$	331,169	\$	331,822	102982
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	331,169	\$	331,822	102983

**Section 221.10. AGO ATTORNEY GENERAL** 102985

General Revenue Fund					102986
GRF 055321 Operating Expenses	\$	60,646,591	\$	62,958,461	102987

GRF	055405	Law-Related Education	\$	68,950	\$	68,950	102988
GRF	055406	BCIRS Lease Rental Payments	\$	2,515,100	\$	2,513,400	102989
GRF	055411	County Sheriffs' Pay Supplement	\$	983,341	\$	1,000,554	102990
GRF	055415	County Prosecutors' Pay Supplement	\$	1,247,225	\$	1,278,630	102991
GRF	055431	Drug Abuse Response Team Grants	\$	1,500,000	\$	1,500,000	102992
GRF	055432	Drug Testing Equipment	\$	968,602	\$	0	102993
GRF	055434	ICAC Task Force	\$	500,000	\$	500,000	102994
GRF	055501	Rape Crisis Centers	\$	4,800,000	\$	4,800,000	102995
GRF	055502	School Safety Training Grants	\$	12,000,000	\$	12,000,000	102996
GRF	055504	Domestic Violence Programs	\$	1,000,000	\$	1,000,000	102997
GRF	055505	Pike County Capital Case	\$	1,000,000	\$	0	102998
TOTAL GRF		General Revenue Fund	\$	87,229,809	\$	87,619,995	102999
		Dedicated Purpose Fund Group					103000
1060	055612	Attorney General Operating	\$	58,426,184	\$	60,018,182	103001
4020	055616	Victims of Crime	\$	20,624,291	\$	20,624,291	103002
4170	055621	Domestic Violence Shelter	\$	25,000	\$	25,000	103003
4180	055615	Charitable Foundations	\$	8,286,000	\$	8,286,000	103004
4190	055623	Claims Section	\$	41,500,000	\$	42,600,000	103005
4200	055603	Attorney General Antitrust	\$	2,432,925	\$	2,432,925	103006
4210	055617	Police Officers' Training Academy Fee	\$	2,182,062	\$	2,250,000	103007

4L60	055606	DARE Programs	\$	3,814,289	\$	3,814,289	103008
4Y70	055608	Title Defect Recision	\$	1,013,751	\$	1,013,751	103009
4Z20	055609	BCI Asset Forfeiture and Cost Reimbursement	\$	2,500,000	\$	2,500,000	103010
5900	055633	Peace Officer Private Security Training	\$	95,325	\$	95,325	103011
5A90	055618	Telemarketing Fraud Enforcement	\$	10,000	\$	10,000	103012
5LR0	055655	Peace Officer Training - Casino	\$	5,355,079	\$	5,529,409	103013
5MP0	055657	Peace Officer Training Commission	\$	325,000	\$	325,000	103014
5TL0	055659	Organized Crime Law Enforcement Trust	\$	100,000	\$	100,000	103015
6310	055637	Consumer Protection Enforcement	\$	9,276,000	\$	9,276,000	103016
6590	055641	Solid and Hazardous Waste Background Investigations	\$	328,728	\$	328,728	103017
U087	055402	Tobacco Settlement Oversight, Administration, and Enforcement	\$	2,650,000	\$	2,650,000	103018
TOTAL DPF	Dedicated Purpose Fund						103019
Group			\$	158,944,634	\$	161,878,900	103020
Internal Service Activity Fund Group							103021
1950	055660	Workers' Compensation Section	\$	7,416,045	\$	6,898,040	103022
TOTAL ISA	Internal Service Activity						103023
Fund Group			\$	7,416,045	\$	6,898,040	
Holding Account Fund Group							103024

R004	055631	General Holding Account	\$	1,000,000	\$	1,000,000	103025
R005	055632	Antitrust Settlements	\$	1,000,000	\$	1,000,000	103026
R018	055630	Consumer Frauds	\$	1,000,000	\$	1,000,000	103027
R042	055601	Organized Crime Commission Distributions	\$	750,000	\$	750,000	103028
R054	055650	Collection Payment Redistribution	\$	4,500,000	\$	4,500,000	103029
TOTAL HLD		Holding Account					103030
Fund Group			\$	8,250,000	\$	8,250,000	103031
Federal Fund Group							103032
3060	055620	Medicaid Fraud Control	\$	8,961,419	\$	8,961,419	103033
3830	055634	Crime Victims Assistance	\$	109,971,344	\$	110,000,000	103034
3E50	055638	Attorney General Pass-Through Funds	\$	4,017,209	\$	4,020,999	103035
3FV0	055656	Crime Victim Compensation	\$	4,600,000	\$	4,600,000	103036
3R60	055613	Attorney General Federal Funds	\$	2,799,999	\$	2,799,999	103037
TOTAL FED		Federal Fund Group	\$	130,349,971	\$	130,382,417	103038
TOTAL ALL BUDGET FUND GROUPS			\$	392,190,459	\$	395,029,352	103039

**Section 221.20.** OHIO CENTER FOR THE FUTURE OF FORENSIC SCIENCE 103041  
SCIENCE 103042

Of the foregoing appropriation item 055321, Operating Expenses, \$600,000 in each fiscal year shall be used for the Ohio Center for the Future of Forensic Science at Bowling Green State University. The purpose of the Center shall be to foster forensic science research techniques (BCI Eminent Scholar) and to create professional training opportunities to students (BCI Scholars) in

the forensic science fields.	103049
DOMESTIC VIOLENCE PROGRAM	103050
Of the foregoing appropriation item 055321, Operating	103051
Expenses, \$100,000 in each fiscal year may be used by the Attorney	103052
General for the purpose of providing funding to domestic violence	103053
programs as defined in section 109.46 of the Revised Code.	103054
NARCOTICS TASK FORCES	103055
Of the foregoing appropriation item 055321, Operating	103056
Expenses, up to \$500,000 in each fiscal year shall be used to	103057
support narcotics task forces funded by the Attorney General.	103058
BUREAU OF CRIMINAL INVESTIGATION RECORDS SYSTEM (BCIRS) LEASE	103059
RENTAL PAYMENTS	103060
The foregoing appropriation item 055406, BCIRS Lease Rental	103061
Payments, shall be used for payments during the period from July	103062
1, 2019, through June 30, 2021, pursuant to leases and agreements	103063
entered into pursuant to Section 701.40 of Am. Sub. S.B. 310 of	103064
the 131st General Assembly and other prior acts of the General	103065
Assembly, with respect to financing the costs associated with the	103066
acquisition, development, implementation, and integration of the	103067
BCIRS.	103068
COUNTY SHERIFFS' PAY SUPPLEMENT	103069
The foregoing appropriation item 055411, County Sheriffs' Pay	103070
Supplement, shall be used for the purpose of supplementing the	103071
annual compensation of county sheriffs as required by section	103072
325.06 of the Revised Code.	103073
At the request of the Attorney General, the Director of	103074
Budget and Management may transfer appropriation from	103075
appropriation item 055321, Operating Expenses, to appropriation	103076
item 055411, County Sheriffs' Pay Supplement. Any appropriation so	103077
transferred shall be used to supplement the annual compensation of	103078



county sheriffs as required by section 325.06 of the Revised Code. 103079

COUNTY PROSECUTORS' PAY SUPPLEMENT 103080

The foregoing appropriation item 055415, County Prosecutors' 103081  
Pay Supplement, shall be used for the purpose of supplementing the 103082  
annual compensation of certain county prosecutors as required by 103083  
section 325.111 of the Revised Code. 103084

At the request of the Attorney General, the Director of 103085  
Budget and Management may transfer appropriation from 103086  
appropriation item 055321, Operating Expenses, to appropriation 103087  
item 055415, County Prosecutors' Pay Supplement. Any appropriation 103088  
so transferred shall be used to supplement the annual compensation 103089  
of county prosecutors as required by section 325.111 of the 103090  
Revised Code. 103091

DRUG TESTING EQUIPMENT 103092

The foregoing appropriation item 055432, Drug Testing 103093  
Equipment, shall be used to purchase drug testing equipment for 103094  
the Bureau of Criminal Identification and Investigation. 103095

ICAC TASK FORCE 103096

The foregoing appropriation item 055434, ICAC Task Force, 103097  
shall be used by the Attorney General in support of the Ohio 103098  
Internet Crimes Against Children Task Force for the purposes 103099  
described in section 195.02 of the Revised Code. 103100

**Section 221.30. BATTERED WOMEN'S SHELTER** 103101

Of the foregoing appropriation item 055501, Rape Crisis 103102  
Centers, \$50,000 in each fiscal year shall be distributed to the 103103  
Battered Women's Shelter of Summit and Medina counties for the 103104  
cost of operating the commercial kitchen located at its Market 103105  
Street Facility, and \$50,000 in each fiscal year shall be 103106  
distributed to the Battered Women's Shelter of Portage County. 103107

FINDING MY CHILDHOOD AGAIN PILOT PROGRAM 103108

Of the foregoing appropriation item 055501, Rape Crisis 103109  
Centers, \$300,000 in each fiscal year shall be distributed to the 103110  
Battered Women's Shelter of Summit and Medina counties for 103111  
expenses related to the creation and implementation of a pilot 103112  
program called "Finding my Childhood Again." 103113

DRUG ABUSE RESPONSE TEAM GRANT PROGRAM 103114

The Attorney General shall maintain the Drug Abuse Response 103115  
Team Grant Program for the purpose of replicating or expanding 103116  
successful law enforcement programs that address the opioid 103117  
epidemic similar to the Drug Abuse Response Team established by 103118  
the Lucas County Sheriff's Department, and the Quick Response 103119  
Teams established in Colerain Township's Department of Public 103120  
Safety in Hamilton County and Summit County. Any grants awarded by 103121  
this grant program may include requirements for private or 103122  
nonprofit matching support. 103123

The foregoing appropriation item 055431, Drug Abuse Response 103124  
Team Grants, shall be used by the Attorney General to fund grants 103125  
to law enforcement or other government agencies; the primary 103126  
purpose of the grants shall be to replicate or expand successful 103127  
law enforcement programs that address the opioid epidemic similar 103128  
to the Drug Abuse Response Team established by the Lucas County 103129  
Sheriff's Department and the Quick Response Teams established in 103130  
Colerain Township's Department of Public Safety in Hamilton County 103131  
and Summit County. 103132

Each recipient of a grant under this program shall, within 103133  
six months of the end date of the grant, submit a written report 103134  
describing the outcomes that resulted from the grant to the 103135  
Governor, the President of the Senate, the Speaker of the House of 103136  
Representatives, the Minority Leader of the Senate, and the 103137  
Minority Leader of the House of Representatives. 103138

SCHOOL SAFETY TRAINING GRANTS	103139
(A) The foregoing appropriation item 055502, School Safety Training Grants, shall be used by the Attorney General, in consultation with the Superintendent of Public Instruction and the Director of Mental Health and Addiction Services, solely to make grants to public and chartered nonpublic schools, local law enforcement agencies, and schools operated by county boards of developmental disabilities administering special education services programs pursuant to section 5126.05 of the Revised Code for school safety and school climate programs and training.	103140 103141 103142 103143 103144 103145 103146 103147 103148
(B) The use of the grants includes, but is not limited to, all of the following:	103149 103150
(1) The support of school resource officer certification training;	103151 103152
(2) Any type of active shooter and school safety training or equipment;	103153 103154
(3) All grade level type educational resources;	103155
(4) Training to identify and assist students with mental health issues;	103156 103157
(5) School supplies or equipment related to school safety or for implementing the school's safety plan;	103158 103159
(6) Any other training related to school safety.	103160
(C) The schools and county boards shall work or contract with the county sheriff's office or a local police department in whose jurisdiction they are located to develop the programs and training described in divisions (B)(1), (2), (3), (5), and (6) of this section. Any grant awarded directly to a local law enforcement agency shall not be used to fund a similar request made by a school located within the jurisdiction of the local law enforcement agency.	103161 103162 103163 103164 103165 103166 103167 103168

DOMESTIC VIOLENCE PROGRAMS	103169
The foregoing appropriation item 055504, Domestic Violence Programs, shall be used by the Attorney General for the purpose of funding domestic violence programs as defined in section 109.46 of the Revised Code.	103170 103171 103172 103173
PIKE COUNTY CAPITAL CASE	103174
The foregoing appropriation item 055505, Pike County Capital Case, shall be used, subject to the approval of the Controlling Board, to defray the costs of ongoing capital case litigation in Pike County.	103175 103176 103177 103178
WORKERS' COMPENSATION SECTION	103179
The Workers' Compensation Fund (Fund 1950) is entitled to receive quarterly payments from the Bureau of Workers' Compensation and the Ohio Industrial Commission to fund legal services provided to the Bureau of Workers' Compensation and the Ohio Industrial Commission during the fiscal year.	103180 103181 103182 103183 103184
In addition, the Bureau of Workers' Compensation shall transfer payments for the support of the Workers' Compensation Fraud Unit.	103185 103186 103187
All amounts shall be mutually agreed upon by the Attorney General, the Bureau of Workers' Compensation, and the Ohio Industrial Commission.	103188 103189 103190
GENERAL HOLDING ACCOUNT	103191
The foregoing appropriation item 055631, General Holding Account, shall be used to distribute moneys under the terms of relevant court orders or other settlements received in a variety of cases involving the Office of the Attorney General. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.	103192 103193 103194 103195 103196 103197
ANTITRUST SETTLEMENTS	103198

The foregoing appropriation item 055632, Antitrust Settlements, shall be used to distribute moneys under the terms of relevant court orders or other out of court settlements in antitrust cases or antitrust matters involving the Office of the Attorney General. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.

CONSUMER FRAUDS

The foregoing appropriation item 055630, Consumer Frauds, shall be used for distribution of moneys from court-ordered judgments against sellers in actions brought by the Office of the Attorney General under sections 1334.08 and 4549.48 and division (B) of section 1345.07 of the Revised Code. These moneys shall be used to provide restitution to consumers victimized by the fraud that generated the court-ordered judgments. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.

ORGANIZED CRIME COMMISSION DISTRIBUTIONS

The foregoing appropriation item 055601, Organized Crime Commission Distributions, shall be used by the Organized Crime Investigations Commission, as provided by section 177.011 of the Revised Code, to reimburse political subdivisions for the expenses the political subdivisions incur when their law enforcement officers participate in an organized crime task force. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.

COLLECTION PAYMENT REDISTRIBUTION

The foregoing appropriation item 055650, Collection Payment Redistribution, shall be used for the purpose of allocating the revenue where debtors mistakenly paid the client agencies instead of the Attorney General's Collections Enforcement Section. If it is determined that additional amounts are necessary for this

purpose, the amounts are hereby appropriated. 103230

**Section 223.10.** AUD AUDITOR OF STATE 103231

General Revenue Fund 103232

GRF 070401 Audit Management and Services \$ 11,998,471 \$ 12,209,612 103233

GRF 070402 Performance Audits \$ 1,750,000 \$ 1,600,000 103234

GRF 070403 Fiscal Watch/Emergency Technical Assistance \$ 700,000 \$ 700,000 103235

GRF 070404 Fraud/Corruption Audits and Investigation \$ 2,550,000 \$ 2,550,000 103236

GRF 070412 Local Government Audit Support \$ 13,300,000 \$ 13,300,000 103237

TOTAL GRF General Revenue Fund \$ 30,298,471 \$ 30,359,612 103238

Dedicated Purpose Fund Group 103239

1090 070601 Public Audit Expense - Intrastate \$ 11,184,958 \$ 11,545,067 103240

4220 070602 Public Audit Expense - Local Government \$ 34,477,707 \$ 35,053,886 103241

5840 070603 Training Program \$ 475,000 \$ 475,000 103242

5JZ0 070606 LEAP Revolving Loans \$ 250,000 \$ 250,000 103243

5VP0 070611 Local Government Audit Support Fund \$ 10,000,000 \$ 10,000,000 103244

6750 070605 Uniform Accounting Network \$ 4,191,269 \$ 4,228,178 103245

TOTAL DPF Dedicated Purpose Fund 103246

Group \$ 60,578,934 \$ 61,552,131 103247

TOTAL ALL BUDGET FUND GROUPS \$ 90,877,405 \$ 91,911,743 103248

**Section 223.20.** AUDIT MANAGEMENT AND SERVICES 103250

The foregoing appropriation item 070401, Audit Management and Services, shall be used pursuant to section 117.13 of the Revised Code to support costs of the Auditor of State that are not recovered through charges to local governments and state entities, including costs that cannot be recovered from audit clients under federal indirect cost allocation guidelines.

PERFORMANCE AUDITS

The foregoing appropriation item 070402, Performance Audits, shall be used pursuant to section 117.13 of the Revised Code to support costs of the Auditor of State related to the provision of performance audits for local governments, school districts, state agencies, and colleges and universities that are not recovered through charges to those entities, including costs that cannot be recovered from audit clients under federal indirect cost allocation guidelines.

LOCAL GOVERNMENT AUDIT SUPPORT

The foregoing appropriation item 070412, Local Government Audit Support, shall be used pursuant to section 117.13 of the Revised Code to support costs of the Auditor of State that are not recovered through charges to local governments, including costs that cannot be recovered from audit clients under federal indirect cost allocation guidelines.

LOCAL GOVERNMENT AUDIT SUPPORT FUND

The foregoing appropriation item 070611, Local Government Audit Support Fund, shall be used pursuant to section 117.131 of the Revised Code to offset costs of audits that would otherwise be charged to local public offices in the absence of the fund.

Notwithstanding section 131.511 of the Revised Code, during fiscal year 2020, the Director of Budget and Management shall monthly credit to the Local Government Audit Support Fund such amounts as are necessary to support the fiscal year 2020

appropriations from the fund.					103282
<b>Section 229.10. OBM OFFICE OF BUDGET AND MANAGEMENT</b>					103283
General Revenue Fund					103284
GRF 042321	Budget Development	\$	3,328,574	\$	3,389,364 103285
	and Implementation				
GRF 042425	Shared Services	\$	1,285,250	\$	1,049,725 103286
	Development				
TOTAL GRF	General Revenue Fund	\$	4,613,824	\$	4,439,089 103287
Internal Service Activity Fund Group					103288
1050 042603	Financial Management	\$	17,106,380	\$	16,995,903 103289
1050 042620	Shared Services	\$	6,744,587	\$	6,543,051 103290
	Operating				
TOTAL ISA	Internal Service Activity				103291
Fund Group		\$	23,850,967	\$	23,538,954 103292
Fiduciary Fund Group					103293
5EH0 042604	Forgery Recovery	\$	30,000	\$	30,000 103294
TOTAL FID	Fiduciary Fund Group	\$	30,000	\$	30,000 103295
TOTAL ALL BUDGET FUND GROUPS		\$	28,494,791	\$	28,008,043 103296
<b>Section 229.20. AUDIT COSTS</b>					103298
All centralized audit costs associated with either Single					103299
Audit Schedules or financial statements prepared in conformance					103300
with generally accepted accounting principles for the state shall					103301
be paid from the foregoing appropriation item 042603, Financial					103302
Management.					103303
Costs associated with the audit of the Auditor of State shall					103304
be paid from the foregoing appropriation item 042321, Budget					103305
Development and Implementation.					103306
SHARED SERVICES CENTER					103307
The foregoing appropriation items 042425, Shared Services					103308



Development, and 042620, Shared Services Operating, shall be used 103309  
by the Director of Budget and Management to support the Shared 103310  
Services program pursuant to division (D) of section 126.21 of the 103311  
Revised Code. 103312

The Director of Budget and Management shall include the 103313  
recovery of costs to operate the Shared Services program in the 103314  
accounting and budgeting services payroll rate and through direct 103315  
charges using intrastate transfer vouchers billed to agencies for 103316  
services rendered using a methodology determined by the Director 103317  
of Budget and Management. Such cost recovery revenues shall be 103318  
deposited to the credit of the Accounting and Budgeting Fund (Fund 103319  
1050). 103320

INTERNAL AUDIT 103321

The Director of Budget and Management shall include the 103322  
recovery of costs to operate the Internal Audit Program pursuant 103323  
to section 126.45 of the Revised Code in the accounting and 103324  
budgeting services payroll rate and through direct charges using 103325  
intrastate transfer vouchers billed to agencies reviewed by the 103326  
program using a methodology determined by the Director of Budget 103327  
and Management. Such cost recovery revenues shall be deposited to 103328  
the credit of Fund 1050. 103329

FORGERY RECOVERY 103330

The foregoing appropriation item 042604, Forgery Recovery, 103331  
shall be used to reissue warrants that have been certified as 103332  
forgeries by the rightful recipient as determined by the Bureau of 103333  
Criminal Identification and Investigation and the Treasurer of 103334  
State. Upon receipt of funds to cover the reissuance of the 103335  
warrant, the Director of Budget and Management shall reissue a 103336  
state warrant of the same amount. Any additional amounts needed to 103337  
reissue warrants backed by the receipt of funds are hereby 103338  
appropriated. 103339

<b>Section 231.10. CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD</b>				103340
General Revenue Fund				103341
GRF	874100	Personal Services	\$ 3,802,439 \$ 3,819,502	103342
GRF	874320	Maintenance and Equipment	\$ 1,368,765 \$ 1,368,765	103343
TOTAL GRF General Revenue Fund				103344
Dedicated Purpose Fund Group				103345
2080	874601	Underground Parking Garage Operations	\$ 4,245,906 \$ 4,245,906	103346
4G50	874603	Capitol Square Education Center and Arts	\$ 6,000 \$ 6,000	103347
TOTAL DPF Dedicated Purpose Fund Group				103348
Internal Service Activity Fund Group				103350
4S70	874602	Statehouse Gift Shop/Events	\$ 800,000 \$ 800,000	103351
TOTAL ISA Internal Service Activity Fund Group				103352
TOTAL ALL BUDGET FUND GROUPS				103354
PERSONAL SERVICES				103355
On July 1, 2019, or as soon as possible thereafter, the				103356
Executive Director of the Capitol Square Review and Advisory Board				103357
may certify to the Director of Budget and Management an amount up				103358
to the unexpended, unencumbered balance of the foregoing				103359
appropriation item 874100, Personal Services, at the end of fiscal				103360
year 2019 to be reappropriated to fiscal year 2020. The amount				103361
certified is hereby appropriated to the same appropriation item				103362
for fiscal year 2020.				103363
On July 1, 2020, or as soon as possible thereafter, the				103364

Executive Director of the Capital Square Review and Advisory Board 103365  
may certify to the Director of Budget and Management an amount up 103366  
to the unexpended, unencumbered balance of the foregoing 103367  
appropriation item 874100, Personal Services, at the end of fiscal 103368  
year 2020 to be reappropriated to fiscal year 2021. The amount 103369  
certified is hereby appropriated to the same appropriation item 103370  
for fiscal year 2021. 103371

MAINTENANCE AND EQUIPMENT 103372

On July 1, 2019, or as soon as possible thereafter, the 103373  
Executive Director of the Capitol Square Review and Advisory Board 103374  
may certify to the Director of Budget and Management an amount up 103375  
to the unexpended, unencumbered balance of the foregoing 103376  
appropriation item 874320, Maintenance and Equipment, at the end 103377  
of fiscal year 2019 to be reappropriated to fiscal year 2020. The 103378  
amount certified is hereby appropriated to the same appropriation 103379  
item for fiscal year 2020. 103380

On July 1, 2020, or as soon as possible thereafter, the 103381  
Executive Director of the Capitol Square Review and Advisory Board 103382  
may certify to the Director of Budget and Management an amount up 103383  
to the unexpended, unencumbered balance of the foregoing 103384  
appropriation item 874320, Maintenance and Equipment, at the end 103385  
of fiscal year 2020 to be reappropriated to fiscal year 2021. The 103386  
amount certified is hereby appropriated to the same appropriation 103387  
item for fiscal year 2021. 103388

UNDERGROUND PARKING GARAGE FUND 103389

Notwithstanding division (G) of section 105.41 of the Revised 103390  
Code and any other provision to the contrary, moneys in the 103391  
Underground Parking Garage Fund (Fund 2080) may be used for 103392  
personnel and operating costs related to the operations of the 103393  
Statehouse and the Statehouse Underground Parking Garage. 103394

HOUSE AND SENATE PARKING REIMBURSEMENT 103395

On July 1 of each fiscal year, or as soon as possible 103396  
thereafter, the Director of Budget and Management shall transfer 103397  
\$500,000 cash from the General Revenue Fund to the Underground 103398  
Parking Garage Fund (Fund 2080). The amounts transferred under 103399  
this section shall be used to reimburse the Capitol Square Review 103400  
and Advisory Board for legislative parking costs. 103401

**Section 233.10.** SCR STATE BOARD OF CAREER COLLEGES AND 103402  
SCHOOLS 103403  
Dedicated Purpose Fund Group 103404  
4K90 233601 Operating Expenses \$ 540,260 \$ 540,260 103405  
TOTAL DPF Dedicated Purpose Fund \$ 540,260 \$ 540,260 103406  
Group  
TOTAL ALL BUDGET FUND GROUPS \$ 540,260 \$ 540,260 103407

**Section 235.10.** CAC CASINO CONTROL COMMISSION 103409  
Dedicated Purpose Fund Group 103410  
5HS0 955321 Operating Expenses \$ 13,180,629 \$ 13,673,127 103411  
5NU0 955601 Casino Commission \$ 250,000 \$ 250,000 103412  
Enforcement  
TOTAL DPF Dedicated Purpose Fund \$ 13,430,629 \$ 13,923,127 103413  
Group  
TOTAL ALL BUDGET FUND GROUPS \$ 13,430,629 \$ 13,923,127 103414

**Section 237.10.** CDP CHEMICAL DEPENDENCY PROFESSIONALS BOARD 103416  
Dedicated Purpose Fund Group 103417  
4K90 930609 Operating Expenses \$ 651,167 \$ 664,212 103418  
TOTAL DPF Dedicated Purpose Fund \$ 651,167 \$ 664,212 103419  
Group  
TOTAL ALL BUDGET FUND GROUPS \$ 651,167 \$ 664,212 103420

**Section 239.10.** CHR STATE CHIROPRACTIC BOARD 103422

Dedicated Purpose Fund Group				103423
4K90 878609 Operating Expenses	\$	605,251	\$ 622,000	103424
TOTAL DPF Dedicated Purpose Fund Group	\$	605,251	\$ 622,000	103425
TOTAL ALL BUDGET FUND GROUPS	\$	605,251	\$ 622,000	103426

**Section 241.10. CIV OHIO CIVIL RIGHTS COMMISSION** 103428

General Revenue Fund				103429
GRF 876321 Operating Expenses	\$	5,863,161	\$ 5,863,161	103430
TOTAL GRF General Revenue Fund	\$	5,863,161	\$ 5,863,161	103431
Dedicated Purpose Fund Group				103432
2170 876604 Operations Support	\$	3,000	\$ 3,000	103433
TOTAL DPF Internal Service Activity Fund Group	\$	3,000	\$ 3,000	103435
Federal Fund Group				103436
3340 876601 Federal Programs	\$	3,555,504	\$ 3,908,497	103437
TOTAL FED Federal Special Revenue Fund Group	\$	3,555,504	\$ 3,908,497	103439
TOTAL ALL BUDGET FUND GROUPS	\$	9,421,665	\$ 9,774,658	103440

**Section 243.10. COM DEPARTMENT OF COMMERCE** 103442

Dedicated Purpose Fund Group				103443
4B20 800631 Real Estate Appraisal	\$	35,000	\$ 35,000	103444
Recovery				
4H90 800608 Cemeteries	\$	302,250	\$ 313,466	103445
4X20 800619 Financial Institutions	\$	1,914,631	\$ 1,980,213	103446
5430 800602 Unclaimed	\$	10,452,421	\$ 10,465,295	103447
Funds-Operating				
5430 800625 Unclaimed Funds-Claims	\$	70,000,000	\$ 70,000,000	103448
5440 800612 Banks	\$	10,154,147	\$ 10,688,048	103449
5460 800610 Fire Marshal	\$	20,436,641	\$ 21,090,755	103450
5460 800639 Fire Department Grants	\$	5,200,000	\$ 5,200,000	103451

5470	800603	Real Estate	\$	69,655	\$	69,655	103452
		Education/Research					
5480	800611	Real Estate Recovery	\$	50,000	\$	50,000	103453
5490	800614	Real Estate	\$	3,876,514	\$	4,067,513	103454
5500	800617	Securities	\$	6,165,054	\$	6,363,135	103455
5520	800604	Credit Union	\$	3,719,253	\$	3,807,712	103456
5530	800607	Consumer Finance	\$	5,465,720	\$	5,777,988	103457
5560	800615	Industrial Compliance	\$	30,729,000	\$	30,929,000	103458
5F10	800635	Small Government Fire	\$	300,000	\$	300,000	103459
		Departments					
5FW0	800616	Financial Literacy	\$	150,000	\$	150,000	103460
		Education					
5GK0	800609	Securities Investor	\$	678,400	\$	682,150	103461
		Education/Enforcement					
5HV0	800641	Cigarette Enforcement	\$	27,324	\$	27,324	103462
5LC0	800644	Liquor JobsOhio	\$	788,204	\$	788,204	103463
		Extraordinary Allowance					
5LN0	800645	Liquor Operating	\$	19,540,125	\$	19,705,103	103464
		Services					
5LP0	800646	Liquor Regulatory	\$	15,918,941	\$	14,787,281	103465
		Operating Expenses					
5SE0	800651	Cemetery Grant Program	\$	100,000	\$	100,000	103466
5SJ0	800648	Volunteer Peace	\$	50,000	\$	50,000	103467
		Officers' Dependent					
		Fund					
5SU0	800649	Manufactured Homes	\$	260,550	\$	270,478	103468
		Regulation					
5SY0	800650	Medical Marijuana	\$	6,435,897	\$	5,121,000	103469
		Control Program					
5VC0	800652	Real Estate Home	\$	490,000	\$	490,000	103470
		Inspector Operating					
5VD0	800653	Real Estate Home	\$	10,000	\$	10,000	103471
		Inspector Recovery					

5X60	800623	Video Service	\$	416,732	\$	412,693	103472
6530	800629	UST Registration/Permit	\$	2,316,230	\$	2,301,714	103473
		Fee					
6A40	800630	Real Estate	\$	1,299,071	\$	1,336,056	103474
		Appraiser-Operating					
TOTAL DPF Dedicated Purpose							103475
Fund Group			\$	217,351,760	\$	217,369,783	103476
Internal Service Activity Fund Group							103477
1630	800620	Division of	\$	8,558,140	\$	8,364,140	103478
		Administration					
1630	800637	Information Technology	\$	8,601,860	\$	8,985,860	103479
TOTAL ISA Internal Service Activity							103480
Fund Group			\$	17,160,000	\$	17,350,000	103481
Federal Fund Group							103482
3480	800622	Underground Storage	\$	820,675	\$	805,112	103483
		Tanks					
3480	800624	Leaking Underground	\$	1,950,000	\$	1,949,887	103484
		Storage Tanks					
TOTAL FED Federal Fund Group							103485
TOTAL ALL BUDGET FUND GROUPS							103486

**Section 243.20. UNCLAIMED FUNDS PAYMENTS** 103488

The foregoing appropriation item 800625, Unclaimed 103489  
Funds-Claims, shall be used to pay claims under section 169.08 of 103490  
the Revised Code. If it is determined by the Director of Commerce 103491  
that additional appropriation amounts are necessary to make such 103492  
payments, the Director of Commerce may request that the Director 103493  
of Budget and Management increase such amounts. Such increases are 103494  
hereby appropriated. 103495

**DIVISION OF REAL ESTATE AND PROFESSIONAL LICENSING** 103496

The foregoing appropriation item 800631, Real Estate 103497  
Appraiser Recovery, shall be used to pay settlements, judgments, 103498

and court orders under section 4763.16 of the Revised Code. If it 103499  
is determined by the Director of Commerce that additional 103500  
appropriation amounts are necessary to make such payments, the 103501  
Director of Commerce may request that the Director of Budget and 103502  
Management increase such amounts. Such increases are hereby 103503  
appropriated. 103504

The foregoing appropriation item 800611, Real Estate 103505  
Recovery, shall be used to pay settlements, judgments, and court 103506  
orders under section 4735.12 of the Revised Code. If it is 103507  
determined by the Director of Commerce that additional 103508  
appropriation amounts are necessary to make such payments, the 103509  
Director of Commerce may request that the Director of Budget and 103510  
Management increase such amounts. Such increases are hereby 103511  
appropriated. 103512

FIRE DEPARTMENT GRANTS 103513

(A) The foregoing appropriation item 800639, Fire Department 103514  
Grants, shall be used to make annual grants to the following 103515  
eligible recipients: volunteer fire departments, fire departments 103516  
that serve one or more small municipalities or small townships, 103517  
joint fire districts comprised of fire departments that primarily 103518  
serve small municipalities or small townships, local units of 103519  
government responsible for such fire departments, and local units 103520  
of government responsible for the provision of fire protection 103521  
services for small municipalities or small townships. For the 103522  
purposes of these grants, a private fire company, as that phrase 103523  
is defined in section 9.60 of the Revised Code, that is providing 103524  
fire protection services under a contract to a political 103525  
subdivision of the state, is an additional eligible recipient for 103526  
a training grant. 103527

Eligible recipients that consist of small municipalities or 103528  
small townships that all intend to contract with the same fire 103529  
department or private fire company for fire protection services 103530



may jointly apply and be considered for a grant. If a joint 103531  
applicant is awarded a grant, the State Fire Marshal shall, if 103532  
feasible, proportionately award the grant and any equipment 103533  
purchased with grant funds to each of the joint applicants based 103534  
upon each applicant's contribution to and demonstrated need for 103535  
fire protection services. For the purpose of this grant program, 103536  
an eligible recipient or any firefighting entity that is 103537  
contracted to serve an eligible recipient may only file, be listed 103538  
as joint applicant, or be designated as a service provider on one 103539  
grant application per fiscal year. 103540

If the grant awarded to joint applicants is an equipment 103541  
grant and the equipment to be purchased cannot be readily 103542  
distributed or possessed by multiple recipients, each of the joint 103543  
applicants shall be awarded by the State Fire Marshal an ownership 103544  
interest in the equipment so purchased in proportion to each 103545  
applicant's contribution to and demonstrated need for fire 103546  
protection services. The joint applicants shall then mutually 103547  
agree on how the equipment is to be maintained, operated, stored, 103548  
or disposed of. If, for any reason, the joint applicants cannot 103549  
agree as to how jointly owned equipment is to be maintained, 103550  
operated, stored, or disposed of or any of the joint applicants no 103551  
longer maintain a contract with the same fire protection service 103552  
provider as the other applicants, then the joint applicants shall, 103553  
with the assistance of the State Fire Marshal, mutually agree as 103554  
to how the jointly owned equipment is to be maintained, operated, 103555  
stored, disposed of, or owned. If the joint applicants cannot 103556  
agree how the grant equipment is to be maintained, operated, 103557  
stored, disposed of, or owned, the State Fire Marshal may, in its 103558  
discretion, require all of the equipment acquired by the joint 103559  
applicants with grant funds to be returned to the State Fire 103560  
Marshal. The State Fire Marshal may then award the returned 103561  
equipment to any eligible recipients. For this paragraph only, an 103562  
"equipment grant" also includes a MARCS Grant. 103563

(B) Except as otherwise provided in this section, the grants shall be used by recipients to purchase firefighting or rescue equipment or gear or similar items, to provide full or partial reimbursement for the documented costs of firefighter training, or, at the discretion of the State Fire Marshal, to cover fire department costs for providing fire protection services in that grant recipient's jurisdiction.

(1) Of the foregoing appropriation item 800639, Fire Department Grants, up to \$1,000,000 per fiscal year may be used to pay for the State Fire Marshal's costs of providing firefighter I certification classes or other firefighter classes approved by the State Fire Marshal at no cost to selected students attending the Ohio Fire Academy or other class providers approved by the State Fire Marshal. The State Fire Marshal may establish the qualifications and selection processes for students to attend such classes by written policy, and such students shall be considered eligible recipients of fire department grants for the purposes of this portion of the grant program.

(2) Of the foregoing appropriation item 800639, Fire Department Grants, up to \$3,000,000 in each fiscal year may be used for MARCS Grants. MARCS Grants may be used for the payment of user access fees by the eligible recipient to cover costs for accessing MARCS.

For purposes of this section, a MARCS Grant is a grant for systems, equipment, or services that are a part of, integrated into, or otherwise interoperable with the Multi-Agency Radio Communication System (MARCS) operated by the state.

MARCS Grant awards may be up to \$50,000 in each fiscal year per eligible recipient. Each eligible recipient may apply, as a separate entity or as a part of a joint application, for only one MARCS Grant per fiscal year. The State Fire Marshal may give a preference to MARCS Grants that will enhance the overall

interoperability and effectiveness of emergency communication 103596  
networks in the geographic region that includes and that is 103597  
adjacent to the applicant. 103598

Eligible recipients that are or were awarded fire department 103599  
grants that are not MARCS Grants may also apply for and receive 103600  
MARCS Grants in accordance with criteria for the awarding of grant 103601  
funds established by the State Fire Marshal. 103602

(3) Grant awards for firefighting or rescue equipment or gear 103603  
or for fire department costs of providing fire protection services 103604  
shall be up to \$15,000 per fiscal year, or up to \$25,000 per 103605  
fiscal year if an eligible entity serves a jurisdiction in which 103606  
the Governor declared a natural disaster during the preceding or 103607  
current fiscal year in which the grant was awarded. In addition to 103608  
any grant funds awarded for rescue equipment or gear, or for fire 103609  
department costs associated with the provision of fire protection 103610  
services, an eligible entity may receive a grant for up to \$15,000 103611  
per fiscal year for full or partial reimbursement of the 103612  
documented costs of firefighter training. For each fiscal year, 103613  
the State Fire Marshal shall determine the total amounts to be 103614  
allocated for each eligible purpose. 103615

(C) The grants shall be administered by the State Fire 103616  
Marshal in accordance with rules the State Fire Marshal adopts as 103617  
part of the state fire code adopted pursuant to section 3737.82 of 103618  
the Revised Code that are necessary for the administration and 103619  
operation of the grant program. The rules may further define the 103620  
entities eligible to receive grants and establish criteria for the 103621  
awarding and expenditure of grant funds, including methods the 103622  
State Fire Marshal may use to verify the proper use of grant funds 103623  
or to obtain reimbursement for or the return of equipment for 103624  
improperly used grant funds. To the extent consistent with this 103625  
section and until the rules are updated, the existing rules in the 103626  
state fire code adopted pursuant to section 3737.82 of the Revised 103627

Code for fire department grants under this section apply to MARCS 103628  
Grants. Any amounts in appropriation item 800639, Fire Department 103629  
Grants, in excess of the amount allocated for these grants may be 103630  
used for the administration of the grant program. 103631

INDUSTRIAL COMPLIANCE 103632

Of the foregoing appropriation item 800615, Industrial 103633  
Compliance, \$1,200,000 in each fiscal year shall be used for the 103634  
Bureau of Wage and Hour Administration within the Division of the 103635  
Industrial Compliance. 103636

**Section 243.30.** CASH TRANSFERS TO DIVISION OF REAL ESTATE 103637  
OPERATING FUND 103638

Upon the written request of the Director of Commerce, and 103639  
subject to the approval of the Controlling Board, the Director of 103640  
Budget and Management may transfer up to \$500,000 in cash from the 103641  
Real Estate Education and Research Fund (Fund 5470) to the 103642  
Division of Real Estate Operating Fund (Fund 5490) during the 103643  
biennium ending June 30, 2021. 103644

If the Real Estate Recovery Fund (Fund 5480) cash balance 103645  
exceeds \$250,000 during the biennium ending June 30, 2021, the 103646  
Director of Budget and Management, upon the written request of the 103647  
Director of Commerce and subject to the approval of the 103648  
Controlling Board, may transfer cash from Fund 5480 to the 103649  
Division of Real Estate Operating Fund (Fund 5490), such that the 103650  
amount available in Fund 5480 is not less than \$250,000. 103651

CASH TRANSFERS TO REAL ESTATE APPRAISER OPERATING FUND 103652

If the Real Estate Appraiser Recovery Fund (Fund 4B20) cash 103653  
balance exceeds \$200,000 during the biennium ending June 30, 2021, 103654  
the Director of Budget and Management, upon the written request of 103655  
the Director of Commerce and subject to the approval of the 103656  
Controlling Board, may transfer cash from Fund 4B20 to the Real 103657

Estate Appraiser Operating Fund (Fund 6A40), such that the amount 103658  
 available in Fund 4B20 is not less than \$200,000. 103659

CASH TRANSFERS TO SMALL GOVERNMENT FIRE DEPARTMENT SERVICES 103660  
 REVOLVING LOAN FUND 103661

Upon the written request of the Director of Commerce, and 103662  
 subject to the approval of the Controlling Board, the Director of 103663  
 Budget and Management may transfer up to \$300,000 in cash from the 103664  
 State Fire Marshal Fund (Fund 5460) to the Small Government Fire 103665  
 Department Services Revolving Loan Fund (Fund 5F10) during the 103666  
 biennium ending June 30, 2021. 103667

CASH TRANSFERS TO THE HOME INSPECTOR OPERATING FUND AND THE 103668  
 HOME INSPECTOR RECOVERY FUND 103669

During the biennium beginning July 1, 2019, and ending June 103670  
 30, 2021, upon written request from the Director of Commerce, and 103671  
 subject to the approval of the Controlling Board, the Director of 103672  
 Budget and Management may transfer up to \$500,000 in cash from the 103673  
 Division of Securities Fund (Fund 5500) as follows: up to \$490,000 103674  
 in cash to the Home Inspector Operating Fund (Fund 5VC0) and up to 103675  
 \$10,000 in cash to the Home Inspector Recovery Fund (Fund 5VD0). 103676  
 When revenue deposited into Fund 5VC0 and Fund 5VD0 are deemed 103677  
 sufficient to sustain operations, the Director of Budget and 103678  
 Management, in consultation with the Director of Commerce, shall 103679  
 establish a repayment schedule to fully repay the cash transferred 103680  
 from Fund 5500 to Fund 5VC0 and Fund 5VD0. 103681

**Section 245.10. OCC OFFICE OF CONSUMERS' COUNSEL 103682**

Dedicated Purpose Fund Group 103683

5F50 053601 Operating Expenses \$ 5,541,093 \$ 5,541,093 103684

TOTAL DPF Dedicated Purpose Fund \$ 5,541,093 \$ 5,541,093 103685

Group

TOTAL ALL BUDGET FUND GROUPS \$ 5,541,093 \$ 5,541,093 103686

<b>Section 247.10. CEB CONTROLLING BOARD</b>	103688
Internal Service Activity Fund Group	103689
5KM0 911614 Controlling Board \$ 7,500,000 \$ 7,500,000	103690
Emergency	
Purposes/Contingencies	
TOTAL ISA Internal Service Activity \$ 7,500,000 \$ 7,500,000	103691
Fund Group	
TOTAL ALL BUDGET FUND GROUPS \$ 7,500,000 \$ 7,500,000	103692
<b>Section 247.20. FEDERAL SHARE</b>	103694
In transferring appropriations to or from appropriation items	103695
that have federal shares identified in this act, the Controlling	103696
Board shall add or subtract corresponding amounts of federal	103697
matching funds at the percentages indicated by the state and	103698
federal division of the appropriations in this act. Such changes	103699
are hereby appropriated.	103700
DISASTER SERVICES	103701
The Disaster Services Fund (Fund 5E20) shall be used by the	103702
Controlling Board, pursuant to requests submitted by state	103703
agencies, to transfer cash used for the payment of state agency	103704
disaster relief program expenses for disasters that have a written	103705
Governor's authorization, if the Director of Budget and Management	103706
determines that sufficient funds exist.	103707
Pursuant to requests submitted by the Department of Public	103708
Safety, the Controlling Board may approve cash transfers from Fund	103709
5E20 to any fund used by the Department of Public Safety to	103710
provide for assistance to political subdivisions made necessary by	103711
natural disasters or emergencies. These cash transfers may be	103712
requested and approved prior to the occurrence of any specific	103713
natural disasters or emergencies in order to facilitate the	103714
provision of timely assistance. The Emergency Management Agency of	103715

the Department of Public Safety shall use the cash to fund the 103716  
State Disaster Relief Program for disasters that qualify for the 103717  
program by written authorization of the Governor, and the State 103718  
Individual Assistance Program for disasters that been declared by 103719  
the federal Small Business Administration and that qualify for the 103720  
program by written authorization from the Governor. The Ohio 103721  
Emergency Management Agency shall publish and make available 103722  
application packets outlining procedures for the State Disaster 103723  
Relief Program and the State Individual Assistance Program. 103724

**Section 249.10.** COS COSMETOLOGY AND BARBER BOARD 103725

Dedicated Purpose Fund Group 103726  
4K90 879609 Operating Expenses \$ 5,425,748 \$ 5,716,944 103727  
TOTAL DPF Dedicated Purpose Fund \$ 5,425,748 \$ 5,716,944 103728  
Group  
TOTAL ALL BUDGET FUND GROUPS \$ 5,425,748 \$ 5,716,944 103729

**Section 251.10.** CSW COUNSELOR, SOCIAL WORKER, AND MARRIAGE 103731

AND FAMILY THERAPIST BOARD 103732  
Dedicated Purpose Fund Group 103733  
4K90 899609 Operating Expenses \$ 1,739,538 \$ 1,854,848 103734  
TOTAL DPF Dedicated Purpose Fund \$ 1,739,538 \$ 1,854,848 103735  
Group  
TOTAL ALL BUDGET FUND GROUPS \$ 1,739,538 \$ 1,854,848 103736

**Section 253.10.** CLA COURT OF CLAIMS 103738

General Revenue Fund 103739  
GRF 015321 Operating Expenses \$ 2,669,835 \$ 2,692,946 103740  
GRF 015403 Public Records \$ 879,776 \$ 886,527 103741  
Adjudication  
TOTAL GRF General Revenue Fund \$ 3,549,611 \$ 3,579,473 103742  
Dedicated Purpose Fund Group 103743

5K20	015603	CLA Victims of Crime	\$	529,928	\$	533,532	103744
5TE0	015604	Public Records	\$	8,000	\$	8,000	103745
TOTAL DPF	Dedicated Purpose Fund		\$	537,928	\$	541,532	103746
Group							
TOTAL ALL BUDGET FUND GROUPS			\$	4,087,539	\$	4,121,005	103747

**Section 255.10.** DEN STATE DENTAL BOARD 103749

Dedicated Purpose Fund Group							103750
4K90	880609	Operating Expenses	\$	2,000,804	\$	2,124,251	103751
TOTAL DPF	Dedicated Purpose Fund		\$	2,000,804	\$	2,124,251	103752
Group							
TOTAL ALL BUDGET FUND GROUPS			\$	2,000,804	\$	2,124,251	103753

**Section 257.10.** BDP BOARD OF DEPOSIT 103755

Dedicated Purpose Fund Group							103756
4M20	974601	Board of Deposit	\$	1,876,000	\$	1,876,000	103757
TOTAL DPF	Dedicated Purpose Fund		\$	1,876,000	\$	1,876,000	103758
Group							
TOTAL ALL BUDGET FUND GROUPS			\$	1,876,000	\$	1,876,000	103759

**BOARD OF DEPOSIT EXPENSE FUND** 103760

Upon receiving certification of expenses from the Treasurer 103761  
of State, the Director of Budget and Management shall transfer 103762  
cash from the Investment Earnings Redistribution Fund (Fund 6080) 103763  
to the Board of Deposit Expense Fund (Fund 4M20). The latter fund 103764  
shall be used pursuant to section 135.02 of the Revised Code to 103765  
pay for any and all necessary expenses of the Board of Deposit or 103766  
for banking charges and fees required for the operation of the 103767  
State of Ohio Regular Account. 103768

**Section 259.10.** DEV DEVELOPMENT SERVICES AGENCY 103769

General Revenue Fund							103770
GRF	195402	Coal Research and	\$	227,368	\$	227,368	103771



		Development Program					
GRF	195405	Minority Business	\$	1,696,358	\$	1,696,358	103772
		Development					
GRF	195415	Business Development	\$	2,102,021	\$	2,149,281	103773
		Services					
GRF	195426	Redevelopment	\$	1,067,000	\$	1,067,000	103774
		Assistance					
GRF	195453	Technology Programs	\$	2,040,056	\$	2,096,400	103775
		and Grants					
GRF	195454	Small Business and	\$	3,057,174	\$	3,057,174	103776
		Export Assistance					
GRF	195455	Appalachia Assistance	\$	14,991,465	\$	15,000,000	103777
GRF	195497	CDBG Operating Match	\$	1,092,138	\$	1,125,000	103778
GRF	195499	BSD Federal Programs	\$	13,148,022	\$	12,976,894	103779
		Match					
GRF	195501	iBELIEVE	\$	200,000	\$	200,000	103780
GRF	195503	Local Development	\$	2,373,000	\$	825,000	103781
		Projects					
GRF	195520	Ohio Main Street	\$	500,000	\$	0	103782
		Program					
GRF	195537	Ohio-Israel	\$	250,000	\$	250,000	103783
		Agricultural					
		Initiative					
GRF	195553	Industry Sector	\$	2,500,000	\$	2,500,000	103784
		Partnerships					
GRF	195556	TechCred Program	\$	9,400,000	\$	7,950,000	103785
GRF	195901	Coal Research and	\$	8,123,100	\$	7,682,600	103786
		Development General					
		Obligation Bond Debt					
		Service					
GRF	195905	Third Frontier	\$	84,181,400	\$	87,403,000	103787
		Research and					
		Development General					

		Obligation Bond Debt Service				
GRF	195912	Job Ready Site	\$	15,516,000	\$	9,879,900 103788
		Development General Obligation Bond Debt Service				
TOTAL GRF		General Revenue Fund	\$	162,465,102	\$	156,085,975 103789
		Dedicated Purpose Fund Group				103790
4500	195624	Minority Business Bonding Program Administration	\$	74,905	\$	74,905 103791
4510	195649	Business Assistance Programs	\$	4,000,000	\$	4,000,000 103792
4F20	195639	State Special Projects	\$	102,104	\$	102,104 103793
4F20	195699	Utility Community Assistance	\$	500,000	\$	500,000 103794
4W10	195646	Minority Business Enterprise Loan	\$	4,000,000	\$	4,000,000 103795
5HR0	195606	TechCred Program	\$	5,600,000	\$	7,050,000 103796
5HR0	195622	Defense Development Assistance	\$	1,000,000	\$	1,000,000 103797
5JR0	195635	Tax Incentives Operating	\$	800,000	\$	800,000 103798
5KP0	195645	Historic Rehabilitation Operating	\$	1,000,000	\$	1,000,000 103799
5M40	195659	Low Income Energy Assistance (USF)	\$	349,944,742	\$	350,000,000 103800
5M50	195660	Advanced Energy Loan Programs	\$	10,000,000	\$	10,000,000 103801
5MH0	195644	SiteOhio Administration	\$	2,500	\$	2,500 103802
5MJ0	195683	TourismOhio	\$	10,000,000	\$	10,000,000 103803

		Administration					
5UL0	195627	Brownfields Revolving	\$	2,500,000	\$	2,500,000	103804
		Loan Program					
5UY0	195496	Sports Events Grants	\$	5,000,000	\$	0	103805
5W60	195691	International Trade	\$	18,000	\$	18,000	103806
		Cooperative Projects					
6170	195654	Volume Cap	\$	32,562	\$	32,562	103807
		Administration					
6460	195638	Low- and Moderate-	\$	55,250,000	\$	55,250,000	103808
		Income Housing					
		Programs					
M087	195435	Biomedical Research	\$	500,000	\$	500,000	103809
		and Technology					
		Transfer					
TOTAL DPF		Dedicated Purpose Fund	\$	450,324,813	\$	446,830,071	103810
Group							
Internal Service Activity Fund Group							103811
1350	195684	Development Services	\$	11,686,861	\$	12,000,000	103812
		Operations					
6850	195636	Development Services	\$	125,000	\$	125,000	103813
		Reimbursable					
		Expenditures					
TOTAL ISA		Internal Service Activity	\$	11,811,861	\$	12,125,000	103814
Fund Group							
Facilities Establishment Fund Group							103815
4Z60	195647	Rural Industrial Park	\$	25,000,000	\$	0	103816
		Loan					
5S90	195628	Capital Access Loan	\$	2,500,000	\$	2,500,000	103817
		Program					
7009	195664	Innovation Ohio	\$	5,200,000	\$	4,800,000	103818
7010	195665	Research and	\$	5,000,000	\$	5,000,000	103819
		Development					

7037	195615	Facilities	\$	25,000,000	\$	25,000,000	103820
		Establishment					
TOTAL FCE		Facilities Establishment	\$	62,700,000	\$	37,300,000	103821
Fund Group							
Bond Research and Development Fund Group							103822
7011	195686	Third Frontier Tax	\$	750,000	\$	750,000	103823
		Exempt - Operating					
7011	195687	Third Frontier	\$	21,000,000	\$	21,000,000	103824
		Research and					
		Development Projects					
7014	195620	Third Frontier	\$	1,710,000	\$	1,710,000	103825
		Taxable - Operating					
7014	195692	Research and	\$	90,850,250	\$	90,850,250	103826
		Development Taxable					
		Bond Projects					
TOTAL BRD		Bond Research and	\$	114,310,250	\$	114,310,250	103827
Development Fund Group							
Federal Fund Group							103828
3080	195603	Housing Assistance	\$	12,000,000	\$	12,000,000	103829
		Programs					
3080	195609	Small Business	\$	5,271,381	\$	5,271,381	103830
		Administration Grants					
3080	195618	Energy Grants	\$	4,000,000	\$	4,000,000	103831
3080	195670	Home Weatherization	\$	20,000,000	\$	20,000,000	103832
		Program					
3080	195671	Brownfield	\$	2,000,000	\$	2,000,000	103833
		Redevelopment					
3080	195672	Manufacturing	\$	6,300,000	\$	6,300,000	103834
		Extension Partnership					
3080	195675	Procurement Technical	\$	750,000	\$	750,000	103835
		Assistance					
3080	195696	State Trade and	\$	1,000,000	\$	1,000,000	103836

		Export Promotion					
3350	195610	Energy Programs	\$	345,382	\$	350,000	103837
3AE0	195643	Workforce Development	\$	800,000	\$	800,000	103838
		Initiatives					
3FJ0	195626	Small Business	\$	7,996,645	\$	8,000,000	103839
		Capital Access and					
		Collateral					
		Enhancement Program					
3FJ0	195661	Technology Targeted	\$	2,260,953	\$	2,260,953	103840
		Investment Program					
3K80	195613	Community Development	\$	60,000,000	\$	60,000,000	103841
		Block Grant					
3K90	195611	Home Energy	\$	164,914,571	\$	165,000,000	103842
		Assistance Block					
		Grant					
3K90	195614	HEAP Weatherization	\$	34,989,189	\$	35,000,000	103843
3L00	195612	Community Services	\$	28,000,000	\$	28,000,000	103844
		Block Grant					
3V10	195601	HOME Program	\$	34,979,280	\$	35,000,000	103845
TOTAL FED	Federal Fund Group		\$	385,607,401	\$	385,732,334	103846
TOTAL ALL BUDGET FUND GROUPS			\$	1,187,219,427	\$	1,152,383,630	103847

**Section 259.20. COAL RESEARCH AND DEVELOPMENT PROGRAM** 103849

The foregoing appropriation item 195402, Coal Research and 103850  
 Development Program, shall be used for the operating expenses of 103851  
 the Community Services Division in support of the Ohio Coal 103852  
 Development Office. 103853

**MINORITY BUSINESS DEVELOPMENT** 103854

The foregoing appropriation item 195405, Minority Business 103855  
 Development, shall be used to support the activities of the 103856  
 Minority Business Development Division, including providing grants 103857  
 to local nonprofit organizations to support economic development 103858

activities that promote minority business development, in 103859  
conjunction with local organizations funded through appropriation 103860  
item 195454, Small Business and Export Assistance. 103861

BUSINESS DEVELOPMENT SERVICES 103862

The foregoing appropriation item 195415, Business Development 103863  
Services, shall be used for the operating expenses of the Office 103864  
of Strategic Business Investments and the regional economic 103865  
development offices. 103866

REDEVELOPMENT ASSISTANCE 103867

The foregoing appropriation item 195426, Redevelopment 103868  
Assistance, shall be used to fund the costs of administering the 103869  
energy, redevelopment, and other revitalization programs that may 103870  
be implemented by the Development Services Agency, and may be used 103871  
to match federal grant funding. 103872

TECHNOLOGY PROGRAMS AND GRANTS 103873

Of the foregoing appropriation item 195453, Technology 103874  
Programs and Grants, \$1,843,656 in fiscal year 2020 and \$1,900,000 103875  
in fiscal year 2021 shall be used for operating expenses incurred 103876  
in administering the Ohio Third Frontier Programs and other 103877  
technology focused programs that may be implemented by the 103878  
Development Services Agency. 103879

Of the foregoing appropriation item 195453, Technology 103880  
Programs and Grants, \$196,400 in each fiscal year shall be 103881  
allocated to the Edison Welding Institute, Inc., to support the 103882  
Aerospace Maintenance Repair and Overhaul - Center of Excellence 103883  
Project. 103884

SMALL BUSINESS AND EXPORT ASSISTANCE 103885

The foregoing appropriation item 195454, Small Business and 103886  
Export Assistance, may be used to provide a range of business 103887  
assistance, including grants to local organizations to support 103888

economic development activities that promote small business 103889  
development, entrepreneurship, and exports of Ohio's goods and 103890  
services, in conjunction with local organizations funded through 103891  
appropriation item 195405, Minority Business Development. The 103892  
foregoing appropriation item shall also be used as matching funds 103893  
for grants from the United States Small Business Administration 103894  
and other federal agencies, pursuant to Pub. L. No. 96-302 as 103895  
amended by Pub. L. No. 98-395, and regulations and policy 103896  
guidelines for the programs pursuant thereto. 103897

APPALACHIA ASSISTANCE 103898

The foregoing GRF appropriation item 195455, Appalachia 103899  
Assistance, may be used for the administrative costs of planning 103900  
and liaison activities for the Governor's Office of Appalachia, to 103901  
provide financial assistance to projects in Ohio's Appalachian 103902  
counties, to support four local development districts, and to pay 103903  
dues for the Appalachian Regional Commission. These funds may be 103904  
used to match federal funds from the Appalachian Regional 103905  
Commission. Programs funded through the foregoing appropriation 103906  
item 195455, Appalachia Assistance, shall be identified and 103907  
recommended by the local development districts and approved by the 103908  
Governor's Office of Appalachia. The Development Services Agency 103909  
shall conduct compliance and regulatory review of the programs 103910  
recommended by the local development districts. Moneys allocated 103911  
under the foregoing appropriation item 195455, Appalachia 103912  
Assistance, may be used to fund projects including, but not 103913  
limited to, those designated by the local development districts as 103914  
community investment and rapid response projects. 103915

Of the foregoing appropriation item 195455, Appalachia 103916  
Assistance, in each fiscal year, \$170,000 shall be allocated to 103917  
the Ohio Valley Regional Development Commission, \$170,000 shall be 103918  
allocated to the Ohio Mid-Eastern Government Association, \$170,000 103919  
shall be allocated to the Buckeye Hills-Hocking Valley Regional 103920

Development District, and \$70,000 shall be allocated to the 103921  
Eastgate Regional Council of Governments. Local development 103922  
districts receiving funding under this section shall use the funds 103923  
for the implementation and administration of programs and duties 103924  
under section 107.21 of the Revised Code. 103925

Of the foregoing appropriation item 195455, Appalachia 103926  
Assistance, up to \$4,000,000 in each fiscal year shall be 103927  
allocated to the GRIT Project for operational costs and to provide 103928  
virtual job training, virtual job centers, and related training 103929  
and services consistent with the mission of the GRIT Project for 103930  
high school students and adults residing in Adams, Brown, 103931  
Highland, Pike, or Scioto counties. 103932

Of the foregoing appropriation item 195455, Appalachia 103933  
Assistance, \$5,000,000 in each fiscal year shall be allocated to 103934  
the Foundation for Appalachian Ohio. 103935

CDBG OPERATING MATCH 103936

The foregoing appropriation item 195497, CDBG Operating 103937  
Match, shall be used as matching funds for grants from the United 103938  
States Department of Housing and Urban Development pursuant to the 103939  
Housing and Community Development Act of 1974 and regulations and 103940  
policy guidelines for the programs pursuant thereto. 103941

BSD FEDERAL PROGRAMS MATCH 103942

The foregoing appropriation item 195499, BSD Federal Programs 103943  
Match, shall be used as matching funds for grants from the U.S. 103944  
Department of Commerce, National Institute of Standards and 103945  
Technology (NIST) Manufacturing Extension Partnership Program and 103946  
Defense Logistics Agency Procurement Technical Assistance Program, 103947  
and other federal agencies, pursuant to Pub. L. No. 96-302 as 103948  
amended by Pub. L. No. 98-395, and regulations and policy 103949  
guidelines for the programs pursuant thereto. The foregoing 103950  
appropriation item 195499, BSD Federal Programs Match, shall also 103951



be used for operating expenses of the Business Services Division. 103952

iBELIEVE 103953

The foregoing appropriation item 195501, iBELIEVE, shall be 103954  
allocated to the iBELIEVE Foundation to provide opportunities for 103955  
Appalachian youth to develop twenty-first century skills, 103956  
including leadership, communication, and problem-solving for 103957  
college access and retention. 103958

LOCAL DEVELOPMENT PROJECTS 103959

Of the foregoing appropriation item 195503, Local Development 103960  
Projects, \$1,000,000 shall be used in fiscal year 2020 to provide 103961  
matching funding for the National Center for Defense Manufacturing 103962  
and Machining in partnership with either the U.S. Department of 103963  
Defense or the U.S. Department of Energy to further economic 103964  
opportunity at America Makes, the National Additive Manufacturing 103965  
Innovation Institute. 103966

Of the foregoing appropriation item 195503, \$300,000 in each 103967  
fiscal year shall be allocated to the Eastern Ohio Military 103968  
Affairs Commission to support the Camp James A. Garfield Joint 103969  
Military Training Center and the Youngstown Air Reserve Station. 103970

Of the foregoing appropriation item 195503, Local Development 103971  
Projects, \$250,000 in each fiscal year shall be allocated to 103972  
Cleveland Neighborhood Progress to support the Cleveland Chain 103973  
Reaction Project. 103974

Of the foregoing appropriation item 195503, Local Development 103975  
Projects, \$150,000 in each fiscal year shall be allocated to the 103976  
Stark County Minority Business Association to work in partnership 103977  
with the Canton Regional Chamber of Commerce to support a 103978  
demonstration pilot project. 103979

Of the foregoing appropriation item 195503, Local Development 103980  
Projects, \$125,000 in each fiscal year shall be allocated to 103981

BioEnterprise Corporation. 103982

Of the foregoing appropriation item 195503, Local Development 103983  
Projects, \$325,000 in fiscal year 2020 shall be allocated to the 103984  
Euclid Shore Cultural Center for window replacement. 103985

Of the foregoing appropriation item 195503, Local Development 103986  
Projects, \$150,000 in fiscal year 2020 shall be allocated to the 103987  
Euclid YMCA for asbestos removal. 103988

Of the foregoing appropriation item 195503, Local Development 103989  
Projects, \$58,000 in fiscal year 2020 shall be allocated to the 103990  
City of Maple Heights to support the Maple Heights Aquatic 103991  
Facility Project. 103992

Of the foregoing appropriation item 195503, Local Development 103993  
Projects, \$15,000 shall be allocated in fiscal year 2020, to the 103994  
Jewish Foundation of Cincinnati to support workforce development 103995  
costs involved with assisting in employment services for the 103996  
financially indigent. 103997

On July 1, 2020, or as soon as possible thereafter, the 103998  
Director of Development Services shall certify to the Director of 103999  
Budget and Management the amount of the unexpended, unencumbered 104000  
balance of appropriation item 195503, Local Development Projects, 104001  
to be reappropriated in fiscal year 2021. The amount certified is 104002  
hereby reappropriated to the appropriation item in fiscal year 104003  
2021 for the same purpose. 104004

OHIO MAIN STREET PROGRAM 104005

The foregoing appropriation item 195520, Ohio Main Street 104006  
Program, shall be allocated to Heritage Ohio to support the Ohio 104007  
Main Street Program. 104008

OHIO-ISRAEL AGRICULTURAL INITIATIVE 104009

The foregoing appropriation item 195537, Ohio-Israel 104010  
Agricultural Initiative, shall be used for the Ohio-Israel 104011

Agricultural Initiative. The appropriation shall not be used for	104012
travel and entertainment expenses incurred under the initiative.	104013
TECHCRED PROGRAM	104014
The foregoing appropriation item 195556, TechCred Program,	104015
shall be used for the TechCred Program.	104016
<b>Section 259.25. COAL RESEARCH AND DEVELOPMENT GENERAL</b>	104017
OBLIGATION BOND DEBT SERVICE	104018
The foregoing appropriation line item 195901, Coal Research	104019
and Development General Obligation Bond Debt Service, shall be	104020
used to pay all debt service and related financing costs during	104021
the period July 1, 2019, through June 30, 2021, on obligations	104022
issued under sections 151.01 and 151.07 of the Revised Code.	104023
THIRD FRONTIER RESEARCH AND DEVELOPMENT GENERAL OBLIGATION	104024
BOND DEBT SERVICE	104025
The foregoing appropriation item 195905, Third Frontier	104026
Research and Development General Obligation Bond Debt Service,	104027
shall be used to pay all debt service and related financing costs	104028
during the period from July 1, 2019, through June 30, 2021, on	104029
obligations issued under sections 151.01 and 151.10 of the Revised	104030
Code.	104031
JOB READY SITE DEVELOPMENT GENERAL OBLIGATION BOND DEBT	104032
SERVICE	104033
The foregoing appropriation item 195912, Job Ready Site	104034
Development General Obligation Bond Debt Service, shall be used to	104035
pay all debt service and related financing costs during the period	104036
from July 1, 2019, through June 30, 2021, on obligations issued	104037
under sections 151.01 and 151.11 of the Revised Code.	104038
<b>Section 259.30. MINORITY BUSINESS BONDING FUND</b>	104039
Notwithstanding Chapters 122., 169., and 175. of the Revised	104040

Code, the Director of Development Services may, upon the 104041  
recommendation of the Minority Development Financing Advisory 104042  
Board, pledge up to \$10,000,000 in the FY 2020-FY 2021 biennium of 104043  
unclaimed funds administered by the Director of Commerce and 104044  
allocated to the Minority Business Bonding Program under section 104045  
169.05 of the Revised Code. 104046

If needed for the payment of losses arising from the Minority 104047  
Business Bonding Program, the Director of Budget and Management 104048  
may, at the request of the Director of Development Services, 104049  
request that the Director of Commerce transfer unclaimed funds 104050  
that have been reported by holders of unclaimed funds under 104051  
section 169.05 of the Revised Code to the Minority Bonding Fund 104052  
(Fund 4490). The transfer of unclaimed funds shall only occur 104053  
after proceeds of the initial transfer of \$2,700,000 by the 104054  
Controlling Board to the Minority Business Bonding Program have 104055  
been used for that purpose. If expenditures are required for 104056  
payment of losses arising from the Minority Business Bonding 104057  
Program, such expenditures shall be made from appropriation item 104058  
195658, Minority Business Bonding Contingency in the Minority 104059  
Business Bonding Fund, and such amounts are hereby appropriated. 104060

BUSINESS ASSISTANCE PROGRAMS 104061

The foregoing appropriation item 195649, Business Assistance 104062  
Programs, shall be used for administrative expenses associated 104063  
with the operation of loan incentives within the Office of 104064  
Strategic Business Investments. 104065

STATE SPECIAL PROJECTS 104066

The State Special Projects Fund (Fund 4F20), may be used for 104067  
the deposit of private-sector funds from utility companies and for 104068  
the deposit of other miscellaneous state funds. State moneys so 104069  
deposited may also be used to match federal funding and to support 104070  
programs of the Community Service Division. 104071

MINORITY BUSINESS ENTERPRISE LOAN 104072

The foregoing appropriation item 195646, Minority Business 104073  
Enterprise Loan, shall be used for awards under the Minority 104074  
Business Enterprise Loan Program and to cover operating expenses 104075  
of the Minority Business Development Division. All repayments from 104076  
the Minority Development Financing Advisory Board Loan Program 104077  
shall be deposited in the State Treasury to the credit of the 104078  
Minority Business Enterprise Loan Fund (Fund 4W10). 104079

TECHCRED PROGRAM 104080

The foregoing appropriation item 195606, TechCred Program, 104081  
shall be used in conjunction with GRF appropriation item 195556, 104082  
TechCred Program, to support the TechCred Program. 104083

On July 1, 2019, or as soon as possible thereafter, the 104084  
Director of Budget and Management shall transfer \$5,600,000 cash 104085  
from the OhioMeansJobs Workforce Development Revolving Loan Fund 104086  
(Fund 5NH0) to the Ohio Incumbent Workforce Job Training Fund 104087  
(Fund 5HR0). 104088

On July 1, 2020, or as soon as possible thereafter, the 104089  
Director of Budget and Management shall transfer \$7,050,000 cash 104090  
from the OhioMeansJobs Workforce Development Revolving Loan Fund 104091  
(Fund 5NH0) to the Ohio Incumbent Workforce Job Training Fund 104092  
(Fund 5HR0). 104093

DEFENSE DEVELOPMENT ASSISTANCE 104094

The foregoing appropriation item 195622, Defense Development 104095  
Assistance, shall be allocated to Development Projects, Inc., for 104096  
economic development programs and the creation of new jobs to 104097  
leverage and support mission gains at Department of Defense and 104098  
related facilities in Ohio by working with future base realignment 104099  
and closure activities and ongoing Department of Defense 104100  
efficiency and partnership initiatives, assisting efforts to 104101  
secure Department of Defense support contracts for Ohio companies, 104102

assessing and supporting regional job training and workforce 104103  
development needs generated by the Department of Defense and the 104104  
Ohio aerospace industry, promoting technology transfer to Ohio 104105  
businesses, and for expanding job training and economic 104106  
development programs in human performance and cyber security 104107  
related initiatives. 104108

ADVANCED ENERGY LOAN PROGRAMS 104109

The foregoing appropriation item 195660, Advanced Energy Loan 104110  
Programs, shall be used to provide financial assistance to 104111  
customers for eligible advanced energy projects for residential, 104112  
commercial, and industrial business, local government, educational 104113  
institution, nonprofit, and agriculture customers. The 104114  
appropriation item may be used to match federal grant funding and 104115  
to pay for the program's administrative costs as provided in 104116  
sections 4928.61 to 4928.63 of the Revised Code and rules adopted 104117  
by the Director of Development Services. 104118

SPORTS EVENT GRANTS 104119

The foregoing appropriation item 195496, Sports Event Grants, 104120  
shall be used for grants as described in sections 122.12 and 104121  
122.121 of the Revised Code. 104122

SPORTS EVENT GRANTS REAPPROPRIATION 104123

On July 1, 2019, or as soon as possible thereafter, the 104124  
Director of Development Services shall certify to the Director of 104125  
Budget and Management the amount of the unexpended, unencumbered 104126  
balance of appropriation item 195496, Sports Event Grants, to be 104127  
reappropriated in fiscal year 2020. The amount certified is hereby 104128  
reappropriated to the appropriation item in fiscal year 2020 for 104129  
the same purpose. 104130

VOLUME CAP ADMINISTRATION 104131

The foregoing appropriation item 195654, Volume Cap 104132

Administration, shall be used for expenses related to the 104133  
administration of the Volume Cap Program. Revenues received by the 104134  
Volume Cap Administration Fund (Fund 6170) shall consist of 104135  
application fees, forfeited deposits, and interest earned from the 104136  
custodial account held by the Treasurer of State. 104137

**Section 259.40. DEVELOPMENT SERVICES OPERATIONS** 104138

The Director of Development Services may assess offices of 104139  
the agency for the cost of central service operations. An 104140  
assessment shall contain the characteristics of administrative 104141  
ease and uniform application. A division's payments shall be 104142  
credited to the Supportive Services Fund (Fund 1350) using an 104143  
intrastate transfer voucher. 104144

**DEVELOPMENT SERVICES REIMBURSABLE EXPENDITURES** 104145

The foregoing appropriation item 195636, Development Services 104146  
Reimbursable Expenditures, shall be used for reimbursable costs 104147  
incurred by the agency. Revenues to the General Reimbursement Fund 104148  
(Fund 6850) shall consist of moneys charged for administrative 104149  
costs that are not central service costs and repayments of loans, 104150  
including the interest thereon, made from the Water and Sewer Fund 104151  
(Fund 4440). 104152

**Section 259.50. CAPITAL ACCESS LOAN PROGRAM** 104153

The foregoing appropriation item 195628, Capital Access Loan 104154  
Program, shall be used for operating, program, and administrative 104155  
expenses of the program. Funds of the Capital Access Loan Program 104156  
shall be used to assist participating financial institutions in 104157  
making program loans to eligible businesses that face barriers in 104158  
accessing working capital and obtaining fixed-asset financing. 104159  
Loans financed with assistance under the Capital Access Loan 104160  
Program are subject to Controlling Board approval. 104161

The Director of Budget and Management may transfer an amount 104162

not to exceed \$1,000,000 cash in each fiscal year from the 104163  
Minority Business Enterprise Loan Fund (Fund 4W10) to the Capital 104164  
Access Loan Fund (Fund 5S90). This transfer is subject to 104165  
Controlling Board approval. 104166

INNOVATION OHIO 104167

The foregoing appropriation item 195664, Innovation Ohio, 104168  
shall be used to provide for Innovation Ohio purposes, including 104169  
loan guarantees and loans under Chapter 166. and particularly 104170  
sections 166.12 to 166.16 of the Revised Code. 104171

OSU NON-OPIATE, NON-ADDICTIVE PHARMACEUTICAL TREATMENT 104172

Of the foregoing appropriation item 195664, Innovation Ohio, 104173  
up to \$5,200,000 in fiscal year 2020 shall be used to offer a loan 104174  
to The Ohio State University for the development and clinical 104175  
evaluation of a non-opiate, non-addictive pharmaceutical treatment 104176  
intervention's efficacy to reduce a physician's reliance upon and 104177  
limit a patient's initial exposure to opioids, provided that the 104178  
loan is structured so that meeting benchmarks allows future 104179  
forgiveness of the loan. 104180

RESEARCH AND DEVELOPMENT 104181

The foregoing appropriation item 195665, Research and 104182  
Development, shall be used to provide for research and development 104183  
purposes, including loans, under Chapter 166. and particularly 104184  
sections 166.17 to 166.21 of the Revised Code. 104185

FACILITIES ESTABLISHMENT 104186

The foregoing appropriation item 195615, Facilities 104187  
Establishment, shall be used for the purposes of the Facilities 104188  
Establishment Fund (Fund 7037) under Chapter 166. of the Revised 104189  
Code. 104190

TRANSFERS FROM THE FACILITIES ESTABLISHMENT FUND 104191

Notwithstanding Chapter 166. of the Revised Code, on July 1, 104192



2019, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$25,000,000 cash from the Facilities Establishment Fund (Fund 7037) to the Rural Industrial Park Loan Fund (Fund 4Z60). The transfer is subject to Controlling Board approval under section 166.03 of the Revised Code.

Notwithstanding Chapter 166. of the Revised Code, an amount not to exceed \$3,500,000 in cash in each fiscal year may be transferred from the Facilities Establishment Fund (Fund 7037) to the Business Assistance Fund (Fund 4510). The transfer is subject to Controlling Board approval under division (B) of section 166.03 of the Revised Code.

Notwithstanding Chapter 166. of the Revised Code, the Director of Budget and Management may transfer an amount not to exceed \$2,000,000 in cash in each fiscal year from the Facilities Establishment Fund (Fund 7037) to the Minority Business Enterprise Loan Fund (Fund 4W10). This transfer is subject to Controlling Board approval.

Notwithstanding Chapter 166. of the Revised Code, the Director of Budget and Management may transfer an amount not to exceed \$2,000,000 in cash in each fiscal year from the Facilities Establishment Fund (Fund 7037) to the Capital Access Loan Fund (Fund 5S90). This transfer is subject to Controlling Board approval.

**Section 259.60. THIRD FRONTIER OPERATING COSTS**

The foregoing appropriation items 195686, Third Frontier Tax Exempt - Operating, and 195620, Third Frontier Taxable - Operating, shall be used for operating expenses incurred by the Development Services Agency in administering projects pursuant to sections 184.10 to 184.20 of the Revised Code. Operating expenses paid from appropriation item 195686 shall be limited to the administration of projects funded from the Third Frontier Research

& Development Fund (Fund 7011) and operating expenses paid from 104224  
appropriation item 195620 shall be limited to the administration 104225  
of projects funded from the Third Frontier Research & Development 104226  
Taxable Bond Project Fund (Fund 7014). 104227

THIRD FRONTIER RESEARCH & DEVELOPMENT TAXABLE AND TAX EXEMPT 104228  
PROJECTS 104229

The foregoing appropriation items 195687, Third Frontier 104230  
Research & Development Projects, and 195692, Research & 104231  
Development Taxable Bond Projects, shall be used by the 104232  
Development Services Agency to fund selected projects which may 104233  
include internship programs. Eligible costs are those costs of 104234  
research and development projects to which the proceeds of the 104235  
Third Frontier Research & Development Fund (Fund 7011) and the 104236  
Research & Development Taxable Bond Project Fund (Fund 7014) are 104237  
to be applied. 104238

TRANSFERS OF THIRD FRONTIER APPROPRIATIONS 104239

The Director of Budget and Management may approve written 104240  
requests from the Director of Development Services for the 104241  
transfer of appropriations between appropriation items 195687, 104242  
Third Frontier Research & Development Projects, and 195692, 104243  
Research & Development Taxable Bond Projects, based upon awards 104244  
recommended by the Third Frontier Commission. 104245

In fiscal year 2021, the Director of Development Services may 104246  
request that the Director of Budget and Management reappropriate 104247  
any unexpended, unencumbered balances of the prior fiscal year's 104248  
appropriation to the foregoing appropriation items 195687, Third 104249  
Frontier Research & Development Projects, and 195692, Research & 104250  
Development Taxable Bond Projects, for fiscal year 2021. The 104251  
Director of Budget and Management may request additional 104252  
information necessary for evaluating these requests, and the 104253  
Director of Development Services shall provide the requested 104254

information to the Director of Budget and Management. Based on the 104255  
information provided by the Director of Development Services, the 104256  
Director of Budget and Management shall determine the amounts to 104257  
be reappropriated, and those amounts are hereby reappropriated for 104258  
fiscal year 2021. 104259

**Section 259.70.** HEAP WEATHERIZATION 104260

Up to twenty per cent of the federal funds deposited to the 104261  
credit of the Home Energy Assistance Block Grant Fund (Fund 3K90) 104262  
may be expended from appropriation item 195614, HEAP 104263  
Weatherization, to provide home weatherization services in the 104264  
state as determined by the Director of Development Services. 104265

**Section 259.80.** LAKES IN ECONOMIC DISTRESS REVOLVING LOAN 104266  
PROGRAM 104267

On July 1, 2019, or as soon as possible thereafter, the 104268  
Director of Development Services shall certify to the Director of 104269  
Budget and Management the balance of the Lakes in Economic 104270  
Distress Revolving Loan Fund (Fund 5RQ0). The amount certified is 104271  
hereby reappropriated in FY 2020 to appropriation item 195546, 104272  
Lakes in Economic Distress Revolving Loan Program, for the same 104273  
purposes as described in section 122.641 of the Revised Code. 104274

**Section 261.10.** DDD DEPARTMENT OF DEVELOPMENTAL DISABILITIES 104275

General Revenue Fund 104276

GRF	320411	Special Olympics	\$	100,000	\$	100,000	104277
GRF	320412	Protective Services	\$	2,381,923	\$	2,381,923	104278
GRF	320415	Developmental	\$	19,695,400	\$	20,369,000	104279
		Disabilities					
		Facilities Lease					
		Rental Bond Payments					
GRF	322420	Screening and Early	\$	300,000	\$	300,000	104280

		Identification				
GRF	322421	Part C Early	\$	23,236,369	\$	23,302,224 104281
		Intervention				
GRF	322422	Multi System Youth	\$	1,000,000	\$	1,000,000 104282
GRF	322451	Family Support	\$	5,843,767	\$	5,843,767 104283
		Services				
GRF	322502	Community Program	\$	25,000	\$	25,000 104284
		Support				
GRF	322508	Employment First	\$	2,747,327	\$	2,730,015 104285
		Initiative				
GRF	322509	Community Supports &	\$	727,500	\$	727,500 104286
		Rental Assistance				
GRF	322510	Best Buddies Ohio	\$	125,000	\$	125,000 104287
GRF	653321	Medicaid Program	\$	7,076,877	\$	7,078,860 104288
		Support - State				
GRF	653407	Medicaid Services	\$	672,567,500	\$	687,978,323 104289
TOTAL GRF		General Revenue Fund	\$	735,826,663	\$	751,961,612 104290
		Dedicated Purpose Fund Group				104291
2210	322620	Supplement Service	\$	500,000	\$	500,000 104292
		Trust				
4890	653632	Developmental Centers	\$	7,000,000	\$	7,000,000 104293
		Direct Care Services				
5DK0	322629	Capital Replacement	\$	750,000	\$	750,000 104294
		Facilities				
5EV0	653627	Medicaid Program	\$	1,750,000	\$	1,750,000 104295
		Support				
5GE0	320606	Central Office	\$	18,501,132	\$	20,501,132 104296
		Operating Expenses				
5GE0	653606	ICF/IID and Waiver	\$	42,000,000	\$	60,100,000 104297
		Match				
5H00	322619	Medicaid Repayment	\$	900,000	\$	900,000 104298
5QM0	320607	System Transformation	\$	250,000	\$	100,000 104299
		Supports				

5S20	653622	Medicaid	\$	25,220,326	\$	27,237,952	104300
		Administration & Oversight					
5Z10	653624	County Board Waiver	\$	362,680,330	\$	426,668,369	104301
		Match					
TOTAL DPF		Dedicated Purpose Fund	\$	459,551,788	\$	545,507,453	104302
Group							
Internal Service Activity Fund Group							104303
1520	653609	DC and Residential	\$	8,719,347	\$	9,000,000	104304
		Facilities Operating Services					
TOTAL ISA		Internal Service Activity	\$	8,719,347	\$	9,000,000	104305
Fund Group							
Federal Fund Group							104306
3250	322612	Community Social	\$	26,997,635	\$	26,997,635	104307
		Service Programs					
3A40	653654	Medicaid Services	\$	2,015,287,585	\$	2,136,179,373	104308
3A40	653655	Medicaid Support	\$	66,915,330	\$	69,657,028	104309
3A50	320613	Developmental	\$	3,200,000	\$	3,200,000	104310
		Disabilities Council					
TOTAL FED		Federal Fund Group	\$	2,112,400,550	\$	2,236,034,036	104311
TOTAL ALL BUDGET FUND GROUPS			\$	3,316,498,348	\$	3,542,503,101	104312

**Section 261.15. SPECIAL OLYMPICS** 104314

The foregoing appropriation item 320411, Special Olympics, 104315  
shall be distributed to the Special Olympics of Ohio. 104316

**Section 261.20. DEVELOPMENTAL DISABILITIES FACILITIES** 104317

**LEASE-RENTAL BOND PAYMENTS** 104318

The foregoing appropriation item 320415, Developmental 104319  
Disabilities Facilities Lease Rental Bond Payments, shall be used 104320  
to meet all payments during the period from July 1, 2019, through 104321

June 30, 2021, by the Department of Developmental Disabilities 104322  
pursuant to leases and agreements made under section 154.20 of the 104323  
Revised Code. These appropriations are the source of funds pledged 104324  
for bond service charges on related obligations issued under 104325  
Chapter 154. of the Revised Code. 104326

**Section 261.30. SCREENING AND EARLY IDENTIFICATION** 104327

At the discretion of the Director of Developmental 104328  
Disabilities, the foregoing appropriation item 322420, Screening 104329  
and Early Identification, shall be used for professional and 104330  
program development related to early identification/screening and 104331  
intervention for children with autism and other complex 104332  
developmental disabilities and their families. 104333

**Section 261.35. PART C EARLY INTERVENTION** 104334

Of the foregoing appropriation item 322421, Part C Early 104335  
Intervention, \$750,000 in each fiscal year shall be used to 104336  
contract with the Cleveland Sight Center, the Cincinnati 104337  
Association for the Blind and Visually Impaired, and the Sight 104338  
Center of Northwest Ohio to provide early intervention services 104339  
and family support to children under the age of three years old 104340  
with blindness or low vision. 104341

**Section 261.40. FAMILY SUPPORT SERVICES SUBSIDY** 104342

The foregoing appropriation item 322451, Family Support 104343  
Services, may be used as follows in fiscal year 2020 and fiscal 104344  
year 2021: 104345

(A) The appropriation item may be used to provide a subsidy 104346  
to county boards of developmental disabilities for family support 104347  
services provided under section 5126.11 of the Revised Code. The 104348  
subsidy shall be paid in quarterly installments and allocated to 104349  
county boards according to a formula the Director of Developmental 104350

Disabilities shall develop in consultation with representatives of 104351  
county boards. A county board shall use not more than seven per 104352  
cent of its subsidy for administrative costs. 104353

(B) The appropriation item may be used to distribute funds to 104354  
county boards for the purpose of addressing economic hardships and 104355  
to promote efficiency of operations. In consultation with 104356  
representatives of county boards, the Director shall determine the 104357  
amount of funds to distribute for these purposes and the criteria 104358  
for distributing the funds. 104359

**Section 261.50. BEST BUDDIES OHIO** 104360

The foregoing appropriation item 322510, Best Buddies Ohio, 104361  
shall be provided to the Best Buddies Ohio program to support the 104362  
delivery and expansion of inclusion services throughout Ohio 104363  
colleges and communities. 104364

**Section 261.60. EMPLOYMENT FIRST INITIATIVE** 104365

The foregoing appropriation item 322508, Employment First 104366  
Initiative, shall be used to increase employment opportunities for 104367  
individuals with developmental disabilities through the Employment 104368  
First Initiative in accordance with section 5123.022 of the 104369  
Revised Code. 104370

Of the foregoing appropriation item, 322508, Employment First 104371  
Initiative, the Director of Developmental Disabilities shall 104372  
transfer, in each fiscal year, to the Opportunities for Ohioans 104373  
with Disabilities Agency an amount agreed upon by the Director of 104374  
Developmental Disabilities and the Executive Director of the 104375  
Opportunities for Ohioans with Disabilities Agency. The transfer 104376  
shall be made via an intrastate transfer voucher. The transferred 104377  
funds shall be used to support the Employment First Initiative. 104378  
The Opportunities for Ohioans with Disabilities Agency shall use 104379  
the funds transferred as state matching funds to obtain available 104380

federal grant dollars for vocational rehabilitation services. Any 104381  
federal match dollars received by the Opportunities for Ohioans 104382  
with Disabilities Agency shall be used for the initiative. The 104383  
Director of Developmental Disabilities and the Executive Director 104384  
of the Opportunities for Ohioans with Disabilities Agency shall 104385  
enter into an interagency agreement in accordance with section 104386  
3304.181 of the Revised Code that will specify the 104387  
responsibilities of each agency under the initiative. Under the 104388  
interagency agreement, the Opportunities for Ohioans with 104389  
Disabilities Agency shall retain responsibility for eligibility 104390  
determination, order of selection, plan approval, plan amendment, 104391  
and release of vendor payments. 104392

The remainder of appropriation item 322508, Employment First 104393  
Initiative, shall be used to develop a long-term, sustainable 104394  
system that places individuals with developmental disabilities in 104395  
community employment, as defined in section 5123.022 of the 104396  
Revised Code. 104397

**Section 261.70. COMMUNITY SUPPORTS AND RENTAL ASSISTANCE** 104398

The foregoing appropriation item 322509, Community Supports 104399  
and Rental Assistance, may be used by the Director of 104400  
Developmental Disabilities to provide funding to county boards of 104401  
developmental disabilities for rental assistance to individuals 104402  
with developmental disabilities receiving home and community-based 104403  
services as defined in section 5123.01 of the Revised Code 104404  
pursuant to section 5124.60 of the Revised Code or section 5124.69 104405  
of the Revised Code and individuals with developmental 104406  
disabilities who enroll in a Medicaid waiver component providing 104407  
home and community-based services after receiving preadmission 104408  
counseling pursuant to section 5124.68 of the Revised Code. The 104409  
Director shall establish the methodology for determining the 104410  
amount and distribution of such funding. 104411



<b>Section 261.75. COMMUNITY PROGRAM SUPPORT</b>	104412
The foregoing appropriation item 322502, Community Program Support, shall be distributed to the Halom House, Inc.	104413 104414
<b>Section 261.80. MEDICAID SERVICES</b>	104415
(A) As used in this section:	104416
(1) "Home and community-based services" has the same meaning as in section 5123.01 of the Revised Code.	104417 104418
(2) "ICF/IID services" has the same meaning as in section 5124.01 of the Revised Code.	104419 104420
(B) Except as provided in section 5123.0416 of the Revised Code, the purposes for which the foregoing appropriation item 653407, Medicaid Services, shall be used include the following:	104421 104422 104423
(1) Home and community-based services;	104424
(2) Implementation of the requirements of the agreement settling the consent decree in Sermak v. Manuel, Case No. C-2-80-220, United States District Court for the Southern District of Ohio, Eastern Division;	104425 104426 104427 104428
(3) Implementation of the requirements of the agreement settling the consent decree in the Martin v. Strickland, Case No. 89-CV-00362, United States District Court for the Southern District of Ohio, Eastern Division;	104429 104430 104431 104432
(4) ICF/IID services; and	104433
(5) Other programs as identified by the Director of Developmental Disabilities.	104434 104435
<b>Section 261.90. OPERATING AND SERVICES</b>	104436
Of the foregoing appropriation item 320606, Operating and Services, \$100,000 in each fiscal year shall be provided to the	104437 104438

Ohio Center for Autism and Low Incidence to establish a lifespan  
autism hub to support families and professionals. 104439  
104440

**Section 261.100.** NONFEDERAL MATCH FOR ACTIVE TREATMENT 104441  
SERVICES 104442

Any county funds received by the Department of Developmental 104443  
Disabilities from county boards of developmental disabilities for 104444  
active treatment shall be deposited in the Developmental 104445  
Disabilities Operating Fund (Fund 4890). 104446

**Section 261.110.** SYSTEM TRANSFORMATION SUPPORTS 104447

The foregoing appropriation item 320607, System 104448  
Transformation Supports, may be used by the Director of 104449  
Developmental Disabilities to fund system transformation 104450  
initiatives identified by the Director. 104451

**Section 261.120.** COMMUNITY SOCIAL SERVICE PROGRAMS 104452

A portion of the foregoing appropriation item 322612, 104453  
Community Social Service Programs, may be used by the Early 104454  
Intervention Services Advisory Council for the following purposes: 104455

(A) In addition to other necessary and allowed uses of funds 104456  
and in accordance with 20 U.S.C. 1441(d), the Early Intervention 104457  
Services Advisory Council established pursuant to section 104458  
5123.0422 of the Revised Code, may, in its discretion, use 104459  
budgeted funds to do all of the following: 104460

(1) Conduct forums and hearings; 104461

(2) Reimburse council members for reasonable and necessary 104462  
expenses, including child care expenses for parent 104463  
representatives, for attending council meetings and performing 104464  
council duties; 104465

(3) Pay compensation to a council member if the member is not 104466

employed or must forfeit wages from other employment when	104467
performing official council business;	104468
(4) Hire staff;	104469
(5) Obtain the services of professional, technical, and	104470
clerical personnel as necessary to carry out the performance of	104471
its lawful functions.	104472
(B) Except as provided in division (A) of this section,	104473
council members shall serve without compensation or reimbursement.	104474
<b>Section 261.130.</b> COUNTY BOARD SHARE OF WAIVER SERVICES	104475
As used in this section, "home and community-based services"	104476
has the same meaning as in section 5123.01 of the Revised Code.	104477
The Director of Developmental Disabilities shall establish a	104478
methodology to be used in fiscal year 2020 and fiscal year 2021 to	104479
estimate the quarterly amount each county board of developmental	104480
disabilities is to pay of the nonfederal share of home and	104481
community-based services that section 5126.0510 of the Revised	104482
Code requires county boards to pay. Each quarter, the Director	104483
shall submit to a county board written notice of the amount the	104484
county board is to pay for that quarter. The notice shall specify	104485
when the payment is due.	104486
<b>Section 261.140.</b> WITHHOLDING OF FUNDS OWED THE DEPARTMENT	104487
If a county board of developmental disabilities does not	104488
fully pay any amount owed to the Department of Developmental	104489
Disabilities by the due date established by the Department, the	104490
Director of Developmental Disabilities may withhold the amount the	104491
county board did not pay from any amounts due to the county board.	104492
The Director may use any appropriation item or fund used by the	104493
Department to transfer cash to any other fund used by the	104494
Department in an amount equal to the amount owed the Department	104495

that the county board did not pay. Transfers under this section 104496  
shall be made using an intrastate transfer voucher. 104497

**Section 261.150.** DEVELOPMENTAL CENTER BILLING FOR SERVICES 104498

Developmental centers of the Department of Developmental 104499  
Disabilities may provide services to persons with developmental 104500  
disabilities living in the community or to providers of services 104501  
to these persons. The Department may develop a method for recovery 104502  
of all costs associated with the provision of these services. 104503

**Section 261.160.** ODODD INNOVATIVE PILOT PROJECTS 104504

(A) In fiscal year 2020 and fiscal year 2021, the Director of 104505  
Developmental Disabilities may authorize the continuation or 104506  
implementation of one or more innovative pilot projects that, in 104507  
the judgment of the Director, are likely to assist in promoting 104508  
the objectives of Chapter 5123. or 5126. of the Revised Code. 104509  
Subject to division (B) of this section and notwithstanding any 104510  
provision of Chapters 5123. and 5126. of the Revised Code and any 104511  
rule adopted under either chapter, a pilot project authorized by 104512  
the Director may be continued or implemented in a manner 104513  
inconsistent with one or more provisions of either chapter or one 104514  
or more rules adopted under either chapter. Before authorizing a 104515  
pilot program, the Director shall consult with entities interested 104516  
in the issue of developmental disabilities, including the Ohio 104517  
Provider Resource Association, Ohio Association of County Boards 104518  
of Developmental Disabilities, Ohio Health Care Association/Ohio 104519  
Centers for Intellectual Disabilities, the Values and Faith 104520  
Alliance, and ARC of Ohio. 104521

(B) The Director may not authorize a pilot project to be 104522  
implemented in a manner that would cause the state to be out of 104523  
compliance with any requirements for a program funded in whole or 104524  
in part with federal funds. 104525

<b>Section 261.200. NONFEDERAL SHARE OF ICF/IID SERVICES</b>	104526
(A) As used in this section, "ICF/IID," "ICF/IID services," and "Medicaid-certified capacity" have the same meanings as in section 5124.01 of the Revised Code.	104527 104528 104529
(B) The Director of Developmental Disabilities shall pay the nonfederal share of a claim for ICF/IID services using funds specified in division (C) of this section if all of the following apply:	104530 104531 104532 104533
(1) Medicaid covers the ICF/IID services.	104534
(2) The ICF/IID services are provided to a Medicaid recipient to whom both of the following apply:	104535 104536
(a) The Medicaid recipient is eligible for the ICF/IID services;	104537 104538
(b) The Medicaid recipient does not occupy a bed in the ICF/IID that used to be included in the Medicaid-certified capacity of another ICF/IID certified by the Director of Health before June 1, 2003.	104539 104540 104541 104542
(3) The ICF/IID services are provided by an ICF/IID whose Medicaid certification by the Director of Health was initiated or supported by a county board of developmental disabilities.	104543 104544 104545
(4) The provider of the ICF/IID services has a valid Medicaid provider agreement for the services for the time that the services are provided.	104546 104547 104548
(C) When required by division (B) of this section to pay the nonfederal share of a claim, the Director of Developmental Disabilities shall use the following funds to pay the claim:	104549 104550 104551
(1) Funds available from appropriation item 653407, Medicaid Services, that the Director allocates to the county board that initiated or supported the Medicaid certification of the ICF/IID	104552 104553 104554

that provided the ICF/IID services for which the claim is made; 104555

(2) If the amount of funds used pursuant to division (C)(1) 104556  
of this section is insufficient to pay the claim in full, an 104557  
amount of funds that are needed to make up the difference and 104558  
available from amounts the Director allocates to other county 104559  
boards from appropriation item 653407, Medicaid Services. 104560

**Section 261.210. PAYMENT RATES FOR HOMEMAKER/PERSONAL CARE 104561**  
SERVICES PROVIDED TO QUALIFYING IO ENROLLEES 104562

(A) As used in this section: 104563

(1) "Converted facility" means an ICF/IID, or former ICF/IID, 104564  
that converted some or all of its beds to providing home and 104565  
community-based services under the IO Waiver pursuant to section 104566  
5124.60 of the Revised Code. 104567

(2) "Developmental center" and "ICF/IID" have the same 104568  
meanings as in section 5124.01 of the Revised Code. 104569

(3) "IO Waiver" means the Medicaid waiver component, as 104570  
defined in section 5166.01 of the Revised Code, known as 104571  
Individual Options. 104572

(4) "Medicaid provider" has the same meaning as in section 104573  
5164.01 of the Revised Code. 104574

(5) "Public hospital" has the same meaning as in section 104575  
5122.01 of the Revised Code. 104576

(6) "Qualifying IO enrollee" means an IO Waiver enrollee to 104577  
whom all of the following apply: 104578

(a) The enrollee resided in a developmental center, converted 104579  
facility, or public hospital immediately before enrolling in the 104580  
IO Wavier. 104581

(b) The enrollee did not receive before July 1, 2011, routine 104582  
homemaker/personal care services from the Medicaid provider that 104583

is to be paid the Medicaid rate authorized by this section for 104584  
providing such services to the enrollee during the period 104585  
specified in division (C) of this section. 104586

(c) The Director of Developmental Disabilities has determined 104587  
that the enrollee's special circumstances (including the 104588  
enrollee's diagnosis, service needs, or length of stay at the 104589  
developmental center, converted facility, or public hospital) 104590  
warrants paying the Medicaid rate authorized by this section. 104591

(B) The total Medicaid payment rate for each fifteen minutes 104592  
of routine homemaker/personal care services that a Medicaid 104593  
provider provides to a qualifying IO enrollee during the period 104594  
specified in division (C) of this section shall be fifty-two cents 104595  
higher than the Medicaid payment rate in effect on the day the 104596  
services are provided for each fifteen minutes of routine 104597  
homemaker/personal care services that a Medicaid provider provides 104598  
to an IO enrollee who is not a qualifying IO enrollee. 104599

(C) Division (B) of this section applies to the first twelve 104600  
months, consecutive or otherwise, that a Medicaid provider, during 104601  
the period beginning July 1, 2019, and ending July 1, 2021, 104602  
provides routine homemaker/personal care services to a qualifying 104603  
IO enrollee. 104604

(D) Of the foregoing appropriation items 653407, Medicaid 104605  
Services, and 653654, Medicaid Services, portions shall be used to 104606  
pay the Medicaid payment rate determined in accordance with this 104607  
section for routine homemaker/personal care services provided to 104608  
qualifying IO enrollees. 104609

**Section 261.220.** DIRECT SUPPORT PROFESSIONAL RATE INCREASE 104610

(A) As used in this section: 104611

(1) "DD-administered waiver" means a Medicaid waiver 104612  
component, as defined in section 5166.01 of the Revised Code, 104613

administered by the Department of Developmental Disabilities. 104614

(2) "Direct support professional" means an individual who 104615  
works directly with people with developmental disabilities. 104616

(3) "Homemaker/personal care services" means the coordinated 104617  
provision of a variety of services, supports, and supervision to 104618  
which all of the following apply: 104619

(a) They are necessary to ensure the health and welfare of an 104620  
individual with a developmental disability who lives in the 104621  
community. 104622

(b) They advance the individual's independence within the 104623  
individual's home and community. 104624

(c) They help the individual meet daily living needs. 104625

(B) The Medicaid payment rate for homemaker/personal care 104626  
services provided by direct support professionals under a 104627  
DD-administered waiver shall be the following: 104628

(1) For the period beginning January 1, 2020, and ending 104629  
January 1, 2021, \$12.82 per hour; 104630

(2) For the period beginning January 1, 2021, and ending July 104631  
1, 2021, \$13.23 per hour. 104632

**Section 261.230.** ICF/IID QUALITY INDICATORS WORKGROUP 104633

(A) As used in this section, "ICF/IID" has the same meaning 104634  
as in section 5124.01 of the Revised Code. 104635

(B)(1) The Director of Developmental Disabilities shall 104636  
establish a workgroup to advise the Department of Developmental 104637  
Disabilities on quality indicators used for awarding points to 104638  
ICFs/IID under section 5124.24 of the Revised Code. The workgroup 104639  
shall consist of at least one representative from each of the 104640  
following as appointed by the Director: 104641

(a) The Department of Developmental Disabilities; 104642



(b) The Ohio Health Care Association;	104643
(c) The Ohio Provider Resource Association;	104644
(d) The Arc of Ohio;	104645
(e) The Values of Faith Alliance;	104646
(f) The Ohio Association of County Boards of Developmental Disabilities.	104647 104648
(2) Members of the workgroup shall serve without compensation or reimbursement, except to the extent that serving on the workgroup is part of their usual job duties.	104649 104650 104651
(C) Not later than December 31, 2019, the workgroup shall submit to the Director a report containing recommended quality indicators to be used for awarding points to ICFs/IID under section 5124.24 of the Revised Code. In making its recommendations, the workgroup shall do all of the following:	104652 104653 104654 104655 104656
(1) Recommend not more than five quality indicators;	104657
(2) Recommend quality indicators that address aspects of ICF/IID services that individuals receiving services, their families, and their guardians consider to be important;	104658 104659 104660
(3) Recommend quality indicators that can be calculated using data the Department already collects or that the Department can collect with minimal additional administrative burden on ICFs/IID;	104661 104662 104663
(4) Consider utilizing a consumer satisfaction survey for one or more of the quality indicators and consider whether the National Core Indicators could be used for this purpose or if a new survey should be developed;	104664 104665 104666 104667
(5) Consider whether any quality indicators that the workgroup recommends should be adjusted for acuity and whether to recommend different quality indicators for ICFs/IID of different sizes or serving different populations.	104668 104669 104670 104671

(D) The workgroup shall cease to exist on the submission of its report. 104672  
104673

**Section 265.10.** EDU DEPARTMENT OF EDUCATION 104674

General Revenue Fund 104675

GRF 200321 Operating Expenses \$ 15,153,032 \$ 16,565,951 104676

GRF 200408 Early Childhood \$ 68,116,789 \$ 68,116,789 104677

Education

GRF 200420 Information Technology \$ 4,004,299 \$ 4,026,960 104678

Development and  
Support

GRF 200422 School Management \$ 2,385,580 \$ 2,408,711 104679

Assistance

GRF 200424 Policy Analysis \$ 458,232 \$ 457,676 104680

GRF 200426 Ohio Educational \$ 15,457,000 \$ 15,457,000 104681

Computer Network

GRF 200427 Academic Standards \$ 4,434,215 \$ 4,483,525 104682

GRF 200437 Student Assessment \$ 56,906,893 \$ 56,948,365 104683

GRF 200439 Accountability/Report \$ 7,517,406 \$ 7,565,320 104684

Cards

GRF 200442 Child Care Licensing \$ 2,156,322 \$ 2,227,153 104685

GRF 200446 Education Management \$ 8,112,987 \$ 8,174,415 104686

Information System

GRF 200448 Educator Preparation \$ 11,785,384 \$ 7,285,384 104687

GRF 200455 Community Schools and \$ 4,867,763 \$ 4,912,546 104688

Choice Programs

GRF 200465 Education Technology \$ 5,179,664 \$ 5,179,664 104689

Resources

GRF 200478 Industry-Recognized \$ 25,000,000 \$ 25,000,000 104690

Credentials High  
School Students

GRF 200502 Pupil Transportation \$ 527,129,809 \$ 527,129,809 104691

GRF 200505	School Lunch Match	\$	8,963,500	\$	8,963,500	104692
GRF 200511	Auxiliary Services	\$	154,939,134	\$	154,939,134	104693
GRF 200532	Nonpublic	\$	69,997,735	\$	69,997,735	104694
	Administrative Cost					
	Reimbursement					
GRF 200540	Special Education	\$	152,600,000	\$	152,850,000	104695
	Enhancements					
GRF 200545	Career-Technical	\$	9,750,892	\$	9,750,892	104696
	Education Enhancements					
GRF 200550	Foundation Funding	\$	6,942,880,845	\$	6,774,618,845	104697
GRF 200566	Literacy Improvement	\$	1,452,876	\$	1,452,172	104698
GRF 200572	Adult Education	\$	10,207,674	\$	10,207,674	104699
	Programs					
GRF 200573	EdChoice Expansion	\$	57,223,340	\$	121,017,418	104700
GRF 200574	Half-Mill Maintenance	\$	18,849,207	\$	18,128,526	104701
	Equalization					
GRF 200576	Adaptive Sports	\$	250,000	\$	250,000	104702
	Program					
GRF 200597	Program and Project	\$	1,125,000	\$	625,000	104703
	Support					
GRF 657401	Medicaid in Schools	\$	297,978	\$	297,978	104704
TOTAL GRF	General Revenue Fund	\$	8,187,203,556	\$	8,079,038,142	104705
	Dedicated Purpose Fund Group					104706
4520 200638	Charges and	\$	1,000,000	\$	1,000,000	104707
	Reimbursements					
4550 200608	Commodity Foods	\$	1,000,000	\$	1,000,000	104708
4L20 200681	Teacher Certification	\$	13,795,827	\$	14,000,000	104709
	and Licensure					
5980 200659	Auxiliary Services	\$	1,300,000	\$	1,300,000	104710
	Reimbursement					
5H30 200687	School District	\$	2,000,000	\$	2,000,000	104711
	Solvency Assistance					
5KX0 200691	Ohio School	\$	1,250,000	\$	1,250,000	104712

		Sponsorship Program					
5MM0	200677	Child Nutrition	\$	550,000	\$	550,000	104713
		Refunds					
5U20	200685	National Education	\$	170,675	\$	175,000	104714
		Statistics					
5VS0	200604	Student Wellness and	\$	275,000,000	\$	400,000,000	104715
		Success					
5VU0	200663	School Bus Purchase	\$	0	\$	20,000,000	104716
6200	200615	Educational	\$	594,443	\$	600,000	104717
		Improvement Grants					
TOTAL DPF		Dedicated Purpose Fund	\$	296,660,945	\$	441,875,000	104718
Group							
		Internal Service Activity Fund Group					104719
1380	200606	Information	\$	7,939,104	\$	8,047,645	104720
		Technology					
		Development and					
		Support					
4R70	200695	Indirect Operational	\$	7,856,766	\$	7,856,766	104721
		Support					
4V70	200633	Interagency Program	\$	5,497,938	\$	5,500,000	104722
		Support					
TOTAL ISA		Internal Service Activity	\$	21,293,808	\$	21,404,411	104723
Fund Group							
		State Lottery Fund Group					104724
7017	200602	School Climate Grants	\$	2,000,000	\$	2,000,000	104725
7017	200612	Foundation Funding	\$	1,081,400,000	\$	1,249,900,000	104726
7017	200614	Accelerate Great	\$	1,500,000	\$	1,500,000	104727
		Schools					
7017	200631	Quality Community	\$	30,000,000	\$	30,000,000	104728
		Schools Support					
7017	200636	Enrollment Growth	\$	15,500,000	\$	23,000,000	104729
		Supplement					

7017	200684	Community School Facilities	\$ 20,600,000	\$ 20,600,000	104730
TOTAL SLF		State Lottery Fund Group	\$ 1,151,000,000	\$ 1,327,000,000	104731
		Federal Fund Group			104732
3670	200607	School Food Services	\$ 11,469,730	\$ 11,897,473	104733
3700	200624	Education of Exceptional Children	\$ 2,000,000	\$ 2,000,000	104734
3AF0	657601	Schools Medicaid Administrative Claims	\$ 295,500	\$ 295,500	104735
3AN0	200671	School Improvement Grants	\$ 17,000,000	\$ 17,000,000	104736
3C50	200661	Early Childhood Education	\$ 12,555,000	\$ 12,555,000	104737
3EH0	200620	Migrant Education	\$ 2,700,000	\$ 2,700,000	104738
3EJ0	200622	Homeless Children Education	\$ 3,295,203	\$ 3,300,000	104739
3FE0	200669	Striving Readers	\$ 12,507,905	\$ 12,511,000	104740
3GE0	200674	Summer Food Service Program	\$ 15,599,467	\$ 16,342,299	104741
3GG0	200676	Fresh Fruit and Vegetable Program	\$ 4,911,207	\$ 5,145,074	104742
3HF0	200649	Federal Education Grants	\$ 7,049,677	\$ 7,056,327	104743
3HI0	200634	Student Support and Academic Enrichment	\$ 40,042,720	\$ 40,042,720	104744
3L60	200617	Federal School Lunch	\$ 418,643,500	\$ 430,837,000	104745
3L70	200618	Federal School Breakfast	\$ 158,726,966	\$ 163,350,081	104746
3L80	200619	Child/Adult Food Programs	\$ 110,121,168	\$ 113,328,580	104747
3L90	200621	Career-Technical Education Basic Grant	\$ 45,946,927	\$ 46,000,000	104748
3M00	200623	ESEA Title 1A	\$ 600,000,000	\$ 600,000,000	104749

3M20	200680	Individuals with Disabilities Education Act	\$ 454,770,591	\$ 455,000,000	104750
3T40	200613	Public Charter Schools	\$ 7,000,000	\$ 7,000,000	104751
3Y20	200688	21st Century Community Learning Centers	\$ 47,500,000	\$ 47,500,000	104752
3Y60	200635	Improving Teacher Quality	\$ 85,000,000	\$ 85,000,000	104753
3Y70	200689	English Language Acquisition	\$ 10,500,000	\$ 10,500,000	104754
3Y80	200639	Rural and Low Income Technical Assistance	\$ 3,600,000	\$ 3,600,000	104755
3Z20	200690	State Assessments	\$ 12,000,000	\$ 12,000,000	104756
3Z30	200645	Consolidated Federal Grant Administration	\$ 10,701,635	\$ 10,900,000	104757
TOTAL FED	Federal Fund Group		\$ 2,093,937,196	\$ 2,115,861,054	104758
TOTAL ALL BUDGET FUND GROUPS			\$11,750,095,505	\$11,985,178,607	104759

**Section 265.20. OPERATING EXPENSES** 104761

Of the foregoing appropriation item 200321, Operating Expenses, up to \$75,000 in each fiscal year shall be distributed by the Department of Education to eligible districts pursuant to the section of this act entitled "FAFSA COMPLETION PROGRAM." 104762  
104763  
104764  
104765

A portion of the foregoing appropriation item 200321, Operating Expenses, shall be used by the Department of Education to provide matching funds related to career-technical education under 20 U.S.C. 2321. 104766  
104767  
104768  
104769

**EARLY CHILDHOOD EDUCATION** 104770

The Department of Education shall distribute the foregoing appropriation item 200408, Early Childhood Education, to pay the 104771  
104772

costs of early childhood education programs. The Department shall 104773  
distribute such funds directly to qualifying providers. 104774

(A) As used in this section: 104775

(1) "Provider" means a city, local, exempted village, or 104776  
joint vocational school district; an educational service center; a 104777  
community school sponsored by an exemplary sponsor; a chartered 104778  
nonpublic school; an early childhood education child care provider 104779  
licensed under Chapter 5104. of the Revised Code that participates 104780  
in and meets at least the third highest tier of the Step Up to 104781  
Quality program established pursuant to section 5104.29 of the 104782  
Revised Code; or a combination of entities described in this 104783  
paragraph. 104784

(2) In the case of a city, local, or exempted village school 104785  
district or early childhood education child care provider licensed 104786  
under Chapter 5104. of the Revised Code, "new eligible provider" 104787  
means a provider that did not receive state funding for Early 104788  
Childhood Education in the previous fiscal year or demonstrates a 104789  
need for early childhood programs as defined in division (D) of 104790  
this section. 104791

(3) In the case of a community school, "new eligible 104792  
provider" means any of the following: 104793

(a) A community school established under Chapter 3314. of the 104794  
Revised Code that is sponsored by a sponsor rated "exemplary" in 104795  
accordance with section 3314.016 of the Revised Code that offers a 104796  
child care program in accordance with sections 3301.50 to 3301.59 104797  
of the Revised Code that did not receive state funding for Early 104798  
Childhood Education in the previous fiscal year; 104799

(b) A community school established under Chapter 3314. of the 104800  
Revised Code that satisfies all of the following criteria: 104801

(i) It has received, on its most recent report card, either 104802  
of the following: 104803

(I) If the school offers any of grade levels four through twelve, a grade of "C" or better for the overall value-added progress dimension under division (C)(1)(e) of section 3302.03 of the Revised Code and for the performance index score under division (C)(1)(b) of section 3302.03 of the Revised Code;

(II) If the school does not offer a grade level higher than three, a grade of "C" or better for making progress in improving literacy in grades kindergarten through three under division (C)(1)(g) of section 3302.03 of the Revised Code.

(ii) It offers a child care program in accordance with sections 3301.50 to 3301.59 of the Revised Code.

(iii) It did not receive state funding for Early Childhood Education in the previous fiscal year.

(c) A community school established under Chapter 3314. of the Revised Code that is sponsored by a municipal school district and operates a program that uses the Montessori method endorsed by the American Montessori Society, the Montessori Accreditation Council for Teacher Education, or the Association Montessori Internationale as its primary method of instruction, as authorized by division (A) of section 3314.06 of the Revised Code, that did not receive state funding for Early Childhood Education in the previous year or demonstrates a need for early childhood programs as defined in division (D) of this section.

(4)(a) "Eligible child" means a child who is at least four years of age, is not of the age to be eligible for kindergarten, and whose family earns not more than two hundred per cent of the federal poverty guidelines as defined in division (A)(3) of section 5101.46 of the Revised Code. Children with an Individualized Education Program and where the Early Childhood Education program is the least restrictive environment may be enrolled on their fourth birthday.



(b) If, on the first day of October of each fiscal year, a provider has remaining award funds after enrolling eligible children under division (A)(4)(a) of this section, the provider may seek approval from the Department to consider a child who is at least three years of age, is not of age to be eligible for kindergarten, and whose family earns not more than two hundred per cent of the federal poverty guidelines as an eligible child. Upon approval from the Department, the provider may use the remaining award funds to serve such three-year-old children as eligible children. Division (A)(4)(b) of this section does not apply to a provider described in division (A)(3)(c) of this section.

(5) "Early learning program standards" means early learning program standards for school readiness developed by the Department to assess the operation of early learning and development programs.

(6) "Early learning and development programs" has the same meaning as section 5104.29 of the Revised Code.

(B) In each fiscal year, up to two per cent of the total appropriation may be used by the Department for program support and technical assistance. The Department shall distribute the remainder of the appropriation in each fiscal year to serve eligible children.

(C) The Department shall provide an annual report to the Governor, the Speaker of the House of Representatives, and the President of the Senate and post the report to the Department's web site, regarding early childhood education programs operated under this section and the early learning program standards.

(D) After setting aside the amounts to make payments due from the previous fiscal year, in fiscal year 2020, the Department shall distribute funds first to recipients of funds for early childhood education programs under Section 265.20 of Am. Sub. H.B.

49 of the 132nd General Assembly in the previous fiscal year and 104866  
the balance to new eligible providers of early childhood education 104867  
programs or to existing providers to serve more eligible children 104868  
pursuant to division (E) of this section or for purposes of 104869  
program expansion, improvement, or special projects to promote 104870  
quality and innovation. 104871

After setting aside the amounts to make payments due from the 104872  
previous fiscal year, in fiscal year 2021, the Department shall 104873  
distribute funds first to providers of early childhood education 104874  
programs under this section in the previous fiscal year and the 104875  
balance to new eligible providers or to existing providers to 104876  
serve more eligible children as outlined under division (E) of 104877  
this section or for purposes of program expansion, improvement, or 104878  
special projects to promote quality and innovation. 104879

(E)(1) The Department shall distribute any new or remaining 104880  
funding to existing providers of early childhood education 104881  
programs or any new eligible providers in an effort to invest in 104882  
high quality early childhood programs where there is a need as 104883  
determined by the Department. The Department shall distribute the 104884  
new or remaining funds to existing providers of early childhood 104885  
education programs or any new eligible providers to serve 104886  
additional eligible children based on community economic 104887  
disadvantage, limited access to high quality preschool or 104888  
childcare services, and demonstration of high quality preschool 104889  
services as determined by the Department using new metrics 104890  
developed pursuant to Ohio's Race to the Top-Early Learning 104891  
Challenge Grant, awarded to the Department in December 2011. 104892

(2) Awards under divisions (D) and (E) of this section shall 104893  
be distributed on a per-pupil basis, and in accordance with 104894  
division (I) of this section. The Department may adjust the 104895  
per-pupil amount so that the per-pupil amount multiplied by the 104896  
number of eligible children enrolled and receiving services on the 104897

first day of December or the business day closest to that date 104898  
equals the amount allocated under this section. 104899

(F) Costs for developing and administering an early childhood 104900  
education program may not exceed fifteen per cent of the total 104901  
approved costs of the program. 104902

All providers shall maintain such fiscal control and 104903  
accounting procedures as may be necessary to ensure the 104904  
disbursement of, and accounting for, these funds. The control of 104905  
funds provided in this program, and title to property obtained, 104906  
shall be under the authority of the approved provider for purposes 104907  
provided in the program unless, as described in division (K) of 104908  
this section, the program waives its right for funding or a 104909  
program's funding is eliminated or reduced due to its inability to 104910  
meet financial or early learning program standards. The approved 104911  
provider shall administer and use such property and funds for the 104912  
purposes specified. 104913

(G) The Department may examine a provider's financial and 104914  
program records. If the financial practices of the program are not 104915  
in accordance with standard accounting principles or do not meet 104916  
financial standards outlined under division (F) of this section, 104917  
or if the program fails to substantially meet the early learning 104918  
program standards, meet a quality rating level in the Step Up to 104919  
Quality program established pursuant to section 5104.29 of the 104920  
Revised Code as prescribed by the Department, or exhibits below 104921  
average performance as measured against the standards, the early 104922  
childhood education program shall propose and implement a 104923  
corrective action plan that has been approved by the Department. 104924  
The approved corrective action plan shall be signed by the chief 104925  
executive officer and the executive of the official governing body 104926  
of the provider. The corrective action plan shall include a 104927  
schedule for monitoring by the Department. Such monitoring may 104928  
include monthly reports, inspections, a timeline for correction of 104929

deficiencies, and technical assistance to be provided by the 104930  
Department or obtained by the early childhood education program. 104931  
The Department may withhold funding pending corrective action. If 104932  
an early childhood education program fails to satisfactorily 104933  
complete a corrective action plan, the Department may deny 104934  
expansion funding to the program or withdraw all or part of the 104935  
funding to the program and establish a new eligible provider 104936  
through a selection process established by the Department. 104937

(H)(1) If the early childhood education program is licensed 104938  
by the Department of Education and is not highly rated, as 104939  
determined by the Director of Job and Family Services, under the 104940  
Step Up to Quality program established pursuant to section 5104.29 104941  
of the Revised Code, the program shall do all of the following: 104942

(a) Meet teacher qualification requirements prescribed by 104943  
section 3301.311 of the Revised Code; 104944

(b) Align curriculum to the early learning content standards 104945  
developed by the Department; 104946

(c) Meet any child or program assessment requirements 104947  
prescribed by the Department; 104948

(d) Require teachers, except teachers enrolled and working to 104949  
obtain a degree pursuant to section 3301.311 of the Revised Code, 104950  
to attend a minimum of twenty hours every two years of 104951  
professional development as prescribed by the Department; 104952

(e) Document and report child progress as prescribed by the 104953  
Department; 104954

(f) Meet and report compliance with the early learning 104955  
program standards as prescribed by the Department; 104956

(g) Participate in the Step Up to Quality program established 104957  
pursuant to section 5104.29 of the Revised Code. 104958

(2) If the program is highly rated, as determined by the 104959

Director of Job and Family Services, under the Step Up to Quality 104960  
program established pursuant to section 5104.29 of the Revised 104961  
Code, the program shall comply with the requirements of that 104962  
program. 104963

(I) Per-pupil funding for programs subject to this section 104964  
shall be sufficient to provide eligible children with services for 104965  
a standard early childhood schedule which shall be defined in this 104966  
section as a minimum of twelve and one-half hours per school week 104967  
as defined in section 3313.62 of the Revised Code for the minimum 104968  
school year as defined in sections 3313.48, 3313.481, and 3313.482 104969  
of the Revised Code. Nothing in this section shall be construed to 104970  
prohibit program providers from utilizing other funds to serve 104971  
eligible children in programs that exceed the twelve and one-half 104972  
hours per week or that exceed the minimum school year. For any 104973  
provider for which a standard early childhood education schedule 104974  
creates a hardship or for which the provider shows evidence that 104975  
the provider is working in collaboration with a preschool special 104976  
education program, the provider may submit a waiver to the 104977  
Department requesting an alternate schedule. If the Department 104978  
approves a waiver for an alternate schedule that provides services 104979  
for less time than the standard early childhood education 104980  
schedule, the Department may reduce the provider's annual 104981  
allocation proportionately. Under no circumstances shall an annual 104982  
allocation be increased because of the approval of an alternate 104983  
schedule. 104984

(J) Each provider shall develop a sliding fee scale based on 104985  
family incomes and shall charge families who earn more than two 104986  
hundred per cent of the federal poverty guidelines, as defined in 104987  
division (A)(3) of section 5101.46 of the Revised Code, for the 104988  
early childhood education program. 104989

The Department shall conduct an annual survey of each 104990  
provider to determine whether the provider charges families 104991

tuition or fees, the amount families are charged relative to 104992  
family income levels, and the number of families and students 104993  
charged tuition and fees for the early childhood program. 104994

(K) If an early childhood education program voluntarily 104995  
waives its right for funding, or has its funding eliminated for 104996  
not meeting financial standards or the early learning program 104997  
standards, the provider shall transfer control of title to 104998  
property, equipment, and remaining supplies obtained through the 104999  
program to providers designated by the Department and return any 105000  
unexpended funds to the Department along with any reports 105001  
prescribed by the Department. The funding made available from a 105002  
program that waives its right for funding or has its funding 105003  
eliminated or reduced may be used by the Department for new grant 105004  
awards or expansion grants. The Department may award new grants or 105005  
expansion grants to eligible providers who apply. The eligible 105006  
providers who apply must do so in accordance with the selection 105007  
process established by the Department. 105008

(L) Eligible expenditures for the Early Childhood Education 105009  
Program shall be claimed each fiscal year to help meet the state's 105010  
TANF maintenance of effort requirement. The Superintendent of 105011  
Public Instruction and the Director of Job and Family Services 105012  
shall enter into an interagency agreement to carry out the 105013  
requirements under this division, which shall include developing 105014  
reporting guidelines for these expenditures. 105015

(M)(1) The Department of Education and the Department of Job 105016  
and Family Services shall continue to work toward establishing the 105017  
following in common between early childhood education programs and 105018  
publicly funded child care: 105019

(a) An application; 105020

(b) Program eligibility; 105021

(c) Funding; 105022

(d) An attendance policy;	105023
(e) An attendance tracking system.	105024
(2) In accordance with section 5104.34 of the Revised Code,	105025
eligible families may receive publicly funded child care beyond	105026
the standard early childhood schedule defined in division (I) of	105027
this section.	105028
(3) All providers, agencies, and school districts	105029
participating in the early childhood education program or	105030
providing care to eligible families beyond the standard early	105031
childhood schedule shall follow the common policies established	105032
under this division.	105033
<b>Section 265.30. INFORMATION TECHNOLOGY DEVELOPMENT AND</b>	105034
SUPPORT	105035
The foregoing appropriation item 200420, Information	105036
Technology Development and Support, shall be used to support the	105037
development and implementation of information technology solutions	105038
designed to improve the performance and services of the Department	105039
of Education. Funds may be used for personnel, maintenance, and	105040
equipment costs related to the development and implementation of	105041
these technical system projects. Implementation of these systems	105042
shall allow the Department to provide greater levels of assistance	105043
to school districts and to provide more timely information to the	105044
public, including school districts, administrators, and	105045
legislators. Funds may also be used to support data-driven	105046
decision-making and differentiated instruction, as well as to	105047
communicate academic content standards and curriculum models to	105048
schools through web-based applications.	105049
<b>Section 265.50. SCHOOL MANAGEMENT ASSISTANCE</b>	105050
The foregoing appropriation item 200422, School Management	105051
Assistance, shall be used by the Department of Education to	105052

provide fiscal technical assistance and inservice education for 105053  
school district management personnel and to administer, monitor, 105054  
and implement the fiscal caution, fiscal watch, and fiscal 105055  
emergency provisions under Chapter 3316. of the Revised Code. 105056

**Section 265.60. POLICY ANALYSIS** 105057

The foregoing appropriation item 200424, Policy Analysis, 105058  
shall be used by the Department of Education to support a system 105059  
of administrative, statistical, and legislative education 105060  
information to be used for policy analysis. Staff supported by 105061  
this appropriation shall administer the development of reports, 105062  
analyses, and briefings to inform education policymakers of 105063  
current trends in education practice, efficient and effective use 105064  
of resources, and evaluation of programs to improve education 105065  
results. A portion of these funds shall be used to maintain a 105066  
longitudinal database to support the assessment of the impact of 105067  
policies and programs on Ohio's education and workforce 105068  
development systems. The research efforts supported by this 105069  
appropriation item shall be used to supply information and 105070  
analysis of data to and in consultation with the General Assembly 105071  
and other state policymakers, including the Office of Budget and 105072  
Management and the Legislative Service Commission. 105073

A portion of the foregoing appropriation item, 200424, Policy 105074  
Analysis, may be used by the Department to support the development 105075  
and implementation of an evidence-based clearinghouse to support 105076  
school improvement strategies as part of the Every Student 105077  
Succeeds Act. 105078

The Department may use funding from this appropriation item 105079  
to purchase or contract for the development of software systems or 105080  
contract for policy studies that will assist in the provision and 105081  
analysis of policy-related information. Funding from this 105082  
appropriation item also may be used to monitor and enhance quality 105083



assurance for research-based policy analysis and program 105084  
evaluation to enhance the effective use of education information 105085  
to inform education policymakers. 105086

**Section 265.70. OHIO EDUCATIONAL COMPUTER NETWORK** 105087

The foregoing appropriation item 200426, Ohio Educational 105088  
Computer Network, shall be used by the Department of Education to 105089  
maintain a system of information technology throughout Ohio and to 105090  
provide technical assistance for such a system. 105091

Of the foregoing appropriation item 200426, Ohio Educational 105092  
Computer Network, up to \$9,686,658 in each fiscal year shall be 105093  
used by the Department to support connection of all public school 105094  
buildings and participating chartered nonpublic schools to the 105095  
state's education network, to each other, and to the Internet. In 105096  
each fiscal year, the Department shall use these funds to assist 105097  
information technology centers or school districts with the 105098  
operational costs associated with this connectivity. The 105099  
Department shall develop a formula and guidelines for the 105100  
distribution of these funds to information technology centers or 105101  
individual school districts. As used in this section, "public 105102  
school building" means a school building of any city, local, 105103  
exempted village, or joint vocational school district, any 105104  
community school established under Chapter 3314. of the Revised 105105  
Code, any college preparatory boarding school established under 105106  
Chapter 3328. of the Revised Code, any STEM school established 105107  
under Chapter 3326. of the Revised Code, any educational service 105108  
center building used for instructional purposes, the Ohio School 105109  
for the Deaf and the Ohio School for the Blind, high schools 105110  
chartered by the Ohio Department of Youth Services, or high 105111  
schools operated by Ohio Department of Rehabilitation and 105112  
Corrections' Ohio Central School System. 105113

Of the foregoing appropriation item 200426, Ohio Educational 105114

Computer Network, up to \$4,843,329 in each fiscal year shall be 105115  
used, through a formula and guidelines devised by the Department, 105116  
to support the activities of designated information technology 105117  
centers, as defined by State Board of Education rules, to provide 105118  
school districts and chartered nonpublic schools with 105119  
computer-based student and teacher instructional and 105120  
administrative information services, including approved 105121  
computerized financial accounting, to ensure the effective 105122  
operation of local automated administrative and instructional 105123  
systems, and to monitor and support the quality of data submitted 105124  
to the Department. 105125

The remainder of appropriation item 200426, Ohio Educational 105126  
Computer Network, shall be used to support the work of the 105127  
development, maintenance, and operation of a network of uniform 105128  
and compatible computer-based information systems as well as the 105129  
teacher student linkage/roster verification process and systems to 105130  
support electronic sharing of student records and transcripts 105131  
between entities. This technical assistance shall include, but not 105132  
be restricted to, development and maintenance of adequate computer 105133  
software systems to support network activities. In order to 105134  
improve the efficiency of network activities, the Department and 105135  
information technology centers may jointly purchase equipment, 105136  
materials, and services from funds provided under this 105137  
appropriation for use by the network and, when considered 105138  
practical by the Department, may utilize the services of 105139  
appropriate state purchasing agencies. 105140

**Section 265.80. ACADEMIC STANDARDS** 105141

The foregoing appropriation item 200427, Academic Standards, 105142  
shall be used by the Department of Education to develop and 105143  
communicate to school districts academic content standards and 105144  
curriculum models and to develop professional development programs 105145

and other tools on the new content standards and model curriculum. 105146  
The Department shall use a portion of these funds in partnership 105147  
with educational service centers, consistent with requirements of 105148  
section 3312.01 of the Revised Code, in the development and 105149  
delivery of professional development programs supported under this 105150  
section. 105151

**Section 265.90. STUDENT ASSESSMENT** 105152

Of the foregoing appropriation item 200437, Student 105153  
Assessment, up to \$2,760,000 in each fiscal year may be used to 105154  
support the state's early learning assessment work and the 105155  
assessments required under section 3301.0715 of the Revised Code. 105156

Of the foregoing appropriation item 200437, Student 105157  
Assessment, up to \$543,168 in each fiscal year shall be used to 105158  
reimburse a portion of the costs associated with Advanced 105159  
Placement Tests for low-income students. 105160

The remainder of appropriation item 200437, Student 105161  
Assessment, shall be used to develop, field test, print, 105162  
distribute, score, report results, and support other associated 105163  
costs for the tests required under sections 3301.0710, 3301.0711, 105164  
and 3301.0712 of the Revised Code and for similar purposes as 105165  
required by section 3301.27 of the Revised Code. The funds may 105166  
also be used to update and develop diagnostic assessments 105167  
administered under sections 3301.079, 3301.0715, and 3313.608 of 105168  
the Revised Code. 105169

DEPARTMENT OF EDUCATION APPROPRIATION TRANSFERS FOR STUDENT 105170  
ASSESSMENT 105171

In fiscal year 2020 and fiscal year 2021, if the 105172  
Superintendent of Public Instruction determines that additional 105173  
funds are needed to fully fund the requirements of sections 105174  
3301.0710, 3301.0711, 3301.0712, and 3301.27 of the Revised Code 105175

and this act for assessments of student performance, the 105176  
Superintendent may recommend the reallocation of unexpended and 105177  
unencumbered General Revenue Fund appropriations within the 105178  
Department of Education to appropriation item 200437, Student 105179  
Assessment, to the Director of Budget and Management. If the 105180  
Director determines that such a reallocation is required, the 105181  
Director may transfer unexpended and unencumbered appropriations 105182  
within the Department of Education as necessary to appropriation 105183  
item 200437, Student Assessment. 105184

**Section 265.100. ACCOUNTABILITY/REPORT CARDS** 105185

Of the foregoing appropriation item 200439, 105186  
Accountability/Report Cards, a portion in each fiscal year shall 105187  
be used to train district and regional specialists and district 105188  
educators in the use of the value-added progress dimension and in 105189  
the use of data as it relates to improving student achievement. 105190  
This training may include teacher and administrator professional 105191  
development in the use of data to improve instruction and student 105192  
learning, and teacher and administrator training in understanding 105193  
teacher value-added reports and how they can be used as a 105194  
component in measuring teacher and administrator effectiveness. A 105195  
portion of this funding shall be provided to educational service 105196  
centers to support training and professional development under 105197  
this section consistent with section 3312.01 of the Revised Code. 105198

The remainder of appropriation item 200439, 105199  
Accountability/Report Cards, shall be used by the Department of 105200  
Education to incorporate a statewide value-added progress 105201  
dimension into performance ratings for school districts and for 105202  
the development of an accountability system that includes the 105203  
preparation and distribution of school report cards, funding and 105204  
expenditure accountability reports under sections 3302.03 and 105205  
3302.031 of the Revised Code, the development and maintenance of 105206

teacher value-added reports, the teacher student linkage/roster 105207  
verification process, and the performance management section of 105208  
the Department's web site required by section 3302.26 of the 105209  
Revised Code. 105210

CHILD CARE LICENSING 105211

The foregoing appropriation item 200442, Child Care 105212  
Licensing, shall be used by the Department of Education to license 105213  
and to inspect preschool and school-age child care programs under 105214  
sections 3301.52 to 3301.59 of the Revised Code. 105215

**Section 265.110.** EDUCATION MANAGEMENT INFORMATION SYSTEM 105216

The foregoing appropriation item 200446, Education Management 105217  
Information System, shall be used by the Department of Education 105218  
to improve the Education Management Information System (EMIS). 105219

Of the foregoing appropriation item 200446, Education 105220  
Management Information System, up to \$400,000 in each fiscal year 105221  
shall be used to support grants to information technology centers 105222  
to provide professional development opportunities to district and 105223  
school personnel related to the EMIS, with a focus placed on data 105224  
submission and data quality. 105225

Of the foregoing appropriation item 200446, Education 105226  
Management Information System, up to \$725,000 in each fiscal year 105227  
shall be distributed to designated information technology centers 105228  
for costs relating to processing, storing, and transferring data 105229  
for the effective operation of the EMIS. These costs may include, 105230  
but are not limited to, personnel, hardware, software development, 105231  
communications connectivity, professional development, and support 105232  
services. 105233

The remainder of appropriation item 200446, Education 105234  
Management Information System, shall be used to develop and 105235  
support the data definitions and standards outlined in the EMIS 105236

guidelines adopted under section 3301.0714 of the Revised Code, to 105237  
implement recommendations of the EMIS Advisory Council and the 105238  
Superintendent of Public Instruction, to enhance data quality 105239  
assurance practices, and to support responsibilities related to 105240  
the school report cards prescribed by section 3302.03 of the 105241  
Revised Code and value-added progress dimension calculations. 105242

**Section 265.120. EDUCATOR PREPARATION** 105243

(A) Of the foregoing appropriation item 200448, Educator 105244  
Preparation, up to \$339,783 in each fiscal year may be used by the 105245  
Department of Education to monitor and support Ohio's State System 105246  
of Support, as defined by the Every Student Succeeds Act. 105247

(B) Of the foregoing appropriation item 200448, Educator 105248  
Preparation, up to \$67,957 in each fiscal year may be used by the 105249  
Department to support the Educator Standards Board under section 105250  
3319.61 of the Revised Code and reforms under sections 3302.042, 105251  
3302.06 to 3302.068, 3302.12, and 3302.20 to 3302.22 of the 105252  
Revised Code. 105253

(C) Of the foregoing appropriation item 200448, Educator 105254  
Preparation, \$2,000,000 in each fiscal year shall be distributed 105255  
to Teach For America to increase recruitment of potential corps 105256  
members, to train and develop first-year and second-year teachers 105257  
in the Teach for America program in Ohio, and to support the 105258  
ongoing development and impact of Teach for America alumni working 105259  
in Ohio. 105260

(D) Of the foregoing appropriation item 200448, Educator 105261  
Preparation, \$1,000,000 in each fiscal year shall be used for the 105262  
Bright New Leaders for Ohio Schools Program administered by the 105263  
Ohio State University Fisher College of Business and College of 105264  
Education and Human Ecology pursuant to section 3319.272 of the 105265  
Revised Code to provide an alternative path for individuals to 105266  
receive training and development in the administration of primary 105267

and secondary education and leadership, enable those individuals 105268  
to earn degrees and obtain licenses in public school 105269  
administration, and promote the placement of those individuals in 105270  
public schools that have a poverty percentage greater than fifty 105271  
per cent. 105272

(E) Of the foregoing appropriation item 200448, Educator 105273  
Preparation, \$200,000 in each fiscal year shall be used to support 105274  
training for selected school staff through the FASTER Saves Lives 105275  
Program for the purpose of stopping active shooters and treating 105276  
casualties. 105277

(F) Of the foregoing appropriation item 200448, Educator 105278  
Preparation, \$1,000,000 in each fiscal year shall be used by the 105279  
Department of Education, in consultation with the Department of 105280  
Mental Health and Addiction Services, to award professional 105281  
development grants to educational service centers to train 105282  
educators and related school personnel in the model and tenants of 105283  
prevention of risky behaviors, including substance abuse, suicide, 105284  
bullying, and other harmful behaviors. 105285

(G) Of the foregoing appropriation item 200448, Educator 105286  
Preparation, up to \$1,500,000 in fiscal year 2020 shall be used by 105287  
the Department of Education, in consultation with the Department 105288  
of Higher Education, to provide awards to support coursework and 105289  
content testing fees for currently licensed teachers to receive 105290  
credentialing to teach computer science in accordance with 105291  
division (B) of section 3319.236 of the Revised Code. 105292

Awards made by the Department of Education shall be in the 105293  
form of reimbursements paid directly to educators for the cost of 105294  
the content examination or pedagogy courses required under 105295  
division (B) of section 3319.236 of the Revised Code that are 105296  
completed by the summer term of 2021. First priority shall be 105297  
given to educators who agree to teach at least one remote computer 105298  
science course at schools that lack access to computer science 105299

educators. Second priority shall be given to educators assigned to 105300  
schools with greater than fifty per cent of students classified as 105301  
economically disadvantaged and with limited or no teachers 105302  
currently credentialed to teach computer science, both as 105303  
determined by the Department. 105304

Upon the request of the Superintendent of Public Instruction 105305  
and the approval of the Director of Budget and Management, an 105306  
amount equal to the unexpended, unencumbered balance of the amount 105307  
set aside in this division at the end of fiscal year 2020 is 105308  
hereby reappropriated to the Department for the same purpose for 105309  
fiscal year 2021. 105310

(H) Of the foregoing appropriation item 200448, Educator 105311  
Preparation, up to \$3,000,000 in fiscal year 2020 shall be used by 105312  
the Department of Education, in consultation with the Department 105313  
of Higher Education, to provide awards to support graduate 105314  
coursework for high school teachers to receive credentialing to 105315  
teach College Credit Plus courses in a high school setting. 105316

The Department of Education, in consultation with the 105317  
Department of Higher Education, shall develop an application 105318  
process and criteria for awards. Priority shall be given to 105319  
education consortia that include economically disadvantaged high 105320  
schools in which there are limited or no teachers currently 105321  
credentialed to teach College Credit Plus courses, as determined 105322  
by the Department of Education, and a public or private college or 105323  
university in Ohio. 105324

Awards made by the Department of Education may support 105325  
graduate coursework for high school teachers at a public or 105326  
private college or university in Ohio leading to credentialing to 105327  
teach college courses, as well as employment of teachers 105328  
credentialed to teach college courses as a bridging strategy until 105329  
a sufficient number of teachers at the high school hold the 105330  
required credentials. 105331



Upon the request of the Superintendent of Public Instruction 105332  
and the approval of the Director of Budget and Management, an 105333  
amount equal to the unexpended, unencumbered balance of the amount 105334  
set aside in this division at the end of fiscal year 2020 is 105335  
hereby reappropriated for the same purpose for fiscal year 2021. 105336

(I) Of the foregoing appropriation item 200448, Educator 105337  
Preparation, up to \$500,000 in each fiscal year shall be used to 105338  
support the SmartOhio Financial Literacy Program at the University 105339  
of Cincinnati. 105340

(J) Of the foregoing appropriation item 200448, Educator 105341  
Preparation, \$300,000 in each fiscal year shall be distributed to 105342  
the Cincinnati Zoo and Botanical Garden to support the zoo's 105343  
educational programming and scholarships for economically 105344  
disadvantaged students. 105345

(K) Of the foregoing appropriation item 200448, Educator 105346  
Preparation, \$125,000 in each fiscal year shall be distributed to 105347  
the PAST Foundation for the STEM Educator Professional Development 105348  
Collaborative to provide professional development and strategic 105349  
training for teachers in STEM fields that is tailored to each 105350  
region of the state. 105351

(L) Of the foregoing appropriation item 200448, Educator 105352  
Preparation, \$100,000 in each fiscal year shall be distributed to 105353  
The Childhood League Center to provide intensive early 105354  
intervention and educational services in Franklin County, to 105355  
support the Play and Language for Autistic Youngsters (PLAY) 105356  
Project in underserved counties, and to provide services and 105357  
training for providers and families. 105358

(M) Notwithstanding any provision of law to the contrary, 105359  
awards under this section may be used by recipients for 105360  
award-related expenses incurred for a period not to exceed two 105361  
years from the date of the award according to guidelines 105362

established by the Department of Education. 105363

(N) The remainder of the foregoing appropriation item 200448, 105364  
Educator Preparation, may be used for implementation of teacher 105365  
and principal evaluation systems, including incorporation of 105366  
student growth as a metric in those systems, and teacher 105367  
value-added reports. A portion of this funding shall be provided 105368  
to educational service centers, consistent with requirements of 105369  
section 3312.01 of the Revised Code, in the development and 105370  
delivery of professional development programs supported under this 105371  
section. 105372

**Section 265.130. COMMUNITY SCHOOLS AND CHOICE PROGRAMS** 105373

The foregoing appropriation item 200455, Community Schools 105374  
and Choice Programs, may be used by the Department of Education 105375  
for operation of the school choice programs. 105376

Of the foregoing appropriation item 200455, Community Schools 105377  
and Choice Programs, a portion in each fiscal year may be used by 105378  
the Department for developing and conducting training sessions for 105379  
community schools and sponsors and prospective sponsors of 105380  
community schools as prescribed in division (A)(1) of section 105381  
3314.015 of the Revised Code, and other schools participating in 105382  
school choice programs. 105383

**Section 265.140. EDUCATION TECHNOLOGY RESOURCES** 105384

Of the foregoing appropriation item 200465, Education 105385  
Technology Resources, up to \$2,500,000 in each fiscal year shall 105386  
be used for the Union Catalog and InfoOhio Network and to support 105387  
the provision of electronic resources with priority given to 105388  
resources that support the teaching of state academic content 105389  
standards in all public schools. Consideration shall be given by 105390  
the Department of Education to coordinating the allocation of 105391  
these moneys with the efforts of Libraries Connect Ohio, whose 105392

members include OhioLINK, the Ohio Public Information Network, and 105393  
the State Library of Ohio. 105394

Of the foregoing appropriation item 200465, Education 105395  
Technology Resources, up to \$1,778,879 in each fiscal year shall 105396  
be used by the Department to provide grants to educational 105397  
television stations working with partner education technology 105398  
centers to provide Ohio public schools with instructional 105399  
resources and services, with priority given to resources and 105400  
services aligned with state academic content standards. Such 105401  
resources and services shall be based upon the advice and approval 105402  
of the Department, based on a formula developed in consultation 105403  
with Ohio's educational television stations and educational 105404  
technology centers. 105405

Of the foregoing appropriation item 200465, Education 105406  
Technology Resources, \$200,000 in each fiscal year shall be 105407  
distributed to the Ohio School Digital Literacy Program to support 105408  
digital learning tools, digital resources, technical support, and 105409  
professional development. The program shall do all of the 105410  
following: 105411

(A) Provide a K-8 program of study for students to learn 105412  
essential digital literacy skills including computer fundamentals, 105413  
computational thinking, keyboarding, digital citizenship and 105414  
online safety, web browsing, email and online communication, 105415  
visual mapping, word processing, spreadsheets, databases, and 105416  
presentations; 105417

(B) Provide teachers with the ability to measure student 105418  
digital literacy growth; and 105419

(C) Allow for the integration of digital literacy instruction 105420  
aligned to state standards, if applicable, into core content 105421  
subjects such as mathematics, English language arts, science, and 105422  
social studies. 105423

The remainder of the foregoing appropriation item 200465, 105424  
Education Technology Resources, may be used to support training, 105425  
technical support, guidance, and assistance with compliance 105426  
reporting to school districts and public libraries applying for 105427  
federal E-Rate funds; for oversight and guidance of school 105428  
district technology plans; for support to district technology 105429  
personnel; and for support of the development, maintenance, and 105430  
operation of a network of uniform and compatible computer-based 105431  
information and instructional systems. 105432

**Section 265.145.** INDUSTRY-RECOGNIZED CREDENTIALS HIGH SCHOOL 105433  
STUDENTS 105434

Of the foregoing appropriation item 200478, 105435  
Industry-Recognized Credentials High School Students, up to 105436  
\$8,000,000 in each fiscal year may be used by the Department of 105437  
Education to support payments to city, local, and exempted village 105438  
school districts, community schools, STEM schools, and joint 105439  
vocational school districts whose students earn an 105440  
industry-recognized credential or receive a journeyman 105441  
certification recognized by the United States Department of Labor. 105442  
The educating entity shall be required to inform students enrolled 105443  
in career-technical education courses that lead to an 105444  
industry-recognized credential about the opportunity to earn these 105445  
credentials. The Department of Education shall work with the 105446  
Department of Higher Education and the Governor's Office of 105447  
Workforce Transformation to develop a schedule for reimbursement 105448  
based on the Department of Education's list of industry-recognized 105449  
credentials, the time it takes to earn the credential, and the 105450  
cost to obtain the credential. The educating entity shall pay for 105451  
the cost of the credential and may claim and receive 105452  
reimbursement. The educating entity may claim reimbursement based 105453  
on the Department of Education's reimbursement schedule up to six 105454  
months after the student has graduated from high school. If the 105455

amount appropriated is not sufficient, the Department shall 105456  
prorate the amounts so that the aggregate amount appropriated is 105457  
not exceeded. 105458

Of the foregoing appropriation item 200478, 105459  
Industry-Recognized Credentials High School Students, up to 105460  
\$12,500,000 in each fiscal year may be used by the Department of 105461  
Education and the Governor's Office of Workforce Transformation to 105462  
establish and operate the Innovative Workforce Incentive Program. 105463  
In establishing the program, the Office of Workforce 105464  
Transformation shall maintain a list of credentials that qualify 105465  
for the program. The Department of Education shall pay each city, 105466  
local, and exempted village school district, community school, 105467  
STEM school, and joint vocational school district an amount equal 105468  
to \$1,250 for each qualifying credential earned by a student 105469  
attending the district or school during each fiscal year. If the 105470  
amount appropriated is not sufficient, the Department shall 105471  
prorate the amounts so that the aggregate amount appropriated is 105472  
not exceeded. 105473

Of the foregoing appropriation item 200478, 105474  
Industry-Recognized Credentials High School Students, up to 105475  
\$4,500,000 in each fiscal year may be used by the Department of 105476  
Education to establish a program to assist city, local, and 105477  
exempted village school districts, community schools, STEM 105478  
schools, and joint vocational school districts in establishing 105479  
credentialing programs that qualify for the Innovative Workforce 105480  
Incentive Program. The Department shall prioritize senior-only 105481  
credentialing programs in schools that currently do not operate 105482  
such programs. 105483

**Section 265.150. PUPIL TRANSPORTATION** 105484

Of the foregoing appropriation item 200502, Pupil 105485  
Transportation, up to \$838,930 in each fiscal year may be used by 105486

the Department of Education for training prospective and 105487  
experienced school bus drivers in accordance with training 105488  
programs prescribed by the Department. A portion of these funds 105489  
may also be used to pay for costs associated with the enrollment 105490  
of bus drivers in the retained applicant fingerprint database. 105491

Of the foregoing appropriation item 200502, Pupil 105492  
Transportation, up to \$60,469,220 in each fiscal year may be used 105493  
by the Department for special education transportation 105494  
reimbursements to school districts and county DD boards for 105495  
transportation operating costs as provided in divisions (C) and 105496  
(F) of section 3317.024 of the Revised Code, in accordance with 105497  
the section of this act entitled "OPERATING FUNDING FOR FISCAL 105498  
YEARS 2020 and 2021." 105499

The remainder of the foregoing appropriation item 200502, 105500  
Pupil Transportation, shall be used to fund the transportation 105501  
payments included in the state funding allocation under division 105502  
(A)(2) of the section of this act entitled "FUNDING FOR CITY, 105503  
LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS." 105504

**PAYMENTS IN LIEU OF TRANSPORTATION** 105505

For purposes of division (D) of section 3327.02 of the 105506  
Revised Code, if a parent, guardian, or other person in charge of 105507  
a pupil accepts an offer from a school district of payment in lieu 105508  
of providing transportation for the pupil, the school district 105509  
shall pay that parent, guardian, or other person an amount that 105510  
shall be not less than \$250 and not more than the amount 105511  
determined by the Department as the average cost of pupil 105512  
transportation for the previous school year. Payment may be 105513  
prorated if the time period involved is only a part of the school 105514  
year. 105515

**Section 265.160. SCHOOL LUNCH MATCH** 105516

The foregoing appropriation item 200505, School Lunch Match, 105517  
shall be used to provide matching funds to obtain federal funds 105518  
for the school lunch program. 105519

Any remaining appropriation after providing matching funds 105520  
for the school lunch program may be used to partially reimburse 105521  
school buildings within school districts that are required to have 105522  
a school breakfast program under section 3313.813 of the Revised 105523  
Code, at a rate decided by the Department. 105524

**Section 265.170. AUXILIARY SERVICES** 105525

Of the foregoing appropriation item 200511, Auxiliary 105526  
Services, up to \$2,600,000 in each fiscal year may be used for 105527  
payment of the College Credit Plus Program for nonpublic secondary 105528  
school participants. The Department of Education shall distribute 105529  
these funds according to rule 3333-1-65.8 of the Administrative 105530  
Code, adopted by the Department of Higher Education pursuant to 105531  
division (A) of section 3365.071 of the Revised Code. 105532

The remainder of the foregoing appropriation item 200511, 105533  
Auxiliary Services, shall be used by the Department for the 105534  
purpose of implementing sections 3317.06 and 3317.062 of the 105535  
Revised Code. 105536

**Section 265.180. NONPUBLIC ADMINISTRATIVE COST REIMBURSEMENT** 105537

The foregoing appropriation item 200532, Nonpublic 105538  
Administrative Cost Reimbursement, shall be used by the Department 105539  
of Education for the purpose of implementing section 3317.063 of 105540  
the Revised Code. Notwithstanding section 3317.063 of the Revised 105541  
Code, payments made by the Department for this purpose shall not 105542  
exceed four hundred forty-six dollars per student for each school 105543  
year. 105544

**Section 265.190. SPECIAL EDUCATION ENHANCEMENTS** 105545

Of the foregoing appropriation item 200540, Special Education Enhancements, up to \$33,000,000 in each fiscal year shall be used to fund special education and related services at county boards of developmental disabilities for eligible students under section 3317.20 of the Revised Code, in accordance with the section of this act entitled "OPERATING FUNDING FOR FISCAL YEARS 2020 and 2021," and at institutions for eligible students under section 3317.201 of the Revised Code. If necessary, the Department of Education shall proportionately reduce the amount calculated for each county board of developmental disabilities and institution so as not to exceed the amount appropriated in each fiscal year.

Of the foregoing appropriation item 200540, Special Education Enhancements, up to \$1,350,000 in each fiscal year shall be used for parent mentoring programs.

Of the foregoing appropriation item 200540, Special Education Enhancements, up to \$3,000,000 in each fiscal year may be used for school psychology interns.

Of the foregoing appropriation item 200540, Special Education Enhancements, the Department shall transfer \$3,250,000 in fiscal year 2020 and \$3,500,000 in fiscal year 2021 to the Opportunities for Ohioans with Disabilities Agency. The transfer shall be made via an intrastate transfer voucher. The transferred funds shall be used by the Opportunities for Ohioans with Disabilities Agency as state matching funds to draw down available federal funding for vocational rehabilitation services. Total project funding shall be used to hire dedicated vocational rehabilitation counselors who shall work directly with school districts to provide transition services for students with disabilities. Services shall include vocational rehabilitation services such as person-centered career planning, summer work experiences, job placement, and retention services for mutually eligible students with disabilities.

The Superintendent of Public Instruction and the Executive



Director of the Opportunities for Ohioans with Disabilities Agency 105578  
shall enter into an interagency agreement that shall specify the 105579  
responsibilities of each agency under the program. Under the 105580  
interagency agreement, the Opportunities for Ohioans with 105581  
Disabilities Agency shall retain responsibility for all 105582  
nondelegable functions, including eligibility and order of 105583  
selection determination, individualized plan for employment (IPE) 105584  
approval, IPE amendments, case closure, and release of vendor 105585  
payments. 105586

Of the foregoing appropriation item 200540, Special Education 105587  
Enhancements, up to \$2,000,000 in each fiscal year shall be used 105588  
by the Department of Education to build capacity to deliver a 105589  
regional system of training, support, coordination, and direct 105590  
service for secondary transition services for students with 105591  
disabilities beginning at fourteen years of age. These special 105592  
education enhancements shall support all students with 105593  
disabilities, regardless of partner agency eligibility 105594  
requirements, to provide stand-alone direct secondary transition 105595  
services by school districts. Secondary transition services shall 105596  
include, but not be limited to, job exploration counseling, 105597  
work-based learning experiences, counseling on opportunities for 105598  
enrollment in comprehensive transition or post-secondary 105599  
educational programs at institutions of higher education, 105600  
workplace readiness training to develop occupational skills, 105601  
social skills and independent living skills, and instruction in 105602  
self-advocacy. Regional training shall support the expansion of 105603  
transition to work endorsement opportunities for middle school and 105604  
secondary level special education intervention specialists in 105605  
order to develop the necessary skills and competencies to meet the 105606  
secondary transition needs of students with disabilities beginning 105607  
at fourteen years of age. 105608

The remainder of appropriation item 200540, Special Education 105609

Enhancements, shall be distributed by the Department of Education 105610  
to school districts and institutions, as defined in section 105611  
3323.091 of the Revised Code, for preschool special education 105612  
funding under section 3317.0213 of the Revised Code, in accordance 105613  
with the section of this act entitled "OPERATING FUNDING FOR 105614  
FISCAL YEARS 2020 and 2021." 105615

The Department may reimburse school districts and 105616  
institutions for services provided by instructional assistants, 105617  
related services, as defined in rule 3301-51-11 of the 105618  
Administrative Code, physical therapy services provided by a 105619  
licensed physical therapist or physical therapist assistant under 105620  
the supervision of a licensed physical therapist, as required 105621  
under Chapter 4755. of the Revised Code and Chapter 4755-27 of the 105622  
Administrative Code, and occupational therapy services provided by 105623  
a licensed occupational therapist or occupational therapy 105624  
assistant under the supervision of a licensed occupational 105625  
therapist, as required under Chapter 4755. of the Revised Code and 105626  
Chapter 4755-7 of the Administrative Code. Nothing in this section 105627  
authorizes occupational therapy assistants or physical therapist 105628  
assistants to generate or manage their own caseloads. 105629

The Department shall require school districts, educational 105630  
service centers, county DD boards, and institutions serving 105631  
preschool children with disabilities to adhere to Ohio's early 105632  
learning program standards, participate in the Step Up to Quality 105633  
program established pursuant to section 5104.29 of the Revised 105634  
Code, and document child progress using research-based indicators 105635  
prescribed by the Department and report results annually. The 105636  
reporting dates and method shall be determined by the Department. 105637  
All programs shall be rated through the Step Up to Quality 105638  
program. 105639

**Section 265.200.** CAREER-TECHNICAL EDUCATION ENHANCEMENTS 105640

Of the foregoing appropriation item 200545, Career-Technical 105641  
Education Enhancements, up to \$2,563,568 in each fiscal year shall 105642  
be used to fund secondary career-technical education at 105643  
institutions, the Ohio School for the Deaf, and the Ohio State 105644  
School for the Blind using a grant-based methodology, 105645  
notwithstanding section 3317.05 of the Revised Code. 105646

Of the foregoing appropriation item 200545, Career-Technical 105647  
Education Enhancements, up to \$2,686,474 in each fiscal year shall 105648  
be used by the Department of Education to fund competitive grants 105649  
to tech prep consortia that expand the number of students enrolled 105650  
in tech prep programs. These grant funds shall be used to directly 105651  
support expanded tech prep programs provided to students enrolled 105652  
in school districts, including joint vocational school districts, 105653  
and affiliated higher education institutions. This support may 105654  
include the purchase of equipment. 105655

Of the foregoing appropriation item 200545, Career-Technical 105656  
Education Enhancements, up to \$3,000,850 in each fiscal year shall 105657  
be used by the Department to support existing High Schools That 105658  
Work (HSTW) sites, develop and support new sites, fund technical 105659  
assistance, and support regional centers and middle school 105660  
programs. The purpose of HSTW is to combine challenging academic 105661  
courses and modern career-technical studies to raise the academic 105662  
achievement of students. HSTW provides intensive technical 105663  
assistance, focused staff development, targeted assessment 105664  
services, and ongoing communications and networking opportunities. 105665

Of the foregoing appropriation item 200545, Career-Technical 105666  
Education Enhancements, up to \$600,000 in each fiscal year shall 105667  
be used by the Department to enable students in agricultural 105668  
programs to enroll in a fifth quarter of instruction based on the 105669  
agricultural education model of delivering work-based learning 105670  
through supervised agricultural experience. The Department shall 105671  
determine eligibility criteria and the reporting process for the 105672

Agriculture 5th Quarter Project and shall fund as many programs as possible given the set-aside. The eligibility criteria developed by the Department shall allow these funds to support supervised agricultural experience that occurs anytime outside of the regular school day.

Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, up to \$550,000 in each fiscal year may be used to support career planning and reporting through the OhioMeansJobs web site.

Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, \$100,000 in each fiscal year shall be used to support Jobs for Ohio's Graduates.

Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, \$150,000 in each fiscal year shall be used to prepare students for careers in culinary arts and restaurant management under the Ohio ProStart school restaurant program.

Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, \$100,000 in each fiscal year shall be used for a pre-apprenticeship program at Creative Builders Trades Academy.

**Section 265.210. FOUNDATION FUNDING**

Of the foregoing appropriation item 200550, Foundation Funding, up to \$40,000,000 in each fiscal year shall be used to provide additional state aid to school districts, joint vocational school districts, community schools, and STEM schools for special education students under division (C)(3) of section 3314.08, section 3317.0214 and division (B) of section 3317.16 in accordance with the section of this act entitled "OPERATING FUNDING FOR FISCAL YEARS 2020 and 2021," and section 3326.34 of the Revised Code, except that the Controlling Board may increase

these amounts if presented with such a request from the Department 105703  
of Education at the final meeting of the fiscal year. 105704

Of the foregoing appropriation item 200550, Foundation 105705  
Funding, up to \$3,800,000 in each fiscal year shall be used to 105706  
fund gifted education at educational service centers. The 105707  
Department shall distribute the funding through the unit-based 105708  
funding methodology in place under division (L) of section 105709  
3317.024, division (E) of section 3317.05, and divisions (A), (B), 105710  
and (C) of section 3317.053 of the Revised Code as they existed 105711  
prior to fiscal year 2010. 105712

Of the foregoing appropriation item 200550, Foundation 105713  
Funding, up to \$40,000,000 in each fiscal year shall be reserved 105714  
to fund the state reimbursement of educational service centers 105715  
under the section of this act entitled "EDUCATIONAL SERVICE 105716  
CENTERS FUNDING." 105717

Of the foregoing appropriation item 200550, Foundation 105718  
Funding, up to \$3,500,000 in each fiscal year shall be distributed 105719  
to educational service centers for School Improvement Initiatives 105720  
and for the provision of technical assistance to schools and 105721  
districts consistent with requirements of section 3312.01 of the 105722  
Revised Code. The Department may distribute these funds through a 105723  
competitive grant process. 105724

Of the foregoing appropriation item 200550, Foundation 105725  
Funding, up to \$7,000,000 in each fiscal year shall be reserved 105726  
for payments under section 3317.029 of the Revised Code, in 105727  
accordance with the section of this act entitled "OPERATING 105728  
FUNDING FOR FISCAL YEARS 2020 and 2021." If this amount is not 105729  
sufficient, the Superintendent of Public Instruction may 105730  
reallocate excess funds for other purposes supported by this 105731  
appropriation item in order to fully pay the amounts required by 105732  
that section, provided that the aggregate amount appropriated in 105733  
appropriation item 200550, Foundation Funding, is not exceeded. 105734

Of the foregoing appropriation item 200550, Foundation 105735  
Funding, up to \$26,400,000 in each fiscal year shall be used to 105736  
support school choice programs. 105737

Of the portion of the funds distributed to the Cleveland 105738  
Municipal School District under this section, up to \$23,501,887 in 105739  
each fiscal year shall be used to operate the school choice 105740  
program in the Cleveland Municipal School District under sections 105741  
3313.974 to 3313.979 of the Revised Code. Notwithstanding 105742  
divisions (B) and (C) of section 3313.978 and division (C) of 105743  
section 3313.979 of the Revised Code, up to \$1,000,000 in each 105744  
fiscal year of this amount shall be used by the Cleveland 105745  
Municipal School District to provide tutorial assistance as 105746  
provided in division (H) of section 3313.974 of the Revised Code. 105747  
The Cleveland Municipal School District shall report the use of 105748  
these funds in the district's three-year continuous improvement 105749  
plan as described in section 3302.04 of the Revised Code in a 105750  
manner approved by the Department. 105751

Of the foregoing appropriation item 200550, Foundation 105752  
Funding, up to \$2,000,000 in each fiscal year may be used for 105753  
payment of the College Credit Plus Program for students instructed 105754  
at home pursuant to section 3321.04 of the Revised Code. An amount 105755  
equal to the unexpended, unencumbered balance of this earmark at 105756  
the end of fiscal year 2020 is hereby reappropriated for the same 105757  
purpose for fiscal year 2021. 105758

Of the foregoing appropriation item 200550, Foundation 105759  
Funding, an amount shall be available in each fiscal year to be 105760  
paid to joint vocational school districts in accordance with the 105761  
section of this act entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL 105762  
DISTRICTS." 105763

Of the foregoing appropriation item 200550, Foundation 105764  
Funding, up to \$700,000 in each fiscal year shall be used by the 105765  
Department for a program to pay for educational services for youth 105766

who have been assigned by a juvenile court or other authorized 105767  
agency to any of the facilities described in division (A) of the 105768  
section of this act entitled "PRIVATE TREATMENT FACILITY PROJECT." 105769

Of the foregoing appropriation item 200550, Foundation 105770  
Funding, a portion may be used to pay college-preparatory boarding 105771  
schools the per pupil boarding amount pursuant to section 3328.34 105772  
of the Revised Code. 105773

Of the foregoing appropriation item 200550, Foundation 105774  
Funding, a portion in each fiscal year shall be used to pay 105775  
community schools and STEM schools the amounts calculated for the 105776  
graduation and third-grade reading bonuses under sections 3314.085 105777  
and 3326.41 of the Revised Code, in accordance with the sections 105778  
of this act entitled "FUNDING FOR COMMUNITY SCHOOLS" and "FUNDING 105779  
FOR STEM SCHOOLS." 105780

Of the foregoing appropriation item 200550, Foundation 105781  
Funding, up to \$1,172,000 in fiscal year 2020 and up to \$1,760,000 105782  
in fiscal year 2021 may be used by the Department for duties and 105783  
activities related to the establishment of academic distress 105784  
commissions under section 3302.10 of the Revised Code, to provide 105785  
support and assistance to academic distress commissions to further 105786  
their duties under Chapter 3302. of the Revised Code, and to 105787  
provide technical assistance and tools to support districts 105788  
subject to academic distress commissions. 105789

Of the foregoing appropriation item 200550, Foundation 105790  
Funding, up to \$350,000 in fiscal year 2020 shall be used by the 105791  
Department of Education to conduct return on investment studies 105792  
for programming funded through student success and wellness funds 105793  
and to provide technical assistance to school districts on 105794  
implementing these strategies. 105795

Of the foregoing appropriation item 200550, Foundation 105796  
Funding, up to \$100,000 in each fiscal year shall be used to make 105797

payments under section 3314.06 of the Revised Code to each 105798  
community school that operates a program that uses the Montessori 105799  
method endorsed by the American Montessori society, the Montessori 105800  
Accreditation Council for Teacher Education, or the Association 105801  
Montessori Internationale as its primary method of instruction for 105802  
students younger than four years of age who are enrolled in the 105803  
school. 105804

The remainder of the foregoing appropriation item 200550, 105805  
Foundation Funding, shall be used to fund the payments included in 105806  
the state funding allocation under division (A)(1) of the section 105807  
of this act entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED 105808  
VILLAGE SCHOOL DISTRICTS." 105809

Appropriation items 200502, Pupil Transportation, 200540, 105810  
Special Education Enhancements, and 200550, Foundation Funding, 105811  
other than specific set-asides, are collectively used in each 105812  
fiscal year to pay state formula aid obligations for school 105813  
districts, community schools, STEM schools, college preparatory 105814  
boarding schools, and joint vocational school districts under this 105815  
act. The first priority of these appropriation items, with the 105816  
exception of specific set-asides, is to fund state formula aid 105817  
obligations. It may be necessary to reallocate funds among these 105818  
appropriation items or use excess funds from other general revenue 105819  
fund appropriation items in the Department of Education's budget, 105820  
including appropriation item 200903, Property Tax Reimbursement - 105821  
Education, in each fiscal year in order to meet state formula aid 105822  
obligations. If it is determined that it is necessary to transfer 105823  
funds among these appropriation items or to transfer funds from 105824  
other General Revenue Fund appropriations in the Department's 105825  
budget to meet state formula aid obligations, the Superintendent 105826  
of Public Instruction shall seek approval from the Director of 105827  
Budget and Management to transfer funds as needed. 105828

The Superintendent of Public Instruction shall make payments, 105829



transfers, and deductions, as authorized by Title XXXIII of the 105830  
Revised Code in amounts substantially equal to those made in the 105831  
prior year, or otherwise, at the discretion of the Superintendent, 105832  
until at least the effective date of the amendments and enactments 105833  
made to Title XXXIII by this act. Any funds paid to districts or 105834  
schools under this section shall be credited toward the annual 105835  
funds calculated for the district or school after the changes made 105836  
to Title XXXIII in this act are effective. Upon the effective date 105837  
of changes made to Title XXXIII in this act, funds shall be 105838  
calculated as an annual amount. 105839

**Section 265.215.** OPERATING FUNDING FOR FISCAL YEARS 2020 and 105840  
2021 105841

(A) Notwithstanding anything to the contrary in Chapter 3317. 105842  
of the Revised Code, the Department of Education shall make no 105843  
payments under that chapter for fiscal years 2020 and 2021 except 105844  
as prescribed in this section and the sections of this act 105845  
entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL 105846  
DISTRICTS" and "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS." 105847

(B) Each school district and educational service center shall 105848  
report student enrollment data as prescribed by section 3317.03 of 105849  
the Revised Code, which data the Department shall use to make 105850  
payments under Chapter 3317. of the Revised Code and the sections 105851  
of this act entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED 105852  
VILLAGE SCHOOL DISTRICTS" and "FUNDING FOR JOINT VOCATIONAL SCHOOL 105853  
DISTRICTS." 105854

(C) The tax commissioner shall report data regarding tax 105855  
valuation and receipts for school districts as prescribed by 105856  
sections 3317.015, 3317.021, 3317.025, 3317.028, 3317.029, 105857  
3317.0210, 3317.0211, and 3317.08, which data the Department shall 105858  
use to make payments under Chapter 3317. of the Revised Code and 105859  
the sections of this act entitled "FUNDING FOR CITY, LOCAL, AND 105860

EXEMPTED VILLAGE SCHOOL DISTRICTS" and "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS." 105861  
105862

(D) Unless otherwise specified by another provision of law, 105863  
in addition to the payments prescribed by the sections of this act 105864  
entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL 105865  
DISTRICTS" and "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS," 105866  
the Department shall continue to make payments or adjustments for 105867  
each of fiscal years 2020 and 2021 under the following provisions 105868  
of Chapter 3317. of the Revised Code: 105869

(1) All payments or adjustments under section 3317.023 of the 105870  
Revised Code; 105871

(2) All payments or adjustments under section 3317.024 of the 105872  
Revised Code; 105873

(3) Payments under section 3317.029 of the Revised Code. 105874  
Notwithstanding division (A)(2)(d) of section 3317.029, for 105875  
purposes of these payments, a city, local, or exempted village 105876  
school district's "state education aid" for fiscal years 2020 and 105877  
2021 shall be the payment made to the district under the section 105878  
of this act entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED 105879  
VILLAGE SCHOOL DISTRICTS." 105880

(4) Preschool special education payments under section 105881  
3317.0213 of the Revised Code; 105882

(5) The catastrophic cost reimbursement under section 105883  
3317.0214 of the Revised Code; 105884

(6) Payments under sections 3317.06, 3317.062, 3317.063, and 105885  
3317.064 of the Revised Code; 105886

(7) The catastrophic cost reimbursement under division (B) of 105887  
section 3317.16 of the Revised Code and excess cost reimbursements 105888  
under division (C) of that section. No other payments shall be 105889  
made under that section. 105890

(8) Adjustments under section 3317.18 of the Revised Code;	105891
(9) Payments to cooperative education school districts under section 3317.19 of the Revised Code;	105892 105893
(10) Payments to county boards of developmental disabilities under section 3317.20 of the Revised Code;	105894 105895
(11) Payments to state institutions for special education funding under section 3317.201 of the Revised Code.	105896 105897
(E) Notwithstanding anything to the contrary in Chapter 3317. of the Revised Code, for purposes of computing the payments under that chapter for fiscal years 2020 and 2021 authorized under this section for which the "state share index" or "state share percentage" is a factor, the Department shall use the state share index or state share percentage, as applicable, computed for each district for fiscal year 2019.	105898 105899 105900 105901 105902 105903 105904
(F) For fiscal years 2020 and 2021, when calculating payments under Chapter 3317. of the Revised Code as authorized under this section, and for purposes of sections 3310.09, 3313.98, 3313.981, 3314.08, 3315.18, 3326.31, 3326.33, and 3365.01 of the Revised Code and any other provision of law with respect to education financing:	105905 105906 105907 105908 105909 105910
(1) The "formula amount" equals \$6,020 for fiscal years 2020 and 2021.	105911 105912
(2) The special education catastrophic cost threshold for fiscal years 2020 and 2021 is \$27,375 for students in categories two through five special education ADM and \$32,850 for students in category six special education ADM.	105913 105914 105915 105916
(G) This section does not affect the provisions of sections 3317.0219, 3317.031, 3317.032, 3317.033, 3317.034, 3317.035, 3317.036, 3317.061, 3317.07, 3317.08, 3317.081, 3317.082, 3317.09, 3317.10, 3317.12, 3317.13, 3317.14, 3317.141, 3317.15, 3317.161,	105917 105918 105919 105920

3317.163, 3317.23, 3317.231, 3317.24, 3317.25, 3317.26, 3317.27, 105921  
3317.30, 3317.40, 3317.50, 3317.51, and 3317.60 of the Revised 105922  
Code. 105923

**Section 265.220. FUNDING FOR CITY, LOCAL, AND EXEMPTED 105924**  
VILLAGE SCHOOL DISTRICTS 105925

(A) Subject to Section 265.227 of this act, for each of 105926  
fiscal years 2020 and 2021, the Department of Education shall pay 105927  
each city, local, and exempted village school district an amount 105928  
equal to the sum of the following: 105929

(1) The district's payments for fiscal year 2019 under 105930  
section 3317.022 of the Revised Code and Section 265.220 of Am. 105931  
Sub. H.B. 49 of the 132nd General Assembly; 105932

(2) The district's payments for fiscal year 2019 under 105933  
section 3317.0212 and division (D)(2) of section 3314.091 of the 105934  
Revised Code. 105935

(B)(1) For purposes of division (B) of this section: 105936

(a) "Eligible school district" means a city, local, or 105937  
exempted village school district with an enrolled ADM greater than 105938  
or equal to fifty. 105939

(b) "Enrolled ADM" has the same meaning as in section 105940  
3317.0219 of the Revised Code as enacted by this act. 105941

(2) For each of fiscal years 2020 and 2021, the Department of 105942  
Education shall pay each eligible school district an additional 105943  
amount calculated as follows: 105944

(a) Determine the district's percentage of change in enrolled 105945  
ADM between fiscal years 2016 and 2017, fiscal years 2017 and 105946  
2018, and fiscal years 2018 and 2019; 105947

(b) Calculate the average of the percentage of changes in 105948  
enrolled ADM determined for the district under division (B)(2)(a) 105949

of this section; 105950

(c) Compute the district's payment as follows: 105951

The district's average percentage calculated under division 105952  
(B)(2)(b) of this section X 100 X the district's enrolled ADM for 105953  
fiscal year 2019 X \$20, for fiscal year 2020, or \$30, for fiscal 105954  
year 2021 105955

If the result of the calculation for a district under 105956  
division (B)(2)(c) of this section is less than zero, the district 105957  
shall not receive a payment under division (B) of this section. 105958

**Section 265.225.** FUNDING FOR JOINT VOCATIONAL SCHOOL 105959  
DISTRICTS 105960

Subject to Section 265.227 of this act, for each of fiscal 105961  
years 2020 and 2021, the Department of Education shall pay each 105962  
joint vocational school district an amount equal to the district's 105963  
payments for fiscal year 2019 under section 3317.16 of the Revised 105964  
Code and Section 265.230 of Am. Sub. H.B. 49 of the 132nd General 105965  
Assembly. 105966

**Section 265.227.** If a city, local, or exempted village school 105967  
district provided career-technical education pursuant to division 105968  
(A)(1) of section 3313.90 of the Revised Code in fiscal year 2019 105969  
but the district enters into an agreement pursuant to division 105970  
(A)(2) of section 3313.90 of the Revised Code with a joint 105971  
vocational school district to provide that career-technical 105972  
education beginning in fiscal year 2020, the Department of 105973  
Education shall adjust the amounts paid to those districts for 105974  
fiscal years 2020 and 2021 under division (A) of the section of 105975  
this act entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED VILLAGE 105976  
SCHOOL DISTRICTS" and the section of this act entitled "FUNDING 105977  
FOR JOINT VOCATIONAL SCHOOL DISTRICTS" to account for the decrease 105978  
in students served by the city, local, or exempted village school 105979

district and the increase in students served by the joint 105980  
vocational school district. This adjustment shall be equal to the 105981  
following amount: 105982

(The amount paid to the city, local, or exempted village school 105983  
district under divisions (A)(8) and (9) of section 3317.022 of the 105984  
Revised Code for fiscal year 2019 + the amount paid to the city, 105985  
local, or exempted village school district under division (C) of 105986  
Section 265.220 of Am. Sub. H.B. 49 of the 132nd General Assembly 105987  
for fiscal year 2019) - (the amount deducted from the district 105988  
under division (C)(1)(g) of section 3314.08 of the Revised Code 105989  
and division (G) of section 3326.33 of the Revised Code for fiscal 105990  
year 2019) 105991

In doing so, the Department shall not, however, increase the 105992  
aggregate amount of foundation aid paid under division (A) of the 105993  
section of this act entitled "FUNDING FOR CITY, LOCAL, AND 105994  
EXEMPTED VILLAGE SCHOOL DISTRICTS" and the section of this act 105995  
entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS." 105996

**Section 265.230. FUNDING FOR COMMUNITY SCHOOLS** 105997

(A) For each of fiscal years 2020 and 2021, the Department of 105998  
Education shall make the deductions and payments for each student 105999  
enrolled in a community school, established under Chapter 3314. of 106000  
the Revised Code, in the manner prescribed by division (C) of 106001  
section 3314.08 and division (D) of section 3314.091 of the 106002  
Revised Code, except that, for each of those fiscal years: 106003

(1) The "formula amount" shall equal the amount specified in 106004  
division (F)(1) of the section of this act entitled "OPERATING 106005  
FUNDING FOR FISCAL YEARS 2020 and 2021." 106006

(2) "State education aid" for a school district from which a 106007  
deduction is made shall mean the amount paid to the district for 106008  
that fiscal year under the section of this act entitled "FUNDING 106009

FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS." 106010

(3) The per pupil amount deducted from a district and paid to 106011  
a community school under divisions (C)(1)(b) and (e) of section 106012  
3314.08 and division (D) of section 3314.091 of the Revised Code 106013  
shall be the same respective per pupil amounts deducted and paid 106014  
under those divisions for fiscal year 2019. 106015

(B) For each of fiscal years 2020 and 2021, the Department 106016  
shall pay each community school graduation and third grade reading 106017  
bonuses in accordance with section 3314.085 of the Revised Code, 106018  
except that, for each of those fiscal years, the "formula amount" 106019  
shall equal the amount specified in division (F)(1) of the section 106020  
of this act entitled "OPERATING FUNDING FOR FISCAL YEARS 2020 AND 106021  
2021." 106022

**Section 265.235. FUNDING FOR STEM SCHOOLS** 106023

(A) For each of fiscal years 2020 and 2021, the Department of 106024  
Education shall make the deductions and payments for each student 106025  
enrolled in a STEM school, established under Chapter 3326. of the 106026  
Revised Code, in the manner prescribed by section 3326.33 of the 106027  
Revised Code, except that, for each of those fiscal years: 106028

(1) The "formula amount" shall equal the amount specified in 106029  
division (F)(1) of the section of this act entitled "OPERATING 106030  
FUNDING FOR FISCAL YEARS 2020 and 2021." 106031

(2) "State education aid" for a school district from which a 106032  
deduction is made shall mean the amount paid to the district for 106033  
that fiscal year under the section of this act entitled "FUNDING 106034  
FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS." 106035

(3) The per pupil amount deducted from a district and paid to 106036  
a STEM school under divisions (B) and (E) of section 3326.33 of 106037  
the Revised Code shall be the same respective per pupil amount 106038  
deducted and paid under those divisions for fiscal year 2019. 106039

(B) For each of fiscal years 2020 and 2021, the Department shall pay each STEM school graduation and third grade reading bonuses in accordance with section 3326.41 of the Revised Code, except that, for each of those fiscal years, the "formula amount" shall equal the amount specified in division (F)(1) of the section of this act entitled "OPERATING FUNDING FOR FISCAL YEARS 2020 AND 2021."

**Section 265.240. LITERACY IMPROVEMENT**

Of the foregoing appropriation item 200566, Literacy Improvement, up to \$100,000 in each fiscal year shall be used to support the Read, Baby, Read! Program.

The remainder of the foregoing appropriation item 200566, Literacy Improvement, shall be used by the Department of Education to support early literacy activities to align state, local, and federal efforts in order to bolster all students' reading success. Funds shall be distributed to educational service centers to establish and support regional literacy professional development teams consistent with section 3312.01 of the Revised Code. A portion of the funds may be used by the Department for program administration, monitoring, technical assistance, support, research, and evaluation.

**Section 265.250. ADULT EDUCATION PROGRAMS**

Of the foregoing appropriation item 200572, Adult Education Programs, up to \$6,900,000 in each fiscal year shall be used to make payments under sections 3314.38, 3317.23, 3317.24, and 3345.86 of the Revised Code.

A portion of the foregoing appropriation item 200572, Adult Education Programs, shall be used in each fiscal year to make payments to institutions participating in the Adult Diploma Pilot Program under section 3313.902 of the Revised Code and to pay



career-technical planning districts for the amounts reimbursed to 106070  
students, as prescribed in this section. 106071

Each career-technical planning district shall reimburse 106072  
individuals taking a nationally recognized high school equivalency 106073  
examination approved by the Department of Education for the first 106074  
time for application fees, examination fees, or both, in excess of 106075  
\$40, up to a maximum reimbursement per individual of \$80. Each 106076  
career-technical planning district shall designate a site or sites 106077  
where individuals may register and take an approved examination. 106078  
For each individual who registers for an approved examination, the 106079  
career-technical planning district shall make available and offer 106080  
career counseling services, including information on adult 106081  
education programs that are available. A portion of the 106082  
appropriation item may be reimbursed to the Department of Youth 106083  
Services and the Department of Rehabilitation and Correction for 106084  
individuals in these facilities who have taken an approved 106085  
examination for the first time. The amounts reimbursed shall not 106086  
exceed the per-individual amounts reimbursed to other individuals 106087  
under this section for an approved examination. 106088

Notwithstanding any provision of law to the contrary, the 106089  
unexpended balance of appropriations for payments under sections 106090  
3313.902, 3314.38, 3317.23, 3317.24, and 3345.86 of the Revised 106091  
Code at the end of each fiscal year may be encumbered by the 106092  
Department of Education and remain available for payment for a 106093  
period not to exceed two years from the end of each fiscal year in 106094  
which the funds were originally appropriated, in accordance with 106095  
guidelines established by the Superintendent of Public 106096  
Instruction. 106097

A portion of the foregoing appropriation item 200572, Adult 106098  
Education Programs, may be used for program administration, 106099  
technical assistance, support, research, and evaluation of adult 106100  
education programs, including high school equivalency examinations 106101

approved by the Department of Education. 106102

**Section 265.260. EDCHOICE EXPANSION** 106103

The foregoing appropriation item 200573, EdChoice Expansion, 106104  
shall be used to provide for the scholarships awarded under the 106105  
expansion of the educational choice program established under 106106  
section 3310.032 of the Revised Code. The number of scholarships 106107  
awarded under the expansion of the educational choice program 106108  
shall not exceed the number that can be funded with the 106109  
appropriations made by the General Assembly for this purpose. 106110

**HALF-MILL MAINTENANCE EQUALIZATION** 106111

The foregoing appropriation item 200574, Half-Mill 106112  
Maintenance Equalization, shall be used to make payments pursuant 106113  
to section 3318.18 of the Revised Code. 106114

**ADAPTIVE SPORTS PROGRAM** 106115

The foregoing appropriation item 200576, Adaptive Sports 106116  
Program, shall be used by the Department of Education, in 106117  
collaboration with the Adaptive Sports Program of Ohio, to fund 106118  
adaptive sports programs in school districts across the state. 106119

**PROGRAM AND PROJECT SUPPORT** 106120

Of the foregoing appropriation item 200597, Program and 106121  
Project Support, \$500,000 in fiscal year 2020 shall be distributed 106122  
to Tri-State Early College STEM School to provide additional 106123  
support for facility renovations and operations, including 106124  
professional development, educational materials, equipment, 106125  
marketing, and recruitment. 106126

Of the foregoing appropriation item 200597, Program and 106127  
Project Support, \$500,000 in each fiscal year shall be distributed 106128  
to Ohio Adolescent Health Centers to support risk avoidance 106129  
education. 106130

Of the foregoing appropriation item 200597, Program and 106131  
Project Support, \$125,000 in each fiscal year shall be used to 106132  
support Ruling Our eXperiences (ROX) programming in schools. 106133

**Section 265.280. MEDICAID IN SCHOOLS PROGRAM** 106134

The foregoing appropriation item, 657401, Medicaid in Schools 106135  
Program, shall be used by the Department of Education to support 106136  
the Medicaid in Schools Program. 106137

**Section 265.300. TEACHER CERTIFICATION AND LICENSURE** 106138

The foregoing appropriation item 200681, Teacher 106139  
Certification and Licensure, shall be used by the Department of 106140  
Education in each year of the biennium to administer and support 106141  
teacher certification and licensure activities. Notwithstanding 106142  
section 3319.51 of the Revised Code, a portion of the foregoing 106143  
appropriation may also be used for implementation of teacher and 106144  
principal evaluation systems, including incorporation of student 106145  
growth as a metric in those systems, and teacher value-added 106146  
reports. 106147

**Section 265.320. SCHOOL DISTRICT SOLVENCY ASSISTANCE** 106148

(A) The foregoing appropriation item 200687, School District 106149  
Solvency Assistance, shall be allocated to the School District 106150  
Shared Resource Account and the Catastrophic Expenditures Account 106151  
in amounts determined by the Superintendent of Public Instruction. 106152  
These funds shall be used to provide assistance and grants to 106153  
school districts to enable them to remain solvent under section 106154  
3316.20 of the Revised Code. Assistance and grants shall be 106155  
subject to approval by the Controlling Board. Except as provided 106156  
under division (C) of this section, any required reimbursements 106157  
from school districts for solvency assistance shall be made to the 106158  
appropriate account in the School District Solvency Assistance 106159

Fund (Fund 5H30). 106160

(B) Notwithstanding any provision of law to the contrary, 106161  
upon the request of the Superintendent of Public Instruction, the 106162  
Director of Budget and Management may make transfers to the School 106163  
District Solvency Assistance Fund (Fund 5H30) from any fund used 106164  
by the Department of Education or the General Revenue Fund to 106165  
maintain sufficient cash balances in Fund 5H30 in fiscal years 106166  
2020 and 2021. Any cash transferred is hereby appropriated. The 106167  
transferred cash may be used by the Department to provide 106168  
assistance and grants to school districts to enable them to remain 106169  
solvent and to pay unforeseeable expenses of a temporary or 106170  
emergency nature that the school district is unable to pay from 106171  
existing resources. The Director shall notify the members of the 106172  
Controlling Board of any such transfers. 106173

(C) If the cash balance of the School District Solvency 106174  
Assistance Fund (Fund 5H30) is insufficient to pay solvency 106175  
assistance in fiscal years 2020 and 2021, at the request of the 106176  
Superintendent of Public Instruction, and with the approval of the 106177  
Controlling Board, the Director of Budget and Management may 106178  
transfer cash from the Lottery Profits Education Reserve Fund 106179  
(Fund 7018) to Fund 5H30 to provide assistance and grants to 106180  
school districts to enable them to remain solvent and to pay 106181  
unforeseeable expenses of a temporary nature that they are unable 106182  
to pay from existing resources under section 3316.20 of the 106183  
Revised Code. Such transfers are hereby appropriated to 106184  
appropriation item 200670, School District Solvency Assistance - 106185  
Lottery. Any required reimbursements from school districts for 106186  
solvency assistance granted from appropriation item 200670, School 106187  
District Solvency Assistance - Lottery, shall be made to Fund 106188  
7018. 106189

**Section 265.323. STUDENT WELLNESS AND SUCCESS** 106190

The foregoing appropriation item 200604, Student Wellness and Success, shall be used to distribute the amounts calculated for student wellness and success funds under sections 3314.088, 3317.0219, 3317.163, and 3326.42 of the Revised Code.

**Section 265.324. SCHOOL BUS PURCHASE**

The foregoing appropriation item 200663, School Bus Purchase, shall be used by the Department of Education to assist school districts in purchasing school buses in accordance with the program developed under this section.

The Department of Education, in partnership with the Department of Public Safety, shall develop a program to provide school bus purchase assistance. Not later than January 31, 2020, the departments of Education and Public Safety shall submit a report to the General Assembly in accordance with section 101.68 of the Revised Code that describes how the program will operate.

**Section 265.325. SCHOOL CLIMATE GRANTS**

(A) The foregoing appropriation item 200602, School Climate Grants, shall be used to provide competitive grants to eligible applicants to implement positive behavior intervention and supports frameworks, evidence- or research-based social and emotional learning initiatives, or both, in eligible school buildings.

(B) The Superintendent of Public Instruction shall administer and award the grants. The Superintendent shall prescribe an application form, establish procedures for the consideration and approval of grant applications, and determine the amount of the grant awards.

(C)(1) Subject to division (C)(2) of this section, the Superintendent shall award the grants in the following order of priority:

(a) First, to eligible applicants whose grant proposal serves one or more eligible school buildings whose percentage of students who are identified as economically disadvantaged is greater than the statewide average percentage of students who are identified as economically disadvantaged, as determined by the Superintendent;

(b) Second, to eligible applicants whose grant proposal serves one or more eligible school buildings with high suspension rates, as determined by the Superintendent;

(c) Third, to eligible applicants who were not awarded a grant under either division (C)(1)(a) or (b) of this section in the order in which the applications were received.

(2) If, for a fiscal year, the amount appropriated for the grants awarded under this section is insufficient to provide grants to all eligible applicants within a priority level specified in division (C)(1) of this section, the Superintendent shall first award grants within that priority level to eligible applicants whose grant proposal serves one or more eligible school buildings that previously have not been served through a grant disbursed from the foregoing appropriation item 200602, School Climate Grants.

(D) The Superintendent may enter into a written grant agreement with each eligible applicant awarded a grant under this section that includes the terms and conditions governing the use of the funds. The Superintendent may monitor a recipient's use of the funds to ensure that the funds are used in accordance with the grant agreement.

(E) A grant awarded to an eligible applicant under this section shall not exceed \$5,000 per eligible school building served in the eligible applicant's grant proposal, up to a maximum of \$50,000.

(F) Notwithstanding any provision of law to the contrary,

grants awarded under this section may be used by grant recipients 106252  
for grant-related expenses for a period not to exceed two years 106253  
from the date of the award, according to guidelines established by 106254  
the Superintendent. 106255

(G) As used in this section: 106256

(1) "Eligible applicant" means a city, local, or exempted 106257  
village school district or a community school established under 106258  
Chapter 3314. of the Revised Code. 106259

(2) "Eligible school building" means a building of an 106260  
eligible applicant that serves any of grades kindergarten through 106261  
three. 106262

**Section 265.330. LOTTERY PROFITS EDUCATION FUND** 106263

The foregoing appropriation item 200612, Foundation Funding, 106264  
shall be used in conjunction with appropriation item 200550, 106265  
Foundation Funding, to provide state foundation payments to school 106266  
districts. 106267

The Department of Education, with the approval of the 106268  
Director of Budget and Management, shall determine the monthly 106269  
distribution schedules of appropriation item 200550, Foundation 106270  
Funding, and appropriation item 200612, Foundation Funding. If 106271  
adjustments to the monthly distribution schedule are necessary, 106272  
the Department shall make such adjustments with the approval of 106273  
the Director. 106274

**Section 265.331. ACCELERATE GREAT SCHOOLS** 106275

The foregoing appropriation item 200614, Accelerate Great 106276  
Schools, shall be used to support the Accelerate Great Schools 106277  
public-private partnership. 106278

**Section 265.335. QUALITY COMMUNITY SCHOOLS SUPPORT** 106279

(A) The foregoing appropriation item 200631, Quality Community Schools Support, shall be used for the Quality Community School Support Program. Under the program, the Department of Education shall pay each community school established under Chapter 3314. of the Revised Code and designated as a Community School of Quality under this section an amount equal to \$1,750 in each fiscal year for each pupil identified as economically disadvantaged and \$1,000 in each fiscal year for each pupil that is not identified as economically disadvantaged. The payment for the current fiscal year shall be calculated using the final adjusted full-time equivalent number of students enrolled in a community school for the prior fiscal year, except that if a school is in its first year of operation the payment for the current fiscal year shall be calculated using the adjusted full-time equivalent number of students enrolled in the school for the current fiscal year as of the date the payment is made, as reported by the school under section 3314.08 of the Revised Code. The Department shall make the payment to each Community School of Quality not later than January 31 of each fiscal year.

(B) To be designated as a Community School of Quality, a community school shall satisfy at least one of the following conditions:

(1) The community school meets all of the following criteria:

(a) The school's sponsor was rated "exemplary" or "effective" on the sponsor's most recent evaluation conducted under section 3314.016 of the Revised Code.

(b) The school received a higher performance index score than the school district in which the school is located on the two most recent report cards issued for the school under section 3302.03 of the Revised Code.

(c) The school received an overall grade of "A" or "B" for



the value-added progress dimension on the most recent report card 106311  
issued for the school under section 3302.03 of the Revised Code or 106312  
is a school described under division (A)(4) of section 3314.35 of 106313  
the Revised Code and did not receive a grade for the value-added 106314  
progress dimension on the most recent report card. 106315

(d) At least fifty per cent of the students enrolled in the 106316  
school are economically disadvantaged, as determined by the 106317  
Department. 106318

(2) The community school meets all of the following criteria: 106319

(a) The school's sponsor was rated "exemplary" or "effective" 106320  
on the sponsor's most recent evaluation conducted under section 106321  
3314.016 of the Revised Code. 106322

(b) The school is in its first year of operation or the 106323  
school opened as a kindergarten school and has added one grade per 106324  
year and has been in operation for less than four school years. 106325

(c) The school is replicating an operational and 106326  
instructional model used by a community school described in 106327  
division (B)(1) of this section. 106328

(3) The community school meets all of the following criteria: 106329

(a) The school's sponsor was rated "exemplary" or "effective" 106330  
on the sponsor's most recent evaluation conducted under section 106331  
3314.016 of the Revised Code. 106332

(b) The school contracts with an operator that operates 106333  
schools in other states and meets at least one of the following 106334  
criteria: 106335

(i) Has operated a school that received a grant funded 106336  
through the federal Charter School Program established under 20 106337  
U.S.C. 7221 or received funding from the Charter School Growth 106338  
Fund; 106339

(ii) Meets all of the following criteria: 106340

(I) One of the operator's schools in another state performed 106341  
better than the school district in which the school is located, as 106342  
determined by the Department. 106343

(II) At least fifty per cent of the total number of students 106344  
enrolled in all of the operator's schools are economically 106345  
disadvantaged, as determined by the Department. 106346

(III) The operator is in good standing in all states where it 106347  
operates schools. 106348

(IV) The Department has determined that the operator does not 106349  
have any financial viability issues that would prevent it from 106350  
effectively operating a community school in Ohio. 106351

(C) A school that is designated as a Community School of 106352  
Quality under division (B) of this section shall maintain that 106353  
designation for the two fiscal years following the fiscal year in 106354  
which the school was initially designated as a Community School of 106355  
Quality. 106356

**Section 265.337. ENROLLMENT GROWTH SUPPLEMENT** 106357

The foregoing appropriation item 200636, Enrollment Growth 106358  
Supplement, shall be used to fund the payments included in the 106359  
state funding allocation under division (B) of the section of this 106360  
act entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL 106361  
DISTRICTS." 106362

**Section 265.340. COMMUNITY SCHOOL FACILITIES** 106363

The foregoing appropriation item 200684, Community School 106364  
Facilities, shall be used to pay each community school established 106365  
under Chapter 3314. of the Revised Code and each STEM school 106366  
established under Chapter 3326. of the Revised Code an amount 106367  
equal to \$25 in each fiscal year for each full-time equivalent 106368  
pupil in an internet- or computer-based community school and \$250 106369

in each fiscal year for each full-time equivalent pupil in all 106370  
other community or STEM schools for assistance with the cost 106371  
associated with facilities. If the amount appropriated is not 106372  
sufficient, the Department shall prorate the amounts so that the 106373  
aggregate amount appropriated is not exceeded. 106374

**Section 265.350.** LOTTERY PROFITS EDUCATION RESERVE FUND 106375

(A) There is hereby created the Lottery Profits Education 106376  
Reserve Fund (Fund 7018) in the State Treasury. Investment 106377  
earnings of the Lottery Profits Education Reserve Fund shall be 106378  
credited to the fund. 106379

(B) Notwithstanding any other provision of law to the 106380  
contrary, the Director of Budget and Management may transfer cash 106381  
from Fund 7018 to the Lottery Profits Education Fund (Fund 7017) 106382  
in fiscal year 2020 and fiscal year 2021. 106383

(C) On July 15, 2019, or as soon as possible thereafter, the 106384  
Director of the Ohio Lottery Commission shall certify to the 106385  
Director of Budget and Management the amount by which lottery 106386  
profit transfers received by Fund 7017 exceeded \$1,093,630,000 in 106387  
fiscal year 2019. 106388

(D) On July 15, 2020, or as soon as possible thereafter, the 106389  
Director of the Ohio Lottery Commission shall certify to the 106390  
Director of Budget and Management the amount by which lottery 106391  
profit transfers received by Fund 7017 exceeded \$1,126,000,000 in 106392  
fiscal year 2020. 106393

(E) Notwithstanding any provision of law to the contrary, in 106394  
fiscal year 2020 and fiscal year 2021, the Director of Budget and 106395  
Management may transfer cash in excess of the amounts necessary to 106396  
support appropriations in Fund 7017 from that fund to Fund 7018. 106397

**Section 265.360.** EDUCATIONAL SERVICE CENTERS FUNDING 106398

As used in this section, "high-performing educational service center" means an educational service center designated as such pursuant to rule 3301-105-01 of the Administrative Code.

As used in this section, "student count" means the count calculated under division (G)(1) of section 3313.843 of the Revised Code.

In each fiscal year, the Department of Education shall pay the governing board of each high-performing educational service center state funds equal to twenty-six dollars times its student count, and to the governing board of each other center, state funds equal to twenty-four dollars times its student count.

If the amount earmarked for the state reimbursement of educational service centers in appropriation item 200550, Foundation Funding, is not sufficient, the Department shall prorate the payment amounts so that the appropriation is not exceeded.

Notwithstanding any provision of law to the contrary, a school district that has not entered into an agreement for services with an educational service center as of June 30, 2019, shall be prohibited from entering into such an agreement during the period from July 1, 2019, through June 30, 2021.

**Section 265.380. SCHOOL DISTRICT PARTICIPATION IN NATIONAL ASSESSMENT OF EDUCATION PROGRESS**

The General Assembly intends for the Superintendent of Public Instruction to provide for school district participation in the administration of the National Assessment of Education Progress in accordance with section 3301.27 of the Revised Code. Each school and school district selected for participation by the Superintendent shall participate.

**Section 265.390. COMMUNITY SCHOOL FUNDING GUARANTEE FOR SBH**

STUDENTS	106429
(A) As used in this section:	106430
(1) "IEP" has the same meaning as in section 3323.01 of the Revised Code.	106431 106432
(2) "SBH student" means a student receiving special education and related services for severe behavior disabilities pursuant to an IEP.	106433 106434 106435
(B) This section applies only to a community school established under Chapter 3314. of the Revised Code that in each of fiscal years 2020 and 2021 enrolls a number of SBH students equal to at least fifty per cent of the total number of students enrolled in the school in the applicable fiscal year.	106436 106437 106438 106439 106440
(C) In addition to any state foundation payments made, in each of fiscal years 2020 and 2021, the Department of Education shall pay to a community school to which this section applies a subsidy equal to the difference between the aggregate amount calculated and paid in that fiscal year to the community school for special education and related services additional weighted costs for the SBH students enrolled in the school and the aggregate amount that would have been calculated for the school for special education and related services additional weighted costs for those same students in fiscal year 2001. If the difference is a negative number, the amount of the subsidy shall be zero.	106441 106442 106443 106444 106445 106446 106447 106448 106449 106450 106451 106452
(D) The amount of any subsidy paid to a community school under this section shall not be deducted from the school district in which any of the students enrolled in the community school are entitled to attend school under section 3313.64 or 3313.65 of the Revised Code. The amount of any subsidy paid to a community school under this section shall be paid from funds appropriated to the	106453 106454 106455 106456 106457 106458

Department in appropriation item 200550, Foundation Funding. 106459

**Section 265.400. EARMARK ACCOUNTABILITY** 106460

At the request of the Superintendent of Public Instruction, 106461  
any entity that receives a budget earmark under the Department of 106462  
Education shall submit annually to the chairpersons of the 106463  
committees of the House of Representatives and the Senate 106464  
primarily concerned with education and education funding and to 106465  
the Department a report that includes a description of the 106466  
services supported by the funds, a description of the results 106467  
achieved by those services, an analysis of the effectiveness of 106468  
the program, and an opinion as to the program's applicability to 106469  
other school districts. For an earmarked entity that received 106470  
state funds from an earmark in the prior fiscal year, no funds 106471  
shall be provided by the Department to an earmarked entity for a 106472  
fiscal year until its report for the prior fiscal year has been 106473  
submitted. 106474

**Section 265.410. COMMUNITY SCHOOL OPERATING FROM HOME** 106475

A community school established under Chapter 3314. of the 106476  
Revised Code that was open for operation as a community school as 106477  
of May 1, 2005, may operate from or in any home, as defined in 106478  
section 3313.64 of the Revised Code, located in the state, 106479  
regardless of when the community school's operations from or in a 106480  
particular home began. 106481

**Section 265.420. USE OF VOLUNTEERS** 106482

The Department of Education may utilize the services of 106483  
volunteers to accomplish any of the purposes of the Department. 106484  
The Superintendent of Public Instruction shall approve for what 106485  
purposes volunteers may be used and for these purposes may 106486  
recruit, train, and oversee the services of volunteers. The 106487

Superintendent may reimburse volunteers for necessary and 106488  
appropriate expenses in accordance with state guidelines and may 106489  
designate volunteers as state employees for the purpose of motor 106490  
vehicle accident liability insurance under section 9.83 of the 106491  
Revised Code, for immunity under section 9.86 of the Revised Code, 106492  
and for indemnification from liability incurred in the performance 106493  
of their duties under section 9.87 of the Revised Code. 106494

**Section 265.430. RESTRICTION OF LIABILITY FOR CERTAIN** 106495  
**REIMBURSEMENTS** 106496

(A) Except as expressly required under a court judgment not 106497  
subject to further appeals, or a settlement agreement with a 106498  
school district executed on or before June 1, 2009, in the case of 106499  
a school district for which the formula ADM for fiscal year 2005, 106500  
as reported for that fiscal year under division (A) of section 106501  
3317.03 of the Revised Code, was reduced based on enrollment 106502  
reports for community schools, made under section 3314.08 of the 106503  
Revised Code, regarding students entitled to attend school in the 106504  
district, which reduction of formula ADM resulted in a reduction 106505  
of foundation funding or transitional aid funding for fiscal year 106506  
2005, 2006, or 2007, no school district, except a district named 106507  
in the court's judgment or the settlement agreement, shall have a 106508  
legal claim for reimbursement of the amount of such reduction in 106509  
foundation funding or transitional aid funding, and the state 106510  
shall not have liability for reimbursement of the amount of such 106511  
reduction in foundation funding or transitional aid funding. 106512

(B) As used in this section: 106513

(1) "Community school" means a community school established 106514  
under Chapter 3314. of the Revised Code. 106515

(2) "Entitled to attend school" means entitled to attend 106516  
school in a school district under section 3313.64 or 3313.65 of 106517  
the Revised Code. 106518

(3) "Foundation funding" means payments calculated for the  
respective fiscal year under Chapter 3317. of the Revised Code.

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(4) "Transitional aid funding" means payments calculated for  
the respective fiscal year under Section 41.37 of Am. Sub. H.B. 95  
of the 125th General Assembly, as subsequently amended; Section  
206.09.39 of Am. Sub. H.B. 66 of the 126th General Assembly, as  
subsequently amended; and Section 269.30.80 of Am. Sub. H.B. 119  
of the 127th General Assembly.

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**Section 265.440. FLEXIBLE FUNDING FOR FAMILIES AND CHILDREN** 106527

In collaboration with the County Family and Children First  
Council, a city, local, or exempted village school district,  
community school, STEM school, joint vocational school district,  
educational service center, or county board of developmental  
disabilities that receives allocations from the Department of  
Education from appropriation item 200550, Foundation Funding, or  
appropriation item 200540, Special Education Enhancements, may  
transfer portions of those allocations to a flexible funding pool  
authorized by the section of this act entitled "FAMILY AND  
CHILDREN FIRST FLEXIBLE FUNDING POOL." Allocations used for  
maintenance of effort or for federal or state funding matching  
requirements shall not be transferred unless the allocation may  
still be used to meet such requirements.

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**Section 265.450. PRIVATE TREATMENT FACILITY PROJECT** 106541

(A) As used in this section: 106542

(1) The following are "participating residential treatment  
centers": 106543  
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(a) Private residential treatment facilities that have  
entered into a contract with the Department of Youth Services to  
provide services to children placed at the facility by the  
Department and which, in fiscal year 2020 or fiscal year 2021 or

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both, the Department pays through appropriation item 470401, 106549  
RECLAIM Ohio; 106550

(b) Abraxas, in Shelby; 106551

(c) Paint Creek, in Bainbridge; 106552

(d) F.I.R.S.T., in Mansfield. 106553

(2) "Education program" means an elementary or secondary 106554  
education program or a special education program and related 106555  
services. 106556

(3) "Served child" means any child receiving an education 106557  
program pursuant to division (B) of this section. 106558

(4) "School district responsible for tuition" means a city, 106559  
exempted village, or local school district that, if tuition 106560  
payment for a child by a school district is required under law 106561  
that existed in fiscal year 1998, is the school district required 106562  
to pay that tuition. 106563

(5) "Residential child" means a child who resides in a 106564  
participating residential treatment center and who is receiving an 106565  
educational program under division (B) of this section. 106566

(B) A youth who is a resident of the state and has been 106567  
assigned by a juvenile court or other authorized agency to a 106568  
residential treatment facility specified in division (A) of this 106569  
section shall be enrolled in an approved educational program 106570  
located in or near the facility. Approval of the educational 106571  
program shall be contingent upon compliance with the criteria 106572  
established for such programs by the Department of Education. The 106573  
educational program shall be provided by a school district or 106574  
educational service center, or by the residential facility itself. 106575  
Maximum flexibility shall be given to the residential treatment 106576  
facility to determine the provider. In the event that a voluntary 106577  
agreement cannot be reached and the residential facility does not 106578

choose to provide the educational program, the educational service 106579  
center in the county in which the facility is located shall 106580  
provide the educational program at the treatment center to 106581  
children under twenty-two years of age residing in the treatment 106582  
center. 106583

(C) Any school district responsible for tuition for a 106584  
residential child shall, notwithstanding any conflicting provision 106585  
of the Revised Code regarding tuition payment, pay tuition for the 106586  
child for fiscal year 2020 and fiscal year 2021 to the education 106587  
program provider and in the amount specified in this division. If 106588  
there is no school district responsible for tuition for a 106589  
residential child and if the participating residential treatment 106590  
center to which the child is assigned is located in the city, 106591  
exempted village, or local school district that, if the child were 106592  
not a resident of that treatment center, would be the school 106593  
district where the child is entitled to attend school under 106594  
sections 3313.64 and 3313.65 of the Revised Code, that school 106595  
district, notwithstanding any conflicting provision of the Revised 106596  
Code, shall pay tuition for the child for fiscal year 2020 and 106597  
fiscal year 2021 under this division unless that school district 106598  
is providing the educational program to the child under division 106599  
(B) of this section. 106600

A tuition payment under this division shall be made to the 106601  
school district, educational service center, or residential 106602  
treatment facility providing the educational program to the child. 106603

The amount of tuition paid shall be: 106604

(1) The amount of tuition determined for the district under 106605  
division (A) of section 3317.08 of the Revised Code; 106606

(2) In addition, for any student receiving special education 106607  
pursuant to an individualized education program as defined in 106608  
section 3323.01 of the Revised Code, a payment for excess costs. 106609

This payment shall equal the actual cost to the school district, 106610  
educational service center, or residential treatment facility of 106611  
providing special education and related services to the student 106612  
pursuant to the student's individualized education program, minus 106613  
the tuition paid for the child under division (C)(1) of this 106614  
section. 106615

A school district paying tuition under this division shall 106616  
not include the child for whom tuition is paid in the district's 106617  
average daily membership certified under division (A) of section 106618  
3317.03 of the Revised Code. 106619

(D) In each of fiscal years 2020 and 2021, the Department of 106620  
Education shall reimburse, from appropriations made for the 106621  
purpose, a school district, educational service center, or 106622  
residential treatment facility, whichever is providing the 106623  
service, that has demonstrated that it is in compliance with the 106624  
funding criteria for each served child for whom a school district 106625  
must pay tuition under division (C) of this section. The amount of 106626  
the reimbursement shall be the amount appropriated for this 106627  
purpose divided by the full-time equivalent number of children for 106628  
whom reimbursement is to be made. 106629

(E) Funds provided to a school district, educational service 106630  
center, or residential treatment facility under this section shall 106631  
be used to supplement, not supplant, funds from other public 106632  
sources for which the school district, service center, or 106633  
residential treatment facility is entitled or eligible. 106634

(F) The Department of Education shall track the utilization 106635  
of funds provided to school districts, educational service 106636  
centers, and residential treatment facilities under this section 106637  
and monitor the effect of the funding on the educational programs 106638  
they provide in participating residential treatment facilities. 106639  
The Department shall monitor the programs for educational 106640  
accountability. 106641

**Section 265.460.** (A) The Superintendent of Public Instruction 106642  
may form partnerships with Ohio's business community, including 106643  
the Ohio Business Roundtable, to create and implement initiatives 106644  
that connect students with the business community in an effort to 106645  
increase student engagement and job readiness through internships, 106646  
work study, and site-based learning experiences. 106647

(B) If the Superintendent forms a partnership pursuant to 106648  
division (A) of this section, the initiatives created and 106649  
implemented through that partnership shall do all of the 106650  
following: 106651

(1) Support the career connection learning strategies 106652  
described in division (B)(2) of section 3301.079 of the Revised 106653  
Code; 106654

(2) Provide an opportunity for students to earn high school 106655  
credit toward graduation or to meet curriculum requirements in 106656  
accordance with divisions (J)(1) and (2) of section 3313.603 of 106657  
the Revised Code; 106658

(3) Inform the development of student success plans pursuant 106659  
to division (C) of section 3313.6020 of the Revised Code. 106660

**Section 265.470.** The Department of Education shall study the 106661  
feasibility of new funding models for internet- or computer-based 106662  
community schools. In conducting the study, the department shall 106663  
do all of the following: 106664

(A) Consider models of funding based on competency and course 106665  
completion; 106666

(B) Consider models of funding used in other states, 106667  
including Florida and New Hampshire; 106668

(C) Make recommendations on the feasibility of new funding 106669  
models for internet- or computer-based community schools. 106670

Upon completion of the study, and not later than December 31, 106671  
2019, the department shall submit copies of the study to the 106672  
Governor, the President and Minority Leader of the Senate, the 106673  
Speaker and Minority Leader of the House of Representatives, and 106674  
the chairpersons of the standing committees on education of the 106675  
Senate and the House of Representatives. 106676

**Section 265.490.** Upon receipt of federal funds under Title 106677  
IV, Part A, Student Support and Academic Enrichment Grants, and 106678  
after payments are made pursuant to education programs included in 106679  
this block grant program, the Department shall direct any unused 106680  
funds to cover all or part of the cost of Advanced Placement tests 106681  
and International Baccalaureate registration and exam fees for 106682  
low-income students. 106683

**Section 265.505.** Not later than December 31, 2020, and 106684  
December 31, 2021, the Department of Education shall submit an 106685  
annual report to the General Assembly in accordance with section 106686  
101.68 of the Revised Code describing the manner in which the 106687  
Department partnered with educational service centers in the 106688  
delivery of services consistent with Chapter 3312. of the Revised 106689  
Code, as specified in the sections of this act entitled "ACADEMIC 106690  
STANDARDS," "ACCOUNTABILITY/REPORT CARDS," "LITERACY IMPROVEMENT," 106691  
"EDUCATOR PREPARATION," and "FOUNDATION FUNDING," during the 106692  
previous fiscal year. 106693

**Section 265.510.** (A) There is hereby established a committee 106694  
to study the state report card prescribed under section 3302.03 of 106695  
the Revised Code, including how performance measures, components, 106696  
and the overall grade under division (C) of that section are 106697  
calculated and weighted. The committee also shall consider design 106698  
principles for the state report card, the state report card's 106699  
primary audience, and how state report cards address student 106700

academic achievement, including whether the measures are 106701  
appropriately graded to reflect student academic achievement. 106702

(B) The committee shall consist of the following members: 106703

(1) The Superintendent of Public Instruction or designee; 106704

(2) The chairperson of the standing committee of the House of 106705  
Representatives that considers primary and secondary education 106706  
legislation; 106707

(3) The chairperson of the standing committee of the Senate 106708  
that considers primary and secondary education legislation; 106709

(4) Two members of the House of Representatives appointed by 106710  
the Speaker of the House of Representatives; 106711

(5) Two members of the Senate appointed by the President of 106712  
the Senate; 106713

(6) Three superintendents, one from a rural district, one 106714  
from a suburban district, and one from an urban district, 106715  
appointed by the buckeye association of school administrators. 106716

(C) Not later than thirty days after the effective date of 106717  
this section, all appointments to the committee under division (B) 106718  
of this section shall be made and the committee shall convene to 106719  
elect a chairperson. 106720

(D) In conducting its study, the committee shall investigate 106721  
at least all of the following: 106722

(1) How many years of data should be included in, and how 106723  
grades are assigned to, the progress component prescribed under 106724  
division (C)(3)(c) of section 3302.03 of the Revised Code; 106725

(2) How to structure the prepared for success component 106726  
prescribed under division (C)(3)(f) of section 3302.03 of the 106727  
Revised Code, including considering additional ways to earn 106728  
points; 106729

(3) How the gap closing component prescribed under division	106730
(C)(3)(a) of section 3302.03 of the Revised Code meets	106731
requirements established under federal law and applies to all	106732
schools;	106733
(4) How the graduation component prescribed under division	106734
(C)(3)(d) of section 3302.03 of the Revised Code includes students	106735
with disabilities and mobile students;	106736
(5) If the overall grades should be a letter grade or some	106737
other rating system that clearly communicate the performance of	106738
school districts and other public schools to families and	106739
communities.	106740
(E) Not later than December 15, 2019, the committee shall	106741
submit a report to the General Assembly in accordance with section	106742
101.68 of the Revised Code. In addition to addressing the topics	106743
prescribed under division (D) of this section, the report shall	106744
make recommendations, including any necessary changes to the	106745
Revised Code or Administrative Code, about at least all of the	106746
following:	106747
(1) How to calculate each graded measure included in the	106748
state report card;	106749
(2) How to assign a grade to each graded measure, including	106750
ranges of scores associated with letter grades or any other rating	106751
system determined appropriate by the committee;	106752
(3) How to weight the graded measures for school buildings	106753
that do not have all measures;	106754
(4) Which state report card calculations should be prescribed	106755
in statute and which should be prescribed in administrative rule;	106756
(5) What additional, non-graded information families and	106757
communities want to see on the state report card;	106758
(6) What additional items can be used for bonus points in the	106759

prepared for success component. 106760

(F) For assistance in conducting its study and preparing its 106761  
report, the committee shall both consult with independent experts 106762  
and convene a group of stakeholders, including all of the 106763  
following: 106764

(1) Educators; 106765

(2) Advocates; 106766

(3) Parents; 106767

(4) The business community. 106768

**Section 265.520.** (A) Notwithstanding anything in the Revised 106769  
Code to the contrary, the Superintendent of Public Instruction 106770  
shall not establish any new academic distress commissions for the 106771  
2019-2020 school year. 106772

(B) Beginning October 1, 2020, the state Superintendent shall 106773  
resume establishing academic distress commissions for districts 106774  
that meet the conditions prescribed in division (A)(1) of section 106775  
3302.10 of the Revised Code. 106776

(C) This section does not affect an academic distress 106777  
commission established prior to the effective date of this 106778  
section. 106779

**Section 265.530.** The Department of Education shall accept an 106780  
amendment to data submitted to the Department by a school district 106781  
for the calculation of a component under division (C)(1) of 106782  
section 3302.03 of the Revised Code on the state report card for 106783  
the 2018-2019 school year if both of the following apply: 106784

(A) Extenuating circumstances, including the death of a 106785  
district's Education Management Information System (EMIS) 106786  
coordinator anytime during the collection of data for submission 106787  
to be used for that school year; 106788



(B) The district provides adequate information to the 106789  
 Department not later than August 10, 2019, to explain and support 106790  
 the amendment of the data. 106791

**Section 267.10. ELC OHIO ELECTIONS COMMISSION** 106792

General Revenue Fund 106793

GRF 051321	Operating Expenses	\$	435,221	\$	435,221	106794
TOTAL GRF	General Revenue Fund	\$	435,221	\$	435,221	106795

Dedicated Purpose Fund Group 106796

4P20 051601	Operating Support	\$	199,460	\$	199,460	106797
TOTAL DPF	Dedicated Purpose Fund	\$	199,460	\$	199,460	106798

Group

TOTAL ALL BUDGET FUND GROUPS		\$	634,681	\$	634,681	106799
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**Section 269.10. FUN STATE BOARD OF EMBALMERS AND FUNERAL** 106801  
**DIRECTORS** 106802

General Revenue Fund 106803

GRF 881500	Indigent Burial and Cremation Support	\$	1,000,000	\$	1,000,000	106804
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TOTAL GRF	General Revenue Fund	\$	1,000,000	\$	1,000,000	106805
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Dedicated Purpose Fund Group 106806

4K90 881609	Operating Expenses	\$	949,667	\$	1,033,281	106807
TOTAL DPF	Dedicated Purpose Fund	\$	949,667	\$	1,033,281	106808

Group

TOTAL ALL BUDGET FUND GROUPS		\$	1,949,667	\$	2,033,281	106809
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**Section 269.20. INDIGENT BURIAL AND CREMATION SUPPORT** 106811

The foregoing appropriation item 881500, Indigent Burial and 106812  
 Cremation Support, shall be used to reimburse local government 106813  
 entities for the cost of providing burials or cremations to 106814  
 indigent deceased persons. Reimbursements shall not exceed one 106815  
 thousand dollars for an adult or seven hundred fifty dollars for a 106816

child. 106817

The State Board of Embalmers and Funeral Directors may adopt 106818  
rules in accordance with Chapter 119 of the Revised Code as 106819  
necessary to carry out the purposes of this section. 106820

**Section 271.10. PAY EMPLOYEE BENEFITS FUNDS** 106821

Fiduciary Fund Group 106822

1240 995673 Payroll Deductions \$ 832,466,424 \$ 824,291,520 106823

8060 995666 Accrued Leave Fund \$ 88,203,046 \$ 90,830,634 106824

8070 995667 Disability Fund \$ 24,790,268 \$ 25,839,844 106825

8080 995668 State Employee Health \$ 926,211,020 \$ 989,360,953 106826  
Benefit Fund

8090 995669 Dependent Care \$ 4,100,000 \$ 4,477,000 106827  
Spending Account

8100 995670 Life Insurance \$ 1,757,422 \$ 1,810,144 106828  
Investment Fund

8110 995671 Parental Leave \$ 4,867,791 \$ 5,308,830 106829  
Benefit Fund

8130 995672 Health Care Spending \$ 15,206,162 \$ 16,806,372 106830  
Account

TOTAL FID Fiduciary Fund Group \$ 1,897,602,133 \$ 1,958,725,297 106831

TOTAL ALL BUDGET FUND GROUPS \$ 1,897,602,133 \$ 1,958,725,297 106832

**Section 271.20. PAYROLL DEDUCTION FUND** 106834

The foregoing appropriation item 995673, Payroll Deductions, 106835  
shall be used to make payments from the Payroll Deduction Fund 106836  
(Fund 1240) pursuant to section 125.21 of the Revised Code. If it 106837  
is determined by the Director of Budget and Management that 106838  
additional amounts are necessary, the amounts are hereby 106839  
appropriated. 106840

**ACCRUED LEAVE LIABILITY FUND** 106841

The foregoing appropriation item 995666, Accrued Leave Fund, 106842

shall be used to make payments from the Accrued Leave Liability Fund (Fund 8060) pursuant to section 125.211 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND

The foregoing appropriation item 995667, Disability Fund, shall be used to make payments from the State Employee Disability Leave Benefit Fund (Fund 8070) pursuant to section 124.83 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

STATE EMPLOYEE HEALTH BENEFIT FUND

The foregoing appropriation item 995668, State Employee Health Benefit Fund, shall be used to make payments from the State Employee Health Benefit Fund (Fund 8080) pursuant to section 124.87 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

DEPENDENT CARE SPENDING FUND

The foregoing appropriation item 995669, Dependent Care Spending Account, shall be used to make payments from the Dependent Care Spending Fund (Fund 8090) to employees eligible for dependent care expenses pursuant to section 124.822 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

LIFE INSURANCE INVESTMENT FUND

The foregoing appropriation item 995670, Life Insurance Investment Fund, shall be used to make payments from the Life

Insurance Investment Fund (Fund 8100) for the costs and expenses 106873  
of the state's life insurance benefit program pursuant to section 106874  
125.212 of the Revised Code. If it is determined by the Director 106875  
of Budget and Management that additional amounts are necessary, 106876  
the amounts are hereby appropriated. 106877

PARENTAL LEAVE BENEFIT FUND 106878

The foregoing appropriation item 995671, Parental Leave 106879  
Benefit Fund, shall be used to make payments from the Parental 106880  
Leave Benefit Fund (Fund 8110) to employees eligible for parental 106881  
leave benefits pursuant to section 124.137 of the Revised Code. If 106882  
it is determined by the Director of Budget and Management that 106883  
additional amounts are necessary, the amounts are hereby 106884  
appropriated. 106885

HEALTH CARE SPENDING ACCOUNT FUND 106886

The foregoing appropriation item 995672, Health Care Spending 106887  
Account, shall be used to make payments from the Health Care 106888  
Spending Account Fund (Fund 8130) for payments pursuant to state 106889  
employees' participation in a flexible spending account for 106890  
non-reimbursed health care expenses and section 124.821 of the 106891  
Revised Code. If it is determined by the Director of Budget and 106892  
Management that additional amounts are necessary, the amounts are 106893  
hereby appropriated. 106894

**Section 273.10.** ERB STATE EMPLOYMENT RELATIONS BOARD 106895

General Revenue Fund 106896

GRF 125321	Operating Expenses	\$	3,998,046	\$	4,136,626	106897
TOTAL GRF	General Revenue Fund	\$	3,998,046	\$	4,136,626	106898

Dedicated Purpose Fund Group 106899

5720 125603	Training and	\$	227,193	\$	227,760	106900
	Publications					

TOTAL DPF	Dedicated Purpose Fund	\$	227,193	\$	227,760	106901
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Group

TOTAL ALL BUDGET FUND GROUPS \$ 4,225,239 \$ 4,364,386 106902

**Section 275.10.** ENG STATE BOARD OF ENGINEERS AND SURVEYORS 106904

Dedicated Purpose Fund Group 106905

4K90 892609 Operating Expenses \$ 1,263,151 \$ 1,312,259 106906

TOTAL DPF Dedicated Purpose Fund \$ 1,263,151 \$ 1,312,259 106907

Group

TOTAL ALL BUDGET FUND GROUPS \$ 1,263,151 \$ 1,312,259 106908

**Section 277.10.** EPA ENVIRONMENTAL PROTECTION AGENCY 106910

General Revenue Fund 106911

GRF 715502 Auto Emissions \$ 11,186,610 \$ 11,046,610 106912

E-Check Program

GRF 715506 Environmental Program \$ 125,000 \$ 0 106913

Support

GRF 715507 Water and Sewer \$ 1,500,000 \$ 1,500,000 106914

System Grants

TOTAL GRF General Revenue Fund \$ 12,811,610 \$ 12,546,610 106915

Dedicated Purpose Fund Group 106916

4D50 715618 Recycled State \$ 50,000 \$ 50,000 106917

Materials

4J00 715638 Underground Injection \$ 429,000 \$ 429,000 106918

Control

4K20 715648 Clean Air - Non Title \$ 5,101,448 \$ 5,317,000 106919

V

4K30 715649 Solid Waste \$ 14,747,770 \$ 15,449,000 106920

4K40 715650 Surface Water \$ 10,114,999 \$ 10,742,000 106921

Protection

4K50 715651 Drinking Water \$ 8,062,598 \$ 8,370,000 106922

Protection

4P50 715654 Cozart Landfill \$ 10,000 \$ 10,000 106923

4R50	715656	Scrap Tire Management	\$	3,276,485	\$	3,251,500	106924
4R90	715658	Voluntary Action Program	\$	979,348	\$	1,094,800	106925
4T30	715659	Clean Air - Title V Permit Program	\$	9,687,591	\$	9,944,000	106926
5000	715608	Immediate Removal Special Account	\$	718,000	\$	722,000	106927
5030	715621	Hazardous Waste Facility Management	\$	4,780,000	\$	5,118,000	106928
5050	715623	Hazardous Waste Cleanup	\$	11,540,322	\$	12,087,200	106929
5050	715698	Response and Investigations	\$	3,186,244	\$	3,264,500	106930
5320	715646	Recycling and Litter Control	\$	4,541,440	\$	4,598,000	106931
5410	715670	Site Specific Cleanup	\$	779,296	\$	779,400	106932
5420	715671	Risk Management Reporting	\$	201,626	\$	210,000	106933
5860	715637	Scrap Tire Market Development	\$	1,000,000	\$	1,000,000	106934
5BC0	715622	Local Air Pollution Control	\$	2,000,000	\$	2,000,000	106935
5BC0	715624	Surface Water	\$	6,043,557	\$	6,292,000	106936
5BC0	715672	Air Pollution Control	\$	7,959,855	\$	8,236,000	106937
5BC0	715673	Drinking and Ground Water	\$	3,703,543	\$	3,840,300	106938
5BC0	715676	Assistance and Prevention	\$	1,824,471	\$	1,875,000	106939
5BC0	715677	Laboratory	\$	3,256,184	\$	3,329,000	106940
5BC0	715678	Corrective Actions	\$	1,073,590	\$	1,120,000	106941
5BC0	715687	Areawide Planning Agencies	\$	450,000	\$	450,000	106942
5BC0	715692	Administration	\$	14,742,915	\$	15,165,000	106943

5BC0	715694	Environmental Resource Coordination	\$	106,642	\$	115,000	106944
5BT0	715679	C&DD Groundwater Monitoring	\$	225,000	\$	225,000	106945
5H40	715664	Groundwater Support	\$	323,121	\$	332,000	106946
5PZ0	715696	Drinking Water Loan Fee	\$	1,106,285	\$	1,146,250	106947
5VA0	715601	Marsh Restoration	\$	1,000,000	\$	1,000,000	106948
5Y30	715685	Surface Water Improvement	\$	500,000	\$	500,000	106949
6440	715631	Emergency Response Radiological Safety	\$	276,500	\$	278,500	106950
6760	715642	Water Pollution Control Loan Administration	\$	4,606,024	\$	4,675,000	106951
6760	715699	Water Quality Administration	\$	3,837,987	\$	3,975,000	106952
6780	715635	Air Toxic Release	\$	47,984	\$	35,000	106953
6790	715636	Emergency Planning	\$	2,844,024	\$	2,864,000	106954
6960	715643	Air Pollution Control Administration	\$	987,855	\$	1,002,000	106955
6990	715644	Water Pollution Control Administration	\$	287,060	\$	300,000	106956
6A10	715645	Environmental Education	\$	1,087,749	\$	1,100,000	106957
6H20	715695	H2Ohio	\$	8,675,000	\$	0	106958
TOTAL	DPF	Dedicated Purpose Fund Group	\$	146,171,513	\$	142,291,450	106959
		Internal Service Activity Fund Group					106960
1990	715602	Laboratory Services	\$	519,950	\$	533,000	106961
2190	715604	Central Support Indirect	\$	7,663,284	\$	8,055,000	106962

4A10	715640	Operating Expenses	\$	1,307,000	\$	1,309,000	106963
TOTAL ISA		Internal Service Activity	\$	9,490,234	\$	9,897,000	106964
Fund Group							
Federal Fund Group							106965
3530	715612	Public Water Supply	\$	1,963,760	\$	2,015,000	106966
3570	715619	Air Pollution Control	\$	6,008,988	\$	6,115,000	106967
- Federal							
3620	715605	Underground Injection	\$	131,262	\$	133,000	106968
Control - Federal							
3BU0	715684	Water Quality	\$	15,159,951	\$	15,259,000	106969
Protection							
3CS0	715688	Federal NRD	\$	201,000	\$	201,000	106970
Settlements							
3F30	715632	Federally Supported	\$	6,771,522	\$	7,143,300	106971
Cleanup and Response							
3HE0	715697	Volkswagen Clean Air	\$	19,095,000	\$	22,845,000	106972
Act Settlement							
3T30	715669	Drinking Water State	\$	3,072,853	\$	3,155,000	106973
Revolving Fund							
3V70	715606	Agencywide Grants	\$	700,000	\$	700,000	106974
TOTAL FED		Federal Fund Group	\$	53,104,336	\$	57,566,300	106975
TOTAL ALL BUDGET		FUND GROUPS	\$	221,577,693	\$	222,301,360	106976

**Section 277.20. ENVIRONMENTAL PROGRAM SUPPORT** 106978

The foregoing appropriation item 715506, Environmental 106979  
Program Support, shall be used to support the final stage of the 106980  
awards process for the Everglades Foundation's George Barley Water 106981  
Prize. On July 1, 2020, or as soon as possible thereafter, the 106982  
Director of Environmental Protection may certify to the Director 106983  
of Budget and Management an amount up to the unexpended, 106984  
unencumbered balance of the foregoing appropriation item 715506, 106985  
Environmental Program Support, at the end of fiscal year 2020 to 106986  
be reappropriated in fiscal year 2021. The amount certified is 106987



hereby reappropriated to the same appropriation item for fiscal 106988  
year 2021. 106989

WATER AND SEWER SYSTEM GRANTS 106990

The foregoing appropriation item 715507, Water and Sewer 106991  
System Grants, shall be distributed equally in each fiscal year to 106992  
the Trumbull County Sanitary Engineer's Department and to Pierpont 106993  
Township (Ashtabula County) for the purpose of undertaking water 106994  
and sewer system upgrades and improvements. 106995

DRINKING AND GROUND WATER 106996

Of the foregoing appropriation item, 715673, Drinking and 106997  
Ground Water, \$250,000 in each fiscal year shall be used to 106998  
support a study, including the acquisition of any necessary 106999  
equipment, to determine an estimate of storage capacity and 107000  
maximum annual yield of the network of aquifers that are in the 107001  
state of Ohio and north of the Maumee River, but that may also 107002  
cross into other states. 107003

AREAWIDE PLANNING AGENCIES 107004

The Director of Environmental Protection may award grants 107005  
from appropriation item 715687, Areawide Planning Agencies, to 107006  
areawide planning agencies engaged in areawide water quality 107007  
management and planning activities in accordance with Section 208 107008  
of the "Federal Clean Water Act," 33 U.S.C. 1288. 107009

CASH TRANSFERS TO THE MARSH RESTORATION FUND 107010

On July 1, 2019, or as soon as possible thereafter, the 107011  
Director of Budget and Management, in consultation with the 107012  
Director of Environmental Protection, may transfer up to 107013  
\$12,000,000 cash from the Surface Water Improvement Fund (Fund 107014  
5Y30) to the Marsh Restoration Fund (Fund 5VA0), which is hereby 107015  
created in the state treasury. All moneys credited to Fund 5VA0 107016  
are to be used for the remediation and restoration of the Mentor 107017

Marsh site in Mentor, Ohio. 107018

On July 1, 2019, or as soon as possible thereafter, the 107019  
Director of Budget and Management, in consultation with the 107020  
Director of Environmental Protection, may transfer up to 107021  
\$1,000,000 cash from the Site Specific Cleanup Fund (Fund 5410) to 107022  
Fund 5VA0. 107023

H2OHIO FUND 107024

The foregoing appropriation item 715695, H2Ohio, shall be 107025  
used by the Environmental Protection Agency to support watershed 107026  
planning, scientific research, and data collection. In addition, 107027  
the foregoing appropriation item 715695, H2Ohio, may be used to 107028  
fund waterway improvement and protection of all state waterways in 107029  
support of water quality priorities and management in accordance 107030  
with section 126.60 of the Revised Code. 107031

On July 1, 2020, or as soon as possible thereafter, the 107032  
Director of Environmental Protection may certify to the Director 107033  
of Budget and Management an amount up to the unexpended, 107034  
unencumbered balance of the foregoing appropriation item, 715695, 107035  
H2Ohio, at the end of fiscal year 2020 to be reappropriated in 107036  
fiscal year 2021. The amount certified is hereby reappropriated to 107037  
the same appropriation item for fiscal year 2021. 107038

**Section 279.10.** EBR ENVIRONMENTAL REVIEW APPEALS COMMISSION 107039

General Revenue Fund 107040

GRF 172321 Operating Expenses \$ 634,000 \$ 651,000 107041

TOTAL GRF General Revenue Fund \$ 634,000 \$ 651,000 107042

TOTAL ALL BUDGET FUND GROUPS \$ 634,000 \$ 651,000 107043

**Section 281.10.** ETC BROADCAST EDUCATIONAL MEDIA COMMISSION 107045

General Revenue Fund 107046

GRF 935401 Statehouse News \$ 355,000 \$ 355,000 107047

		Bureau				
GRF	935402	Ohio Government	\$	1,783,526	\$	1,708,526 107048
		Telecommunications				
		Services				
GRF	935410	Content Development,	\$	3,963,381	\$	3,963,381 107049
		Acquisition, and				
		Distribution				
GRF	935430	Broadcast Education	\$	3,699,224	\$	3,699,224 107050
		Operating				
TOTAL GRF		General Revenue Fund	\$	9,801,131	\$	9,726,131 107051
		Dedicated Purpose Fund Group				107052
5FK0	935608	Media Services	\$	95,000	\$	95,000 107053
5VB0	935650	Facility Rental	\$	30,000	\$	32,000 107054
TOTAL DPF		Dedicated Purpose Fund	\$	125,000	\$	127,000 107055
		Group				
		Internal Service Activity Fund Group				107056
4F30	935603	Affiliate Services	\$	4,000	\$	4,000 107057
TOTAL ISA		Internal Service Activity				107058
		Fund Group	\$	4,000	\$	4,000 107059
TOTAL ALL BUDGET FUND GROUPS			\$	9,930,131	\$	9,857,131 107060

**Section 281.20. STATEHOUSE NEWS BUREAU** 107062

The foregoing appropriation item 935401, Statehouse News 107063  
 Bureau, shall be used solely to support the operations of the Ohio 107064  
 Statehouse News Bureau. 107065

**OHIO GOVERNMENT TELECOMMUNICATIONS SERVICES** 107066

The foregoing appropriation item 935402, Ohio Government 107067  
 Telecommunications Services, shall be used solely to support the 107068  
 operations of Ohio Government Telecommunications Services which 107069  
 include providing multimedia support to the state government and 107070  
 its affiliated organizations and broadcasting the activities of 107071  
 the legislative, judicial, and executive branches of state 107072

government, among its other functions. 107073

CONTENT DEVELOPMENT, ACQUISITION, AND DISTRIBUTION 107074

The foregoing appropriation item 935410, Content Development, 107075  
Acquisition, and Distribution, shall be used for the development, 107076  
acquisition, and distribution of information resources by public 107077  
media and radio reading services and for educational use in the 107078  
classroom and online. 107079

Of the foregoing appropriation item 935410, Content 107080  
Development, Acquisition, and Distribution, up to \$977,856 in each 107081  
fiscal year shall be allocated equally among the Ohio educational 107082  
television stations. Funds shall be used for the production of 107083  
interactive instructional programming series with priority given 107084  
to resources aligned with state academic content standards. The 107085  
programming shall be targeted to the needs of the one-third lowest 107086  
capacity school districts as determined by the district's state 107087  
share index calculated by the Department of Education. 107088

Of the foregoing appropriation item 935410, Content 107089  
Development, Acquisition, and Distribution, up to \$2,699,472 in 107090  
each fiscal year shall be distributed by the Broadcast Educational 107091  
Media Commission to Ohio's qualified public educational television 107092  
stations and educational radio stations to support their 107093  
operations. The funds shall be distributed pursuant to an 107094  
allocation formula used by the Ohio Educational Telecommunications 107095  
Network Commission unless a substitute formula is developed by the 107096  
Broadcast Educational Media Commission in consultation with Ohio's 107097  
qualified public educational television stations and educational 107098  
radio stations. 107099

Of the foregoing appropriation item 935410, Content 107100  
Development, Acquisition, and Distribution, up to \$286,053 in each 107101  
fiscal year shall be distributed by the Broadcast Educational 107102  
Media Commission to Ohio's qualified radio reading services to 107103

support their operations. The funds shall be distributed pursuant 107104  
to an allocation formula used by the Ohio Educational 107105  
Telecommunications Network Commission unless a substitute formula 107106  
is developed by the Broadcast Educational Media Commission in 107107  
consultation with Ohio's qualified radio reading services. 107108

**Section 283.10. ETH OHIO ETHICS COMMISSION** 107109

General Revenue Fund 107110

GRF 146321 Operating Expenses \$ 1,821,515 \$ 2,068,492 107111

TOTAL GRF General Revenue Fund \$ 1,821,515 \$ 2,068,492 107112

Dedicated Purpose Fund Group 107113

4M60 146601 Operating Support \$ 652,578 \$ 536,516 107114

TOTAL DPF Dedicated Purpose Fund \$ 652,578 \$ 536,516 107115

Group

TOTAL ALL BUDGET FUND GROUPS \$ 2,474,093 \$ 2,605,008 107116

**Section 285.10. EXP OHIO EXPOSITIONS COMMISSION** 107118

General Revenue Fund 107119

GRF 723403 Junior Fair Subsidy \$ 363,750 \$ 363,750 107120

TOTAL GRF General Revenue Fund \$ 363,750 \$ 363,750 107121

Dedicated Purpose Fund Group 107122

4N20 723602 Ohio State Fair \$ 375,000 \$ 375,000 107123

Harness Racing

5060 723601 Operating Expenses \$ 15,100,897 \$ 15,363,166 107124

5060 723604 Grounds Maintenance \$ 300,000 \$ 300,000 107125

and Repairs

TOTAL DPF Dedicated Purpose Fund \$ 15,775,897 \$ 16,038,166 107126

Group

TOTAL ALL BUDGET FUND GROUPS \$ 16,139,647 \$ 16,401,916 107127

STATE FAIR RESERVE 107128

The General Manager of the Expositions Commission, in 107129

consultation with the Director of Budget and Management, may 107130  
submit a request to the Controlling Board to use available amounts 107131  
in the State Fair Reserve Fund (Fund 6400) if revenues from either 107132  
the 2019 or the 2020 Ohio State Fair are unexpectedly low. 107133

On July 1 of each fiscal year, or as soon as possible 107134  
thereafter, the Director of Budget and Management, in consultation 107135  
with the General Manager of the Expositions Commission, may 107136  
determine that the Ohio Expositions Fund (Fund 5060) has a cash 107137  
balance in excess of the anticipated operating costs of the 107138  
Exposition Commission in that fiscal year. Notwithstanding section 107139  
991.04 of the Revised Code, the Director of Budget and Management 107140  
may transfer an amount up to the excess cash from Fund 5060 to 107141  
Fund 6400 in each fiscal year. 107142

**Section 287.10.** FCC OHIO FACILITIES CONSTRUCTION COMMISSION 107143

General Revenue Fund 107144

GRF	230321	Operating Expenses	\$	6,662,729	\$	6,660,461	107145
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GRF	230401	Cultural Facilities	\$	33,102,800	\$	28,670,300	107146
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Lease Rental Bond  
Payments

GRF	230458	State Construction	\$	1,773,454	\$	1,922,473	107147
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Management Services

GRF	230500	Program and Project	\$	1,122,050	\$	0	107148
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Support

GRF	230908	Common Schools	\$	410,259,800	\$	424,825,900	107149
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General Obligation  
Bond Debt Service

TOTAL GRF	General Revenue Fund	\$	452,920,833	\$	462,079,134	107150
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Internal Service Activity Fund Group 107151

1310	230639	State Construction	\$	16,152,778	\$	16,356,157	107152
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Management Operations

TOTAL ISA	Internal Service Activity	\$	16,152,778	\$	16,356,157	107153
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Fund Group				
TOTAL ALL BUDGET FUND GROUPS	\$	469,073,611	\$	478,435,291 107154
<b>Section 287.20.</b> CULTURAL FACILITIES LEASE RENTAL BOND				107156
PAYMENTS				107157
The foregoing appropriation item 230401, Cultural Facilities				107158
Lease Rental Bond Payments, shall be used to meet all payments				107159
during the period from July 1, 2019, through June 30, 2021, by the				107160
Ohio Facilities Construction Commission pursuant to leases and				107161
agreements for cultural and sports facilities made under section				107162
154.23 of the Revised Code. These appropriations are the source of				107163
funds pledged for bond service charges on related obligations				107164
issued under Chapter 154. of the Revised Code.				107165
COMMON SCHOOLS GENERAL OBLIGATION BOND DEBT SERVICE				107166
The foregoing appropriation item 230908, Common Schools				107167
General Obligation Bond Debt Service, shall be used to pay all				107168
debt service and related financing costs during the period from				107169
July 1, 2019, through June 30, 2021, on obligations issued under				107170
sections 151.01 and 151.03 of the Revised Code.				107171
<b>Section 287.30.</b> COMMUNITY PROJECT ADMINISTRATION				107172
The foregoing appropriation item 230458, State Construction				107173
Management Services, shall be used by the Ohio Facilities				107174
Construction Commission in administering Cultural and Sports				107175
Facilities Building Fund (Fund 7030) projects pursuant to section				107176
123.201 of the Revised Code.				107177
PROGRAM AND PROJECT SUPPORT				107178
The forgoing appropriation item 230500, Program and Project				107179
Support, shall be distributed to the Manchester Local School				107180
District in Adams County to reduce the amount of debt owed on				107181
bonds issued or assumed by the district.				107182

SCHOOL FACILITIES ENCUMBRANCES AND REAPPROPRIATION	107183
At the request of the Executive Director of the Ohio	107184
Facilities Construction Commission, the Director of Budget and	107185
Management may cancel encumbrances for school district projects	107186
from a previous biennium if the district has not raised its local	107187
share of project costs within thirteen months of receiving	107188
Controlling Board approval under section 3318.05 or 3318.41 of the	107189
Revised Code. The Executive Director of the Ohio Facilities	107190
Construction Commission shall certify the amounts of the canceled	107191
encumbrances to the Director of Budget and Management on a	107192
quarterly basis. The amounts of the canceled encumbrances are	107193
hereby appropriated.	107194
<b>Section 287.40.</b> CAPITAL DONATIONS FUND CERTIFICATIONS AND	107195
APPROPRIATIONS	107196
On July 1, 2019, or as soon as possible thereafter, the	107197
Executive Director of the Ohio Facilities Construction Commission	107198
shall certify to the Director of Budget and Management the amount	107199
of cash receipts and related investment income, irrevocable	107200
letters of credit from a bank, or certification of the	107201
availability of funds that have been received from a county or a	107202
municipal corporation for deposit into the Capital Donations Fund	107203
(Fund 5A10) and that are related to an anticipated project. These	107204
amounts are hereby appropriated to appropriation item C37146,	107205
Capital Donations. Prior to certifying these amounts to the	107206
Director, the Executive Director shall make a written agreement	107207
with the participating entity on the necessary cash flows required	107208
for the anticipated construction or equipment acquisition project.	107209
<b>Section 287.50.</b> AMENDMENT TO PROJECT AGREEMENT FOR	107210
MAINTENANCE LEVY	107211
The Ohio Facilities Construction Commission shall amend the	107212



project agreement between the Commission and a school district 107213  
that is participating in the Accelerated Urban School Building 107214  
Assistance Program on the effective date of this section, if the 107215  
Commission determines that it is necessary to do so in order to 107216  
comply with division (B)(3)(c) of section 3318.38 of the Revised 107217  
Code. 107218

**Section 287.60.** Notwithstanding any other provision of law to 107219  
the contrary, the Ohio Facilities Construction Commission may 107220  
determine the amount of funding available for disbursement in a 107221  
given fiscal year for any project approved under sections 3318.01 107222  
to 3318.20 of the Revised Code in order to keep aggregate state 107223  
capital spending within approved limits and may take actions 107224  
including, but not limited to, determining the schedule for design 107225  
or bidding of approved projects, to ensure appropriate and 107226  
supportable cash flow. 107227

**Section 287.70.** ASSISTANCE TO JOINT VOCATIONAL SCHOOL 107228  
DISTRICT 107229

Notwithstanding division (B) of section 3318.40 of the 107230  
Revised Code, the Ohio Facilities Construction Commission shall 107231  
provide assistance to at least one joint vocational school 107232  
district each fiscal year for the acquisition or improvement of 107233  
classroom facilities in accordance with sections 3318.40 to 107234  
3318.45 of the Revised Code. 107235

**Section 287.80.** RETURNED OR RECOVERED FUNDS 107236

Notwithstanding any provision of law to the contrary, any 107237  
moneys a school district transfers to the Ohio Facilities 107238  
Construction Commission under division (C)(2) or (3) of section 107239  
3318.12 of the Revised Code as well as any moneys recovered from 107240  
settlements with or judgments against parties relating to their 107241  
involvement in a classroom facilities project shall be deposited 107242

into the fund from which the capital appropriation for the project 107243  
was made. In fiscal year 2020, the Executive Director of the Ohio 107244  
Facilities Construction Commission may request the Director of 107245  
Budget and Management to authorize expenditures from those funds 107246  
and specified appropriation items in excess of the amounts 107247  
appropriated in an amount equal to the amount of the funds 107248  
deposited under this section. The additional amounts, if 107249  
authorized, shall be used in accordance with the purposes of 107250  
Chapter 3318. of the Revised Code for projects pursuant to 107251  
sections 3318.01 to 3318.20 or sections 3318.40 to 3318.45 of the 107252  
Revised Code. Upon approval of the Director of Budget and 107253  
Management, the additional amounts are hereby appropriated. 107254

**Section 287.90. SCHOOL STORM SHELTER STUDY** 107255

The Ohio Facilities Construction Commission shall conduct a 107256  
study to evaluate and make recommendations regarding appropriate 107257  
requirements for storm shelters for Ohio school buildings. The 107258  
Commission shall conduct this study in consultation with 107259  
stakeholders, including school district officials, and submit a 107260  
report of its findings to the General Assembly not later than 107261  
December 31, 2019. 107262

**Section 289.10. GOV OFFICE OF THE GOVERNOR** 107263

General Revenue Fund 107264

GRF 040321 Operating Expenses	\$	2,914,740	\$	2,973,034	107265
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TOTAL GRF General Revenue Fund	\$	2,914,740	\$	2,973,034	107266
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Internal Service Activity Fund Group 107267

5AK0 040607 Government Relations	\$	613,870	\$	619,988	107268
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TOTAL ISA Internal Service Activity					107269
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Fund Group	\$	613,870	\$	619,988	107270
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TOTAL ALL BUDGET FUND GROUPS	\$	3,528,610	\$	3,593,022	107271
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GOVERNMENT RELATIONS 107272

The Office of the Governor may issue an intrastate transfer voucher to charge any state agency of the executive branch such amounts necessary to represent the interests of Ohio to federal, state, and local government units and to cover the costs or membership dues related to Ohio's participation in national and regional associations. Amounts collected shall be deposited in the Government Relations Fund (Fund 5AK0).

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**Section 291.10. DOH DEPARTMENT OF HEALTH**

107280

General Revenue Fund

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GRF 440416	Mothers and Children	\$	4,303,612	\$	4,303,612	107282
	Safety Net Services					
GRF 440431	Free Clinic Safety Net	\$	1,500,000	\$	1,500,000	107283
	Services					
GRF 440438	Breast and Cervical	\$	1,021,131	\$	1,021,131	107284
	Cancer Screening					
GRF 440444	AIDS Prevention and	\$	3,493,468	\$	3,493,468	107285
	Treatment					
GRF 440451	Public Health	\$	3,672,005	\$	3,672,005	107286
	Laboratory					
GRF 440452	Child and Family	\$	589,482	\$	589,482	107287
	Health Services Match					
GRF 440453	Health Care Quality	\$	5,083,225	\$	5,084,936	107288
	Assurance					
GRF 440454	Environmental	\$	2,783,438	\$	2,779,841	107289
	Health/Radiation					
	Protection					
GRF 440459	Help Me Grow	\$	30,289,149	\$	39,292,281	107290
GRF 440465	FQHC Primary Care	\$	2,686,688	\$	2,686,688	107291
	Workforce Initiative					
GRF 440472	Alcohol Testing	\$	1,232,732	\$	1,210,805	107292
GRF 440474	Infant Vitality	\$	7,137,292	\$	7,137,292	107293

GRF 440477	Emergency Preparedness and Response	\$	1,431,677	\$	1,431,954	107294
GRF 440481	Lupus Awareness	\$	193,120	\$	193,120	107295
GRF 440482	Chronic Disease, Injury Prevention and Drug Overdose	\$	7,670,089	\$	7,898,480	107296
GRF 440483	Infectious Disease Prevention and Control	\$	4,522,054	\$	4,522,054	107297
GRF 440484	Public Health Technology Innovation	\$	543,369	\$	313,760	107298
GRF 440505	Medically Handicapped Children	\$	11,262,451	\$	11,262,451	107299
GRF 440507	Targeted Health Care Services-Over 21	\$	2,000,000	\$	2,000,000	107300
GRF 440529	Harm Reduction	\$	50,000	\$	50,000	107301
GRF 440530	Lead-Safe Home Fund Pilot Program	\$	1,000,000	\$	1,000,000	107302
GRF 440672	Youth Homelessness	\$	2,500,000	\$	2,500,000	107303
GRF 654453	Medicaid - Health Care Quality Assurance	\$	4,227,961	\$	4,246,250	107304
TOTAL GRF	General Revenue Fund	\$	99,192,943	\$	108,189,610	107305
	Highway Safety Fund Group					107306
4T40 440603	Child Highway Safety	\$	200,000	\$	200,000	107307
TOTAL HSF	Highway Safety Fund Group	\$	200,000	\$	200,000	107308
	Dedicated Purpose Fund Group					107309
4700 440647	Fee Supported Programs	\$	29,178,120	\$	29,178,120	107310
4710 440619	Certificate of Need	\$	878,433	\$	878,433	107311
4730 440622	Lab Operating Expenses	\$	8,826,132	\$	8,900,000	107312
4770 440627	Medically Handicapped Children Audit	\$	4,472,562	\$	4,500,000	107313

4D60	440608	Genetics Services	\$	3,311,039	\$	3,311,039	107314
4F90	440610	Sickle Cell Disease Control	\$	1,032,824	\$	1,032,824	107315
4G00	440636	Heirloom Birth Certificate	\$	15,000	\$	15,000	107316
4G00	440637	Birth Certificate Surcharge	\$	15,000	\$	15,000	107317
4L30	440609	HIV Care and Miscellaneous Expenses	\$	26,935,756	\$	27,000,000	107318
4P40	440628	Ohio Physician Loan Repayment	\$	700,000	\$	700,000	107319
4V60	440641	Save Our Sight	\$	3,482,615	\$	3,500,000	107320
5B50	440616	Quality, Monitoring, and Inspection	\$	736,194	\$	736,194	107321
5BX0	440656	Tobacco Use Prevention, Cessation, and Enforcement	\$	11,955,358	\$	12,000,000	107322
5CN0	440645	Choose Life	\$	80,000	\$	80,000	107323
5D60	440620	Second Chance Trust	\$	1,000,000	\$	1,000,000	107324
5ED0	440651	Smoke Free Indoor Air	\$	300,000	\$	300,000	107325
5G40	440639	Adoption Services	\$	150,000	\$	150,000	107326
5HB0	440470	Breast and Cervical Cancer Screening	\$	25,096	\$	0	107327
5PE0	440659	Breast and Cervical Cancer Services	\$	200,000	\$	200,000	107328
5QJ0	440662	Dental Hygienist Loan Repayments	\$	100,000	\$	100,000	107329
5SH0	440520	Children's Wish Grant Program	\$	275,000	\$	275,000	107330
5TZ0	440621	Toxicology Screenings	\$	1,000,000	\$	1,000,000	107331
5Z70	440624	Ohio Dentist Loan	\$	200,000	\$	200,000	107332

		Repayment					
6100	440626	Radiation Emergency	\$	1,269,262	\$	1,300,000	107333
		Response					
6660	440607	Medically Handicapped	\$	23,948,173	\$	24,000,000	107334
		Children - County					
		Assessments					
6980	440634	Nurse Aide Training	\$	150,000	\$	150,000	107335
L087	440669	Public Health	\$	2,000,000	\$	0	107336
		Priorities					
TOTAL DPF		Dedicated Purpose Fund	\$	122,236,564	\$	120,521,610	107337
		Group					
		Internal Service Activity Fund Group					107338
1420	440646	Agency Health	\$	4,984,080	\$	5,000,000	107339
		Services					
2110	440613	Central Support	\$	28,897,875	\$	29,500,000	107340
		Indirect Costs					
TOTAL ISA		Internal Service Activity	\$	33,881,955	\$	34,500,000	107341
		Fund Group					
		Holding Account Fund Group					107342
R014	440631	Vital Statistics	\$	44,986	\$	44,986	107343
R048	440625	Refunds, Grants	\$	20,000	\$	20,000	107344
		Reconciliation, and					
		Audit Settlements					
TOTAL HLD		Holding Account Fund	\$	64,986	\$	64,986	107345
		Group					
		Federal Fund Group					107346
3200	440601	Maternal Child Health	\$	24,673,419	\$	25,000,000	107347
		Block Grant					
3870	440602	Preventive Health	\$	9,681,749	\$	9,750,000	107348
		Block Grant					
3890	440604	Women, Infants, and	\$	219,839,807	\$	220,000,000	107349
		Children					

3910	440606	Medicare Survey and Certification	\$	17,049,993	\$	17,500,000	107350
3920	440618	Federal Public Health Programs	\$	94,344,493	\$	95,000,000	107351
3GD0	654601	Medicaid Program Support	\$	28,161,187	\$	28,540,949	107352
3GN0	440660	Public Health Emergency Preparedness	\$	26,347,943	\$	26,500,000	107353
TOTAL FED	Federal Fund Group		\$	420,098,591	\$	422,290,949	107354
TOTAL ALL BUDGET FUND GROUPS			\$	675,675,039	\$	685,767,155	107355

**Section 291.20.** MOTHERS AND CHILDREN SAFETY NET SERVICES 107357

Of the foregoing appropriation item 440416, Mothers and 107358  
 Children Safety Net Services, up to \$200,000 in each fiscal year 107359  
 may be used to assist families with hearing impaired children 107360  
 under twenty-one years of age in purchasing hearing aids and 107361  
 hearing assistive technology. The Director of Health shall adopt 107362  
 rules governing the distribution of these funds, including rules 107363  
 that do both of the following: (1) establish eligibility criteria 107364  
 to include families with incomes at or below four hundred per cent 107365  
 of the federal poverty guidelines as defined in section 5101.46 of 107366  
 the Revised Code, and (2) develop a sliding scale of disbursements 107367  
 under this section based on family income. The Director may adopt 107368  
 other rules as necessary to implement this section. Rules adopted 107369  
 under this section shall be adopted in accordance with Chapter 107370  
 119. of the Revised Code. 107371

FREE CLINIC SAFETY NET SERVICES 107372

The foregoing appropriation item 440431, Free Clinic Safety 107373  
 Net Services, shall be provided to the Ohio Association of Free 107374  
 Clinics. Funds may be used to reimburse free clinics for health 107375  
 care services provided, as well as for administrative services, 107376

information technology costs, infrastructure repair, or other	107377
clinic necessities.	107378
AIDS PREVENTION AND TREATMENT	107379
The foregoing appropriation item 440444, AIDS Prevention and	107380
Treatment, shall be used to administer educational and other	107381
prevention initiatives.	107382
ENVIRONMENTAL HEALTH/RADIATION PROTECTION	107383
Of the foregoing appropriation item 440454, Environmental	107384
Health/Radiation protection, \$150,000 in each fiscal year shall be	107385
used by the Department of Health to distribute funds to the city	107386
of Toledo for lead-based paint abatement, containment, and housing	107387
rehabilitation projects in the historic south neighborhoods of	107388
Toledo. In order to receive funding, the city of Toledo shall	107389
provide documentation showing the amount of nonprofit or private	107390
sector dollars the city has collected for each project. These	107391
nonprofit or private sector dollars must be collected during the	107392
same state fiscal year that funds are to be awarded. The amount	107393
distributed by the Department of Health for each project shall be	107394
equal to the amount documented. The total amount distributed by	107395
the Department of Health shall not exceed \$150,000 in each fiscal	107396
year. The city may use these funds to provide grants to	107397
owner-occupied or rental properties. Grants shall be awarded by	107398
the city in consultation with the Historic South Initiative.	107399
Not later than July 1 each year, the city of Toledo shall	107400
issue a report to the Department of Health providing information	107401
regarding the effectiveness of the funds distributed and any other	107402
information requested by the Department.	107403
FQHC PRIMARY CARE WORKFORCE INITIATIVE	107404
The foregoing appropriation item 440465, FQHC Primary Care	107405
Workforce Initiative, shall be provided to the Ohio Association of	107406
Community Health Centers to administer the FQHC Primary Care	107407



Workforce Initiative. The Initiative shall provide medical, 107408  
dental, behavioral health, physician assistant, and advanced 107409  
practice nursing students with clinical rotations through 107410  
federally qualified health centers. 107411

INFANT VITALITY 107412

Of the foregoing appropriation item 440474, Infant Vitality, 107413  
\$175,000 in each fiscal year shall be provided to Produce Perks 107414  
Midwest, Inc., for the Prescription Produce Intervention for 107415  
Maternal Health Program to improve maternal health, nutrition, and 107416  
infant mortality rates in Ohio. 107417

The remainder of appropriation item 440474, Infant Vitality, 107418  
shall be used to fund a multi-pronged population health approach 107419  
to address infant mortality. This approach may include the 107420  
following: increasing awareness; supporting data collection; 107421  
analysis and interpretation to inform decision-making and ensure 107422  
accountability; targeting resources where the need is greatest; 107423  
and implementing quality improvement science and programming that 107424  
is evidence-based or based on emerging practices. Measurable 107425  
interventions may include activities related to safe sleep, 107426  
community engagement, Centering Pregnancy, newborn screening, safe 107427  
birth spacing, gestational diabetes, smoking cessation, 107428  
breastfeeding, care coordination, and progesterone. 107429

EMERGENCY PREPAREDNESS AND RESPONSE 107430

The foregoing appropriation item 440477, Emergency 107431  
Preparedness and Response, shall be used to support public health 107432  
emergency preparedness and response efforts at the state level or 107433  
at a regional sub-level within the state, and may also be used to 107434  
support data infrastructure projects. 107435

LUPUS AWARENESS 107436

The foregoing appropriation item 440481, Lupus Awareness, 107437  
shall be distributed to the Lupus Foundation of America, Greater 107438

Ohio Chapter, Inc., to operate a lupus education and awareness program. 107439  
107440

TARGETED HEALTH CARE SERVICES-OVER 21 107441

The foregoing appropriation item 440507, Targeted Health Care Services-Over 21, shall be used to administer the Cystic Fibrosis Program and to implement the Hemophilia Insurance Premium Payment Program. The Department of Health shall expend \$100,000 in each fiscal year to implement the Hemophilia Insurance Premium Payment Program. 107442  
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The foregoing appropriation item 440507, Targeted Health Care Services-Over 21, shall also be used to provide essential medications and to pay the copayments for drugs approved by the Department of Health and covered by Medicare Part D that are dispensed to Bureau for Children with Medical Handicaps (BCMH) participants for the Cystic Fibrosis Program. 107448  
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107453

The Department shall expend all of these funds. 107454

HARM REDUCTION 107455

The foregoing appropriation item 440529, Harm Reduction, shall be used to distribute funding of up to \$15,000 per program per fiscal year to local health departments that operate harm reduction programs, including syringe services. Local health departments eligible for funding shall be accredited or in the process of becoming accredited through the Public Health Accreditation Board. 107456  
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LEAD-SAFE HOME FUND PILOT PROGRAM 107463

The foregoing appropriation item 440530, Lead-Safe Home Fund Pilot Program, shall be used by the Department of Health to make distributions on a quarterly basis to the Lead Safe Cleveland Coalition for the Lead-Safe Home Fund Pilot Program, in accordance with Section 737.15 of this act. Before any funds are distributed, 107464  
107465  
107466  
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the Coalition shall provide the Department with documentation 107469  
showing the amount of private sector dollars the Coalition has 107470  
collected. The amount of each distribution provided by the 107471  
Department shall be equal to the amount documented, but shall not 107472  
exceed \$1,000,000 in total in each fiscal year. 107473

YOUTH HOMELESSNESS 107474

The foregoing appropriation item 440672, Youth Homelessness, 107475  
shall be used to address homelessness in youth and pregnant women 107476  
by providing assertive outreach to provide stable housing, 107477  
including recovery housing. 107478

FEE SUPPORTED PROGRAMS 107479

Of the foregoing appropriation item 440647, Fee Supported 107480  
Programs, \$2,160,000 in each fiscal year shall be used to 107481  
distribute subsidies to local health departments on a per capita 107482  
basis. 107483

Of the foregoing appropriation item 440647, Fee Supported 107484  
Programs, \$1,500,000 in each fiscal year shall be used to 107485  
distribute subsidies to local health departments accredited 107486  
through the Public Health Accreditation Board on a per capita 107487  
basis. 107488

MEDICALLY HANDICAPPED CHILDREN AUDIT 107489

The Medically Handicapped Children Audit Fund (Fund 4770) 107490  
shall receive revenue from audits of hospitals and recoveries from 107491  
third-party payers. Moneys may be expended for payment of audit 107492  
settlements and for costs directly related to obtaining recoveries 107493  
from third-party payers and for encouraging Medically Handicapped 107494  
Children's Program recipients to apply for third-party benefits. 107495  
Moneys also may be expended for payments for diagnostic and 107496  
treatment services on behalf of medically handicapped children, as 107497  
defined in division (A) of section 3701.022 of the Revised Code, 107498  
and Ohio residents who are twenty-one or more years of age and who 107499

are suffering from cystic fibrosis or hemophilia. Moneys may also 107500  
be expended for administrative expenses incurred in operating the 107501  
Medically Handicapped Children's Program. 107502

GENETICS SERVICES 107503

The foregoing appropriation item 440608, Genetics Services, 107504  
shall be used by the Department of Health to administer programs 107505  
authorized by sections 3701.501 and 3701.502 of the Revised Code. 107506  
None of these funds shall be used to counsel or refer for 107507  
abortion, except in the case of a medical emergency. 107508

TOBACCO USE PREVENTION, CESSATION, AND ENFORCEMENT 107509

Of the foregoing appropriation item 440656, Tobacco Use 107510  
Prevention, Cessation, and Enforcement, \$750,000 in each fiscal 107511  
year shall be used to award grants in accordance with the section 107512  
of this act entitled "MOMS QUIT FOR TWO GRANT PROGRAM." 107513

Of the foregoing appropriation item 440656, Tobacco Use 107514  
Prevention, Cessation, and Enforcement, \$250,000 in each fiscal 107515  
year shall be distributed to boards of health for the Baby and Me 107516  
Tobacco Free Program. The Director of Health shall determine how 107517  
the funds are to be distributed, but shall prioritize awards to 107518  
boards that serve women who reside in communities that have the 107519  
highest infant mortality rates in this state, as identified under 107520  
section 3701.142 of the Revised Code. 107521

The remainder of appropriation item 440656, Tobacco Use 107522  
Prevention, Cessation, and Enforcement, shall be used to 107523  
administer tobacco use prevention and cessation activities and 107524  
programs, to administer compliance checks, retailer education, and 107525  
programs related to legal age restrictions, and to enforce the 107526  
Ohio Smoke-Free Workplace Act. 107527

TOXICOLOGY SCREENINGS 107528

The foregoing appropriation item 440621, Toxicology 107529

Screenings, shall be used to reimburse county coroners in counties 107530  
in which the coroner has performed toxicology screenings on 107531  
victims of a drug overdose. The Director of Health shall transfer 107532  
the funds to the counties in proportion to the numbers of 107533  
toxicology screenings performed per county. 107534

MEDICALLY HANDICAPPED CHILDREN - COUNTY ASSESSMENTS 107535

The foregoing appropriation item 440607, Medically 107536  
Handicapped Children - County Assessments, shall be used to make 107537  
payments under division (E) of section 3701.023 of the Revised 107538  
Code. 107539

PUBLIC HEALTH PRIORITIES 107540

The foregoing appropriation item 440669, Public Health 107541  
Priorities, shall be used to conduct public health awareness and 107542  
education campaigns, initiate innovative programming and 107543  
prevention strategies, and other work related to advancing 107544  
positive changes in population health in Ohio. The Department of 107545  
Health may distribute grants, contracts, or subsidy for these 107546  
purposes, including, but not limited to, supporting public-private 107547  
partnerships to address pressing public health issues. 107548

CASH TRANSFER TO EMERGENCY PREPAREDNESS AND RESPONSE FUND 107549

If the Director of Health determines that there are 107550  
insufficient funds in appropriation item 440477, Emergency 107551  
Preparedness and Response, for public health emergency 107552  
preparedness and response activities, the Director may certify to 107553  
the Director of Budget and Management an amount necessary to 107554  
address these activities. Upon certification, the Director of 107555  
Budget and Management shall transfer up to \$500,000 cash in each 107556  
fiscal year from the Controlling Board Emergency 107557  
Purposes/Contingencies Fund (Fund 5KM0) to the Emergency 107558  
Preparedness and Response Fund (Fund 5UA0). The amount transferred 107559  
is hereby appropriated. 107560

**Section 291.30.** MOMS QUIT FOR TWO GRANT PROGRAM 107561

(A) The Department of Health shall create the Moms Quit for 107562  
Two Grant Program. Recognizing the significant health risks posed 107563  
to women and their children by tobacco use during and after 107564  
pregnancy, the Department shall award grants to private, nonprofit 107565  
entities or government entities that demonstrate the ability to 107566  
deliver evidence-based tobacco cessation interventions to women 107567  
who reside in communities that have the highest incidence of 107568  
infant mortality, as determined by the Director of Health, and who 107569  
are pregnant or live with children. Funds awarded under this 107570  
section shall not be used to provide tobacco cessation 107571  
interventions to women who are eligible for Medicaid. The 107572  
Department may adopt any rules it considers necessary to 107573  
administer the Program. 107574

(B) The Department shall create a grant application and 107575  
develop a process for receiving and evaluating completed grant 107576  
applications on a competitive basis. The Department shall give 107577  
first preference to the entities described in division (A) of this 107578  
section that are able to target the interventions to pregnant 107579  
women and second preference to such entities that are able to 107580  
target the interventions to women living with children. The 107581  
Department's decision regarding a submitted grant application is 107582  
final. 107583

(C) The Department shall establish performance objectives to 107584  
be met by grant recipients. The Department shall monitor the 107585  
performance of each grant recipient in meeting the objectives. 107586

**Section 291.40.** WIC VENDOR CONTRACTS 107587

(A) As used in this section, "WIC" means the Special 107588  
Supplemental Nutrition Program for Women, Infants, and Children 107589  
established under the "Child Nutrition Act of 1966," 80 Stat. 885, 107590

42 U.S.C. 1786, as amended. 107591

(B) During fiscal year 2020 and fiscal year 2021, the 107592  
 Department of Health shall process and review a WIC vendor 107593  
 contract application pursuant to Chapter 3701-42 of the 107594  
 Administrative Code not later than forty-five days after receipt 107595  
 of the application if the applicant is a WIC-contracted vendor at 107596  
 the time of application and meets all of the following 107597  
 requirements: 107598

(1) Submits a complete WIC vendor application with all 107599  
 required documents and information; 107600

(2) Passes the required unannounced preauthorization visit 107601  
 within forty-five days of submitting a complete application; 107602

(3) Completes the required in-person training within 107603  
 forty-five days of submitting the complete application. 107604

(C) If an applicant fails to meet any of the requirements 107605  
 described in division (B) of this section, the Department shall 107606  
 deny the application for the contract. After an application has 107607  
 been denied, the applicant may reapply for a contract to act as a 107608  
 WIC vendor during the contracting cycle that is applicable to the 107609  
 applicant's WIC region. 107610

**Section 293.10. HEF HIGHER EDUCATIONAL FACILITY COMMISSION 107611**

Dedicated Purpose Fund Group 107612

4610 372601	Operating Expenses	\$	12,500	\$	12,500	107613
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TOTAL DPF	Dedicated Purpose Fund	\$	12,500	\$	12,500	107614
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Group

TOTAL ALL BUDGET FUND GROUPS		\$	12,500	\$	12,500	107615
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**Section 295.10. SPA COMMISSION ON HISPANIC/LATINO AFFAIRS 107617**

General Revenue Fund 107618

GRF 148321	Operating Expenses	\$	464,888	\$	464,047	107619
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TOTAL GRF General Revenue Fund	\$	464,888	\$	464,047	107620
Dedicated Purpose Fund Group					107621
6010 148602 Special Initiatives	\$	24,558	\$	24,558	107622
TOTAL DPF Dedicated Purpose					107623
Fund Group	\$	24,558	\$	24,558	107624
TOTAL ALL BUDGET FUND GROUPS	\$	489,446	\$	488,605	107625
<b>Section 297.10. OHS OHIO HISTORY CONNECTION</b>					107627
General Revenue Fund					107628
GRF 360501 Education and	\$	5,180,712	\$	5,151,712	107629
Collections					
GRF 360502 Site and Museum	\$	6,707,853	\$	6,772,853	107630
Operations					
GRF 360504 Ohio Preservation	\$	281,300	\$	281,300	107631
Office					
GRF 360505 National	\$	485,000	\$	485,000	107632
Afro-American Museum					
GRF 360506 Hayes Presidential	\$	550,000	\$	550,000	107633
Center					
GRF 360508 State Historical	\$	1,338,500	\$	1,338,500	107634
Grants					
GRF 360509 Outreach and	\$	155,583	\$	155,583	107635
Partnership					
TOTAL GRF General Revenue Fund	\$	14,698,948	\$	14,734,948	107636
Dedicated Purpose Fund Group					107637
5KL0 360602 Ohio History Tax	\$	150,000	\$	150,000	107638
Check-off					
5PD0 360603 Ohio History License	\$	10,000	\$	10,000	107639
Plate					
TOTAL DPF Dedicated Purpose Fund	\$	160,000	\$	160,000	107640
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	14,858,948	\$	14,894,948	107641



SUBSIDY APPROPRIATION 107642

Upon approval by the Director of Budget and Management, the 107643  
foregoing appropriation items shall be released to the Ohio 107644  
History Connection in quarterly amounts that in total do not 107645  
exceed the annual appropriations. The funds and fiscal records of 107646  
the Ohio History Connection for fiscal year 2020 and fiscal year 107647  
2021 shall be examined by independent certified public accountants 107648  
approved by the Auditor of State, and a copy of the audited 107649  
financial statements shall be filed with the Office of Budget and 107650  
Management. 107651

The foregoing appropriations shall be considered to be the 107652  
contractual consideration provided by the state to support the 107653  
state's offer to contract with the Ohio History Connection under 107654  
section 149.30 of the Revised Code. 107655

STATE HISTORICAL GRANTS 107656

Of the foregoing appropriation item 360508, State Historical 107657  
Grants, \$125,000 in each fiscal year shall be used for the Western 107658  
Reserve Historical Society and \$125,000 in each fiscal year shall 107659  
be used for the Cincinnati Museum Center. 107660

Of the foregoing appropriation item 360508, State Historical 107661  
Grants, \$38,500 in each fiscal year shall be allocated to support 107662  
the American Jewish Archives of the Hebrew Union College-Jewish 107663  
Institute of Religion. 107664

Of the foregoing appropriation item 360508, State Historical 107665  
Grants, \$325,000 in each fiscal year shall be allocated to support 107666  
the Cleveland Museum of Natural History. 107667

Of the foregoing appropriation item 360508, State Historical 107668  
Grants, \$325,000 in each fiscal year shall be allocated to support 107669  
the Cleveland Institute of Art. 107670

Of the foregoing appropriation item 360508, State Historical 107671

Grants, \$100,000 in each fiscal year shall be allocated to support 107672  
the Nancy and David Wolf Holocaust and Humanity Center. 107673

Of the foregoing appropriation item 360508, State Historical 107674  
Grants, \$150,000 in each fiscal year shall be used to support the 107675  
Boonshoft Museum of Discovery. 107676

Of the foregoing appropriation item 360508, State Historical 107677  
Grants, \$150,000 in each fiscal year shall be allocated to support 107678  
the National First Ladies Library in Canton, Ohio. 107679

**Section 299.10.** REP OHIO HOUSE OF REPRESENTATIVES 107680

General Revenue Fund 107681

GRF 025321 Operating Expenses \$ 25,917,274 \$ 25,917,274 107682

TOTAL GRF General Revenue Fund \$ 25,917,274 \$ 25,917,274 107683

Internal Service Activity Fund Group 107684

1030 025601 House of \$ 1,433,664 \$ 1,433,664 107685

Representatives

Reimbursement

4A40 025602 Miscellaneous Sales \$ 50,000 \$ 50,000 107686

TOTAL ISA Internal Service Activity 107687

Fund Group \$ 1,483,664 \$ 1,483,664 107688

TOTAL ALL BUDGET FUND GROUPS \$ 27,400,938 \$ 27,400,938 107689

OPERATING EXPENSES 107690

On July 1, 2019, or as soon as possible thereafter, the Chief 107691  
Administrative Officer of the House of Representatives may certify 107692  
to the Director of Budget and Management an amount up to the 107693  
unexpended, unencumbered balance of the foregoing appropriation 107694  
item 025321, Operating Expenses, at the end of fiscal year 2019 to 107695  
be reappropriated to fiscal year 2020. The amount certified is 107696  
hereby reappropriated to the same appropriation item for fiscal 107697  
year 2020. 107698

On July 1, 2020, or as soon as possible thereafter, the Chief 107699

Administrative Officer of the House of Representatives may certify 107700  
to the Director of Budget and Management an amount up to the 107701  
unexpended, unencumbered balance of the foregoing appropriation 107702  
item 025321, Operating Expenses, at the end of fiscal year 2020 to 107703  
be reappropriated to fiscal year 2021. The amount certified is 107704  
hereby reappropriated to the same appropriation item for fiscal 107705  
year 2021. 107706

HOUSE REIMBURSEMENT 107707

If it is determined by the Chief Administrative Officer of 107708  
the House of Representatives that additional appropriations are 107709  
necessary for the foregoing appropriation item 025601, House 107710  
Reimbursement, the amounts are hereby appropriated. 107711

**Section 301.10.** HFA OHIO HOUSING FINANCE AGENCY 107712

Dedicated Purpose Fund Group 107713

5AZ0 997601 Housing Finance Agency	\$	12,267,196	\$	12,819,657	107714
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Personal Services

TOTAL DPF Dedicated Purpose Fund	\$	12,267,196	\$	12,819,657	107715
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Group

TOTAL ALL BUDGET FUND GROUPS	\$	12,267,196	\$	12,819,657	107716
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**Section 303.10.** IGO OFFICE OF THE INSPECTOR GENERAL 107718

General Revenue Fund 107719

GRF 965321 Operating Expenses	\$	1,512,881	\$	1,509,581	107720
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TOTAL GRF General Revenue Fund	\$	1,512,881	\$	1,509,581	107721
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Internal Service Activity Fund Group 107722

5FA0 965603 Deputy Inspector	\$	400,000	\$	400,000	107723
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General for ODOT

5FT0 965604 Deputy Inspector	\$	425,000	\$	425,000	107724
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General for BWC/OIC

TOTAL ISA Internal Service Activity					107725
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Fund Group	\$	825,000	\$	825,000	107726
TOTAL ALL BUDGET FUND GROUPS	\$	2,337,881	\$	2,334,581	107727

**Section 305.10.** INS DEPARTMENT OF INSURANCE 107729

Dedicated Purpose Fund Group 107730

5540 820601 Operating Expenses -	\$	180,000	\$	180,000	107731
OSHIIP					

5540 820606 Operating Expenses	\$	29,580,629	\$	30,661,244	107732
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5550 820605 Examination	\$	8,938,161	\$	9,179,766	107733
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5PT0 820613 Captive Insurance	\$	650,000	\$	650,000	107734
Regulation and Supervision					

TOTAL DPF Dedicated Purpose 107735

Fund Group	\$	39,348,790	\$	40,671,010	107736
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Federal Fund Group 107737

3U50 820602 OSHIIP Operating	\$	2,793,150	\$	2,793,150	107738
Grant					

TOTAL FED Federal Fund Group	\$	2,793,150	\$	2,793,150	107739
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TOTAL ALL BUDGET FUND GROUPS	\$	42,141,940	\$	43,464,160	107740
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MARKET CONDUCT EXAMINATION 107741

When conducting a market conduct examination of any insurer 107742  
 doing business in this state, the Superintendent of Insurance may 107743  
 assess the costs of the examination against the insurer. The 107744  
 Superintendent may enter into consent agreements to impose 107745  
 administrative assessments or fines for conduct discovered that 107746  
 may be violations of statutes or rules administered by the 107747  
 Superintendent. All costs, assessments, or fines collected shall 107748  
 be deposited to the credit of the Department of Insurance 107749  
 Operating Fund (Fund 5540). 107750

EXAMINATIONS OF DOMESTIC FRATERNAL BENEFIT SOCIETIES 107751

The Director of Budget and Management, at the request of the 107752

Superintendent of Insurance, may transfer cash from the Department 107753  
of Insurance Operating Fund (Fund 5540), established by section 107754  
3901.021 of the Revised Code, to the Superintendent's Examination 107755  
Fund (Fund 5550), established by section 3901.071 of the Revised 107756  
Code, only for expenses incurred in examining domestic fraternal 107757  
benefit societies as required by section 3921.28 of the Revised 107758  
Code. 107759

TRANSFER OF FUNDS FOR CAPTIVE INSURANCE COMPANY REGULATION 107760  
AND SUPERVISION 107761

When funds from captive insurance company application fees, 107762  
reimbursements from captive insurance companies for examinations, 107763  
and other sources have accrued to the Captive Insurance Regulation 107764  
and Supervision Fund (Fund 5PT0) in such amounts as are deemed 107765  
sufficient to sustain operations, the Director of Budget and 107766  
Management, in consultation with the Superintendent of Insurance, 107767  
shall establish a schedule for repaying the amounts previously 107768  
transferred during fiscal years 2016 and 2017 from Fund 5PT0 to 107769  
Fund 5540. 107770

**Section 307.10.** JFS DEPARTMENT OF JOB AND FAMILY SERVICES 107771

General Revenue Fund 107772

GRF 600410 TANF State Maintenance \$ 144,267,326 \$ 144,267,326 107773  
of Effort

GRF 600413 Child Care \$ 83,461,739 \$ 83,461,739 107774  
State/Maintenance of  
Effort

GRF 600450 Program Operations \$ 145,103,056 \$ 145,441,048 107775

GRF 600502 Child Support - Local \$ 23,456,891 \$ 23,456,891 107776

GRF 600521 Family Assistance - \$ 44,748,768 \$ 44,748,768 107777  
Local

GRF 600523 Family and Children \$ 186,107,628 \$ 186,397,628 107778  
Services

GRF 600528	Adoption Services	\$	28,922,517	\$	28,922,517	107779
GRF 600533	Child, Family, and Community Protection Services	\$	13,500,000	\$	13,500,000	107780
GRF 600534	Adult Protective Services	\$	4,230,000	\$	4,230,000	107781
GRF 600535	Early Care and Education	\$	141,285,241	\$	141,285,241	107782
GRF 600541	Kinship Permanency Incentive Program	\$	1,000,000	\$	1,000,000	107783
GRF 600546	Healthy Food Financing Initiative	\$	150,000	\$	150,000	107784
GRF 600551	Job and Family Services Program Support	\$	105,000	\$	105,000	107785
GRF 600552	Gracehaven Pilot Program	\$	259,685	\$	259,685	107786
GRF 600553	Court Appointed Special Advocates	\$	1,000,000	\$	1,000,000	107787
GRF 600555	Quality Infrastructure Grants	\$	10,000,000	\$	0	107788
GRF 655425	Medicaid Program Support	\$	13,412,603	\$	13,520,788	107789
GRF 655522	Medicaid Program Support - Local	\$	37,119,931	\$	37,119,931	107790
GRF 655523	Medicaid Program Support - Local Transportation	\$	38,750,000	\$	38,750,000	107791
TOTAL GRF	General Revenue Fund	\$	916,880,385	\$	907,616,562	107792
	Dedicated Purpose Fund Group					107793
1980 600647	Children's Trust Fund	\$	7,992,060	\$	6,000,000	107794
4A80 600658	Public Assistance Activities	\$	32,000,000	\$	32,000,000	107795
4A90 600607	Unemployment	\$	13,900,000	\$	12,900,000	107796

		Compensation					
		Administration Fund					
4E70	600604	Family and Children	\$	650,000	\$	650,000	107797
		Services Collections					
4F10	600609	Family and Children	\$	708,000	\$	708,000	107798
		Activities					
5DM0	600633	Audit Settlements and	\$	1,000,000	\$	1,000,000	107799
		Contingency					
5ES0	600630	Food Bank Assistance	\$	500,000	\$	500,000	107800
5HC0	600695	Unemployment	\$	1,000,000	\$	0	107801
		Compensation Interest					
5KT0	600696	Early Childhood	\$	20,000,000	\$	20,000,000	107802
		Education					
5NG0	600660	Victims of Human	\$	100,000	\$	100,000	107803
		Trafficking					
5RX0	600699	Workforce Development	\$	300,000	\$	300,000	107804
		Projects					
5RY0	600698	Human Services	\$	14,887,449	\$	15,000,000	107805
		Project					
5TZ0	600674	Children's Crisis	\$	750,000	\$	750,000	107806
		Care					
5U60	600663	Family and Children	\$	5,000,000	\$	5,000,000	107807
		Support					
5VJ0	600600	Ohio Governor's	\$	5,000,000	\$	0	107808
		Imagination Library					
TOTAL	DPF	Dedicated Purpose Fund	\$	103,787,509	\$	94,908,000	107809
		Group					
		Internal Service Activity Fund Group					107810
5HL0	600602	State and County	\$	1,500,000	\$	1,500,000	107811
		Shared Services					
TOTAL	ISA	Internal Service Activity	\$	1,500,000	\$	1,500,000	107812
		Fund Group					
		Fiduciary Fund Group					107813

1920	600646	Child Support	\$	100,000,000	\$	100,000,000	107814
		Intercept - Federal					
5830	600642	Child Support	\$	13,000,000	\$	13,000,000	107815
		Intercept - State					
5B60	600601	Food Assistance	\$	4,000,000	\$	4,000,000	107816
		Intercept					
TOTAL FID		Fiduciary Fund Group	\$	117,000,000	\$	117,000,000	107817
		Holding Account Fund Group					107818
R012	600643	Refunds and Audit	\$	500,000	\$	500,000	107819
		Settlements					
TOTAL HLD		Holding Account Fund	\$	500,000	\$	500,000	107820
		Group					
		Federal Fund Group					107821
3270	600606	Child Welfare	\$	28,950,337	\$	29,000,000	107822
3310	600615	Veterans Programs	\$	7,000,000	\$	7,000,000	107823
3310	600624	Employment Services	\$	26,000,000	\$	26,000,000	107824
3310	600686	Workforce Programs	\$	3,912,923	\$	4,000,000	107825
3840	600610	Food Assistance	\$	165,544,356	\$	165,544,356	107826
		Programs					
3850	600614	Refugee Services	\$	12,000,000	\$	12,000,000	107827
3950	600616	Federal Discretionary	\$	1,500,000	\$	1,500,000	107828
		Grants					
3960	600620	Social Services Block	\$	42,000,000	\$	42,000,000	107829
		Grant					
3970	600626	Child Support -	\$	197,479,829	\$	198,000,000	107830
		Federal					
3980	600627	Adoption Program -	\$	175,000,000	\$	175,000,000	107831
		Federal					
3A20	600641	Emergency Food	\$	7,000,000	\$	7,000,000	107832
		Distribution					
3D30	600648	Children's Trust Fund	\$	2,000,000	\$	2,000,000	107833
		Federal					



3F01 655624	Medicaid Program	\$ 179,231,495	\$ 179,500,000	107834
	Support - Federal			
3H70 600617	Child Care Federal	\$ 331,249,291	\$ 331,980,000	107835
3N00 600628	Foster Care Program -	\$ 280,732,702	\$ 281,000,000	107836
	Federal			
3S50 600622	Child Support Projects	\$ 534,050	\$ 534,050	107837
3V00 600688	Workforce Innovation	\$ 142,092,211	\$ 142,450,000	107838
	and Opportunity Act			
	Programs			
3V40 600632	Trade Programs	\$ 19,755,884	\$ 20,000,000	107839
3V40 600678	Federal Unemployment	\$ 73,436,024	\$ 73,436,024	107840
	Programs			
3V40 600679	Unemployment	\$ 4,800,000	\$ 4,800,000	107841
	Compensation Review			
	Commission - Federal			
3V60 600689	TANF Block Grant	\$ 873,602,794	\$ 935,000,000	107842
TOTAL FED	Federal Fund Group	\$ 2,573,821,896	\$ 2,637,744,430	107843
TOTAL ALL BUDGET	FUND GROUPS	\$ 3,713,489,790	\$ 3,759,268,992	107844

**Section 307.20. COUNTY ADMINISTRATIVE FUNDS** 107846

(A) The foregoing appropriation item 600521, Family Assistance - Local, may be provided to county departments of job and family services to administer food assistance and disability assistance programs. 107847  
107848  
107849  
107850

(B) The foregoing appropriation item 655522, Medicaid Program Support - Local, may be provided to county departments of job and family services to administer the Medicaid program and the State Children's Health Insurance program. 107851  
107852  
107853  
107854

(C) At the request of the Director of Job and Family Services, the Director of Budget and Management may transfer appropriations between the following appropriation items to ensure county administrative funds are expended from the proper 107855  
107856  
107857  
107858

appropriation item: 107859

(1) Appropriation item 600521, Family Assistance - Local, and 107860  
appropriation item 655522, Medicaid Program Support - Local; and 107861

(2) Appropriation item 655523, Medicaid Program Support - 107862  
Local Transportation, and appropriation item 655522, Medicaid 107863  
Program Support - Local. 107864

(D) If receipts credited to the Medicaid Program Support Fund 107865  
(Fund 3F01) and the Supplemental Nutrition Assistance Program Fund 107866  
(Fund 3840) exceed the amounts appropriated, the Director of Job 107867  
and Family Services shall request the Director of Budget and 107868  
Management to authorize expenditures from those funds in excess of 107869  
the amounts appropriated. Upon approval of the Director of Budget 107870  
and Management, the additional amounts are hereby appropriated. 107871

**Section 307.30. NAME OF FOOD STAMP PROGRAM** 107872

The Director of Job and Family Services is not required to 107873  
amend rules regarding the Food Stamp Program to change the name of 107874  
the program to the Supplemental Nutrition Assistance Program. The 107875  
Director may refer to the program as the Food Stamp Program, the 107876  
Supplemental Nutrition Assistance Program, or the Food Assistance 107877  
Program in rules and documents of the Department of Job and Family 107878  
Services. 107879

**Section 307.40. OHIO ASSOCIATION OF FOOD BANKS** 107880

Of the foregoing appropriation items 600410, TANF State 107881  
Maintenance of Effort, 600658, Public Assistance Activities, and 107882  
600689, TANF Block Grant, a total of \$22,050,000 in each fiscal 107883  
year shall be used to provide funds to the Ohio Association of 107884  
Food Banks to purchase and distribute food products, support 107885  
Innovative Summer Meals programs for children, provide SNAP 107886  
outreach and free tax filing services, and provide capacity 107887  
building equipment for food pantries and soup kitchens. 107888

Notwithstanding section 5101.46 of the Revised Code and any 107889  
other provision in this bill, including funds designated for the 107890  
Ohio Association of Food Banks in this section, in fiscal year 107891  
2020 and fiscal year 2021, the Director of Job and Family Services 107892  
shall provide assistance from eligible funds to the Ohio 107893  
Association of Food Banks in an amount not less than \$24,550,000 107894  
in each fiscal year. 107895

Eligible nonfederal expenditures made by member food banks of 107896  
the Association shall be counted by the Department of Job and 107897  
Family Services toward the TANF maintenance of effort requirements 107898  
of 42 U.S.C. 609(a)(7). The Director of Job and Family Services 107899  
shall enter into an agreement with the Ohio Association of Food 107900  
Banks, in accordance with sections 5101.80 and 5101.801 of the 107901  
Revised Code, to carry out the requirements under this section. 107902

**Section 307.43. UNAFFILIATED FOOD BANKS** 107903

Of the foregoing appropriation item 600689, TANF Block Grant, 107904  
\$500,000 in each fiscal year shall be provided, in accordance with 107905  
sections 5101.80 and 5101.801 of the Revised Code, to food banks 107906  
or food pantries unaffiliated with the Ohio Association of Food 107907  
Banks. 107908

**Section 307.45. FOOD STAMPS TRANSFER** 107909

On July 1, 2019, or as soon as possible thereafter, and upon 107910  
request of the Director of Job and Family Services, the Director 107911  
of Budget and Management may transfer up to \$1,000,000 cash from 107912  
the Supplemental Nutrition Assistance Program Fund (Fund 3840), to 107913  
the Food Assistance Fund (Fund 5ES0). 107914

**Section 307.50. PUBLIC ASSISTANCE ACTIVITIES/TANF MOE** 107915

The foregoing appropriation item 600658, Public Assistance 107916  
Activities, shall be used by the Department of Job and Family 107917

Services to meet the TANF maintenance of effort requirements of 42 U.S.C. 609(a)(7). When the state is assured that it will meet the maintenance of effort requirement, the Department of Job and Family Services may use funds from appropriation item 600658, Public Assistance Activities, to support public assistance activities.

**Section 307.70.** GOVERNOR'S OFFICE OF FAITH-BASED AND COMMUNITY INITIATIVES

Of the foregoing appropriation item 600689, TANF Block Grant, up to \$13,285,000 in each fiscal year shall be used, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to provide support to programs or organizations that provide services that align with the mission and goals of the Governor's Office of Faith-Based and Community Initiatives, as outlined in section 107.12 of the Revised Code, and that further at least one of the four purposes of the TANF program, as specified in 42 U.S.C. 601.

Of the amount earmarked for the Governor's Office of Faith-Based and Community Initiatives, \$250,000 in each fiscal year shall be provided to Think Tank, Inc. to support a project that provides a sustainable, scalable system to support and keep families together.

**Section 307.80.** INDEPENDENT LIVING INITIATIVE

Of the foregoing appropriation item 600689, TANF Block Grant, up to \$2,000,000 in each fiscal year shall be used, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to support the Independent Living Initiative, including life skills training and work supports for older children in foster care and those who have recently aged out of foster care.

**Section 307.90.** OHIO COMMISSION ON FATHERHOOD

Of the foregoing appropriation item 600689, TANF Block Grant, 107947  
\$2,200,000 in each fiscal year shall be provided to the Ohio 107948  
Commission on Fatherhood. 107949

**Section 307.91. FAMILY STABILITY PROGRAMS** 107950

Of the foregoing appropriation item 600689, TANF Block Grant, 107951  
up to \$1,000,000 in each fiscal year shall be provided, in 107952  
accordance with sections 5101.80 and 5101.801 of the Revised Code, 107953  
to the Siemer Institute to support Family Stability Programs in 107954  
collaboration with United Way affiliates on a quarterly basis. The 107955  
funds shall be used to help provide services and early 107956  
intervention focused on improving family housing stability, 107957  
increasing household income, reducing school mobility, and 107958  
supporting two-generation programming to stabilize family units. 107959

Before any funds are reimbursed, the Siemer Institute or 107960  
affiliates shall provide the Department of Job and Family Services 107961  
with documentation showing the amount of private sector dollars 107962  
that have been collected to support the Family Stability Programs. 107963  
The amount of each reimbursement provided by the Department to the 107964  
Siemer Institute shall not exceed the amount documented and shall 107965  
not exceed \$1,000,000 in total in each fiscal year. 107966

**Section 307.92. CHILDREN'S TRUST FUND** 107967

Of the foregoing appropriation item 600689, TANF Block Grant, 107968  
\$1,000,000 in each fiscal year shall be provided, in accordance 107969  
with sections 5101.80 and 5101.801 of the Revised Code, to the 107970  
Ohio Children's Trust Fund. 107971

**Section 307.94. OHIO COUNCIL OF YWCAS** 107972

Of the foregoing appropriation item 600689, TANF Block Grant, 107973  
\$500,000 in each fiscal year shall be provided, in accordance with 107974  
sections 5101.80 and 5101.801 of the Revised Code, to the Ohio 107975

Council of YWCAs to support programs that prevent domestic 107976  
violence, support victims of domestic violence, provide 107977  
trauma-informed support for survivors, and support educational 107978  
opportunities for at-risk youth. 107979

**Section 307.95.** OHIO ALLIANCE OF BOYS AND GIRLS CLUBS 107980

Of the foregoing appropriation item 600689, TANF Block Grant, 107981  
\$2,000,000 in each fiscal year shall be provided, in accordance 107982  
with sections 5101.80 and 5101.801 of the Revised Code, to the 107983  
Ohio Alliance of Boys and Girls Clubs to provide after-school and 107984  
summer programs that protect at-risk children and enable youth to 107985  
become responsible adults. Not less than \$75,000 in each fiscal 107986  
year shall be provided to the Boys and Girls Club of Massillon. 107987

**Section 307.96.** TANF WORK REQUIREMENTS DEMONSTRATION PROJECT 107988

As used in this section, "TANF work requirements" means the 107989  
work requirements established under section 407 of the "Social 107990  
Security Act," 42 U.S.C. 607, for the Temporary Assistance for 107991  
Needy Families program. 107992

The Director of Job and Family Services shall seek approval 107993  
from the U.S. Department of Health and Human Services to operate a 107994  
demonstration project for a two-year period that enables all of 107995  
the following: 107996

(A) An Ohio Works First participant to satisfy the TANF work 107997  
requirements by satisfactorily participating in any of the 107998  
following for up to twenty-four months: 107999

(1) On-the-job training; 108000

(2) Education directly related to employment if the 108001  
participant has not received a high school diploma or a 108002  
certificate of high school equivalency; 108003

(3) A course of study leading to a certificate of general 108004

equivalence if the participant has not completed secondary school 108005  
or received such a certificate. 108006

(B) An Ohio Works First participant not to be subject to a 108007  
penalty under section 407(e) of the "Social Security Act," 42 108008  
U.S.C. 607(e), due to the participant's satisfaction of the TANF 108009  
work requirements pursuant to division (A) of this section; 108010

(C) The state to count an Ohio Works First participant's 108011  
satisfaction of the TANF work requirements pursuant to division 108012  
(A) of this section toward the state's work participation rates 108013  
under the TANF work requirements regardless of whether the 108014  
participant also participates in other work activities specified 108015  
in section 407(d) of the "Social Security Act," 42 U.S.C. 607(d). 108016

**Section 307.98.** WATERFORD INSTITUTE PILOT PROGRAM 108017

Of the foregoing appropriation item 600689, TANF Block Grant, 108018  
\$1,000,000 in each fiscal year shall be provided, in accordance 108019  
with sections 5101.80 and 5101.801 of the Revised Code, to the 108020  
Waterford Institute to implement a pilot program for 108021  
pre-kindergarten children. 108022

**Section 307.99.** OHIO PARENTING AND PREGNANCY PROGRAM 108023

Of the foregoing appropriation item 600689, TANF Block Grant, 108024  
\$3,750,000 in each fiscal year shall be used, in accordance with 108025  
sections 5101.80 and 5101.801 of the Revised Code, to support the 108026  
Ohio Parenting and Pregnancy Program. 108027

**MOMS2B** 108028

Of the foregoing appropriation item 600689, TANF Block Grant, 108029  
\$50,000 in each fiscal year shall be used, in accordance with 108030  
sections 5101.80 and 5101.801 of the Revised Code, to support the 108031  
Moms2B program in Franklin County. 108032

**Section 307.100.** KINSHIP CAREGIVER PROGRAM 108033

Of the foregoing appropriation item 600689, TANF Block Grant, 108034  
\$15,000,000 in each fiscal year shall be used to support kinship 108035  
care. The Director of Job and Family Services shall allocate funds 108036  
to county departments of job and family services by providing 108037  
twelve per cent divided equally among all counties, forty-eight 108038  
per cent in the ratio that the number of residents of the county 108039  
under the age of eighteen bears to the total number of such 108040  
persons residing in this state, and forty per cent in the ratio 108041  
that the number of residents of the county with incomes under one 108042  
hundred per cent of the federal poverty guideline bears to the 108043  
total number of such persons in this state. Each public children 108044  
services agency shall use these funds to provide reasonable and 108045  
necessary relief of child caring functions so that kinship 108046  
caregivers, as defined in section 5101.85 of the Revised Code, can 108047  
provide and maintain a home for a child in place of a child's 108048  
parents. When the public children services agency is designated 108049  
under division (A) of section 5153.02 of the Revised Code, the 108050  
county department of job and family services shall enter into a 108051  
memorandum of understanding with the public children services 108052  
agency authorizing the expenditure of funds for this purpose up to 108053  
the amount of the allocation. 108054

Each county department of job and family services shall 108055  
incorporate the kinship caregiver support program into its 108056  
prevention, retention, and contingency plan. The program shall 108057  
include a family stabilization service and a caregiving service. 108058  
For the purpose of the stabilization service, each child living 108059  
with a kinship caregiver shall constitute a prevention, retention, 108060  
and contingency assistance group of one. Stabilization services 108061  
shall be designed to transition the child into and maintain the 108062  
child in the home of the kinship caregiver. For the purpose of the 108063  
caregiving service, each assistance group shall include at least a 108064



child living with a kinship caregiver and the kinship caregiver. 108065

The Department of Job and Family Services may adopt rules in 108066  
accordance with Chapter 119. of the Revised Code as necessary to 108067  
carry out the purposes of this section. 108068

If funding is no longer available, the kinship caregiver 108069  
support program in this section shall end and any county 108070  
department of job and family services or public children services 108071  
agency shall not be held responsible for payment of services. 108072

**Section 307.101. MARRIAGE WORKS** 108073

Of the foregoing appropriation item 600689, TANF Block Grant, 108074  
\$200,000 in each fiscal year shall be provided, in accordance with 108075  
sections 5101.80 and 5101.801 of the Revised Code, to Marriage 108076  
Works! Ohio in Dayton. 108077

**Section 307.102. STAR HOUSE DROP-IN CENTER** 108078

Of the foregoing appropriation item 600689, TANF Block Grant, 108079  
\$900,000 in each fiscal year shall be used, in accordance with 108080  
sections 5101.80 and 5101.801 of the Revised Code, to support the 108081  
Star House Drop-In Center to provide services for homeless youth. 108082

**Section 307.103. YWCA OF GREATER CLEVELAND** 108083

Of the foregoing appropriation item 600689, TANF Block Grant, 108084  
\$200,000 in each fiscal year shall be used, in accordance with 108085  
sections 5101.80 and 5101.801 of the Revised Code, to support the 108086  
YWCA of Greater Cleveland's Early Learning Center trauma informed 108087  
pre-school for homeless, low income, and at-risk pre-school 108088  
children. 108089

**Section 307.104. UNIVERSITY SETTLEMENT** 108090

Of the foregoing appropriation item 600689, TANF Block Grant, 108091

\$100,000 in each fiscal year shall be used, in accordance with 108092  
sections 5101.80 and 5101.801 of the Revised Code, to support 108093  
University Settlement family assistance programs in the 108094  
Broadway-Slavic Village neighborhood of Cleveland. 108095

**Section 307.105.** BIG BROTHERS BIG SISTERS 108096

Of the foregoing appropriation item 600689, TANF Block Grant, 108097  
\$1,000,000 in each fiscal year shall be provided, in accordance 108098  
with sections 5101.80 and 5101.801 of the Revised Code, to Big 108099  
Brothers Big Sisters of Central Ohio to provide mentoring services 108100  
to children throughout the state who have experienced trauma in 108101  
their lives, including parental incarceration. 108102

**Section 307.106.** COMMUNITIES IN SCHOOLS OF CENTRAL OHIO 108103

Of the foregoing appropriation item 600689, TANF Block Grant, 108104  
\$200,000 in each fiscal year shall be provided, in accordance with 108105  
sections 5101.80 and 5101.801 of the Revised Code, to Communities 108106  
In Schools of Central Ohio to provide supports for at-risk youth 108107  
for wraparound services, which directly impact chronic absenteeism 108108  
and dropout rates. 108109

CONNECT OUR KIDS 108110

Of the foregoing appropriation item 600689, TANF Block Grant, 108111  
\$1,000,000 in fiscal year 2020 shall be used, in accordance with 108112  
sections 5101.80 and 5101.801 of the Revised Code, to support the 108113  
completion of the Connect Our Kids Family Connections technology 108114  
tool and to implement a pilot program for the tool across multiple 108115  
Ohio counties. The Family Connection technology tool shall be made 108116  
available to child welfare professionals in all counties after 108117  
completion of the pilot program. 108118

**Section 307.107.** OPEN DOORS ACADEMY 108119

Of the foregoing appropriation item 600689, TANF Block Grant, 108120

\$2,200,000 in each fiscal year shall be used, in accordance with 108121  
sections 5101.80 and 5101.801 of the Revised Code, to support the 108122  
Seven Year Promise Program, operated by the Open Doors Academy. 108123  
Funding shall be used for a program in Northeast Ohio and four 108124  
additional sites in the state. 108125

**Section 307.108. PRODUCE PERKS MIDWEST** 108126

Of the foregoing appropriation item 600689, TANF Block Grant, 108127  
\$250,000 in each fiscal year shall be provided, in accordance with 108128  
sections 5101.80 and 5101.801 of the Revised Code, to Produce 108129  
Perks Midwest, Inc., to expand Ohio's nutrition incentive program, 108130  
which provides SNAP recipients with a dollar-for-dollar match to 108131  
buy fresh, healthy produce from Ohio farmers and retailers. 108132

**Section 307.109. CHILDREN'S HUNGER ALLIANCE** 108133

Of the foregoing appropriation item 600689, TANF Block Grant, 108134  
\$1,175,000 in each fiscal year shall be provided, in accordance 108135  
with sections 5101.80 and 5101.801 of the Revised Code, to the 108136  
Children's Hunger Alliance to assist with meal sponsorship, early 108137  
child care programs, child care, consultations and nutrition 108138  
education, school district nutrition programs, after school 108139  
nutrition programs, and summer nutrition programs. 108140

**Section 307.110. FAMILY AND CHILDREN SERVICES** 108141

Of the foregoing appropriation item 600523, Family and 108142  
Children Services, up to \$3,200,000 shall be used to match 108143  
eligible federal Title IV-B ESSA funds and federal Title IV-E 108144  
Chafee funds allocated to public children services agencies. 108145

Of the foregoing appropriation item 600523, Family and 108146  
Children Services, up to \$25,000,000 in each fiscal year shall be 108147  
provided to assist with the expense of providing services to youth 108148  
requiring support from multiple systems. These funds may be used 108149

for youth currently in the custody of a public children services 108150  
agency or to prevent children from entering into the custody of a 108151  
public children services agency by custody relinquishment or 108152  
another mechanism. The Director of Job and Family Services shall 108153  
adopt rules in accordance with section 111.15 of the Revised Code 108154  
to administer the funding. 108155

Of the foregoing appropriation item, 600523, Family and 108156  
Children Services, not less than \$125,040,010 in each fiscal year 108157  
shall be provided to public children services agencies. Of that 108158  
amount, \$17,600,000 in each fiscal year shall be used to provide 108159  
an initial allocation of \$200,000 to each county; up to \$5,000,000 108160  
in each fiscal year shall be provided using the formula in section 108161  
5101.14 of the Revised Code for staffing for foster parent 108162  
recruitment, engagement, and support; up to \$10,000,000 in each 108163  
fiscal year shall be provided using the formula in section 5101.14 108164  
of the Revised Code to strengthen best practices identified in 108165  
partnership with the Department of Job and Family Services; and 108166  
the remainder shall be provided using the formula in section 108167  
5101.14 of the Revised Code. 108168

If the funds available for distribution under section 5101.14 108169  
of the Revised Code in fiscal year 2020 and fiscal year 2021 108170  
exceed the amount appropriated in fiscal year 2019, each county 108171  
contributing local funds in county fiscal year 2019 to the county 108172  
children services fund shall contribute moneys to the children 108173  
services fund described in section 5101.144 of the Revised Code. 108174

The Director of Job and Family Services shall adopt rules, in 108175  
accordance with section 111.15 of the Revised Code, to determine 108176  
the amount of local funds each county must contribute to the 108177  
children services fund based on past contributions. Rules must 108178  
include a hardship provision identifying circumstances in which 108179  
the county contribution may be waived or reduced. 108180

**Section 307.111.** CLEVELAND STATE UNIVERSITY 108181

Of the foregoing appropriation item 600523, Family and 108182  
Children Services, \$290,000 in fiscal year 2021 shall be allocated 108183  
to the Cleveland State University Sullivan-Deckard and Helen 108184  
Packer Scholars Program to provide tuition and wrap-around 108185  
services to young adults who have aged out of foster care. 108186

**Section 307.115.** KINSHIP CARE NAVIGATOR PROGRAM 108187

Of the foregoing appropriation item 600523, Family and 108188  
Children Services, \$8,500,000 in each fiscal year shall be used to 108189  
support the Kinship Care Navigator Program, and may be used to 108190  
match eligible federal Title IV-E funds. 108191

**Section 307.120.** FLEXIBLE FUNDING FOR FAMILIES AND CHILDREN 108192

In collaboration with the county family and children first 108193  
council, a county department of job and family services or public 108194  
children services agency that receives an allocation from the 108195  
Department of Job and Family Services from the foregoing 108196  
appropriation item 600523, Family and Children Services, or 108197  
600533, Child, Family, and Community Protection Services, may 108198  
transfer a portion of either or both allocations to a flexible 108199  
funding pool as authorized by the section of this act titled 108200  
"FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL." 108201

**Section 307.130.** CHILD, FAMILY, AND COMMUNITY PROTECTION 108202  
SERVICES 108203

(A) The foregoing appropriation item 600533, Child, Family, 108204  
and Community Protection Services, shall be distributed to county 108205  
departments of job and family services. County departments shall 108206  
use the funds distributed to them under this section as follows, 108207  
in accordance with the written plan of cooperation entered into 108208

under section 307.983 of the Revised Code:	108209
(1) To assist individuals in achieving or maintaining self-sufficiency, including by reducing or preventing dependency among individuals with family income not exceeding two hundred per cent of the federal poverty guidelines;	108210 108211 108212 108213
(2) Subject to division (B) of this section, to respond to reports of abuse, neglect, or exploitation of children and adults, including through the differential response approach program;	108214 108215 108216
(3) To provide outreach and referral services regarding home and community-based services to individuals at risk of placement in a group home or institution, regardless of the individuals' family income and without need for a written application;	108217 108218 108219 108220
(4) To provide outreach, referral, application assistance, and other services to assist individuals receive assistance, benefits, or services under Medicaid; Title IV-A programs, as defined in section 5101.80 of the Revised Code; the Supplemental Nutrition Assistance Program; and other public assistance programs.	108221 108222 108223 108224 108225 108226
(B) Protective services may be provided to a child or adult as part of a response, under division (A)(2) of this section, to a report of abuse, neglect, or exploitation without regard to a child or adult's family income and without need for a written application. The protective services may be provided if the case record documents circumstances of actual or potential abuse, neglect, or exploitation.	108227 108228 108229 108230 108231 108232 108233
<b>Section 307.132. QUALITY INFRASTRUCTURE GRANTS</b>	108234
The foregoing appropriation item 600555, Quality Infrastructure Grants, shall be used by the Director of Job and Family Services to administer an early learning and development quality infrastructure grant program.	108235 108236 108237 108238

The Director shall review grant applications in collaboration 108239  
with council members appointed by the chairperson of the Early 108240  
Childhood Advisory Council. The council members appointed shall 108241  
include representatives of government and private entities. In 108242  
reviewing applications and awarding grants, the Director and 108243  
council members shall consider the needs of applicants and the 108244  
ability of the communities in which applicants are located to 108245  
satisfy division (G) of section 5104.29 of the Revised Code. 108246  
Grants may be used to support quality workforce supports, 108247  
including, but not limited to, wage incentives and assistance with 108248  
certification and degree attainment; professional development and 108249  
technical assistance; facilities improvement and classroom 108250  
supplies; and curriculum and assessment. 108251

**Section 307.133. ADULT PROTECTIVE SERVICES** 108252

The foregoing appropriation item 600534, Adult Protective 108253  
Services, shall be divided equally among the counties. 108254

**Section 307.135. HEALTHY FOOD FINANCING INITIATIVE** 108255

The foregoing appropriation item 600546, Healthy Food 108256  
Financing Initiative, shall be used by the Director of Job and 108257  
Family Services to support healthy food access in underserved 108258  
communities in urban and rural Low and Moderate Income Areas, as 108259  
defined by either the United States Department of Agriculture 108260  
(USDA), as identified in the USDA's Food Access Research Atlas, or 108261  
through a methodology that has been adopted for use by another 108262  
governmental or philanthropic healthy food initiative, or an 108263  
alternative methodology approved by the Director of Job and Family 108264  
Services. 108265

The Director of Job and Family Services, in cooperation with 108266  
the Director of Health, shall contract with the Finance Fund 108267  
Capital Corporation to administer a Healthy Food Financing 108268

Initiative. The Finance Fund Capital Corporation shall demonstrate 108269  
a capacity to administer grant and loan programs in accordance 108270  
with state and federal rules and accounting principles, and shall 108271  
partner with one or more entities with demonstrable experience in 108272  
healthy food access-related policy matters. 108273

The Finance Fund Capital Corporation shall report to the Ohio 108274  
Department of Job and Family Services the amount of funds granted 108275  
or loaned, the number of new or retained jobs associated with 108276  
related projects, the health impact of the initiative, and the 108277  
number and location of healthy food access projects established or 108278  
in development. 108279

**Section 307.138.** JOB AND FAMILY SERVICES PROGRAM SUPPORT 108280

Of the foregoing appropriation item 600551, Job and Family 108281  
Services Program Support, \$75,000 in each fiscal year shall be 108282  
provided to the Mayerson Jewish Community Center to support summer 108283  
camps, senior citizen socialization for Alzheimer's patients, and 108284  
security services. 108285

Of the foregoing appropriation item 600551, Job and Family 108286  
Services Program Support, \$30,000 in each fiscal year shall be 108287  
used to support Jewish Family Services, which shall use the funds 108288  
to provide aging and caregiver services, post-adoption counseling, 108289  
domestic abuse counseling, and assistance with food pantry 108290  
expansion. 108291

**Section 307.139.** GRACEHAVEN PILOT PROGRAM 108292

The foregoing appropriation item 600552, Gracehaven Pilot 108293  
Program, shall be used to finance the creation of Gracehaven 108294  
centers to provide community-based services to women under 108295  
eighteen years of age that have been victims of human trafficking. 108296

**Section 307.140.** FAMILY AND CHILDREN ACTIVITIES 108297



The foregoing appropriation item 600609, Family and Children 108298  
Activities, shall be used to expend miscellaneous foundation funds 108299  
and grants to support family and children services activities. 108300

**Section 307.141. COURT APPOINTED SPECIAL ADVOCATES** 108301

Of the foregoing appropriation item 600553, Court Appointed 108302  
Special Advocates, \$333,333 in each fiscal year shall be used to 108303  
support administrative costs associated with existing 108304  
court-appointed special advocate programs. 108305

Of the foregoing appropriation item 600553, Court Appointed 108306  
Special Advocates, \$666,667 in each fiscal year shall be used to 108307  
establish court-appointed special advocate programs in areas of 108308  
the state that are not served by an existing program. 108309

**Section 307.145. OHIO GOVERNOR'S IMAGINATION LIBRARY** 108310

The foregoing appropriation item 600600, Ohio Governor's 108311  
Imagination Library, shall be used to support childhood literacy 108312  
efforts in the state. The Director of Job and Family Services may 108313  
work with nonprofit entities or foundations established to support 108314  
childhood literacy efforts in this state. 108315

On July 1, 2020, or as soon as possible thereafter, the 108316  
Director of Job and Family Services may certify to the Director of 108317  
Budget and Management an amount up to the unexpended, unencumbered 108318  
balance of the foregoing appropriation item 600600, Ohio 108319  
Governor's Imagination Library, at the end of fiscal year 2020 to 108320  
be reappropriated in fiscal year 2021. The amount certified is 108321  
hereby reappropriated to the same appropriation item for fiscal 108322  
year 2021. 108323

**Section 307.150. ODJFS AUDIT SETTLEMENTS AND CONTINGENCY FUND** 108324

Notwithstanding section 5101.073 of the Revised Code, the 108325  
ODJFS Audit Settlements and Contingency Fund (Fund 5DM0) may also 108326

consist of earned federal revenue the final disposition of which 108327  
is unknown. 108328

On July 1 of each fiscal year, or as soon as possible 108329  
thereafter, and upon request of the Director of Job and Family 108330  
Services, the Director of Budget and Management may transfer up to 108331  
\$16,000,000 cash from the ODJFS Audit Settlements and Contingency 108332  
Fund (Fund 5DM0), to the Human Services Projects Fund (Fund 5RY0). 108333

**Section 307.160. ADOPTION ASSISTANCE LOAN** 108334

The Department of Job and Family Services may use the State 108335  
Adoption Assistance Loan Fund (Fund 5DP0) for the administration 108336  
of adoption assistance loans pursuant to section 3107.018 of the 108337  
Revised Code. The amounts of any adoption assistance loans are 108338  
hereby appropriated. 108339

**Section 307.170. EARLY CHILDHOOD EDUCATION** 108340

Of the foregoing appropriation item 600696, Early Childhood 108341  
Education, up to \$20,000,000 in each fiscal year shall be used to 108342  
achieve the goals described in division (C) of section 5104.29 of 108343  
the Revised Code. The funds shall be used to support early 108344  
learning and development programs operating in smaller 108345  
communities, early learning and development programs that are 108346  
rated in the Step Up to Quality program at the third highest tier 108347  
or higher, or both. 108348

**Section 307.175. PUBLICLY FUNDED CHILD CARE PROVIDER RATES** 108349

The Director of Job and Family Services shall do all of the 108350  
following to the rate categories assigned to child care programs 108351  
rated in the Step Up to Quality program for the purpose of 108352  
reimbursing providers for subsidized child care: 108353

(A) Ensure that reimbursement rates for each rating tier are 108354  
not lower than the reimbursement rates for each corresponding 108355

rating tier that were in effect on January 1, 2019; and 108356

(B) Ensure that no county moves to a rating tier with a lower 108357  
reimbursement rate than the one in effect for the county on 108358  
January 1, 2019. 108359

**Section 307.190. VICTIMS OF HUMAN TRAFFICKING** 108360

The foregoing appropriation item 600660, Victims of Human 108361  
Trafficking, shall be used to provide treatment, care, 108362  
rehabilitation, education, housing, and assistance for victims of 108363  
trafficking in persons as specified in section 5101.87 of the 108364  
Revised Code. 108365

If receipts credited to the Victims of Human Trafficking Fund 108366  
(Fund 5NG0) exceed the amounts appropriated to the fund, the 108367  
Director of Job and Family Services may request the Director of 108368  
Budget and Management to authorize expenditures from the fund in 108369  
excess of the amounts appropriated. Upon the approval of the 108370  
Director of Budget and Management, the additional amounts are 108371  
hereby appropriated. 108372

**Section 307.195. CHILDREN'S CRISIS CARE** 108373

The foregoing appropriation item 600674, Children's Crisis 108374  
Care, shall be allocated by the Department of Job and Family 108375  
Services in each fiscal year to children's crisis care facilities 108376  
as defined in section 5103.13 of the Revised Code. The Director of 108377  
Job and Family Services shall allocate funds in each fiscal year 108378  
based on the total length of stay or days of care for each child 108379  
residing in the facility, which is determined by calculating the 108380  
total days each child resides at the crisis care facility, 108381  
including the date of admission, but not the day of discharge. A 108382  
children's crisis care facility may decline to receive funds 108383  
provided under this section. A children's crisis care facility 108384  
that accepts funds provided under this section shall use the funds 108385

in accordance with section 5103.13 of the Revised Code and the 108386  
rules as defined in rule 5101:2-9-36 of the Administrative Code. 108387

**Section 307.200.** FIDUCIARY AND HOLDING ACCOUNT FUND GROUPS 108388

The Fiduciary Fund Group and Holding Account Fund Group shall 108389  
be used to hold revenues until the appropriate fund is determined 108390  
or until the revenues are directed to the appropriate governmental 108391  
agency other than the Department of Job and Family Services. Any 108392  
Department of Job and Family Services refunds or reconciliations 108393  
received or held by the Department of Medicaid shall be 108394  
transferred or credited to the Refunds and Audit Settlement Fund 108395  
(Fund R012). If receipts credited to the Support Intercept - 108396  
Federal Fund (Fund 1920), the Support Intercept - State Fund (Fund 108397  
5830), the Food Stamp Offset Fund (Fund 5B60), the Refunds and 108398  
Audit Settlements Fund (Fund R012), or the Forgery Collections 108399  
Fund (Fund R013) exceed the amounts appropriated from the fund, 108400  
the Director of Job and Family Services may request the Director 108401  
of Budget and Management to authorize expenditures from the fund 108402  
in excess of the amounts appropriated. Upon the approval of the 108403  
Director of Budget and Management, the additional amounts are 108404  
hereby appropriated. 108405

**Section 309.10.** JCR JOINT COMMITTEE ON AGENCY RULE REVIEW 108406

General Revenue Fund 108407

GRF 029321	Operating Expenses	\$	570,000	\$	570,000	108408
TOTAL GRF	General Revenue Fund	\$	570,000	\$	570,000	108409
TOTAL ALL BUDGET	FUND GROUPS	\$	570,000	\$	570,000	108410

OPERATING GUIDANCE 108411

The Legislative Service Commission shall act as fiscal agent 108412  
for the Joint Committee on Agency Rule Review. Members of the 108413  
Committee shall be paid in accordance with section 101.35 of the 108414  
Revised Code. 108415

OPERATING EXPENSES	108416
On July 1, 2019, or as soon as possible thereafter, the	108417
Executive Director of the Joint Committee on Agency Rule Review	108418
may certify to the Director of Budget and Management an amount up	108419
to the unexpended, unencumbered balance of the foregoing	108420
appropriation item 029321, Operating Expenses, at the end of	108421
fiscal year 2019 to be reappropriated to fiscal year 2020. The	108422
amount certified is hereby reappropriated to the same	108423
appropriation item for fiscal year 2020.	108424
On July 1, 2020, or as soon as possible thereafter, the	108425
Executive Director of the Joint Committee on Agency Rule Review	108426
may certify to the Director of Budget and Management an amount up	108427
to the unexpended, unencumbered balance of the foregoing	108428
appropriation item 029321, Operating Expenses, at the end of	108429
fiscal year 2020 to be reappropriated to fiscal year 2021. The	108430
amount certified is hereby reappropriated to the same	108431
appropriation item for fiscal year 2021.	108432
<b>Section 311.10.</b> JEO JOINT EDUCATION OVERSIGHT COMMITTEE	108433
General Revenue Fund	108434
GRF 047321 Operating Expenses \$ 100,000 \$ 0	108435
TOTAL GRF General Revenue Fund \$ 100,000 \$ 0	108436
TOTAL ALL BUDGET FUND GROUPS \$ 100,000 \$ 0	108437
OPERATING EXPENSES	108438
The foregoing appropriation item 047321, Operating Expenses,	108439
shall be used to support expenses related to the Joint Education	108440
Oversight Committee under section 103.45 to 103.50 of the Revised	108441
Code, as it existed prior to the effective date of this act.	108442
<b>Section 313.10.</b> JMO JOINT MEDICAID OVERSIGHT COMMITTEE	108443
General Revenue Fund	108444

GRF 048321 Operating Expenses	\$	361,365	\$	528,681	108445
TOTAL GRF General Revenue Fund	\$	361,365	\$	528,681	108446
TOTAL ALL BUDGET FUND GROUPS	\$	361,365	\$	528,681	108447

OPERATING EXPENSES 108448

The foregoing appropriation item 048321, Operating Expenses, 108449  
shall be used to support expenses related to the Joint Medicaid 108450  
Oversight Committee created by section 103.41 of the Revised Code. 108451

On July 1, 2019, or as soon as possible thereafter, the 108452  
Executive Director of the Joint Medicaid Oversight Committee may 108453  
certify to the Director of Budget and Management an amount up to 108454  
the unexpended, unencumbered balance of the foregoing 108455  
appropriation item 048321, Operating Expenses, at the end of 108456  
fiscal year 2019 to be reappropriated to fiscal year 2020. The 108457  
amount certified is hereby reappropriated to the same 108458  
appropriation item for fiscal year 2020. 108459

On July 1, 2020, or as soon as possible thereafter, the 108460  
Executive Director of the Joint Medicaid Oversight Committee may 108461  
certify to the Director of Budget and Management an amount up to 108462  
the unexpended, unencumbered balance of the foregoing 108463  
appropriation item 048321, Operating Expenses, at the end of 108464  
fiscal year 2020 to be reappropriated to fiscal year 2021. The 108465  
amount certified is hereby reappropriated to the same 108466  
appropriation item for fiscal year 2021. 108467

The Legislative Service Commission shall act as fiscal agent 108468  
for the Joint Medicaid Oversight Committee. 108469

**Section 315.10.** JCO JUDICIAL CONFERENCE OF OHIO 108470

General Revenue Fund					108471
GRF 018321 Operating Expenses	\$	963,500	\$	911,305	108472
TOTAL GRF General Revenue Fund	\$	963,500	\$	911,305	108473
Dedicated Purpose Fund Group					108474

4030 018601	Ohio Jury	\$	480,850	\$	480,000	108475
	Instructions					
TOTAL DPF	Dedicated Purpose Fund	\$	480,850	\$	480,000	108476
Group						
TOTAL ALL BUDGET FUND GROUPS		\$	1,444,350	\$	1,391,305	108477
	STATE COUNCIL OF UNIFORM STATE LAWS					108478
	Notwithstanding section 105.26 of the Revised Code, of the					108479
	foregoing appropriation item 018321, Operating Expenses, up to					108480
	\$93,500 in fiscal year 2020 and up to \$96,305 in fiscal year 2021					108481
	shall be used to pay the expenses of the State Council of Uniform					108482
	State Laws, including membership dues to the National Conference					108483
	of Commissioners on Uniform State Laws.					108484
	OHIO JURY INSTRUCTIONS FUND					108485
	The Ohio Jury Instructions Fund (Fund 4030) shall consist of					108486
	grants, royalties, dues, conference fees, bequests, devises, and					108487
	other gifts received for the purpose of supporting costs incurred					108488
	by the Judicial Conference of Ohio in its activities as a part of					108489
	the judicial system of the state as determined by the Judicial					108490
	Conference Executive Committee. Fund 4030 shall be used by the					108491
	Judicial Conference of Ohio to pay expenses incurred in its					108492
	activities as a part of the judicial system of the state as					108493
	determined by the Judicial Conference Executive Committee. All					108494
	moneys accruing to Fund 4030 in excess of the amount appropriated					108495
	for the current fiscal year are hereby appropriated for the					108496
	purposes authorized. No money in Fund 4030 shall be transferred to					108497
	any other fund by the Director of Budget and Management or the					108498
	Controlling Board.					108499
	<b>Section 317.10.</b> JSC THE JUDICIARY/SUPREME COURT					108500
	General Revenue Fund					108501
GRF 005321	Operating Expenses -	\$	181,708,720	\$	185,018,785	108502

		Judiciary/Supreme Court					
GRF	005401	State Criminal	\$	599,970	\$	614,970	108503
		Sentencing Commission					
GRF	005406	Law-Related Education	\$	200,000	\$	200,000	108504
GRF	005409	Ohio Courts	\$	5,391,025	\$	5,435,625	108505
		Technology Initiative					
TOTAL GRF	General Revenue Fund		\$	187,899,715	\$	191,269,380	108506
	Dedicated Purpose Fund Group						108507
4C80	005605	Attorney Services	\$	10,805,858	\$	10,553,340	108508
5HT0	005617	Court Interpreter Certification	\$	12,459	\$	14,327	108509
5SP0	005626	Civil Justice Grant Program	\$	350,000	\$	350,000	108510
5T80	005609	Grants and Awards	\$	8,224	\$	8,224	108511
6720	005601	Judiciary/Supreme Court Education	\$	151,000	\$	151,000	108512
TOTAL DPF	Dedicated Purpose Fund Group		\$	11,327,541	\$	11,076,891	108513
	Fiduciary Fund Group						108514
5JY0	005620	County Law Library Resources Boards	\$	303,500	\$	313,500	108515
TOTAL FID	Fiduciary Fund Group		\$	303,500	\$	313,500	108516
	Federal Fund Group						108517
3J00	005603	Federal Grants	\$	1,118,471	\$	1,073,190	108518
TOTAL FED	Federal Fund Group		\$	1,118,471	\$	1,073,190	108519
TOTAL ALL BUDGET FUND GROUPS			\$	200,649,227	\$	203,732,961	108520
	<b>Section 317.20.</b>	STATE CRIMINAL SENTENCING COMMISSION					108522
	The foregoing appropriation item 005401, State Criminal Sentencing Commission, shall be used for the operation of the						108523 108524
	State Criminal Sentencing Commission established by section 181.21						108525



of the Revised Code.	108526
LAW-RELATED EDUCATION	108527
The foregoing appropriation item 005406, Law-Related	108528
Education, shall be distributed directly to the Ohio Center for	108529
Law-Related Education for the purposes of providing continuing	108530
citizenship education activities to primary and secondary	108531
students, expanding delinquency prevention programs, increasing	108532
activities for at-risk youth, and accessing additional public and	108533
private money for new programs.	108534
OHIO COURTS TECHNOLOGY INITIATIVE	108535
The foregoing appropriation item 005409, Ohio Courts	108536
Technology Initiative, shall be used to fund an initiative by the	108537
Supreme Court to facilitate the exchange of information and	108538
warehousing of data by and between Ohio courts and other justice	108539
system partners through the creation of an Ohio Courts Network,	108540
the delivery of technology services to courts throughout the	108541
state, including the provision of hardware, software, and the	108542
development and implementation of educational and training	108543
programs for judges and court personnel, and operation of the	108544
Commission on Technology and the Courts by the Supreme Court for	108545
the promulgation of statewide rules, policies, and uniform	108546
standards, and to aid in the orderly adoption and comprehensive	108547
use of technology in Ohio courts.	108548
ATTORNEY SERVICES	108549
The Attorney Registration Fund (Fund 4C80) shall consist of	108550
money received by the Supreme Court (The Judiciary) pursuant to	108551
the Rules for the Government of the Bar of Ohio. In addition to	108552
funding other activities considered appropriate by the Supreme	108553
Court, the foregoing appropriation item 005605, Attorney Services,	108554
may be used to compensate employees and to fund appropriate	108555
activities of the following offices established by the Supreme	108556

Court: the Office of Disciplinary Counsel, the Board of Commissioners on Grievances and Discipline, the Clients' Security Fund, and the Attorney Services Division which include the Office of Bar Admissions. If it is determined by the Administrative Director of the Supreme Court that changes to the appropriation are necessary, the amounts are hereby appropriated.

No money in Fund 4C80 shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board. Interest earned on money in Fund 4C80 shall be credited to the fund.

COURT INTERPRETER CERTIFICATION

The Court Interpreter Certification Fund (Fund 5HT0) shall consist of money received by the Supreme Court (The Judiciary) pursuant to Rules 80 through 87 of the Rules of Superintendence for the Courts of Ohio. The foregoing appropriation item 005617, Court Interpreter Certification, shall be used to provide training, to provide the written examination, and to pay language experts to rate, or grade, the oral examinations of those applying to become certified court interpreters. If it is determined by the Administrative Director of the Supreme Court that changes to the appropriation are necessary, the amounts are hereby appropriated.

No money in Fund 5HT0 shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board. Interest earned on money in Fund 5HT0 shall be credited to the fund.

CIVIL JUSTICE GRANT PROGRAM

The Civil Justice Program Fund (Fund 5SP0) shall consist of (1) \$50 voluntary donations made as part of the biennium attorney registration process and (2) \$150 increase in the *pro hac vice* fees for out-of-state attorneys pursuant to Government of the Bar Rule amendments. The foregoing appropriation item 005626, Civil

Justice Grant Program, shall be used by the Supreme Court of Ohio 108588  
for grants to not-for-profit organizations and agencies dedicated 108589  
to providing civil legal aid to underserved populations, to fund 108590  
innovative programs directed at this purpose, and to increase 108591  
access to judicial service to that population. 108592

No money in Fund 5SP0 shall be transferred to any other fund 108593  
by the Director of Budget and Management or the Controlling Board. 108594  
Interest earned on money in Fund 5SP0 shall be credited to the 108595  
fund. 108596

GRANTS AND AWARDS 108597

The Grants and Awards Fund (Fund 5T80) shall consist of 108598  
grants and other money awarded to the Supreme Court (The 108599  
Judiciary) by the State Justice Institute, the Division of 108600  
Criminal Justice Services, or other entities. The foregoing 108601  
appropriation item 005609, Grants and Awards, shall be used in a 108602  
manner consistent with the purpose of the grant or award. If it is 108603  
determined by the Administrative Director of the Supreme Court 108604  
that changes to the appropriation are necessary, the amounts are 108605  
hereby appropriated. 108606

No money in Fund 5T80 shall be transferred to any other fund 108607  
by the Director of Budget and Management or the Controlling Board. 108608  
Interest earned on money in Fund 5T80 shall be credited or 108609  
transferred to the General Revenue Fund. 108610

JUDICIARY/SUPREME COURT EDUCATION 108611

The Judiciary/Supreme Court Education Fund (Fund 6720) shall 108612  
consist of fees paid for attending judicial and public education 108613  
on the law, reimbursement of costs for judicial and public 108614  
education on the law, and other gifts and grants received for the 108615  
purpose of judicial and public education on the law. The foregoing 108616  
appropriation item 005601, Judiciary/Supreme Court Education, 108617  
shall be used to pay expenses for judicial education courses for 108618

judges, court personnel, and those who serve the courts, and for 108619  
public education on the law. If it is determined by the 108620  
Administrative Director of the Supreme Court that changes to the 108621  
appropriation are necessary, the amounts are hereby appropriated. 108622

No money in Fund 6720 shall be transferred to any other fund 108623  
by the Director of Budget and Management or the Controlling Board. 108624  
Interest earned on money in Fund 6720 shall be credited to the 108625  
fund. 108626

COUNTY LAW LIBRARY RESOURCES BOARDS 108627

The Statewide Consortium of County Law Library Resources 108628  
Boards Fund (Fund 5JY0) shall consist of moneys deposited pursuant 108629  
to section 307.515 of the Revised Code into a county's law library 108630  
resources fund and forwarded by that county's treasurer for 108631  
deposit in the state treasury pursuant to division (E)(1) of 108632  
section 3375.481 of the Revised Code. The foregoing appropriation 108633  
item 005620, County Law Library Resources Boards, shall be used 108634  
for the operation of the Statewide Consortium of County Law 108635  
Library Resources Boards. If it is determined by the 108636  
Administrative Director of the Supreme Court that changes to the 108637  
appropriation are necessary, the amounts are hereby appropriated. 108638

No money in Fund 5JY0 shall be transferred to any other fund 108639  
by the Director of Budget and Management or the Controlling Board. 108640  
Interest earned on money in Fund 5JY0 shall be credited to the 108641  
fund. 108642

FEDERAL GRANTS 108643

The Federal Grants Fund (Fund 3J00) shall consist of grants 108644  
and other moneys awarded to the Supreme Court (The Judiciary) by 108645  
the United States Government or other entities that receive the 108646  
moneys directly from the United States Government and distribute 108647  
those moneys to the Supreme Court (The Judiciary). The foregoing 108648  
appropriation item 005603, Federal Grants, shall be used in a 108649

manner consistent with the purpose of the grant or award. If it is 108650  
determined by the Administrative Director of the Supreme Court 108651  
that changes to the appropriation are necessary, the amounts are 108652  
hereby appropriated. 108653

No money in Fund 3J00 shall be transferred to any other fund 108654  
by the Director of Budget and Management or the Controlling Board. 108655  
However, interest earned on money in Fund 3J00 shall be credited 108656  
or transferred to the General Revenue Fund. 108657

**Section 319.10. LEC LAKE ERIE COMMISSION** 108658

Dedicated Purpose Fund Group 108659

4C00 780601	Lake Erie Protection	\$	694,000	\$	699,000	108660
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TOTAL DPF Dedicated Purpose						108661
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Fund Group		\$	694,000	\$	699,000	108662
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Federal Fund Group 108663

3EP0 780603	LEC Federal Grants	\$	50,000	\$	50,000	108664
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TOTAL FED Federal Fund Group		\$	50,000	\$	50,000	108665
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TOTAL ALL BUDGET FUND GROUPS		\$	744,000	\$	749,000	108666
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**CASH TRANSFERS TO THE LAKE ERIE PROTECTION FUND** 108667

On July 1 of each fiscal year, or as soon as possible 108668  
thereafter, the Director of Budget and Management, with the 108669  
approval of the Controlling Board, may transfer cash from the 108670  
funds specified below, up to the amounts specified below, to the 108671  
Lake Erie Protection Fund (Fund 4C00). Fund 4C00 may accept 108672  
contributions and transfers made to the fund. 108673

Fund	Fund Name	User	FY 2020	FY 2021	
5BC0	Environmental Protection	Environmental Protection Agency	\$25,000	\$25,000	108674 108675
6690	Pesticide, Fertilizer and Lime	Department of Agriculture	\$25,000	\$25,000	108676
4700	General Operations	Department of	\$25,000	\$25,000	108677

		Health			
1570	Central Support	Department of	\$25,000	\$25,000	108678
	Indirect	Natural Resources			

On July 1, 2019, or as soon as possible thereafter, the 108679  
 Director of Budget and Management, with the approval of the 108680  
 Controlling Board, may transfer \$25,000 cash from a fund used by 108681  
 the Development Services Agency, as specified by the Director of 108682  
 Development Services, to Fund 4C00. 108683

On July 1, 2020, or as soon as possible thereafter, the 108684  
 Director of Budget and Management, with the approval of the 108685  
 Controlling Board, may transfer \$25,000 cash from a fund used by 108686  
 the Development Services Agency, as specified by the Director of 108687  
 Development Services, to Fund 4C00. 108688

**Section 321.10.** JLE JOINT LEGISLATIVE ETHICS COMMITTEE 108689

General Revenue Fund 108690

GRF 028321	Legislative Ethics	\$	625,000	\$	625,000	108691
	Committee					

TOTAL GRF	General Revenue Fund	\$	625,000	\$	625,000	108692
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Dedicated Purpose Fund Group 108693

4G70 028601	Joint Legislative	\$	150,000	\$	150,000	108694
	Ethics Committee					

5HN0 028602	Investigations and	\$	10,000	\$	10,000	108695
	Financial Disclosure					

TOTAL DPF	Dedicated Purpose Fund	\$	160,000	\$	160,000	108696
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Group

TOTAL ALL BUDGET FUND GROUPS		\$	785,000	\$	785,000	108697
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LEGISLATIVE ETHICS COMMITTEE 108698

On July 1, 2019, or as soon as possible thereafter, the 108699  
 Legislative Inspector General of the Joint Legislative Ethics 108700  
 Committee may certify to the Director of Budget and Management an 108701

amount up to the unexpended, unencumbered balance of the foregoing 108702  
appropriation item 028321, Legislative Ethics Committee, at the 108703  
end of fiscal year 2019 to be reappropriated to fiscal year 2020. 108704  
The amount certified is hereby reappropriated to the same 108705  
appropriation item for fiscal year 2020. 108706

On July 1, 2020, or as soon as possible thereafter, the 108707  
Legislative Inspector General of the Joint Legislative Ethics 108708  
Committee may certify to the Director of Budget and Management an 108709  
amount up to the unexpended, unencumbered balance of the foregoing 108710  
appropriation item 028321, Legislative Ethics Committee, at the 108711  
end of fiscal year 2020 to be reappropriated to fiscal year 2021. 108712  
The amount certified is hereby reappropriated to the same 108713  
appropriation item for fiscal year 2021. 108714

**Section 323.10.** LSC LEGISLATIVE SERVICE COMMISSION 108715

General Revenue Fund 108716

GRF	035321	Operating Expenses	\$	18,600,000	\$	19,158,000	108717
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GRF	035402	Legislative Fellows	\$	1,080,000	\$	1,080,000	108718
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GRF	035405	Correctional	\$	447,020	\$	447,020	108719
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Institution Inspection  
Committee

GRF	035407	Legislative Task Force	\$	1,000,000	\$	1,000,000	108720
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on Redistricting

GRF	035409	National Associations	\$	600,000	\$	600,000	108721
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GRF	035410	Legislative	\$	9,000,000	\$	9,270,000	108722
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Information Systems

GRF	035501	Litigation	\$	2,000,000	\$	2,000,000	108723
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TOTAL GRF	General Revenue Fund	\$	32,727,020	\$	33,555,020	108724
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Dedicated Purpose Fund Group 108725

4100	035601	Sale of Publications	\$	10,000	\$	10,000	108726
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TOTAL DPF	Dedicated Purpose Fund	\$	10,000	\$	10,000	108727
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Group





On July 1, 2019, or as soon as possible thereafter, the 108759  
Director of the Legislative Service Commission may certify to the 108760  
Director of Budget and Management an amount up to the unexpended, 108761  
unencumbered balance of the foregoing appropriation item 035410, 108762  
Legislative Information Systems, at the end of fiscal year 2019 to 108763  
be reappropriated to fiscal year 2020. The amount certified is 108764  
hereby reappropriated to the same appropriation item for fiscal 108765  
year 2020. 108766

On July 1, 2020, or as soon as possible thereafter, the 108767  
Director of the Legislative Service Commission may certify to the 108768  
Director of Budget and Management an amount up to the unexpended, 108769  
unencumbered balance of the foregoing appropriation item 035410, 108770  
Legislative Information Systems, at the end of fiscal year 2020 to 108771  
be reappropriated to fiscal year 2021. The amount certified is 108772  
hereby reappropriated to the same appropriation item for fiscal 108773  
year 2021. 108774

LITIGATION 108775

The foregoing appropriation item 035501, Litigation, shall be 108776  
used for any lawsuit in which the General Assembly is a party 108777  
because a legal or constitutional challenge is made against the 108778  
Ohio Constitution or an act of the General Assembly. The 108779  
chairperson and vice-chairperson of the Legislative Service 108780  
Commission shall both approve the use of the appropriated moneys. 108781

An amount equal to the unexpended, unencumbered balance of 108782  
the appropriation item 035501, Litigation, at the end of fiscal 108783  
year 2019 is hereby reappropriated to the Legislative Service 108784  
Commission for the same purpose for fiscal year 2020. 108785

An amount equal to the unexpended, unencumbered balance of 108786  
the appropriation item 035501, Litigation, at the end of fiscal 108787  
year 2020 is hereby reappropriated to the Legislative Service 108788  
Commission for the same purpose for fiscal year 2021. 108789

<b>Section 325.10. LIB STATE LIBRARY BOARD</b>				108790
General Revenue Fund				108791
GRF	350321	Operating Expenses	\$ 4,543,122 \$ 4,543,122	108792
GRF	350401	Ohioana Library Association	\$ 300,114 \$ 300,114	108793
GRF	350502	Regional Library Systems	\$ 500,000 \$ 500,000	108794
TOTAL GRF General Revenue Fund				\$ 5,343,236 \$ 5,343,236 108795
Dedicated Purpose Fund Group				108796
4590	350603	Services for Libraries	\$ 4,202,887 \$ 4,202,887	108797
4S40	350604	Ohio Public Library Information Network	\$ 5,696,898 \$ 5,696,898	108798
5GB0	350605	Library for the Blind	\$ 1,274,194 \$ 1,274,194	108799
TOTAL DPF Dedicated Purpose Fund Group				\$ 11,173,979 \$ 11,173,979 108801
Internal Service Activity Fund				108802
1390	350602	Services for State Agencies	\$ 8,000 \$ 8,000	108803
TOTAL ISA Internal Service Activity Fund Group				\$ 8,000 \$ 8,000 108805
Federal Fund Group				108806
3130	350601	LSTA Federal	\$ 5,366,565 \$ 5,366,565	108807
TOTAL FED Federal Fund Group				\$ 5,366,565 \$ 5,366,565 108808
TOTAL ALL BUDGET FUND GROUPS				\$ 21,891,780 \$ 21,891,780 108809
<b>Section 325.20. OHIOANA LIBRARY ASSOCIATION</b>				108811
The foregoing appropriation item 350401, Ohioana Library Association, shall be used to support the operating expenses of the Martha Kinney Cooper Ohioana Library Association under section 3375.61 of the Revised Code.				108812 108813 108814 108815

REGIONAL LIBRARY SYSTEMS	108816
The foregoing appropriation item 350502, Regional Library Systems, shall be used to support regional library systems eligible for funding under sections 3375.83 and 3375.90 of the Revised Code.	108817 108818 108819 108820
OHIO PUBLIC LIBRARY INFORMATION NETWORK	108821
(A) The foregoing appropriation item 350604, Ohio Public Library Information Network, shall be used for an information telecommunications network linking public libraries in the state and such others as may participate in the Ohio Public Library Information Network (OPLIN).	108822 108823 108824 108825 108826
The Ohio Public Library Information Network Board of Trustees created under section 3375.65 of the Revised Code may make decisions regarding use of the foregoing appropriation item 350604, Ohio Public Library Information Network.	108827 108828 108829 108830
(B) The OPLIN Board shall research and assist or advise local libraries with regard to emerging technologies and methods that may be effective means to control access to obscene and illegal materials. The OPLIN Director shall provide written reports upon request within ten days to the Governor, the Speaker and Minority Leader of the House of Representatives, and the President and Minority Leader of the Senate on any steps being taken by OPLIN and public libraries in the state to limit and control such improper usage as well as information on technological, legal, and law enforcement trends nationally and internationally affecting this area of public access and service.	108831 108832 108833 108834 108835 108836 108837 108838 108839 108840 108841
(C) The Ohio Public Library Information Network, INFOhio, and OhioLINK shall, to the extent feasible, coordinate and cooperate in their purchase or other acquisition of the use of electronic databases for their respective users and shall contribute funds in an equitable manner to such effort.	108842 108843 108844 108845 108846

LIBRARY FOR THE BLIND				108847
The foregoing appropriation item 350605, Library for the				108848
Blind, shall be used for the statewide Talking Book Program to				108849
assist the blind and disabled.				108850
TRANSFER TO OPLIN TECHNOLOGY FUND				108851
Notwithstanding sections 5747.03 and 5747.47 of the Revised				108852
Code and any other provision of law to the contrary, in accordance				108853
with a schedule established by the Director of Budget and				108854
Management, the Director of Budget and Management shall transfer				108855
\$3,689,788 cash in each fiscal year from the Public Library Fund				108856
(Fund 7065) to the OPLIN Technology Fund (Fund 4S40).				108857
TRANSFER TO LIBRARY FOR THE BLIND FUND				108858
Notwithstanding sections 5747.03 and 5747.47 of the Revised				108859
Code and any other provision of law to the contrary, in accordance				108860
with a schedule established by the Director of Budget and				108861
Management, the Director of Budget and Management shall transfer				108862
\$1,274,194 cash in each fiscal year from the Public Library Fund				108863
(Fund 7065) to the Library for the Blind Fund (Fund 5GB0).				108864
<b>Section 327.10. LCO LIQUOR CONTROL COMMISSION</b>				108865
Dedicated Purpose Fund Group				108866
5LP0 970601 Commission Operating	\$	873,607	\$ 905,916	108867
Expenses				
TOTAL DPF Dedicated Purpose Fund	\$	873,607	\$ 905,916	108868
Group				
TOTAL ALL BUDGET FUND GROUPS	\$	873,607	\$ 905,916	108869
<b>Section 329.10. LOT STATE LOTTERY COMMISSION</b>				108871
State Lottery Fund Group				108872
7044 950321 Operating Expenses	\$	59,850,383	\$ 60,544,470	108873
7044 950402 Advertising Contracts	\$	26,750,000	\$ 26,750,000	108874

7044 950403	Gaming Contracts	\$ 70,019,071	\$ 71,239,582	108875
7044 950601	Direct Prize Payments	\$ 154,333,000	\$ 157,440,000	108876
7044 950605	Problem Gambling	\$ 3,400,000	\$ 3,400,000	108877
8710 950602	Annuity Prizes	\$ 59,873,000	\$ 60,279,000	108878
TOTAL SLF State Lottery Fund				108879
Group		\$ 374,225,454	\$ 379,653,052	108880
TOTAL ALL BUDGET FUND GROUPS		\$ 374,225,454	\$ 379,653,052	108881

OPERATING EXPENSES 108882

Notwithstanding sections 127.14 and 131.35 of the Revised 108883  
Code, the Controlling Board may, at the request of the State 108884  
Lottery Commission, authorize expenditures from the State Lottery 108885  
Fund in excess of the amounts appropriated, up to a maximum of 10 108886  
per cent of anticipated total revenue accruing from the sale of 108887  
lottery products. Upon the approval of the Controlling Board, the 108888  
additional amounts are hereby appropriated. 108889

DIRECT PRIZE PAYMENTS 108890

Any amounts, in addition to the amounts appropriated in 108891  
appropriation item 950601, Direct Prize Payments, that the 108892  
Director of the State Lottery Commission determines to be 108893  
necessary to fund prizes are hereby appropriated. 108894

ANNUITY PRIZES 108895

Upon request of the State Lottery Commission, the Director of 108896  
Budget and Management may transfer cash from the State Lottery 108897  
Fund (Fund 7044) to the Deferred Prizes Trust Fund (Fund 8710) in 108898  
an amount sufficient to fund deferred prizes. The Treasurer of 108899  
State, from time to time, shall credit the Deferred Prizes Trust 108900  
Fund (Fund 8710) the pro rata share of interest earned by the 108901  
Treasurer of State on invested balances. 108902

Any amounts, in addition to the amounts appropriated in 108903  
appropriation item 950602, Annuity Prizes, that the Director of 108904  
the State Lottery Commission determines to be necessary to fund 108905

deferred prizes and interest are hereby appropriated.					108906
TRANSFERS TO THE LOTTERY PROFITS EDUCATION FUND					108907
Estimated transfers from the State Lottery Fund (Fund 7044)					108908
to the Lottery Profits Education Fund (Fund 7017) are to be					108909
\$1,126,000,000 in fiscal year 2020 and \$1,177,000,000 in fiscal					108910
year 2021. Transfers by the Director of Budget and Management to					108911
the Lottery Profits Education Fund shall be administered as the					108912
statutes direct.					108913
<b>Section 333.10. MCD DEPARTMENT OF MEDICAID</b>					108914
General Revenue Fund					108915
GRF 651425	Medicaid Program	\$ 164,132,342	\$ 170,223,643		108916
	Support - State				
GRF 651426	Positive Education	\$ 2,500,000	\$ 2,500,000		108917
	Program Connections				
GRF 651525	Medicaid Health Care				108918
	Services				
	State	\$ 4,153,141,174	\$ 4,733,728,704		108919
	Federal	\$ 9,959,196,340	\$ 11,152,542,781		108920
	Medicaid Health Care	\$ 14,112,337,514	\$ 15,886,271,485		108921
	Services Total				
GRF 651526	Medicare Part D	\$ 490,402,102	\$ 533,290,526		108922
GRF 651529	Brigid's Path Pilot	\$ 500,000	\$ 500,000		108923
GRF 651533	Food Farmacy Pilot	\$ 250,000	\$ 250,000		108924
	Project				
TOTAL GRF General Revenue Fund					108925
	State	\$ 4,810,925,618	\$ 5,440,492,873		108926
	Federal	\$ 9,959,196,340	\$ 11,152,542,781		108927
	GRF Total	\$ 14,770,121,958	\$ 16,593,035,654		108928
Dedicated Purpose Fund Group					108929
4E30 651605	Resident Protection	\$ 3,910,338	\$ 4,013,000		108930

		Fund			
5AN0	651686	Care Innovation and Community Improvement Program	\$ 53,435,797	\$ 53,406,291	108931
5DL0	651639	Medicaid Services - Recoveries	\$ 741,454,299	\$ 781,970,233	108932
5DL0	651685	Medicaid Recoveries - Program Support	\$ 40,351,245	\$ 44,375,000	108933
5DL0	651690	Multi-system Youth Custody Relinquishment	\$ 6,000,000	\$ 12,000,000	108934
5FX0	651638	Medicaid Services - Payment Withholding	\$ 12,000,000	\$ 12,000,000	108935
5GF0	651656	Medicaid Services - Hospital Upper Payment Limit	\$ 822,016,219	\$ 887,150,856	108936
5R20	651608	Medicaid Services - Long Term	\$ 420,154,000	\$ 425,554,000	108937
5SC0	651683	Medicaid Services - Physician UPL	\$ 7,520,000	\$ 7,645,000	108938
5TN0	651684	Medicaid Services - HIC Fee	\$ 834,564,060	\$ 806,187,400	108939
5VW0	651691	Rural Healthcare Workforce Training and Retention Program	\$ 15,000,000	\$ 30,000,000	108940
6510	651649	Medicaid Services - Hospital Care Assurance Program	\$ 249,167,065	\$ 168,310,123	108941
TOTAL	DPF	Dedicated Purpose Fund Group	\$ 3,205,573,023	\$ 3,232,611,903	108942
		Holding Account Fund Group			108943
R055	651644	Refunds and Reconciliation	\$ 1,000,000	\$ 1,000,000	108944

TOTAL HLD Holding Account Fund Group	\$	1,000,000	\$	1,000,000	108945
Federal Fund Group					108946
3ER0 651603 Medicaid and Health Transformation Technology	\$	48,031,056	\$	48,340,000	108947
3F00 651623 Medicaid Services - Federal	\$	6,563,381,020	\$	6,596,507,934	108948
3F00 651624 Medicaid Program Support - Federal	\$	516,667,497	\$	527,369,363	108949
3FA0 651680 Health Care Grants - Federal	\$	11,988,670	\$	12,000,000	108950
3G50 651655 Medicaid Interagency Pass Through	\$	225,701,597	\$	225,701,597	108951
TOTAL FED Federal Fund Group	\$	7,365,769,840	\$	7,409,918,894	108952
TOTAL ALL BUDGET FUND GROUPS	\$	25,342,464,821	\$	27,236,566,451	108953

**Section 333.20. TEMPORARY AUTHORITY REGARDING EMPLOYEES** 108955

(A) Until July 1, 2021, the Medicaid Director has the authority to establish, change, and abolish positions for the Department of Medicaid, and to assign, reassign, classify, reclassify, transfer, reduce, promote, or demote all employees of the Department of Medicaid who are not subject to Chapter 4117. of the Revised Code. 108956  
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108959  
108960  
108961

(B) The authority granted under division (A) of this section includes assigning or reassigning an exempt employee, as defined in section 124.152 of the Revised Code, to a bargaining unit classification if the Medicaid Director determines that the bargaining unit classification is the proper classification for that employee. The actions of the Medicaid Director shall be consistent with the requirements of 5 C.F.R. 900.603 for those employees subject to such requirements. If an employee in the E-1 108962  
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108969



pay range is to be assigned, reassigned, classified, reclassified, 108970  
transferred, reduced, or demoted to a position in a lower 108971  
classification under this section, the Medicaid Director, or in 108972  
the case of a transfer outside the Department of Medicaid, the 108973  
Director of Administrative Services, shall assign the employee to 108974  
the appropriate classification and place the employee in Step X. 108975  
The employee shall not receive any increase in compensation until 108976  
the maximum rate of pay for that classification exceeds the 108977  
employee's compensation. 108978

(C) Actions taken by the Medicaid Director and Director of 108979  
Administrative Services pursuant to this section are not subject 108980  
to appeal to the State Personnel Board of Review. 108981

(D) A portion of the foregoing appropriation items 651425, 108982  
Medicaid Program Support - State, 651603, Medicaid and Health 108983  
Transformation Technology, 651624, Medicaid Program Support - 108984  
Federal, 651680, Health Care Grants - Federal, 651655, Medicaid 108985  
Interagency Pass-Through, 651605, Resident Protection Fund, and 108986  
651682, Health Care Grants - State, may be used to pay for costs 108987  
associated with the administration of the Medicaid program, 108988  
including the assignment, reassignment, classification, 108989  
reclassification, transfer, reduction, promotion, or demotion of 108990  
employees authorized by this section. 108991

**Section 333.30. POSITIVE EDUCATION PROGRAM CONNECTIONS** 108992

The foregoing appropriation item 651426, Positive Education 108993  
Program Connections, shall be used for the Positive Education 108994  
Program Connections in Cuyahoga County. 108995

**Section 333.40. MEDICAID HEALTH CARE SERVICES** 108996

The foregoing appropriation item 651525, Medicaid Health Care 108997  
Services, shall not be limited by section 131.33 of the Revised 108998  
Code. 108999

**Section 333.50.** LEAD ABATEMENT AND RELATED ACTIVITIES 109000

Upon the request of the Medicaid Director, the Director of 109001  
Budget and Management may transfer state share appropriations from 109002  
General Revenue Fund appropriation item 651525, Medicaid Health 109003  
Care Services, to appropriation items in other state agencies for 109004  
the purpose of lead abatement and related activities. If such a 109005  
transfer occurs, the Director of Budget and Management may adjust, 109006  
using the federal reimbursement rate, the federal share of General 109007  
Revenue Fund appropriation item 651525, Medicaid Health Care 109008  
Services, accordingly. The Director of Medicaid may transfer 109009  
federal funds as the state's single state agency for Medicaid 109010  
reimbursements, as drawn for these transactions. 109011

**Section 333.55.** PASSPORT ENHANCED COMMUNITY LIVING SERVICES 109012

Of the foregoing appropriation item 651525, Medicaid Health 109013  
Care Services, \$27,027 in each fiscal year shall be used to 109014  
increase the payment rates for enhanced community living services 109015  
covered by the PASSPORT Program. 109016

**Section 333.60.** PERFORMANCE PAYMENTS FOR MEDICAID MANAGED 109017  
CARE 109018

(A) As used in this section: 109019

(1) "ICDS participant" has the same meaning as in section 109020  
5164.01 of the Revised Code. 109021

(2) "Integrated Care Delivery System" and "ICDS" have the 109022  
same meaning as section 5164.01 of the Revised Code. 109023

(3) "Medicaid managed care organization" has the same meaning 109024  
as in section 5167.01 of the Revised Code. 109025

(B) For fiscal year 2020 and fiscal year 2021, the Department 109026  
of Medicaid shall provide performance payments as provided under 109027

this section to Medicaid managed care organizations providing care 109028  
under the Integrated Care Delivery System. 109029

(C) If ICDS participants receive care through Medicaid 109030  
managed care organizations under ICDS, the Department shall, in 109031  
consultation with the United States Centers for Medicare and 109032  
Medicaid Services, do both of the following: 109033

(1) Develop quality measures designed specifically to 109034  
determine the effectiveness of the health care and other services 109035  
provided to ICDS participants by Medicaid managed care 109036  
organizations; 109037

(2) Determine an amount to be withheld from the Medicaid 109038  
premium payments paid to Medicaid managed care organizations for 109039  
ICDS participants. 109040

(D)(1) For the purposes of division (C)(2) of this section, 109041  
the Department shall establish an amount that is to be withheld 109042  
each time a premium payment is made to a Medicaid managed care 109043  
organization for an ICDS participant. The amount shall be 109044  
established as a percentage of each premium payment. The 109045  
percentage shall be the same for all Medicaid managed care 109046  
organizations providing care to ICDS participants. 109047

(2) Each Medicaid managed care organization shall agree to 109048  
the withholding as a condition of receiving or maintaining its 109049  
Medicaid provider agreement with the Department. 109050

(3) When the amount is established and each time the amount 109051  
is modified thereafter, the Department shall certify the amount to 109052  
the Director of Budget and Management and begin withholding the 109053  
amount from each premium the Department pays to a Medicaid managed 109054  
care organization for an ICDS participant. 109055

(E) A Medicaid managed care organization subject to this 109056  
section is not subject to section 5167.30 of the Revised Code for 109057  
premium payments attributed to ICDS participants during fiscal 109058

year 2020 and fiscal year 2021.	109059
<b>Section 333.65.</b> FINANCIAL HEALTH OF MEDICAID MANAGED CARE ORGANIZATIONS	109060
	109061
Not later than January 1, 2020, the Department of Medicaid shall do all of the following:	109062
	109063
(A) Evaluate the financial health, including solvency, of Medicaid managed care organizations;	109064
	109065
(B) Benchmark the financial health, including solvency, of Medicaid managed care organizations against other managed care organizations providing services under the Medicaid programs of other states in the Midwest;	109066
	109067
	109068
	109069
(C) Publish the findings of the evaluation and benchmarking of Medicaid managed care organizations on the Department's internet web site;	109070
	109071
	109072
(D) Submit the findings of the evaluation and benchmarking of Medicaid managed care organizations to the Joint Medicaid Oversight Committee;	109073
	109074
	109075
(E) Adopt rules under section 5167.02 of the Revised Code addressing the financial health of Medicaid managed care organizations, as evaluated under division (A) of this section.	109076
	109077
	109078
<b>Section 333.67.</b> PERFORMANCE INDICATORS FOR CHILDREN'S HOSPITALS STUDY COMMITTEE	109079
	109080
The Department of Medicaid shall establish a committee to study and develop performance indicators for children's hospitals. The Medicaid Director shall appoint the committee's members. The committee shall prepare and submit to the Department a report of its findings and recommendations.	109081
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	109085
<b>Section 333.70.</b> HOSPITAL FRANCHISE FEE PROGRAM	109086

The Director of Budget and Management may authorize 109087  
additional expenditures from appropriation item 651623, Medicaid 109088  
Services - Federal, appropriation item 651525, Medicaid Health 109089  
Care Services, and appropriation item 651656, Medicaid Services - 109090  
Hospital Upper Payment Limit, in order to implement the programs 109091  
authorized by sections 5168.20 through 5168.28 of the Revised 109092  
Code. Any amounts authorized are hereby appropriated. 109093

**Section 333.80. MEDICARE PART D** 109094

The foregoing appropriation item 651526, Medicare Part D, may 109095  
be used by the Department of Medicaid for the implementation and 109096  
operation of the Medicare Part D requirements contained in the 109097  
"Medicare Prescription Drug, Improvement, and Modernization Act of 109098  
2003," Pub. L. No. 108-173, as amended. Upon the request of the 109099  
Department of Medicaid, the Director of Budget and Management may 109100  
transfer the state share of appropriations between appropriation 109101  
item 651525, Medicaid Health Care Services, and appropriation item 109102  
651526, Medicare Part D. If the state share of appropriation item 109103  
651525, Medicaid Health Care Services, is adjusted, the Director 109104  
of Budget and Management shall adjust the federal share 109105  
accordingly. The Department of Medicaid shall provide notification 109106  
to the Controlling Board of any transfers at the next scheduled 109107  
Controlling Board meeting. 109108

**Section 333.82. BRIGID'S PATH PROGRAM** 109109

The foregoing appropriation item 651529, Brigid's Path 109110  
Program, shall be distributed to the Brigid's Path Program in 109111  
Montgomery County. 109112

**Section 333.83. FOOD FARMACY PILOT PROJECT** 109113

The foregoing appropriation item 651533, Food Farmacy Pilot 109114  
Project, shall be distributed to a hospital system in a county 109115

with a charter form of government and with a total population 109116  
between 500,000 persons and 1,000,000 persons to provide 109117  
comprehensive medical, nutrition, and lifestyle support for 109118  
food-insecure patients with type 2 diabetes and their families. 109119

**Section 333.90.** HEALTH CARE SERVICES SUPPORT AND RECOVERIES 109120  
FUND 109121

Of the amount received by the Department of Medicaid during 109122  
fiscal year 2020 and fiscal year 2021 from the first installment 109123  
of assessments paid under section 5168.06 of the Revised Code and 109124  
intergovernmental transfers made under section 5168.07 of the 109125  
Revised Code, the Medicaid Director shall deposit \$350,000 in each 109126  
fiscal year into the state treasury to the credit of the Health 109127  
Care Services Support and Recoveries Fund (Fund 5DL0). 109128

**Section 333.95.** MULTI-SYSTEM YOUTH CUSTODY RELINQUISHMENT 109129

The foregoing appropriation item 651690, Multi-System Youth 109130  
Custody Relinquishment, shall be used to prevent custody 109131  
relinquishment of multi-system children and youth and to obtain 109132  
services consistent with the plan developed under section 121.374 109133  
of the Revised Code. 109134

**Section 333.100.** HOSPITAL CARE ASSURANCE MATCH 109135

If receipts credited to the Health Care Federal Fund (Fund 109136  
3F00) exceed the amounts appropriated from the fund for making the 109137  
hospital care assurance program distribution, the Medicaid 109138  
Director may request the Director of Budget and Management to 109139  
authorize expenditures from the fund in excess of the amounts 109140  
appropriated. Upon the approval of the Director of Budget and 109141  
Management, the additional amounts are hereby appropriated. 109142

The foregoing appropriation item 651649, Medicaid Services - 109143  
Health Care Assurance Program, shall be used by the Department of 109144

Medicaid for distributing the state share of all hospital care 109145  
assurance program funds to hospitals under section 5168.09 of the 109146  
Revised Code. If receipts credited to the Hospital Care Assurance 109147  
Program Fund (Fund 6510) exceed the amounts appropriated from the 109148  
fund for making the hospital care assurance program distribution, 109149  
the Medicaid Director may request the Director of Budget and 109150  
Management to authorize expenditures from the fund in excess of 109151  
the amounts appropriated. Upon the approval of the Director of 109152  
Budget and Management, the additional amounts are hereby 109153  
appropriated. 109154

**Section 333.110. REFUNDS AND RECONCILIATION FUND** 109155

If receipts credited to the Refunds and Reconciliation Fund 109156  
exceed the amounts appropriated from the fund, the Medicaid 109157  
Director may request the Director of Budget and Management to 109158  
authorize expenditures from the fund in excess of the amounts 109159  
appropriated. Upon approval of the Director of Budget and 109160  
Management, the additional amounts are hereby appropriated. 109161

**Section 333.120. MEDICAID INTERAGENCY PASS-THROUGH** 109162

The Medicaid Director may request the Director of Budget and 109163  
Management to increase appropriation item 651655, Medicaid 109164  
Interagency Pass-Through. Upon the approval of the Director of 109165  
Budget and Management, the additional amounts are hereby 109166  
appropriated. 109167

**Section 333.130. NON-EMERGENCY MEDICAL TRANSPORTATION** 109168

In order to ensure access to a non-emergency medical 109169  
transportation brokerage program established pursuant to section 109170  
1902(a)(70) of the "Social Security Act," 42 U.S.C. 1396a(a)(70), 109171  
upon the request of the Medicaid Director, the Director of Budget 109172  
and Management may transfer the state share appropriations between 109173

General Revenue Fund appropriation item 651525, Medicaid Health Care Services, within the Department of Medicaid and 655523, Medicaid Program Support - Local Transportation, within the Department of Job and Family Services. If such a transfer occurs, the Director of Budget and Management shall adjust, using the federal reimbursement rate, the federal share appropriations of General Revenue Fund appropriation item 651525, Medicaid Health Care Services, within the Department of Medicaid, and the Medicaid Program Support Fund (Fund 3F01) appropriation item 655624, Medicaid Program Support - Federal, within the Department of Job and Family Services. The Director of Medicaid shall transmit to the Medicaid Program Support Fund (Fund 3F01) the federal funds which the Department of Medicaid, as the state's sole point of contact with the federal government for Medicaid reimbursements, has drawn for this transaction.

**Section 333.140.** PUBLIC ASSISTANCE ELIGIBILITY DETERMINATION AND LOCAL PROGRAM SUPPORT

Upon the request of the Medicaid Director, the Director of Budget and Management may transfer up to \$5,000,000 of state share appropriations in each fiscal year between General Revenue Fund appropriation item 651525, Medicaid Health Care Services, within the Department of Medicaid, and 655522, Medicaid Program Support - Local, within the Department of Job and Family Services. If such a transfer occurs, the Director of Budget and Management shall adjust, using the federal reimbursement rate, the federal share appropriations of General Revenue Fund appropriation item 651525, Medicaid Health Care Services, within the Department of Medicaid, and the Medicaid Program Support Fund (Fund 3F01) appropriation item 655624, Medicaid Program Support - Federal, within the Department of Job and Family Services. The Director of Medicaid shall transmit to the Medicaid Program Support Fund (Fund 3F01) the federal funds which the Department of Medicaid, as the state's



sole point of contact with the federal government for Medicaid 109206  
reimbursements, has drawn for this transaction. 109207

The Medicaid Director shall establish criteria for 109208  
distributing these funds and for county departments of job and 109209  
family services to submit allowable expenses. 109210

County departments of job and family services shall comply 109211  
with new roles, processes, and responsibilities related to the new 109212  
eligibility determination system. County departments of job and 109213  
family services shall report to the Ohio Department of Job and 109214  
Family Services and the Ohio Department of Medicaid, on a schedule 109215  
determined by the Medicaid Director, how the funds were used. 109216

**Section 333.160.** ICDS AND OHIO HOME CARE WAIVERS PAYMENT 109217  
RATES FOR HOME-DELIVERED MEALS 109218

(A) As used in this section: 109219

(1) "ICDS waiver" means the home and community-based services 109220  
Medicaid waiver component for the Integrated Care Delivery System 109221  
authorized by section 5166.16 of the Revised Code. 109222

(2) "Ohio Home Care waiver" means the home and 109223  
community-based services Medicaid waiver component that is known 109224  
as Ohio Home Care and was created pursuant to section 5166.11 of 109225  
the Revised Code. 109226

(B) The payment rates for home-delivered meals provided under 109227  
the ICDS waiver and the Ohio Home Care waiver during the period 109228  
beginning July 1, 2019, and ending July 1, 2021, shall be the 109229  
following: 109230

(1) For each meal delivered daily on a per-meal delivery 109231  
basis by a volunteer or employee of the provider, \$7.19; 109232

(2) For each meal delivered in a chilled or frozen format on 109233  
a weekly basis by a volunteer or employee of the provider, \$6.99; 109234

(3) For each meal delivered in a chilled or frozen format on 109235  
a weekly basis by a common carrier used by the provider, \$6.50. 109236

**Section 333.170. MEDICAID PAYMENT RATES FOR INPATIENT 109237**  
HOSPITAL SERVICES 109238

As used in this section, "urban hospital" means a hospital 109239  
with a Medicaid provider agreement that, for the purpose of the 109240  
Medicaid program, is classified as an urban hospital pursuant to 109241  
rules adopted under section 5164.02 of the Revised Code. 109242

If an urban hospital's Medicaid base payment rate in effect 109243  
on June 30, 2019, for hospital inpatient services is not more than 109244  
four thousand dollars, the urban hospital's Medicaid base payment 109245  
rate for hospital inpatient services provided during fiscal year 109246  
2020 shall be not less than the average of the Medicaid base 109247  
payment rate in effect on July 1, 2019, for hospital inpatient 109248  
services provided by urban hospitals that, according to the 109249  
Medicaid program's urban hospital classification system, are 109250  
located in the same peer group region. 109251

**Section 333.180. MEDICAID PAYMENT RATES FOR COMMUNITY 109252**  
BEHAVIORAL HEALTH SERVICES 109253

(A) As used in this section: 109254

(1) "Community behavioral health services" has the same 109255  
meaning as in section 5164.01 of the Revised Code. 109256

(2) "Hospital" has the same meaning as in section 3727.01 of 109257  
the Revised Code. 109258

(3) "Intermediate care facility for individuals with 109259  
intellectual disabilities" has the same meaning as in section 109260  
5124.01 of the Revised Code. 109261

(4) "Nursing facility" has the same meaning as in section 109262  
5165.01 of the Revised Code. 109263

(B) Subject to division (C) of this section, the Department of Medicaid may establish Medicaid payment rates for community behavioral health services provided during fiscal year 2020 and fiscal year 2021 that exceed the authorized rates paid for the services under the Medicare program.

(C) This section does not apply to community behavioral health services provided by any of the following:

(1) Hospitals on an inpatient basis;

(2) Nursing facilities;

(3) Intermediate care facilities for individuals with intellectual disabilities.

**Section 333.185. MEDICAID PAYMENT RATE FOR VAGUS NERVE STIMULATION**

(A) The Medicaid payment rate for the Vagus Nerve Stimulation service provided under the outpatient hospital services benefit during the period beginning July 1, 2019, and ending July 1, 2021, shall equal seventy-five per cent of the Medicare payment rate for the service in effect on the date the service is provided.

(B) The Medicaid payment rates for other services provided during the period beginning July 1, 2019, and ending July 1, 2021, and selected by the Medicaid Director shall be less than the amount of the rates in effect on June 30, 2019, so that the cost of the rate set pursuant to division (A) of the section does not increase Medicaid expenditures. The Director may not select any Medicaid service for which the Medicaid payment rate is determined in accordance with state statutes.

**Section 333.190. AREA AGENCIES ON AGING AND MEDICAID MANAGED CARE**

(A) As used in this section:

(1) "Care management system" means the system established under section 5167.03 of the Revised Code.	109293 109294
(2) "Dual eligible individuals" has the same meaning as in section 5160.01 of the Revised Code.	109295 109296
(3) "Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code.	109297 109298
(4) "Medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code.	109299 109300
(B) If the Department of Medicaid expands the inclusion of the aged, blind, and disabled Medicaid eligibility group or dual eligible individuals in the care management system during the 2020-2021 fiscal biennium, the Department shall do both of the following for the remainder of the fiscal biennium:	109301 109302 109303 109304 109305
(1) Require area agencies on aging to be the coordinators of home and community-based services available under Medicaid waiver components that those individuals and that eligibility group receive and permit Medicaid managed care organizations to delegate to the agencies full-care coordination functions for those services and other health-care services those individuals and that eligibility group receive;	109306 109307 109308 109309 109310 109311 109312
(2) In selecting managed care organizations with which to contract under section 5167.10 of the Revised Code, give preference to those organizations that will enter into subcapitation arrangements with area agencies on aging under which the agencies are to perform, in addition to other functions, network management and payment functions for home and community-based services available under Medicaid waiver components that those individuals and that eligibility group receive.	109313 109314 109315 109316 109317 109318 109319 109320 109321
<b>Section 333.195. SHARED SAVINGS BONUS AND QUALITY INCENTIVE</b>	109322

PROGRAMS	109323
Each contract that the Department of Medicaid enters into	109324
with a managed care organization under section 5167.10 of the	109325
Revised Code during the periods that the Shared Savings Bonus	109326
Program and Quality Incentive Program are operated under sections	109327
5167.35 and 5167.36 of the Revised Code shall include terms about	109328
the programs that are consistent with those sections.	109329
<b>Section 333.197. EMPLOYMENT PROGRAM MEASURE FOR MANAGED CARE</b>	109330
REPROCUREMENT	109331
As used in this section, "care management system" and	109332
"enrollee" have the same meanings as in section 5167.01 of the	109333
Revised Code.	109334
As part of the reprocurement process for new Medicaid managed	109335
care organization contacts under the care management system, the	109336
Department of Medicaid shall include in the measures used to	109337
determine which managed care organizations will be awarded	109338
contracts under section 5167.10 of the Revised Code measures	109339
related to the abilities and commitment of managed care	109340
organizations to establish and operate employment programs for	109341
their enrollees.	109342
<b>Section 333.200. WORK REQUIREMENT - OHIOMEANSJOBS COSTS</b>	109343
Upon the request of the Medicaid Director, the Director of	109344
Budget and Management may transfer up to \$500,000 of state share	109345
appropriations in each fiscal year between appropriation item	109346
651685, Medicaid Recoveries - Program Support, within the	109347
Department of Medicaid, and 655425, Medicaid Program Support,	109348
within the Department of Job and Family Services. If such a	109349
transfer occurs, the Director of Budget and Management shall	109350
adjust, using the federal reimbursement rate, the federal share	109351

appropriations of appropriation item 651624, Medicaid Program Support - Federal, within the Department of Medicaid, and appropriation item 655624, Medicaid Program Support - Federal, within the Department of Job and Family Services. Any transfer of funds shall be provided to the Department of Job and Family Services and shall only be used for costs related to transitioning to a new work requirement for the Medicaid program as prescribed by the Medicaid Director.

**Section 333.210. WORK REQUIREMENT - COUNTY COSTS**

Upon the request of the Medicaid Director, the Director of Budget and Management may transfer up to \$10,000,000 of state share appropriations in each fiscal year between appropriation item 651525, Medicaid Health Care Services, within the Department of Medicaid, and 655522, Medicaid Program Support - Local, within the Department of Job and Family Services. If such a transfer occurs, the Director of Budget and Management shall adjust, using the federal reimbursement rate, the federal share appropriations of appropriation item 651525, Medicaid Health Care Services, within the Department of Medicaid, and appropriation item 655624, Medicaid Program Support - Federal, within the Department of Job and Family Services. Any increase in funding shall be provided to county departments of job and family services and shall only be used for costs related to transitioning to a new work requirement under the Medicaid program as prescribed by the Medicaid Director. These funds shall not be used for existing and ongoing operating expenses. The Medicaid Director shall establish criteria for distributing these funds and for county departments of job and family services to submit allowable expenses.

**Section 333.220. CARE INNOVATION AND COMMUNITY IMPROVEMENT PROGRAM**

(A) As used in this section: 109382

(1) "Nonprofit hospital agency" means a nonprofit hospital 109383  
agency, as defined in section 140.01 of the Revised Code, that is 109384  
affiliated with a state university as defined in section 3345.011 109385  
of the Revised Code. 109386

(2) "Participating agency" means a nonprofit hospital agency 109387  
or public hospital agency participating in the Care Innovation and 109388  
Community Improvement Program. 109389

(3) "Public hospital agency" has the same meaning as in 109390  
section 140.01 of the Revised Code. 109391

(B) The Medicaid Director shall continue the Care Innovation 109392  
and Community Improvement Program for the 2020-2021 fiscal 109393  
biennium. Any nonprofit hospital agency or public hospital agency 109394  
may volunteer to participate in the program if the agency operates 109395  
a hospital that has a Medicaid provider agreement. 109396

(C) Participating agencies are responsible for the state 109397  
share of the program's costs and shall make or request the 109398  
appropriate government entity to make intergovernmental transfers 109399  
to pay for those costs. The Medicaid Director shall establish a 109400  
schedule for making the intergovernmental transfers. 109401

(D)(1) Each participating agency shall do at least one of the 109402  
following tasks in accordance with strategies, and for the purpose 109403  
of meeting goals, that the Medicaid Director shall establish for 109404  
the Care Innovation and Community Improvement Program: 109405

(a) Sustain and expand community-based patient centered 109406  
medical home models; 109407

(b) Expand access to community-based dental services; 109408

(c) Improve the quality of community care by creating and 109409  
sharing best practice models for emergency department diversions, 109410  
care coordination at discharge and during transitions of care, and 109411

other matters related to community care;	109412
(d) Align community health improvement strategies and goals	109413
with the State Health Improvement Plan and local health	109414
improvement plans;	109415
(e) Subject to division (D)(2) of this section, expand access	109416
to ambulatory drug detoxification and withdrawal management	109417
services;	109418
(f) Train medical professionals on evidence-based protocols	109419
for opioid prescribing and drug addiction risk assessments;	109420
(g) Subject to division (D)(2) of this section and in	109421
collaboration with all other participating agencies that are also	109422
doing this task, create and implement a plan to assist rural areas	109423
of the state do both of the following:	109424
(i) Expand access to cost-effective detoxification,	109425
withdrawal management, and prevention services for opioid	109426
addiction;	109427
(ii) Disseminate evidence-based protocols for opioid	109428
prescribing and drug addiction risk assessment.	109429
(2) In expanding access to ambulatory drug detoxification and	109430
withdrawal management services under division (D)(1)(e) of this	109431
section and creating and implementing the plan specified in	109432
division (D)(1)(g) of this section, each participating agency	109433
shall give priority to the areas of the community served by the	109434
agency with the greatest concentration of opioid overdoses and	109435
deaths.	109436
(3) Each participating agency shall submit annual reports to	109437
the Joint Medicaid Oversight Committee summarizing the agency's	109438
work under division (D)(1) of this section and progress in meeting	109439
the goals of the Care Innovation and Community Improvement	109440
Program.	109441



(4) The goals that the Medicaid Director establishes for the Care Innovation and Community Improvement Program shall be designed to benefit Medicaid recipients.

(E) Each participating agency shall receive supplemental payments under the Medicaid program for physician and other professional services that are covered by the Medicaid program and provided to Medicaid recipients. The amount of the supplemental payments shall equal the difference between the Medicaid payment rates for the services and the average commercial payment rates for the services. The Director may terminate, or adjust the amount of, the supplemental payments if the amount of the funds available for the Care Innovation and Community Improvement Program is inadequate.

(F) Not later than January 1, 2020, the Medicaid Director shall establish a process to evaluate the work done by participating agencies under division (D)(1) of this section and the agencies' progress in meeting the goals of the Care Innovation and Community Improvement Program. The Director may terminate an agency's participation in the program if the Director determines that the agency is not doing at least one of the tasks specified in division (D)(1) of this section or making progress in meeting the program's goals.

(G) All intergovernmental transfers made under division (C) of this section shall be deposited into the Care Innovation and Community Improvement Program Fund created by Section 333.320 of Am. Sub. H.B. 49 of the 132nd General Assembly. Money in the fund and the corresponding federal financial participation in the Health Care - Federal Fund created under section 5162.50 of the Revised Code shall be used to make supplemental payments under division (E) of this section.

(H) If the amount of the foregoing appropriation item 651686, Care Innovation and Community Improvement Program, and the

corresponding federal financial participation in appropriation 109474  
item 651623, Medicaid Services - Federal, are inadequate to make 109475  
the supplemental payments required by division (E) of this 109476  
section, the Medicaid Director may request that the Director of 109477  
Budget and Management authorize additional expenditures from the 109478  
Care Innovation and Community Improvement Program Fund and the 109479  
Health Care - Federal Fund as needed to make the supplemental 109480  
payments. If the Director of Budget and Management authorizes the 109481  
additional expenditures, the additional amounts are hereby 109482  
appropriated. 109483

**Section 333.225. MANAGED CARE CLAIMS FUND** 109484

There is hereby created in the state treasury the Managed 109485  
Care Claims Fund. The fund shall consist of money that Medicaid 109486  
managed care organizations pay to the Department of Medicaid in 109487  
order for the Department to be able to make payments to providers 109488  
under the care management system that the organizations are unable 109489  
to make due to systems issues. Money in the fund shall be used to 109490  
make such payments. 109491

The Medicaid Director may request the Director of Budget and 109492  
Management to authorize expenditures from the Managed Care Claims 109493  
Fund and the corresponding federal share from the Health Care 109494  
Federal Fund (Fund 3F00). Upon the approval of the Director of 109495  
Budget and Management, the amounts requested are hereby 109496  
appropriated. 109497

**Section 333.227. RURAL HEALTHCARE WORKFORCE TRAINING AND** 109498  
**RETENTION PROGRAM** 109499

(A) As used in this section: 109500

(1) "Community addiction services provider" and "community 109501  
mental health services provider" have the same meanings as in 109502  
section 5119.01 of the Revised Code. 109503

(2) "Critical access hospital" means a hospital designated as a critical access hospital by the Director of Health under section 3701.073 of the Revised Code.

(3) "Nonprofit hospital agency" means a nonprofit hospital agency, as defined in section 140.01 of the Revised Code, that is affiliated with a state university as defined in section 3345.011 of the Revised Code.

(4) "Participating agency" means a nonprofit hospital agency or public hospital agency participating in the Rural Healthcare Workforce Training and Retention Program.

(5) "Public hospital agency" has the same meaning as in section 140.01 of the Revised Code.

(6) "Rural hospital" means a hospital agency, as defined in section 140.01 of the Revised Code, to which all of the following apply:

(a) It is certified under the Medicare program or accredited by a national accrediting organization approved by the Centers for Medicare and Medicaid Services.

(b) It is registered with the Department of Health in accordance with division (A) of section 3701.07 of the Revised Code.

(c) Is located in a county that has a population of less than one hundred twenty-five thousand.

(B) The Medicaid Director shall create the Rural Healthcare Workforce Training and Retention Program for the 2020-2021 fiscal biennium. Any nonprofit hospital agency or public hospital agency may volunteer to participate in the program if the agency operates both of the following:

(1) A hospital that has a Medicaid provider agreement;

(2) An approved graduate medical education program as defined

in 42 C.F.R. 415.152. 109534

(C) Participating agencies are responsible for the state 109535  
share of the program's costs and shall make or request the 109536  
appropriate government entity to make intergovernmental transfers 109537  
to pay for those costs. The Medicaid Director shall establish a 109538  
schedule for making the intergovernmental transfers. 109539

(D) Each participating agency shall do all of the following 109540  
tasks in accordance with strategies, and for the purpose of 109541  
meeting goals, that the Medicaid Director shall establish for the 109542  
program: 109543

(1) Increase residency positions in primary, specialty, or 109544  
dental care as identified by the Medicaid Director; 109545

(2) Create incentives to increase recruitment and retention 109546  
of graduates of Ohio residency and fellowship programs in primary, 109547  
specialty, or dental care as identified by the Medicaid Director; 109548

(3) Increase training opportunities for physician assistants, 109549  
psychologists, and advanced practice registered nurses in primary 109550  
care, alcohol and drug treatment, or mental health, as appropriate 109551  
for their scope of practice; 109552

(4) Report to the Medicaid Director about how the tasks 109553  
specified in divisions (D)(1), (2), and (3) of this section will 109554  
address the workforce needs of critical access hospitals and rural 109555  
hospitals; 109556

(5) Create opportunities for persons to receive training in 109557  
all of the following: 109558

(a) Serving medically underserved populations; 109559

(b) Providing team-based care; 109560

(c) Undergoing clinical rotations in federally qualified 109561  
health centers, facilities operated by community addiction 109562  
services providers and community mental health services providers, 109563

critical access hospitals, and rural hospitals. 109564

(E) The Medicaid Director shall consult with the Director of 109565  
Health and the Director of Mental Health and Addiction Services to 109566  
ensure that strategies and goals established for the program under 109567  
division (D) of this section are consistent with the state's 109568  
healthcare workforce objectives. 109569

(F) Each participating agency shall receive supplemental 109570  
payments under the Medicaid program at least once during fiscal 109571  
year 2020 and at least once again during fiscal year 2021 for 109572  
graduate medical education costs that are apportioned to the 109573  
provision of hospital inpatient services included in the care 109574  
management system established under section 5167.03 of the Revised 109575  
Code and provided to Medicaid recipients. The amount of the 109576  
supplemental payments shall equal the difference between the 109577  
following: 109578

(1) Medicaid payments for direct and indirect graduate 109579  
medical education; 109580

(2) The Medicaid payment based in part on Medicare direct and 109581  
indirect graduate medical education reimbursement principles. 109582

(G) The Medicaid Director, in consultation with participating 109583  
agencies, shall create a centralized database that tracks both of 109584  
the following: 109585

(1) How participating agencies are encouraging physicians in 109586  
residency programs to practice in medical specialties for which 109587  
there is a need in this state; 109588

(2) Physicians' decisions to practice medicine in this state, 109589  
the locations at which they practice medicine, and whether they 109590  
become Medicaid providers or obtain employment with Medicaid 109591  
providers. 109592

(H) There is hereby created in the state treasury the Rural 109593

Healthcare Workforce Training and Retention Program Fund. All 109594  
intergovernmental transfers made under division (C) of this 109595  
section shall be deposited into the fund. Money in the fund and 109596  
the corresponding federal financial participation in the Health 109597  
Care - Federal Fund created under section 5162.50 of the Revised 109598  
Code shall be used to make supplemental payments under division 109599  
(F) of this section. 109600

(I) If the amount of the foregoing appropriation item 651691, 109601  
Rural Healthcare Workforce Training and Retention Program, and the 109602  
corresponding federal financial participation in appropriation 109603  
item 651623, Medicaid Services - Federal, are inadequate to make 109604  
the supplemental payments under division (F) of this section, the 109605  
Medicaid Director may request that the Director of Budget and 109606  
Management authorize additional expenditures from the Rural 109607  
Healthcare Workforce Training and Retention Program Fund and the 109608  
Health Care - Federal Fund as needed to make the supplemental 109609  
payments. If the Director of Budget and Management authorizes the 109610  
additional expenditures, the additional amounts are hereby 109611  
appropriated. 109612

**Section 333.230.** RE-PROCUREMENT OF MEDICAID MCO CONTRACTS 109613

(A) As used in this section, "care management system" and 109614  
"Medicaid managed care organization" have the same meanings as in 109615  
section 5167.01 of the Revised Code. 109616

(B) Not later than July 1, 2020, the Medicaid Director shall 109617  
complete a procurement process for Medicaid managed care 109618  
organizations under the care management system. 109619

**Section 333.240.** REVIEW OF PRESCRIBED DRUG REFORM SAVINGS 109620

Not later than January 1, 2021, the Department of Medicaid 109621  
shall conduct a review of all of the savings to the state from 109622  
prescribed drug reforms included in this act. The Department shall 109623

complete a report detailing its findings not later than sixty days 109624  
after its review. The report shall be submitted to the Governor 109625  
and to the General Assembly in accordance with section 101.68 of 109626  
the Revised Code. The Department shall testify about its findings 109627  
before the Joint Medicaid Oversight Committee. Upon request, the 109628  
Department also shall testify about its findings before the 109629  
General Assembly as requested by the Speaker of the House of 109630  
Representatives, the President of the Senate, or both. 109631

**Section 333.270. BUDGET REDUCTION ADJUSTMENT FACTOR** 109632

As used in this section, "budget reduction adjustment factor" 109633  
and "Medicare skilled nursing facility market basket index" have 109634  
the same meanings as in section 5165.01 of the Revised Code. 109635

For the purpose of sections 5165.15, 5165.16, 5165.17, 109636  
5165.19, and 5165.21 of the Revised Code, the budget reduction 109637  
adjustment factor shall be the following: 109638

(A) For the second half of state fiscal year 2020, two and 109639  
four-tenths per cent; 109640

(B) For all of state fiscal year 2021, an amount equal to the 109641  
Medicare skilled nursing facility market basket index determined 109642  
for all of federal fiscal year 2020. 109643

**Section 333.280. PHARMACY SUPPLEMENTAL DISPENSING FEE** 109644

(A) By January 1, 2020, the Department of Medicaid shall 109645  
adopt rules under section 5167.02 of the Revised Code to provide a 109646  
supplemental dispensing fee under the care management system to 109647  
retail pharmacies. The supplemental dispensing fee shall have at 109648  
least three different payment levels based on both of the 109649  
following: 109650

(1) The ratio of Medicaid prescriptions a pharmacy location 109651  
fills compared to the total prescriptions the pharmacy location 109652

fills based on the latest available "Survey of the Average Cost of Dispensing a Medicaid Prescription in the State of Ohio" prepared for the Department of Medicaid;

(2) The number of retail pharmacy locations participating in the care management system based on Medicaid recipient enrollment in Medicaid MCO plans, as defined in section 5167.01 of the Revised Code, in a geographic area approved by the Department of Medicaid as the geographic area where the pharmacy location's customer population is located. The geographic area shall be periodically reviewed and approved by the Department.

(B) Pharmacies that have a high ratio under division (A)(1) of this section and a low number under division (A)(2) of this section shall be placed in the higher dispensing fee payment levels.

(C) The supplemental dispensing fee shall not cause a reduction in other payments made to the pharmacy for providing prescribed drugs under the care management system.

(D) The Medicaid Director shall adjust the supplemental dispensing fees if federal Medicaid statutes or regulations adopted by the Centers for Medicare and Medicaid Services reduce the amount of federal funds the Department receives for the supplemental dispensing fee. The Department of Medicaid shall expend \$10,000,000 state share in fiscal year 2020 and \$20,300,000 state share in fiscal year 2021, along with any corresponding federal shares, for the supplemental dispensing fees provided under this section.

**Section 333.290. PRESCRIBED DRUG CLAIMS PROCESSING PILOT PROGRAM**

(A) As used in this section, "Medicaid managed care organization," "Medicaid MCO plan," "pharmacy benefit manager,"



and "prescribed drug" have the same meanings as in section 5167.01 109683  
of the Revised Code. 109684

(B) The Department of Medicaid shall establish and administer 109685  
a pilot program for the pre-audit processing of prescribed drug 109686  
claims submitted to Medicaid managed care organizations or their 109687  
pharmacy benefit managers by pharmacies that meet the requirements 109688  
of division (C) of this section. A pharmacy's participation in the 109689  
pilot program is voluntary. 109690

(C) In order for a claim to be processed under the program, 109691  
both of the following apply: 109692

(1) The claim must relate to a prescription filled in Adams, 109693  
Athens, Belmont, Coshocton, Gallia, Guernsey, Harrison, Morgan, 109694  
Muskingum, Noble, Perry, Pike, Ross, Scioto, Tuscarawas, Vinton, 109695  
or Washington County. 109696

(2) The pharmacy submitting the claim must serve a 109697  
significant share of Medicaid recipients in the county who are 109698  
enrolled in Medicaid MCO plans as determined by the Medicaid 109699  
Director. 109700

(D) Under the pilot program, the Department shall do all of 109701  
the following: 109702

(1) Approve individuals or entities to serve as claims 109703  
processors; 109704

(2) Ensure that claims are adjudicated by approved claims 109705  
processors and that information relating to each claim is 109706  
submitted to the Department for evaluation and review; 109707

(3) Authorize approved claims processors to accept and 109708  
adjudicate claims from the payment amounts submitted by patients; 109709

(4) Utilize a coordination of benefits process to determine 109710  
the respective payment responsibilities of different payors. 109711

(E) The Department shall ensure that the pilot program is 109712

fully operational beginning January 1, 2020, and shall conclude 109713  
the program on December 31, 2020. At the conclusion of the 109714  
program, the Department shall evaluate and review all of the 109715  
following data relating to each prescribed drug claim: the usual 109716  
and customary drug cost, the contracted drug ingredient cost, the 109717  
dispensing fee, and any applicable taxes. If a claims processor is 109718  
unable to provide claims data to the Department, the participating 109719  
pharmacies shall, to the extent permissible under state and 109720  
federal law, cooperate with the Department in providing any 109721  
information missing from the claim. 109722

(F) Not later than September 1, 2021, the Department shall 109723  
prepare and submit to the Governor, Speaker of the House of 109724  
Representatives, Senate President, and Chairperson of the Joint 109725  
Medicaid Oversight Committee a report outlining both of the 109726  
following: 109727

(1) Any costs, savings, trends, and utilization rates 109728  
realized under the program; 109729

(2) Any policy recommendations, including whether to 109730  
reinstate the program, and if further implementation will decrease 109731  
prescribed drug costs and spending levels. 109732

The report shall be submitted in accordance with section 109733  
101.68 of the Revised Code. 109734

(G) Of the foregoing appropriation item 651525, Medicaid 109735  
Health Care Services, \$500,000 in fiscal year 2020 shall be used 109736  
to establish and administer the pilot program. 109737

**Section 335.10. MED STATE MEDICAL BOARD** 109738

Dedicated Purpose Fund Group 109739

5C60 883609 Operating Expenses \$ 10,862,471 \$ 11,302,171 109740

TOTAL DPF Dedicated Purpose Fund \$ 10,862,471 \$ 11,302,171 109741

Group

TOTAL ALL BUDGET FUND GROUPS		\$	10,862,471	\$	11,302,171	109742	
<b>Section 337.10. MHA DEPARTMENT OF MENTAL HEALTH AND ADDICTION</b>						109744	
SERVICES						109745	
General Revenue Fund						109746	
GRF	336321	Central	\$	16,606,612	\$	16,932,239	109747
Administration							
GRF	336402	Resident Trainees	\$	450,000	\$	450,000	109748
GRF	336405	Family and Children	\$	1,386,000	\$	1,386,000	109749
First							
GRF	336406	Prevention and	\$	2,620,996	\$	2,620,996	109750
Wellness							
GRF	336412	Hospital Services	\$	231,002,089	\$	240,172,285	109751
GRF	336415	Mental Health	\$	19,695,400	\$	20,369,000	109752
Facilities Lease							
Rental Bond Payments							
GRF	336421	Continuum of Care	\$	84,023,346	\$	82,839,846	109753
Services							
GRF	336422	Criminal Justice	\$	17,113,780	\$	17,117,915	109754
Services							
GRF	336423	Addiction Services	\$	26,528,872	\$	28,989,946	109755
Partnership with							
Corrections							
GRF	336424	Recovery Housing	\$	2,500,000	\$	2,500,000	109756
GRF	336425	Specialized Docket	\$	7,500,000	\$	10,000,000	109757
Support							
GRF	336504	Community Innovations	\$	13,950,000	\$	13,350,000	109758
GRF	336506	Court Costs	\$	1,000,000	\$	1,000,000	109759
GRF	336510	Residential State	\$	16,000,000	\$	16,000,000	109760
Supplement							
GRF	336511	Early Childhood	\$	2,500,000	\$	2,500,000	109761
Mental Health							
Counselors and							

		Consultation				
GRF	652321	Medicaid Support	\$	1,213,792	\$	1,251,713 109762
TOTAL GRF		General Revenue Fund	\$	444,090,887	\$	457,479,940 109763
		Dedicated Purpose Fund Group				109764
2320	336621	Family and Children	\$	600,000	\$	600,000 109765
		First				
4750	336623	Statewide Treatment	\$	51,600,000	\$	20,600,000 109766
		and Prevention				
4850	336632	Mental Health	\$	7,760,000	\$	8,000,000 109767
		Operating				
5AU0	336615	Behavioral Health	\$	7,850,000	\$	7,850,000 109768
		Care				
5JL0	336629	Problem Gambling and	\$	6,085,000	\$	6,085,000 109769
		Casino Addiction				
5T90	336641	Problem Gambling	\$	1,870,000	\$	1,820,000 109770
		Services				
5TZ0	336600	Substance Abuse	\$	6,000,000	\$	6,000,000 109771
		Stabilization Centers				
5TZ0	336643	ADAMHS Boards	\$	21,000,000	\$	11,000,000 109772
5VV0	336645	Transcranial Magnetic	\$	3,000,000	\$	3,000,000 109773
		Stimulation Pilot				
6320	336616	Community Capital	\$	350,000	\$	350,000 109774
		Replacement				
6890	336640	Education and	\$	150,000	\$	150,000 109775
		Conferences				
TOTAL DPF		Dedicated Purpose Fund	\$	106,265,000	\$	65,455,000 109776
		Group				
		Internal Service Activity Fund Group				109777
1490	336609	Hospital Operating	\$	20,000,000	\$	20,000,000 109778
		Expenses				
1490	336610	Operating Expenses	\$	5,500,000	\$	5,500,000 109779
1510	336601	Ohio Pharmacy	\$	80,170,822	\$	80,170,822 109780

		Services				
4P90	336604	Community Mental	\$	250,000	\$	250,000 109781
		Health Projects				
TOTAL ISA		Internal Service Activity	\$	105,920,822	\$	105,920,822 109782
		Fund Group				
		Federal Fund Group				109783
3240	336605	Medicaid/Medicare	\$	20,000,000	\$	20,000,000 109784
3A60	336608	Federal Miscellaneous	\$	1,010,000	\$	1,010,000 109785
3A70	336612	Social Services Block	\$	8,450,000	\$	8,450,000 109786
		Grant				
3A80	336613	Federal Grants	\$	5,500,000	\$	5,500,000 109787
3A90	336614	Mental Health Block	\$	22,020,790	\$	22,058,470 109788
		Grant				
3B10	652636	Community Medicaid	\$	10,878,084	\$	11,000,000 109789
		Legacy Support				
3G40	336618	Substance Abuse Block	\$	65,865,756	\$	65,865,756 109790
		Grant				
3H80	336606	Demonstration Grants	\$	15,000,000	\$	15,000,000 109791
3HB0	336503	Cures Opioid State	\$	33,084,837	\$	32,634,837 109792
		Targeted Response				
3HB1	336644	State Opioid Response	\$	59,400,213	\$	16,800,000 109793
3N80	336639	Administrative	\$	1,000,000	\$	1,000,000 109794
		Reimbursement				
TOTAL FED		Federal Fund Group	\$	242,209,680	\$	199,319,063 109795
TOTAL ALL BUDGET		FUND GROUPS	\$	898,486,389	\$	828,174,825 109796

**Section 337.30. PREVENTION AND WELLNESS** 109798

The foregoing appropriation item 336406, Prevention and 109799  
Wellness, shall be used as follows: 109800

- (A) Up to \$1,250,000 in each fiscal year shall be distributed 109801  
to boards of alcohol, drug addiction, and mental health services 109802  
to purchase the provision of evidence-based prevention services 109803

from providers certified by the Department of Mental Health and 109804  
Addiction Services. 109805

(B) Up to \$500,000 in each fiscal year shall be used to: 109806

(1) Conduct a study in coordination with the Department of 109807  
Veterans Services on the rates of suicide in this state for the 109808  
previous ten calendar years. The study shall examine suicide rates 109809  
for the general population as a whole and suicide rates for 109810  
veterans of the United States armed forces as a subgroup. Not 109811  
later than one year after the effective date of this section, the 109812  
Departments shall complete a report on the study. The report shall 109813  
include the Departments' conclusions regarding the causes of 109814  
suicides and recommendations for reducing the rates of suicide in 109815  
this state. The Departments shall submit the report to the General 109816  
Assembly in accordance with section 101.68 of the Revised Code and 109817  
make it available to the public on their web sites. 109818

(2) Support suicide prevention efforts. 109819

(C) \$120,000 in each fiscal year shall be allocated to 109820  
Northeast Ohio Medical University's statewide campus safety and 109821  
mental health programs, including suicide prevention. 109822

**Section 337.40. MENTAL HEALTH FACILITIES LEASE RENTAL BOND 109823**  
PAYMENTS 109824

The foregoing appropriation item 336415, Mental Health 109825  
Facilities Lease Rental Bond Payments, shall be used to meet all 109826  
payments during the period from July 1, 2019, through June 30, 109827  
2021, by the Department of Mental Health and Addiction Services 109828  
pursuant to leases and agreements made under section 154.20 of the 109829  
Revised Code. These appropriations are the source of funds pledged 109830  
for bond service charges on obligations issued pursuant to Chapter 109831  
154. of the Revised Code. 109832

**Section 337.50. CONTINUUM OF CARE SERVICES 109833**

The foregoing appropriation item 336421, Continuum of Care Services, shall be used as follows: 109834  
109835

(A) A portion of this appropriation shall be allocated to boards of alcohol, drug addiction, and mental health services in accordance with a distribution methodology determined by the Director of Mental Health and Addiction Services for the boards to purchase mental health and addiction services permitted under Chapter 340. of the Revised Code. Boards may use a portion of the funds allocated: 109836  
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109841  
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(1) To provide subsidized support for psychotropic medication needs of indigent citizens in the community to reduce unnecessary hospitalization due to lack of medication; and 109843  
109844  
109845

(2) To provide subsidized support for medication-assisted treatment costs. 109846  
109847

(B) A portion of this appropriation may be distributed to boards of alcohol, drug addiction, and mental health services, community addiction and/or mental health services providers, courts, or other governmental entities to provide specific grants in support of initiatives concerning mental health and addiction services. 109848  
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(C) Of the foregoing appropriation item 336421, Continuum of Care Services, \$1,500,000 in each fiscal year shall be allocated by the Department of Mental Health and Addiction Services to boards of alcohol, drug addiction, and mental health services. The boards shall use their allocations to establish and administer, in collaboration with the other boards that serve the same state psychiatric hospital region, six mental health crisis stabilization centers. There shall be one center located in each state psychiatric hospital region. 109854  
109855  
109856  
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Boards of alcohol, drug addiction, and mental health services shall ensure that each mental health crisis stabilization center 109863  
109864

established and administered under division (C) of this section 109865  
complies with all of the following: 109866

(1) It admits individuals before and after the individuals 109867  
receive treatment and care at hospital emergency departments or 109868  
freestanding emergency departments. 109869

(2) It admits individuals before and after the individuals 109870  
are confined in state or local correctional facilities. 109871

(3) It has a Medicaid provider agreement. 109872

(4) It is located in a building constructed for another 109873  
purpose before the effective date of this section. 109874

(5) It admits individuals who have been identified as needing 109875  
the stabilization services provided by the center. 109876

(6) It connects individuals when they are discharged from the 109877  
center with community-based continuum of care services and 109878  
supports as described in section 340.032 of the Revised Code. 109879

(D) As used in division (C) of this section: 109880

(1) "State or local correctional facility" means any of the 109881  
following: 109882

(a) A "state correctional institution," as defined in section 109883  
2967.01 of the Revised Code; 109884

(b) A "local correctional facility," as defined in section 109885  
2903.13 of the Revised Code; 109886

(c) A correctional facility that is privately operated and 109887  
managed pursuant to section 9.06 of the Revised Code. 109888

(2) "State psychiatric hospital regions" means the six 109889  
districts into which the Department of Mental Health and Addiction 109890  
Services has divided the state pursuant to division (B)(2) of 109891  
section 5119.14 of the Revised Code. 109892

(E) Of the foregoing appropriation item 336421, Continuum of 109893



Care Services, \$375,000 in each fiscal year shall be allocated to 109894  
the Bellefaire Jewish Children's Home to be used for start-up 109895  
costs associated with the operations of its pediatric psychiatric 109896  
hospital and affiliated medical and dental clinic. These start-up 109897  
costs may include recruiting, onboarding, and training staff, as 109898  
well as costs associated with the gradual ramp-up to full client 109899  
capacity and the development of a reimbursement structure. 109900

(F) Of the foregoing appropriation item 336421, Continuum of 109901  
Care Services, \$125,000 in each fiscal year shall be allocated to 109902  
the Chardon School District to be used for program-related 109903  
activities. 109904

(G) Of the foregoing appropriation item 336421, Continuum of 109905  
Care Services, \$100,000 in each fiscal year shall be distributed 109906  
to the Applewood Centers Inc. to be used for the continuation and 109907  
expansion of existing programs to support the health clinic and 109908  
community-based health care operations and to help meet the needs 109909  
of youth served in addressing the opioid crisis. 109910

(H) Of the foregoing appropriation item 336421, Continuum of 109911  
Care Services, \$1,183,500 in fiscal year 2020 shall be allocated 109912  
to the Ashland Center for Addictions Project. 109913

(I) Of the foregoing appropriation item 336421, Continuum of 109914  
Care Services, \$250,000 in each fiscal year shall be allocated to 109915  
LifeAct. 109916

**Section 337.60. CRIMINAL JUSTICE SERVICES** 109917

Except as otherwise provided in this act, the foregoing 109918  
appropriation item 336422, Criminal Justice Services, shall be 109919  
used to provide forensic psychiatric evaluations to courts of 109920  
common pleas and to conduct evaluations of patients of forensic 109921  
status in facilities operated or designated by the Department of 109922  
Mental Health and Addiction Services prior to conditional release 109923

to the community. A portion of this appropriation may be allocated 109924  
through boards of alcohol, drug addiction, and mental health 109925  
services to community addiction and/or mental health services 109926  
providers in accordance with a distribution methodology as 109927  
determined by the Director of Mental Health and Addiction 109928  
Services. 109929

The foregoing appropriation item 336422, Criminal Justice 109930  
Services, may also be used to: 109931

(A) Provide forensic monitoring and tracking of individuals 109932  
on conditional release; 109933

(B) Provide forensic training; 109934

(C) Support projects that assist courts and law enforcement 109935  
to identify and develop appropriate alternative services to 109936  
incarceration for nonviolent mentally ill offenders; 109937

(D) Provide specialized re-entry services to offenders 109938  
leaving prisons and jails; 109939

(E) Provide specific grants in support of addiction services 109940  
alternatives to incarceration; 109941

(F) Support therapeutic communities; and 109942

(G) Support specialty dockets and expand or create new 109943  
certified court programs. 109944

**Section 337.70. SUBSTANCE USE DISORDER TREATMENT IN** 109945  
**SPECIALIZED DOCKET PROGRAMS** 109946

(A) As used in this section: 109947

(1) "Community addiction services provider" has the same 109948  
meaning as in section 5119.01 of the Revised Code. 109949

(2) "Community control sanction" has the same meaning as in 109950  
section 2929.01 of the Revised Code. 109951

(3) "Medication-assisted treatment drug court program" and "MAT drug court program" mean a session of any of the following that holds initial or final certification from the Supreme Court of Ohio as a specialized docket program for drugs and that uses medication-assisted treatment as part of its specialized docket program: a common pleas court, municipal court, or county court, or a division of any of those courts.

(4) "Prescriber" has the same meaning as in section 4729.01 of the Revised Code.

(5) "Recovery supports" has the same meaning as in section 5119.01 of the Revised Code.

(6) "Substance use disorder treatment" has the same meaning as "alcohol and drug addiction services" as defined in section 5119.01 of the Revised Code.

(B)(1) The Department of Mental Health and Addiction Services shall conduct a program to provide substance use disorder treatment, which may include medication-assisted treatment and recovery supports, to persons who are eligible to participate in a medication-assisted treatment drug court program and are selected under this section to be participants in a MAT drug court program because of a substance use disorder.

(2) The Department shall conduct its program in collaboration with any counties in Ohio that are conducting MAT drug court programs.

(3) In addition to conducting its program in accordance with division (B)(2) of this section, the Department may conduct its program in collaboration with any other court that is conducting a MAT drug court program.

(C) In conducting its program, the Department shall collaborate with the Supreme Court, the Department of Rehabilitation and Correction, and any agency of the state that

the Department of Mental Health and Addiction Services determines 109983  
may be of assistance in accomplishing the objectives of the 109984  
Department's program. The Department may collaborate with the 109985  
boards of alcohol, drug addiction, and mental health services and 109986  
with local law enforcement agencies that serve the counties in 109987  
which a court participating in the Department's program is 109988  
located. 109989

(D)(1) A MAT drug court program participating in the 109990  
Department's program shall select the persons who are to be its 109991  
participants for purposes of the Department's program. To be 109992  
selected, a person must be a criminal offender, including an 109993  
offender under a community control sanction, or be involved in a 109994  
family drug or dependency court. A person shall not be selected to 109995  
be a participant unless the person meets the legal and clinical 109996  
eligibility criteria for the MAT drug court program and is an 109997  
active participant in the MAT drug court program. 109998

(2) The total number of persons participating in the 109999  
Department's program at any time shall not exceed one thousand 110000  
five hundred, subject to available funding, except that the 110001  
Department may authorize the maximum number to be exceeded in 110002  
circumstances that the Department considers to be appropriate. 110003

(3) After a MAT drug court program enrolls a person as a 110004  
participant for purposes of the Department's program, the 110005  
participant shall comply with all requirements of the MAT drug 110006  
court program. 110007

(E) The substance use disorder treatment and recovery 110008  
supports provided under the Department's program in collaboration 110009  
with a MAT drug court program shall be provided by a community 110010  
addiction services provider. The provider shall do all of the 110011  
following: 110012

(1) Provide treatment based on an integrated service delivery 110013

model that consists of the coordination of care between a 110014  
prescriber and the community addiction services provider; 110015

(2) Conduct professional, comprehensive substance abuse and 110016  
mental health diagnostic assessments of a person under 110017  
consideration for selection as a program participant to determine 110018  
whether the person would benefit from substance use disorder 110019  
treatment and monitoring; 110020

(3) Determine, based on the assessment described in division 110021  
(E)(2) of this section, the treatment needs of the program 110022  
participants served by the community addiction services provider; 110023

(4) Develop, for program participants served by the community 110024  
addiction services provider, individualized goals and objectives; 110025

(5) Provide access to the long-acting antagonist therapies, 110026  
partial agonist therapies, or full agonist therapies, that are 110027  
included in the program's medication-assisted treatment; 110028

(6) Provide other types of therapies, including psychosocial 110029  
therapies, for both substance use disorder and any disorders that 110030  
are considered by the community addiction services provider to be 110031  
co-occurring disorders; 110032

(7) Monitor program compliance through the use of regular 110033  
drug testing, including urinalysis, of the program participants 110034  
served by the community addiction services provider; 110035

(8) Provide access to time-limited recovery supports that 110036  
help eliminate barriers to treatment and are specific to the 110037  
participant's needs, including assistance with housing, 110038  
transportation, child care, job training, obtaining a driver's 110039  
license or state identification card, and any other matter 110040  
considered relevant by the provider. 110041

(F) In the case of medication-assisted treatment provided 110042  
under the Department's program, all of the following conditions 110043

apply: 110044

(1) A drug may be used only if the drug has been approved by 110045  
the United States Food and Drug Administration for use in treating 110046  
dependence on opioids, alcohol, or both, or for preventing relapse 110047  
into the use of opioids, alcohol, or both. 110048

(2) One or more drugs may be used, but each drug that is used 110049  
must constitute long-acting antagonist therapy, partial agonist 110050  
therapy, or full agonist therapy. 110051

(3) If a drug constituting partial or full agonist therapy is 110052  
used, the program shall provide safeguards to minimize abuse and 110053  
diversion of the drug, including such safeguards as routine drug 110054  
testing of program participants. 110055

(G) It is anticipated and expected that MAT drug court 110056  
programs will expand their ability to serve more drug court 110057  
participants as a result of increased access to commercial or 110058  
publicly funded health insurance. In order to ensure that funds 110059  
appropriated to support the Department's program are used in the 110060  
most efficient manner with a goal of enrolling the maximum number 110061  
of participants, the Medicaid Director, in collaboration with 110062  
major Ohio health care plans, shall develop plans consistent with 110063  
this division. There shall be no prior authorizations or step 110064  
therapy for medication-assisted treatment for program 110065  
participants. The plans developed under this division shall ensure 110066  
all of the following: 110067

(1) The development of an efficient and timely process for 110068  
review of eligibility for health benefits for all persons selected 110069  
to participate in the program; 110070

(2) A rapid conversion to reimbursement for all health care 110071  
services by the participant's health care plan following approval 110072  
for coverage of health care benefits; 110073

(3) The development of a consistent benefit package that 110074

provides ready access to and reimbursement for essential health 110075  
care services including, but not limited to, primary health care 110076  
services, alcohol and opioid detoxification services, appropriate 110077  
psychosocial services, and medication for long-acting injectable 110078  
antagonist therapies, partial agonist therapies, and full agonist 110079  
therapies; 110080

(4) The development of guidelines that require the provision 110081  
of all treatment services, including medication, with minimal 110082  
administrative barriers and within a time frame that meets the 110083  
requirements of individual patient care plans. 110084

(H) Of the foregoing appropriation item 336422, Criminal 110085  
Justice Services, up to \$6,000,000 in each fiscal year shall be 110086  
used to support substance use disorder treatment, including 110087  
medication-assisted treatment and recovery supports for drug court 110088  
specialized docket programs and to support the administrative 110089  
expenses of courts and community addiction services providers 110090  
participating in the program. 110091

**Section 337.75. MEDICATION-ASSISTED TREATMENT DRUG 110092**  
REIMBURSEMENT PROGRAM 110093

Of the foregoing appropriation item 336422, Criminal Justice 110094  
Services, \$2,000,000 in fiscal year 2020 and \$2,500,000 in fiscal 110095  
year 2021 shall be used to support the Medication-Assisted 110096  
Treatment Drug Reimbursement Program established in section 110097  
5119.39 of the Revised Code. 110098

**Section 337.80. ADDICTION SERVICES PARTNERSHIP WITH 110099**  
CORRECTIONS 110100

Any business commenced but not completed by July 1, 2015, by 110101  
the Department of Rehabilitation and Correction regarding recovery 110102  
services shall be completed by the Department of Mental Health and 110103  
Addiction Services. No validation, cure, right, privilege, remedy, 110104

obligation, or liability is lost or impaired by reason of the 110105  
transfer required by this section and shall be administered by the 110106  
Department of Mental Health and Addiction Services. Any rules, 110107  
orders, and determinations pertaining to the Bureau of Recovery 110108  
Services continue in effect as rules, orders, and determinations 110109  
of the Department of Mental Health and Addiction Services until 110110  
modified or rescinded by the Department of Mental Health and 110111  
Addiction Services. If necessary to ensure the integrity of the 110112  
numbering of the Administrative Code, the Director of the 110113  
Legislative Service Commission shall renumber the numbers to 110114  
reflect their transfer to the Department of Mental Health and 110115  
Addiction Services. 110116

Subject to the lay-off provisions of sections 124.321 to 110117  
124.382 of the Revised Code, all employees of the Bureau of 110118  
Recovery Services are hereby transferred to the Department of 110119  
Mental Health and Addiction Services and retain their positions 110120  
and all of their benefits. 110121

Wherever the Bureau of Recovery Services is referred to in 110122  
any law, contract, or other document, the reference shall be 110123  
deemed to refer to the Department of Mental Health and Addiction 110124  
Services or its director, as appropriate. 110125

Any business commenced but not completed under appropriation 110126  
item 505321, Institution Medical Services, pertaining to the 110127  
Bureau of Recovery Services, shall be completed under 110128  
appropriation item 336423, Addiction Services Partnership with 110129  
Corrections, in the same manner, and with the same effect, as if 110130  
completed with regard to appropriation item 505321, Institution 110131  
Medical Services. 110132

**Section 337.90. RECOVERY HOUSING** 110133

The foregoing appropriation item 336424, Recovery Housing, 110134  
shall be used to expand and support access to recovery housing as 110135



defined in section 340.01 of the Revised Code and in accordance 110136  
with section 340.034 of the Revised Code. For expenditures that 110137  
are capital in nature, the Department of Mental Health and 110138  
Addiction Services shall develop procedures to administer these 110139  
funds in a manner that is consistent with current community 110140  
capital assistance guidelines. 110141

**Section 337.100. SPECIALIZED DOCKET SUPPORT** 110142

(A) The foregoing appropriation item 336425, Specialized 110143  
Docket Support, shall be used to defray a portion of the annual 110144  
payroll costs associated with the specialized docket of a common 110145  
pleas court, municipal court, county court, juvenile court, or 110146  
family court that meets all of the eligibility requirements in 110147  
division (B) of this section, including a family dependency 110148  
treatment docket. The foregoing appropriation item 336425, 110149  
Specialized Docket Support, may also be used to defray costs 110150  
associated with treatment services and recovery supports for 110151  
participants. 110152

(B) To be eligible, the specialized docket must have received 110153  
Supreme Court of Ohio final certification and include participants 110154  
with behavioral health needs in its target population. 110155

(C) Of the foregoing appropriation item 336425, Specialized 110156  
Docket Support, the Department of Mental Health and Addiction 110157  
Services shall use up to one per cent of the funds appropriated in 110158  
each fiscal year to pay the cost it incurs in administering the 110159  
duties established in this section. 110160

(D) The Department, in consultation with the Supreme Court of 110161  
Ohio, may adopt funding distribution methodology, guidelines, and 110162  
procedures as necessary to carry out the purposes of this section. 110163

**Section 337.110. COMMUNITY INNOVATIONS** 110164

The foregoing appropriation item 336504, Community 110165

Innovations, may be used by the Department of Mental Health and 110166  
Addiction Services to make targeted investments in programs, 110167  
projects, or systems operated by or under the authority of other 110168  
state agencies, governmental entities, or private not-for-profit 110169  
agencies that impact, or are impacted by, the operations and 110170  
functions of the Department, with the goal of achieving a net 110171  
reduction in expenditure of state general revenue funds and/or 110172  
improved outcomes for Ohio citizens without a net increase in 110173  
state general revenue fund spending. 110174

The Director shall identify and evaluate programs, projects, 110175  
or systems proposed or operated, in whole or in part, outside of 110176  
the authority of the Department, where targeted investment of 110177  
these funds in the program, project, or system is expected to 110178  
decrease demand for the Department or other resources funded with 110179  
state general revenue funds, and/or to measurably improve outcomes 110180  
for Ohio citizens with mental illness or with alcohol, drug, or 110181  
gambling addictions. The Director shall have discretion to 110182  
transfer money from the appropriation item to other state 110183  
agencies, governmental entities, or private not-for-profit 110184  
agencies in amounts, and subject to conditions, that the Director 110185  
determines most likely to achieve state savings and/or improved 110186  
outcomes. Distribution of moneys from this appropriation item 110187  
shall not be subject to sections 9.23 to 9.239 or Chapter 125. of 110188  
the Revised Code. 110189

The Department shall enter into an agreement with each 110190  
recipient of community innovation funds, identifying: allowable 110191  
expenditure of the funds; other commitment of funds or other 110192  
resources to the program, project, or system; expected state 110193  
savings and/or improved outcomes and proposed mechanisms for 110194  
measurement of such savings or outcomes; and required reporting 110195  
regarding expenditure of funds and savings or outcomes achieved. 110196

Of the foregoing appropriation item 336504, Community 110197

Innovations, up to \$4,000,000 in each fiscal year shall be used to 110198  
provide funding for community projects across the state that focus 110199  
on support for families, assisting families in avoiding crisis, 110200  
and crisis intervention. 110201

Of the foregoing appropriation item 336504, Community 110202  
Innovations, up to \$750,000 in each fiscal year shall be used to 110203  
enhance access to naloxone across the state for county health 110204  
departments to then disperse through a grant program to local law 110205  
enforcement, emergency personnel, and first responders. If local 110206  
law enforcement, emergency personnel, and first responders are not 110207  
making use of the naloxone grant funds, the county health 110208  
department may use grant funding to provide naloxone through a 110209  
Project DAWN program within the county. 110210

Of the foregoing appropriation item 336504, Community 110211  
Innovations, up to \$600,000 in each fiscal year shall be allocated 110212  
to the Heartland High School Demonstration Project to educate and 110213  
graduate teens and youth recovering from substance use disorders. 110214

Of the foregoing appropriation item 336504, Community 110215  
Innovations, \$2,500,000 in each fiscal year shall be allocated to 110216  
the Psychotropic Drug Reimbursement Program established in section 110217  
5119.19 of the Revised Code. On July 1, 2020, or as soon as 110218  
possible thereafter, the Director of Mental Health and Addiction 110219  
Services shall certify to the Director of Budget and Management 110220  
the amount of the unexpended, unencumbered allocation for the 110221  
program in fiscal year 2020. The amount certified is hereby 110222  
reappropriated to appropriation item 336504, Community 110223  
Innovations, in fiscal year 2021 for the same purpose. 110224

**Section 337.120. RESIDENTIAL STATE SUPPLEMENT** 110225

(A) The foregoing appropriation item 336510, Residential 110226  
State Supplement, may be used by the Department of Mental Health 110227  
and Addiction Services to provide training for residential 110228

facilities providing accommodations, supervision, and personal 110229  
care services to three to sixteen unrelated adults with mental 110230  
illness and to make payments to residential state supplement 110231  
recipients. 110232

(B) The Department of Mental Health and Addiction Services 110233  
shall adopt rules establishing eligibility criteria and payment 110234  
amounts under section 5119.41 of the Revised Code. 110235

**Section 337.130. EARLY CHILDHOOD MENTAL HEALTH COUNSELORS AND 110236  
CONSULTATION 110237**

The foregoing appropriation item 336511, Early Childhood 110238  
Mental Health Counselors and Consultation, shall be used to 110239  
promote identification and intervention for early childhood mental 110240  
health and to enhance healthy social emotional development in 110241  
order to reduce preschool to third grade classroom expulsions. 110242  
Funds shall be used by the Department of Mental Health and 110243  
Addiction Services to support early childhood mental health 110244  
credentialed counselors and consultation services, as well as 110245  
administration and workforce development for the program. 110246

**Section 337.140. MEDICAID SUPPORT 110247**

The foregoing appropriation item 652321, Medicaid Support, 110248  
shall be used to fund specified Medicaid Services as delegated by 110249  
the state's single agency responsible for the Medicaid Program. 110250

**Section 337.150. SUBSTANCE ABUSE STABILIZATION CENTERS 110251**

(A) The foregoing appropriation item 336600, Substance Abuse 110252  
Stabilization Centers, shall be used to establish and administer, 110253  
in collaboration with the other boards that serve the same state 110254  
psychiatric hospital region, acute substance use disorder 110255  
stabilization centers. There shall be one center located in each 110256  
state psychiatric hospital region. 110257

(B) As used in this section, "state psychiatric hospital regions" means the six districts into which the Department of Mental Health and Addiction Services has divided the state pursuant to division (B)(2) of section 5119.14 of the Revised Code.

**Section 337.160. ADAMHS BOARDS**

(A) Of the foregoing appropriation item 336643, ADAMHS Boards, \$5,000,000 in each fiscal year shall be allocated as follows:

(1) Each board shall receive \$50,000 in each fiscal year for each of the counties that are part of the board's district.

(2) Each board shall receive a percentage of any remaining amount to be determined by a formula developed by the Director of Mental Health and Addiction Services using the population of the board's service district and the most recent drug overdose death information.

(B) Of the foregoing appropriation item 336643, ADAMHS Boards, up to \$5,750,000 in each fiscal year shall be used to provide flexible resources to local communities to fund direct crisis stabilization and crisis prevention support.

(C) Of the foregoing appropriation item 336643, ADAMHS Boards, up to \$9,250,000 in fiscal year 2020 shall be used to develop, evaluate, and expand crisis services infrastructure to provide support for adults, children, and families in a variety of settings. Any unexpended or unencumbered fund balance shall be used in fiscal year 2021 for the same purpose.

(D) Of the foregoing appropriation item 336643, ADAMHS Boards, \$1,000,000 in fiscal year 2020 and \$250,000 in fiscal year 2021 shall be dedicated to a public-private partnership for a crisis stabilization center in Lorain County.

**Section 337.170.** PROBLEM GAMBLING AND CASINO ADDICTION 110288

A portion of appropriation item 336629, Problem Gambling and 110289  
Casino Addiction, shall be allocated to boards of alcohol, drug 110290  
addiction, and mental health services in accordance with a 110291  
distribution methodology determined by the Director of Mental 110292  
Health and Addiction Services. 110293

**Section 337.180.** FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING 110294  
POOL 110295

A county family and children first council may establish and 110296  
operate a flexible funding pool in order to assure access to 110297  
needed services by families, children, and older adults in need of 110298  
protective services. The operation of the flexible funding pools 110299  
shall be subject to the following restrictions: 110300

(A) The county council shall establish and operate the 110301  
flexible funding pool in accordance with formal guidance issued by 110302  
the Family and Children First Cabinet Council; 110303

(B) The county council shall produce an annual report on its 110304  
use of the pooled funds. The annual report shall conform to a 110305  
format prescribed in the formal guidance issued by the Family and 110306  
Children First Cabinet Council; 110307

(C) Unless otherwise restricted, funds transferred to the 110308  
flexible funding pool may include state general revenues allocated 110309  
to local entities to support the provision of services to families 110310  
and children; 110311

(D) The amounts transferred to the flexible funding pool 110312  
shall be limited to amounts that can be redirected without 110313  
impairing the achievement of the objectives for which the initial 110314  
allocation is designated; and 110315

(E) Each amount transferred to the flexible funding pool from 110316

a specific allocation shall be approved for transfer by the 110317  
director of the local agency that was the original recipient of 110318  
the allocation. 110319

**Section 337.190. ACCESS SUCCESS II PROGRAM 110320**

To the extent cash is available, the Director of Budget and 110321  
Management may transfer cash from a fund designated by the 110322  
Medicaid Director, to the Sale of Goods and Services Fund (Fund 110323  
1490), used by the Department of Mental Health and Addiction 110324  
Services. The transferred cash is hereby appropriated. 110325

The Department of Mental Health and Addiction Services shall 110326  
use the transferred funds to administer the Access Success II 110327  
Program to help non-Medicaid patients in any hospital established, 110328  
controlled, or supervised by the Department under Chapter 5119. of 110329  
the Revised Code to transition from inpatient status to a 110330  
community setting. 110331

**Section 337.200. CASH TRANSFER FROM THE INDIGENT DRIVERS 110332**  
**ALCOHOL TREATMENT FUND TO THE STATEWIDE TREATMENT AND PREVENTION 110333**  
**FUND 110334**

On a schedule determined by the Director of Budget and 110335  
Management, the Director of Mental Health and Addiction Services 110336  
shall certify to the Director of Budget and Management the amount 110337  
of excess license reinstatement fees that are available pursuant 110338  
to division (F)(2)(c) of section 4511.191 of the Revised Code to 110339  
be transferred from the Indigent Drivers Alcohol Treatment Fund 110340  
(Fund 7049) to the Statewide Treatment and Prevention Fund (Fund 110341  
4750). Upon certification, the Director of Budget and Management 110342  
may transfer cash from the Indigent Drivers Alcohol Treatment Fund 110343  
to the Statewide Treatment and Prevention Fund. 110344

**Section 337.210. CURES OPIOID STATE TARGETED RESPONSE 110345**

The foregoing appropriation item 336503, Cures Opioid State Targeted Response, shall be used pursuant to the goals and requirements of the State Targeted Response to the Opioid Crisis Grant provision in the federal "21st Century Cures Act," Public Law 114-255.

**Section 337.220.** STATEWIDE TREATMENT AND PREVENTION 110351

The foregoing appropriation item 336623, Statewide Treatment and Prevention, shall be used as follows: up to \$18,000,000 in fiscal year 2020 to support K-12 prevention education initiatives; up to \$13,000,000 in fiscal year 2020 and up to \$5,000,000 in fiscal year 2021 to support and expand statewide multimedia prevention, treatment, and stigma reduction campaigns; up to \$5,000,000 in fiscal year 2020 to expand the number of individuals trained in mental health first aid and to expand the number of law enforcement trained in approved de-escalation techniques and approaches specific to people experiencing mental health crisis; and \$50,000 in each fiscal year to be distributed to Smart Recovery.

The remaining portion of appropriation item 336623, Statewide Treatment and Prevention, may be used for agency administrative support.

**Section 337.230.** TRANSCRANIAL MAGNETIC STIMULATION PILOT 110367

The foregoing appropriation item 336645, Transcranial Magnetic Stimulation Pilot, shall be used for a transcranial magnetic stimulation pilot program for veterans with substance use disorders or mental illness as described in section 5902.09 of the Revised Code.

**Section 339.10.** MIH COMMISSION ON MINORITY HEALTH 110373

General Revenue Fund 110374



GRF	149321	Operating Expenses	\$	721,681	\$	741,928	110375
GRF	149501	Demonstration Grants	\$	852,606	\$	852,606	110376
GRF	149502	Lupus Program	\$	93,120	\$	93,120	110377
GRF	149503	Infant Mortality	\$	3,000,000	\$	3,000,000	110378
Health Grants							
TOTAL GRF	General Revenue Fund		\$	4,667,407	\$	4,687,654	110379
							Dedicated Purpose Fund Group
4C20	149601	Minority Health	\$	50,000	\$	50,000	110381
Conference							
TOTAL DPF	Dedicated Purpose Fund		\$	50,000	\$	50,000	110382
							Group
TOTAL ALL BUDGET FUND GROUPS			\$	4,717,407	\$	4,737,654	110383

**Section 339.20.** INFANT MORTALITY HEALTH GRANTS 110385

Of the foregoing appropriation item 149503, Infant Mortality 110386  
 Health Grants, \$2,685,000 in each fiscal year shall be distributed 110387  
 to up to ten community-based agencies to support the continuation 110388  
 or establishment of a pathways community HUB model that has the 110389  
 primary purpose of reducing infant mortality in the urban and 110390  
 rural communities with a targeted focus on disparities. The grant 110391  
 recipients shall, at least quarterly, submit performance data, 110392  
 evaluation data, and fiscal reports as specified by the Commission 110393  
 on Minority Health. 110394

Of the foregoing appropriation item 149503, Infant Mortality 110395  
 Health Grants, \$135,000 in each fiscal year shall be used to 110396  
 provide evaluation and review of the service delivery of grant 110397  
 recipients receiving funds from this appropriation item. The 110398  
 Commission on Minority Health shall contract with entities to 110399  
 provide statewide evaluation and technical assistance to analyze 110400  
 the performance data submitted to the Commission. These entities 110401  
 shall convene quarterly meetings with grant recipients, which may 110402  
 be held by telephone, video conference, or other means of 110403

electronic communication. The meetings shall include a discussion 110404  
on performance data, continuous quality improvement practices, 110405  
implementation lessons, participant feedback, barriers to pathways 110406  
closure, certification status, contract achievement, and any other 110407  
topics the evaluation entities and the Commission deem 110408  
appropriate. 110409

The remainder of appropriation item 149503, Infant Mortality 110410  
Health Grants, shall be used by the Commission on Minority Health 110411  
for administrative costs. 110412

**Section 341.10. CRB MOTOR VEHICLE REPAIR BOARD** 110413

Dedicated Purpose Fund Group 110414  
4K90 865601 Operating Expenses \$ 623,948 \$ 636,389 110415  
TOTAL DPF Dedicated Purpose Fund \$ 623,948 \$ 636,389 110416  
Group  
TOTAL ALL BUDGET FUND GROUPS \$ 623,948 \$ 636,389 110417

**Section 343.10. DNR DEPARTMENT OF NATURAL RESOURCES** 110419

General Revenue Fund 110420  
GRF 725401 Division of \$ 1,773,000 \$ 1,773,000 110421  
Wildlife-Operating  
Subsidy  
GRF 725413 Parks and Recreational \$ 50,771,500 \$ 57,556,700 110422  
Facilities Lease  
Rental Bond Payments  
GRF 725456 Canal Lands \$ 130,950 \$ 130,950 110423  
GRF 725505 Healthy Lake Erie \$ 1,000,000 \$ 1,000,000 110424  
Program  
GRF 725507 Coal and Mine Safety \$ 2,796,340 \$ 2,796,340 110425  
Programs  
GRF 725520 Special Projects \$ 2,000,000 \$ 0 110426  
GRF 725903 Natural Resources \$ 20,359,800 \$ 20,420,700 110427

		General Obligation					
		Bond Debt Service					
GRF	727321	Division of Forestry	\$	4,869,458	\$	4,965,023	110428
GRF	729321	Office of Information	\$	181,478	\$	181,478	110429
		Technology					
GRF	730321	Parks and Recreation	\$	38,652,560	\$	37,105,509	110430
GRF	736321	Division of	\$	2,035,650	\$	2,035,650	110431
		Engineering					
GRF	737321	Division of Water	\$	1,689,455	\$	1,692,044	110432
		Resources					
GRF	738321	Office of Real Estate	\$	728,322	\$	728,322	110433
		and Land Management					
GRF	741321	Division of Natural	\$	2,744,428	\$	4,246,134	110434
		Areas and Preserves					
TOTAL GRF		General Revenue Fund	\$	129,732,941	\$	134,631,850	110435
		Dedicated Purpose Fund Group					110436
2270	725406	Parks Projects	\$	1,629,465	\$	1,725,151	110437
		Personnel					
4300	725671	Canal Lands	\$	927,128	\$	927,128	110438
4S90	725622	NatureWorks Personnel	\$	784,648	\$	800,000	110439
4U60	725668	Scenic Rivers	\$	100,000	\$	100,000	110440
		Protection					
5090	725602	State Forest	\$	10,114,999	\$	10,312,871	110441
5110	725646	Ohio Geological	\$	4,691,486	\$	4,799,989	110442
		Mapping					
5110	725679	Geographic Information	\$	516,979	\$	518,024	110443
		System Centralized					
		Services					
5120	725605	State Parks Operations	\$	60,073,839	\$	35,412,070	110444
5140	725606	Lake Erie Shoreline	\$	2,393,809	\$	2,446,910	110445
5160	725620	Water Management	\$	2,998,695	\$	3,006,996	110446
5180	725643	Oil and Gas Regulation	\$	25,079,252	\$	25,446,157	110447
		and Safety					

5180	725677	Oil and Gas Well Plugging	\$	24,979,365	\$	28,177,215	110448
5210	725627	Off-Road Vehicle Trails	\$	847,929	\$	851,587	110449
5220	725656	Natural Areas and Preserves	\$	546,973	\$	313,649	110450
5290	725639	Mining Regulation and Safety	\$	4,499,705	\$	4,689,552	110451
5310	725648	Reclamation Forfeiture	\$	2,171,668	\$	2,232,761	110452
5EL0	725612	Wildlife Law Enforcement	\$	12,000	\$	12,000	110453
5EM0	725613	Natural Resources Law Enforcement	\$	34,000	\$	34,000	110454
5HK0	725625	Ohio Nature Preserves	\$	50,000	\$	50,000	110455
5MW0	725604	Natural Resources Special Purposes	\$	261,293	\$	261,293	110456
5P20	725634	Wildlife Boater Angler Administration	\$	6,990,425	\$	7,000,000	110457
5TD0	725514	Park Maintenance	\$	1,481,150	\$	1,481,150	110458
6150	725661	Dam Safety	\$	1,166,902	\$	1,166,602	110459
6970	725670	Submerged Lands	\$	717,155	\$	717,155	110460
6H20	725681	H2Ohio	\$	46,200,000	\$	0	110461
7015	740401	Division of Wildlife Conservation	\$	63,701,662	\$	65,482,330	110462
7086	725414	Waterways Improvement	\$	6,193,671	\$	6,193,671	110463
7086	739401	Watercraft Operations	\$	20,897,471	\$	21,400,204	110464
8150	725636	Cooperative Management Projects	\$	650,000	\$	650,000	110465
8160	725649	Wetlands Habitat	\$	966,885	\$	966,885	110466
8170	725655	Wildlife Conservation Checkoff	\$	2,000,000	\$	2,000,000	110467
8180	725629	Cooperative Fisheries Research	\$	1,500,000	\$	1,500,000	110468

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**As Reported by the Committee of Conference**

8190	725685	Ohio River Management	\$	140,000	\$	140,000	110469
81B0	725688	Wildlife Habitats	\$	1,200,000	\$	1,200,000	110470
TOTAL DPF Dedicated Purpose Fund			\$	296,518,554	\$	232,015,350	110471
Group							
Internal Service Activity Fund Group							110472
1550	725601	Departmental Projects	\$	1,775,425	\$	1,198,248	110473
1550	725676	Hocking Hills State	\$	13,000,000	\$	3,000,000	110474
		Park Lodge					
1570	725651	Central Support	\$	5,632,162	\$	5,632,162	110475
		Indirect					
2040	725687	Information Services	\$	6,432,109	\$	5,970,264	110476
2050	725696	Human Resource Direct	\$	2,855,404	\$	2,976,201	110477
		Services					
2230	725665	Law Enforcement	\$	3,292,343	\$	3,381,193	110478
		Administration					
5100	725631	Maintenance -	\$	249,611	\$	249,611	110479
		State-owned					
		Residences					
6350	725664	Fountain Square	\$	4,094,099	\$	4,170,445	110480
		Facilities Management					
TOTAL ISA Internal Service Activity							110481
Fund Group			\$	37,331,153	\$	26,578,124	110482
Capital Projects Fund Group							110483
7061	725405	Clean Ohio Trail	\$	301,796	\$	301,796	110484
		Operating					
TOTAL CPF Capital Projects Fund			\$	301,796	\$	301,796	110485
Group							
Fiduciary Fund Group							110486
4M80	725675	FOP Contract	\$	18,799	\$	20,219	110487
TOTAL FID Fiduciary Fund Group			\$	18,799	\$	20,219	110488
Holding Account Fund Group							110489
R017	725659	Performance Cash Bond	\$	528,993	\$	528,993	110490

		Refunds				
R043	725624	Forestry	\$	2,400,000	\$	2,400,000 110491
TOTAL HLD Holding Account						110492
Fund Group			\$	2,928,993	\$	2,928,993 110493
Federal Fund Group						110494
3320	725669	Federal Mine Safety	\$	335,000	\$	335,000 110495
		Grant				
3B30	725640	Federal Forest	\$	350,000	\$	350,000 110496
		Pass-Thru				
3B40	725641	Federal Flood	\$	350,000	\$	350,000 110497
		Pass-Thru				
3B50	725645	Federal Abandoned	\$	21,242,787	\$	8,046,252 110498
		Mine Lands				
3B60	725653	Federal Land and	\$	949,168	\$	952,256 110499
		Water Conservation				
		Grants				
3B70	725654	Reclamation -	\$	1,725,644	\$	1,769,696 110500
		Regulatory				
3P10	725632	Geological Survey -	\$	160,000	\$	160,000 110501
		Federal				
3P20	725642	Oil and Gas - Federal	\$	147,000	\$	147,000 110502
3P30	725650	Coastal Management -	\$	2,791,277	\$	2,820,185 110503
		Federal				
3P40	725660	Federal - Soil and	\$	231,732	\$	281,000 110504
		Water Resources				
3R50	725673	Acid Mine Drainage	\$	900,000	\$	900,000 110505
		Abatement/Treatment				
3Z50	725657	Federal Recreation	\$	1,846,840	\$	1,852,034 110506
		and Trails				
TOTAL FED Federal Fund Group			\$	31,029,448	\$	17,963,423 110507
TOTAL ALL BUDGET FUND GROUPS			\$	497,861,684	\$	414,439,755 110508
<b>Section 343.20.</b>		CENTRAL SUPPORT INDIRECT FUND				110510

The Department of Natural Resources, with approval of the Director of Budget and Management, shall use a methodology for determining each division's payments into the Central Support Indirect Fund (Fund 1570). The methodology used shall contain the characteristics of administrative ease and uniform application in compliance with federal grant requirements. It may include direct cost charges for specific services provided. Payments to Fund 1570 shall be made using an intrastate transfer voucher.

The foregoing appropriation item 725401, Division of Wildlife-Operating Subsidy, shall be used to pay the direct and indirect costs of the Division of Wildlife.

PARKS AND RECREATIONAL FACILITIES LEASE RENTAL BOND PAYMENTS

The foregoing appropriation item 725413, Parks and Recreational Facilities Lease Rental Bond Payments, shall be used to meet all payments during the period from July 1, 2019, through June 30, 2021, by the Department of Natural Resources pursuant to leases and agreements made under section 154.22 of the Revised Code. These appropriations are the source of funds pledged for bond service charges on related obligations issued under Chapter 154. of the Revised Code.

HEALTHY LAKE ERIE PROGRAM

The foregoing appropriation item 725505, Healthy Lake Erie Program, shall be used by the Director of Natural Resources, in support of the following: (1) conservation measures in the Western Lake Erie Basin as determined by the Director; (2) funding assistance for soil testing, winter cover crops, edge of field testing, tributary monitoring, animal waste abatement; and (3) any additional efforts to reduce nutrient runoff as the Director may decide. The Director shall give priority to recommendations that encourage farmers to adopt agricultural production guidelines commonly known as 4R nutrient stewardship practices.

COAL AND MINE SAFETY PROGRAMS	110542
The foregoing appropriation item 725507, Coal and Mine Safety Programs, shall be used for the administration of the Mine Safety Program and the Coal Regulation Program.	110543 110544 110545
SPECIAL PROJECTS	110546
Of the foregoing appropriation item 725520, Special Projects, \$1,500,000 in fiscal year 2020 shall be used by the Director of Natural Resources in fiscal year 2020 to support the removal of low head dams in the Mahoning River.	110547 110548 110549 110550
Of the foregoing appropriation item 725520, Special Projects, \$500,000 in fiscal year 2020 shall be used by the Director of Natural Resources in fiscal year 2020 to prepare a feasibility study and implementation plan for the Mahoning River Trail Initiative.	110551 110552 110553 110554 110555
NATURAL RESOURCES GENERAL OBLIGATION BOND DEBT SERVICE	110556
The foregoing appropriation item 725903, Natural Resources General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period July 1, 2019, through June 30, 2021, on obligations issued under sections 151.01 and 151.05 of the Revised Code.	110557 110558 110559 110560 110561
<b>Section 343.30.</b> OIL AND GAS WELL PLUGGING	110562
The foregoing appropriation item 725677, Oil and Gas Well Plugging, shall be used exclusively for the purposes of plugging wells and to properly restore the land surface of idle and orphan oil and gas wells pursuant to section 1509.071 of the Revised Code. This appropriation item shall not be used for salaries, maintenance, equipment, or other administrative purposes, except for those costs directly attributable to the plugging of an idle or orphan well. This appropriation item shall not be used to transfer cash to any other fund or appropriation item.	110563 110564 110565 110566 110567 110568 110569 110570 110571



WELL LOG FILING FEES 110572

The Chief of the Division of Water Resources shall deposit 110573  
fees forwarded to the Division pursuant to section 1521.05 of the 110574  
Revised Code into the Water Management Fund (Fund 5160) for the 110575  
purposes described in that section. 110576

PARKS CAPITAL EXPENSES FUND 110577

The Director of Natural Resources shall submit to the 110578  
Director of Budget and Management the estimated design, 110579  
engineering, and planning costs of capital-related work to be done 110580  
by Department of Natural Resources staff for parks projects within 110581  
the Ohio Parks and Recreation Improvement Fund (Fund 7035). If the 110582  
Director of Budget and Management approves the estimated costs, 110583  
the Director may release appropriations from Fund 7035 110584  
appropriation item C725E6, Project Planning, for those purposes. 110585  
Upon release of the appropriations, the Department of Natural 110586  
Resources shall pay for these expenses from the Parks Capital 110587  
Expenses Fund (Fund 2270). Expenses paid from Fund 2270 shall be 110588  
reimbursed by Fund 7035 using an intrastate transfer voucher. 110589

NATUREWORKS CAPITAL EXPENSES FUND 110590

The Department of Natural Resources shall submit to the 110591  
Director of Budget and Management the estimated design, planning, 110592  
and engineering costs of capital-related work to be done by 110593  
Department of Natural Resources staff for each capital improvement 110594  
project within the Ohio Parks and Natural Resources Fund (Fund 110595  
7031). If the Director of Budget and Management approves the 110596  
estimated costs, the Director may release appropriations from Fund 110597  
7031 appropriation item C725E5, Project Planning, for those 110598  
purposes. Upon release of the appropriations, the Department of 110599  
Natural Resources shall pay for these expenses from the Capital 110600  
Expenses Fund (Fund 4S90). Expenses paid from Fund 4S90 shall be 110601  
reimbursed by Fund 7031 using an intrastate transfer voucher. 110602

RECLAMATION FORFEITURE FUND 110603

On July 1 of each fiscal year, or as soon as possible 110604  
thereafter, the Director of Budget and Management shall transfer 110605  
\$2,000,000 cash from the General Revenue Fund to the Reclamation 110606  
Forfeiture Fund (Fund 5310), which shall be used to reclaim areas 110607  
of land affected by coal mining in accordance with section 1513.18 110608  
of the Revised Code. 110609

PARK MAINTENANCE 110610

The foregoing appropriation item 725514, Park Maintenance, 110611  
shall be used by the Department of Natural Resources to pay the 110612  
costs of projects supported by the State Park Maintenance Fund 110613  
(Fund 5TD0) under section 1501.08 of the Revised Code. 110614

On July 1 of each fiscal year or as soon as possible 110615  
thereafter, the Director of Natural Resources shall certify the 110616  
amount of five percent of the average of the previous five years 110617  
of deposits in the State Park Fund (Fund 5120) to the Director of 110618  
Budget and Management. The Director of Budget and Management may 110619  
transfer up to \$1,600,000 from Fund 5120 to the State Park 110620  
Maintenance Fund (Fund 5TD0). 110621

H2OHIO FUND 110622

The foregoing appropriation item 725681, H2Ohio, shall be 110623  
used by the Department of Natural Resources to support, maintain, 110624  
and create wetlands throughout the state including but not limited 110625  
to coastal and upland wetlands in the Western Basin of Lake Erie. 110626  
In addition, the foregoing appropriation item, 725681, H2Ohio, may 110627  
be used to support improvement and protection of all waterways and 110628  
to address water quality priorities including water protection and 110629  
management in accordance with section 126.60 of the Revised Code. 110630

On July 1, 2020, or as soon as possible thereafter, the 110631  
Director of Natural Resources may certify to the Director of 110632  
Budget and Management an amount up to the unexpended, unencumbered 110633

balance of the foregoing appropriation item, 725681, H2Ohio, at 110634  
the end of fiscal year 2020 to be reappropriated in fiscal year 110635  
2021. The amount certified is hereby reappropriated to the same 110636  
appropriation item for fiscal year 2021. 110637

**Section 343.40.** CASH TRANSFER FOR HOCKING HILLS LODGE 110638  
RECONSTRUCTION 110639

During fiscal years 2020 and 2021, the Director of Budget and 110640  
Management may, in consultation with the Director of Natural 110641  
Resources, transfer cash as necessary from the General Revenue 110642  
Fund to the Departmental Services - Interstate Fund (Fund 1550) to 110643  
pay costs for the reconstruction of the Hocking Hills Dining Lodge 110644  
that will occur before final insurance settlement proceeds are 110645  
deposited into Fund 1550. Once insurance proceeds have been 110646  
deposited into Fund 1550, the Director of Budget and Management, 110647  
in consultation with the Director of Natural Resources, shall 110648  
establish a schedule for repaying the General Revenue Fund from 110649  
Fund 1550. The Director of Budget and Management shall transfer 110650  
cash from Fund 1550 to the General Revenue Fund according to the 110651  
established schedule. 110652

HUMAN RESOURCES DIRECT SERVICES 110653

The foregoing appropriation item 725696, Human Resources 110654  
Direct Services, shall be used to cover the cost of support, 110655  
coordination, and oversight of the Department of Natural 110656  
Resources' human resources functions. The Human Resources 110657  
Chargeback Fund (Fund 2050) shall consist of cash transferred to 110658  
it via intrastate transfer voucher from other funds as determined 110659  
by the Director of Natural Resources and the Director of Budget 110660  
and Management. 110661

LAW ENFORCEMENT ADMINISTRATION 110662

The foregoing appropriation item 725665, Law Enforcement 110663

Administration, shall be used to cover the cost of support, 110664  
coordination, and oversight of the Department of Natural 110665  
Resources' law enforcement functions. The Law Enforcement 110666  
Administration Fund (Fund 2230) shall consist of cash transferred 110667  
to it via intrastate transfer voucher from other funds as 110668  
determined by the Director of Natural Resources and the Director 110669  
of Budget and Management. 110670

FOUNTAIN SQUARE AND ODNR GROUNDS AT THE OHIO EXPO CENTER 110671

The foregoing appropriation item 725664, Fountain Square 110672  
Facilities Management, shall be used for payment of expenses 110673  
related to the security of the Fountain Square complex and for the 110674  
repairs, renovation, utilities, property management, and building 110675  
maintenance expenses for the Fountain Square complex and the 110676  
Department of Natural Resources grounds at the Ohio Expo Center. 110677  
Cash transferred by intrastate transfer vouchers from various 110678  
department funds and rental income received by the Department of 110679  
Natural Resources shall be deposited into the Fountain Square 110680  
Facilities Management Fund (Fund 6350). 110681

**Section 343.50.** CLEAN OHIO TRAIL OPERATING EXPENSES 110682

The foregoing appropriation item 725405, Clean Ohio Trail 110683  
Operating, shall be used by the Department of Natural Resources in 110684  
administering Clean Ohio Trail Fund (Fund 7061) projects pursuant 110685  
to section 1519.05 of the Revised Code. 110686

**Section 345.10.** NUR STATE BOARD OF NURSING 110687

Dedicated Purpose Fund Group 110688  
4K90 884609 Operating Expenses \$ 9,842,225 \$ 10,285,032 110689  
5AC0 884602 Nurse Education Grant \$ 1,518,000 \$ 1,518,000 110690  
Program  
5P80 884601 Nursing Special \$ 2,000 \$ 2,000 110691  
Issues

TOTAL DPF Dedicated Purpose				110692
Fund Group	\$	11,362,225	\$ 11,805,032	110693
TOTAL ALL BUDGET FUND GROUPS	\$	11,362,225	\$ 11,805,032	110694
 <b>Section 347.10. PYT OCCUPATIONAL THERAPY, PHYSICAL THERAPY,</b>				110696
AND ATHLETIC TRAINERS BOARD				110697
Dedicated Purpose Fund Group				110698
4K90 890609 Operating Expenses	\$	1,137,397	\$ 1,168,045	110699
TOTAL DPF Dedicated Purpose Fund	\$	1,137,397	\$ 1,168,045	110700
Group				
TOTAL ALL BUDGET FUND GROUPS	\$	1,137,397	\$ 1,168,045	110701
 <b>Section 353.10. OOD OPPORTUNITIES FOR OHIOANS WITH</b>				110703
DISABILITIES AGENCY				110704
General Revenue Fund				110705
GRF 415402 Independent Living	\$	252,000	\$ 252,000	110706
Council				
GRF 415406 Assistive Technology	\$	25,819	\$ 25,819	110707
GRF 415431 Brain Injury	\$	126,567	\$ 126,567	110708
GRF 415506 Services for	\$	16,999,344	\$ 18,418,244	110709
Individuals with				
Disabilities				
GRF 415508 Services for the Deaf	\$	27,580	\$ 27,580	110710
GRF 415511 Centers for	\$	450,000	\$ 450,000	110711
Independent Living				
GRF 415512 Visually Impaired	\$	50,000	\$ 50,000	110712
Reading Services				
TOTAL GRF General Revenue Fund	\$	17,931,310	\$ 19,350,210	110713
Dedicated Purpose Fund Group				110714
4670 415609 Business Enterprise	\$	1,543,616	\$ 1,555,368	110715
Operating Expenses				
4680 415618 Third Party Services	\$	8,500,000	\$ 8,750,000	110716

		Funding				
4L10	415619	Services for	\$	3,000,000	\$	3,000,000 110717
		Rehabilitation				
TOTAL DPF	Dedicated Purpose					110718
Fund Group			\$	13,043,616	\$	13,305,368 110719
Internal Service Activity	Fund Group					110720
4W50	415606	Program Management	\$	15,192,965	\$	15,906,145 110721
TOTAL ISA	Internal Service Activity					110722
Fund Group			\$	15,192,965	\$	15,906,145 110723
Federal Fund Group						110724
3170	415620	Disability	\$	81,399,100	\$	82,932,645 110725
		Determination				
3790	415616	Federal - Vocational	\$	121,788,087	\$	130,495,615 110726
		Rehabilitation				
3GH0	415602	Personal Care	\$	3,130,220	\$	3,139,040 110727
		Assistance				
3GH0	415604	Community Centers for	\$	1,022,000	\$	1,022,000 110728
		the Deaf				
3GH0	415613	Independent Living	\$	662,411	\$	662,411 110729
3L10	415608	Social Security	\$	10,500,000	\$	10,500,000 110730
		Vocational				
		Rehabilitation				
3L40	415615	Federal - Supported	\$	850,000	\$	850,000 110731
		Employment				
3L40	415617	Independent Living	\$	2,584,136	\$	1,808,721 110732
		Older Blind				
TOTAL FED	Federal Fund Group		\$	221,935,954	\$	231,410,432 110733
TOTAL ALL BUDGET	FUND GROUPS		\$	268,103,845	\$	279,972,155 110734

**Section 353.20. INDEPENDENT LIVING** 110736

The foregoing appropriation item 415402, Independent Living 110737  
 Council, shall be used to support the state independent living 110738

programs and centers under Title VII of the Independent Living 110739  
Services and Centers for Independent Living of the Rehabilitation 110740  
Act Amendments of 1992, 106 Stat. 4344, 29 U.S.C. 796d. 110741

Of the foregoing appropriation item 415402, Independent 110742  
Living Council, \$67,662 in each fiscal year shall be used as state 110743  
matching funds for vocational rehabilitation innovation and 110744  
expansion activities. 110745

The foregoing appropriation item 415511, Centers for 110746  
Independent Living, shall be used to support the operations of the 110747  
Centers for Independent Living in accordance with the State Plan 110748  
for Independent Living. 110749

ASSISTIVE TECHNOLOGY 110750

The foregoing appropriation item 415406, Assistive 110751  
Technology, shall be provided to Assistive Technology of Ohio to 110752  
provide grants and assistive technology services for people with 110753  
disabilities in the State of Ohio. 110754

BRAIN INJURY 110755

The foregoing appropriation item 415431, Brain Injury, shall 110756  
be provided to The Ohio State University College of Medicine to 110757  
support the Brain Injury Program established under section 3335.60 110758  
of the Revised Code. 110759

SERVICES FOR INDIVIDUALS WITH DISABILITIES 110760

Of the foregoing appropriation item 415506, Services for 110761  
Individuals with Disabilities, \$654,975 in fiscal year 2020 and 110762  
\$1,309,050 in fiscal year 2021 shall be used as state match for 110763  
the federal vocational rehabilitation grant and used to create 110764  
partnerships with certified drug courts to expand access to 110765  
employment through vocational rehabilitation services and increase 110766  
employment outcomes that promote recovery and rehabilitation. 110767

Of the foregoing appropriation item 415506, Services for 110768

Individuals with Disabilities, \$603,643 in fiscal year 2020 and 110769  
\$1,207,285 in fiscal year 2021 shall be used as state match for 110770  
the federal vocational rehabilitation grant and used to create 110771  
partnerships with community colleges and state universities to 110772  
ensure college students with disabilities can compete for 110773  
in-demand jobs in tomorrow's labor market and increase the median 110774  
earnings of individuals who obtain employment. 110775

Of the foregoing appropriation item 415506, Services for 110776  
Individuals with Disabilities, \$85,733 in fiscal year 2020 and 110777  
\$171,465 in fiscal year 2021 shall be used as state match for the 110778  
federal vocational rehabilitation grant and used to create paid 110779  
on-the-job work experiences for eligible candidates placed in 110780  
state agencies to develop work skills needed to pursue permanent 110781  
employment and increase the number of individuals with 110782  
disabilities employed in state government. 110783

Of the foregoing appropriation item 415506, Services for 110784  
Individuals with Disabilities, \$150,000 in each fiscal year shall 110785  
be used as state match for the federal vocational rehabilitation 110786  
grant and used to increase access to vocational rehabilitation 110787  
services for eligible students enrolled at the Ohio State School 110788  
for the Blind and the Ohio School for the Deaf that will prepare 110789  
students who are blind or deaf for transition to college or 110790  
employment. 110791

SERVICES FOR THE DEAF 110792

The foregoing appropriation item 415508, Services for the 110793  
Deaf, shall be used to support community centers for the deaf. 110794

VISUALLY IMPAIRED READING SERVICES 110795

The foregoing appropriation item 415512, Visually Impaired 110796  
Reading Services, shall be used to support VOICEcorps Reading 110797  
Services to provide reading services for blind individuals. 110798

SIGHT CENTERS 110799



Of the foregoing appropriation item 415617, Independent 110800  
 Living Older Blind, \$30,000 in each fiscal year shall be used to 110801  
 contract in equal amounts with the Cleveland Sight Center, the 110802  
 Cincinnati Association for the Blind and Visually Impaired, and 110803  
 the Sight Center of Northwest Ohio to provide outreach and 110804  
 referral development to the community of individuals with 110805  
 blindness or low vision. 110806

**Section 361.10. PEN PENSION SUBSIDIES** 110807

General Revenue Fund 110808

GRF 090524 Police and Fire \$ 2,000 \$ 2,000 110809  
 Disability Pension  
 Fund

GRF 090534 Police and Fire Ad \$ 31,000 \$ 31,000 110810  
 Hoc Cost of Living

GRF 090554 Police and Fire \$ 270,000 \$ 270,000 110811  
 Survivor Benefits

GRF 090575 Police and Fire Death \$ 34,400,000 \$ 34,750,000 110812  
 Benefits

TOTAL GRF General Revenue Fund \$ 34,703,000 \$ 35,053,000 110813

TOTAL ALL BUDGET FUND GROUPS \$ 34,703,000 \$ 35,053,000 110814

**POLICE AND FIRE DEATH BENEFIT FUND** 110815

The foregoing appropriation item 090575, Police and Fire 110816  
 Death Benefits, shall be disbursed quarterly by the Treasurer of 110817  
 State at the beginning of each quarter of each fiscal year to the 110818  
 Board of Trustees of the Ohio Police and Fire Pension Fund, which 110819  
 serves as trustees of the Ohio Public Safety Officers Death 110820  
 Benefit Fund pursuant to section 742.62 of the Revised Code. The 110821  
 Treasurer of State shall certify such amounts quarterly to the 110822  
 Director of Budget and Management. By the twentieth day of June of 110823  
 each fiscal year, the Board of Trustees shall certify to the 110824  
 Treasurer of State the amount disbursed in the current fiscal year 110825

to make the payments required by sections 124.824 and 742.63 of 110826  
the Revised Code and shall return to the Treasurer of State moneys 110827  
received from this appropriation item but not disbursed. 110828

Notwithstanding any provision of section 124.824 of the 110829  
Revised Code to the contrary, for each death benefit fund 110830  
recipient who participates in health, medical, hospital, dental, 110831  
surgical, or vision benefits under section 124.824 of the Revised 110832  
Code, the Board of Trustees of the Ohio Police and Fire Pension 110833  
Fund shall forward as a pass-through from the revenue received 110834  
from the foregoing appropriation item 090575, Police and Fire 110835  
Death Benefits, the percentage of the cost for the applicable 110836  
benefits that would be paid by a state employer for a state 110837  
employee who elects that coverage and any applicable 110838  
administrative costs, which shall not exceed two per cent of the 110839  
total cost of the benefits. The Board of Trustees shall also 110840  
withhold from the benefits paid to a death benefit fund recipient 110841  
under section 742.63 of the Revised Code the percentage of the 110842  
cost for such benefits that would be paid by a state employee, and 110843  
forward the withheld amounts to the Department of Administrative 110844  
Services from the revenue received from the foregoing 110845  
appropriation item 090575, Police and Fire Death Benefits. 110846

In fiscal year 2020 or 2021, if it is determined by the 110847  
Director of Administrative Services, in consultation with the 110848  
Chairperson of the Board of Trustees of the Ohio Police and Fire 110849  
Pension Fund, or designee, that additional amounts are necessary 110850  
to pay the cost of providing benefits under section 124.824 or 110851  
742.63 of the Revised Code, the Director of Administrative 110852  
Services may certify the additional amount necessary to the 110853  
Director of Budget and Management. The amount certified is hereby 110854  
appropriated. 110855

**Section 363.10.** UST PETROLEUM UNDERGROUND STORAGE TANK 110856

RELEASE COMPENSATION BOARD				110857
Dedicated Purpose Fund Group				110858
6910 810632 Petroleum Underground	\$	1,410,740	\$ 1,469,195	110859
Storage Tank Release				
Compensation Board -				
Operating				
TOTAL DPF Dedicated Purpose Fund	\$	1,410,740	\$ 1,469,195	110860
Group				
TOTAL ALL BUDGET FUND GROUPS	\$	1,410,740	\$ 1,469,195	110861
 <b>Section 367.10. PRX STATE BOARD OF PHARMACY</b>				110863
Dedicated Purpose Fund Group				110864
4A50 887605 Drug Law Enforcement	\$	150,000	\$ 150,000	110865
4K90 658605 OARRS Integration -	\$	253,264	\$ 255,000	110866
STATE				
4K90 887609 Operating Expenses	\$	10,220,383	\$ 10,646,387	110867
5SG0 887612 Drug Database	\$	664,369	\$ 670,000	110868
5SY0 887613 Medical Marijuana	\$	3,084,072	\$ 2,500,200	110869
Control Program				
TOTAL DPF Dedicated Purpose Fund	\$	14,372,088	\$ 14,221,587	110870
Group				
Federal Fund Group				110871
3HD0 887614 Pharmacy Federal	\$	612,433	\$ 531,000	110872
Grants				
3HH0 658601 OARRS Integration -	\$	2,363,583	\$ 2,384,000	110873
Federal				
TOTAL FED Federal Fund Group	\$	2,976,016	\$ 2,915,000	110874
TOTAL ALL BUDGET FUND GROUPS	\$	17,348,104	\$ 17,136,587	110875

**Section 369.10. PSY STATE BOARD OF PSYCHOLOGY** 110877

Dedicated Purpose Fund Group 110878

4K90	882609	Operating Expenses	\$	665,390	\$	696,615	110879
TOTAL DPF Dedicated Purpose							110880
Fund Group			\$	665,390	\$	696,615	110881
TOTAL ALL BUDGET FUND GROUPS							110882
 <b>Section 371.10. PUB OHIO PUBLIC DEFENDER COMMISSION</b>							110884
General Revenue Fund							110885
GRF	019401	State Legal Defense	\$	5,659,317	\$	6,534,523	110886
		Services					
GRF	019403	Multi-County: State	\$	3,607,498	\$	4,644,553	110887
		Share					
GRF	019404	Trumbull County -	\$	1,349,330	\$	2,036,064	110888
		State Share					
GRF	019405	Training Account	\$	50,000	\$	50,000	110889
GRF	019501	County Reimbursement	\$	89,020,000	\$	125,000,000	110890
TOTAL GRF General Revenue Fund							110891
Dedicated Purpose Fund Group							110892
1010	019607	Juvenile Legal	\$	204,756	\$	204,756	110893
		Assistance					
4060	019603	Training and	\$	25,000	\$	25,000	110894
		Publications					
4070	019604	County Representation	\$	280,407	\$	285,000	110895
4080	019605	Client Payments	\$	715,831	\$	737,389	110896
4C70	019601	Multi-County: County	\$	1,352,812	\$	0	110897
		Share					
4N90	019613	Gifts and Grants	\$	19,440	\$	19,440	110898
4X70	019610	Trumbull County -	\$	505,999	\$	0	110899
		County Share					
5740	019606	Civil Legal Aid	\$	25,000,000	\$	25,000,000	110900
5CX0	019617	Civil Case Filing Fee	\$	623,425	\$	642,904	110901
5DY0	019618	Indigent Defense	\$	31,872,000	\$	31,872,000	110902
		Support - County					

	Share				
5DY0 019619	Indigent Defense	\$	7,113,482	\$	7,216,852 110903
	Support - State				
	Office				
TOTAL DPF Dedicated Purpose					110904
Fund Group		\$	67,713,152	\$	66,003,341 110905
Federal Fund Group					110906
3S80 019608	Federal	\$	38,315	\$	38,315 110907
	Representation				
TOTAL FED Federal Fund Group		\$	38,315	\$	38,315 110908
TOTAL ALL BUDGET FUND GROUPS		\$	167,437,612	\$	204,306,896 110909
	INSUFFICIENT OPERATING EXPENSES FUNDING				110910
	If it is determined by the State Public Defender that the				110911
	amounts appropriated to fund the operating expenses of the Public				110912
	Defender Commission are insufficient in either fiscal year 2020 or				110913
	fiscal year 2021, the Director of Budget and Management, upon				110914
	written request of the State Public Defender, may approve for the				110915
	applicable fiscal year an appropriation transfer of up to \$100,000				110916
	from appropriation item 019501, County Reimbursement, to				110917
	appropriation item 019401, State Legal Defense Services, for the				110918
	purpose of funding the operating expenses of the Public Defender				110919
	Commission.				110920
	INDIGENT DEFENSE OFFICE				110921
	The foregoing appropriation items 019404, Trumbull County -				110922
	State Share, and 019610, Trumbull County - County Share, shall be				110923
	used to support an indigent defense office for Trumbull County.				110924
	MULTI-COUNTY OFFICE				110925
	The foregoing appropriation items 019403, Multi-County: State				110926
	Share, and 019601, Multi-County: County Share, shall be used to				110927
	support the Office of the Ohio Public Defender's Multi-County				110928
	Branch Office Program.				110929

TRAINING ACCOUNT	110930
The foregoing appropriation item 019405, Training Account,	110931
shall be used by the Ohio Public Defender to provide legal	110932
training programs at no cost for private appointed counsel who	110933
represents at least one indigent defendant at no cost, state and	110934
county public defenders, and attorneys who contract with the Ohio	110935
Public Defender to provide indigent defense services.	110936
CASH TRANSFER FROM THE GENERAL REVENUE FUND TO THE LEGAL AID	110937
FUND	110938
On July 1 of each fiscal year, or as soon as possible	110939
thereafter, the Director of Budget and Management shall transfer	110940
\$500,000 cash from the General Revenue Fund to the Legal Aid Fund	110941
(Fund 5740). The transferred cash shall be distributed by the Ohio	110942
Access to Justice Foundation to Ohio's civil legal aid societies	110943
as follows: \$250,000 in each fiscal year for the sole purpose of	110944
providing legal services for economically disadvantaged	110945
individuals and families seeking assistance with legal issues	110946
arising as a result of substance abuse disorders, and \$250,000 in	110947
each fiscal year for the sole purpose of providing legal services	110948
for veterans. None of the funds shall be used for administrative	110949
costs, including, but not limited to, salaries, benefits, or	110950
travel reimbursements.	110951
FEDERAL REPRESENTATION	110952
The foregoing appropriation item 019608, Federal	110953
Representation, shall be used to support representation provided	110954
by the Ohio Public Defender in federal court cases.	110955
<b>Section 373.10.</b> DPS DEPARTMENT OF PUBLIC SAFETY	110956
General Revenue Fund	110957
GRF 761403 Recovery Ohio Law \$ 9,750,000 \$ 9,750,000	110958
Enforcement	

GRF	761404	Drug Testing Equipment	\$	140,000	\$	0	110959
GRF	763403	EMA Operating	\$	5,099,118	\$	5,320,000	110960
GRF	763511	Local Disaster Assistance	\$	11,000,000	\$	0	110961
GRF	763512	Ohio Task Force One	\$	250,000	\$	250,000	110962
GRF	763513	Security Grants	\$	3,000,000	\$	3,000,000	110963
GRF	763514	Security Grants - Personnel	\$	1,250,000	\$	1,250,000	110964
GRF	767420	Investigative Unit Operating	\$	13,776,113	\$	14,175,500	110965
GRF	768425	Justice Program Services	\$	2,311,162	\$	2,334,200	110966
GRF	769406	Homeland Security - Operating	\$	3,140,706	\$	3,228,200	110967
GRF	769407	Youthful Driver Safety	\$	500,000	\$	500,000	110968
GRF	769501	School Safety	\$	300,000	\$	300,000	110969
TOTAL GRF		General Revenue Fund	\$	50,517,099	\$	40,107,900	110970
		Dedicated Purpose Fund Group					110971
4P60	768601	Justice Program Services	\$	220,000	\$	226,500	110972
4V30	763662	EMA Service and Reimbursements	\$	751,000	\$	751,000	110973
5B90	766632	Private Investigator and Security Guard Provider	\$	1,986,152	\$	2,035,000	110974
5BK0	768687	Criminal Justice Services - Operating	\$	533,771	\$	550,000	110975
5BK0	768689	Family Violence Shelter Programs	\$	1,550,000	\$	1,550,000	110976
5ET0	768625	Drug Law Enforcement	\$	8,000,000	\$	8,000,000	110977
5LM0	768698	Criminal Justice	\$	850,946	\$	850,946	110978

		Services Law				
		Enforcement Support				
5ML0	769635	Infrastructure	\$	80,000	\$	80,000 110979
		Protection				
5RH0	767697	OIU Special Projects	\$	900,000	\$	900,000 110980
5RS0	768621	Community Police	\$	1,569,445	\$	1,150,000 110981
		Relations				
5TJ0	763603	Security Grants	\$	470,000	\$	0 110982
5Y10	767696	Ohio Investigative	\$	10,000	\$	10,000 110983
		Unit Continuing				
		Professional Training				
6220	767615	Investigative,	\$	1,000,000	\$	1,000,000 110984
		Contraband, and				
		Forfeiture				
6570	763652	Utility Radiological	\$	1,258,624	\$	1,258,624 110985
		Safety				
6810	763653	SARA Title III Hazmat	\$	273,629	\$	273,629 110986
		Planning				
TOTAL	DPF	Dedicated Purpose Fund	\$	19,453,567	\$	18,635,699 110987
		Group				
		Federal Fund Group				110988
3370	763609	Federal Disaster	\$	69,779,199	\$	69,948,672 110989
		Relief				
3FP0	767620	Ohio Investigative	\$	30,000	\$	30,000 110990
		Unit Justice				
		Contraband				
3GL0	768619	Justice Assistance	\$	12,500,000	\$	12,500,000 110991
		Grants - FFY15				
3GT0	767691	Investigative Unit	\$	100,000	\$	100,000 110992
		Federal Equity Share				
3GU0	769610	Investigations Grants	\$	1,400,000	\$	1,400,000 110993
		- Food Stamps, Liquor				
		and Tobacco Laws				



3GU0 769631	Homeland Security	\$	800,000	\$	800,000	110994
	Disaster Grants					
3L50 768604	Justice Program	\$	12,600,000	\$	12,600,000	110995
TOTAL FED	Federal Fund Group	\$	97,209,199	\$	97,378,672	110996
TOTAL ALL BUDGET FUND GROUPS		\$	167,179,865	\$	156,122,271	110997

**Section 373.20. RECOVERY OHIO LAW ENFORCEMENT** 110999

Of the foregoing appropriation item 761403, Recovery Ohio Law Enforcement, up to \$3,400,000 in each fiscal year may be used by the Office of Criminal Justice Services to provide funding to local law enforcement agencies to create narcotics task forces that will focus on cartel trafficking interdiction. The interdiction task forces shall be designated Ohio Organized Crime Commission task forces subject to approval and supervision of the Commission. 111000  
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Of the foregoing appropriation item 761403, Recovery Ohio Law Enforcement, up to \$3,250,000 in each fiscal year may be used to establish a highly specialized Narcotics Intelligence Center consisting of personnel assigned to intelligence and computer forensic analysis that will assist Ohio narcotics task forces. 111008  
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Of the foregoing appropriation item 761403, Recovery Ohio Law Enforcement, up to \$2,500,000 in each fiscal year may be used by the Office of Criminal Justice Services to provide funding to Ohio's narcotics task forces to build new and strengthen existing partnerships with local law enforcement. 111013  
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111017

Of the foregoing appropriation item 761403, Recovery Ohio Law Enforcement, up to \$600,000 in each fiscal year may be used to partner with the Office of Information Technology in the Department of Administrative Services to develop, enhance, and maintain a uniform records management and data intelligence system for narcotics task forces. 111018  
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**DRUG TESTING EQUIPMENT** 111024

The foregoing appropriation item 761404, Drug Testing Equipment, shall be used by the Ohio State Highway Patrol to purchase drug testing equipment for the purpose of determining the level of THC in marijuana or hemp.

OHIO TASK FORCE ONE

The foregoing appropriation item 763512, Ohio Task Force One, shall be distributed to the Ohio Task Force One - Urban Search and Rescue Unit for the purpose of paying for its operating expenses and developing new programs.

JUSTICE PROGRAM SERVICES

Of the foregoing appropriation item 768425, Justice Program Services, up to \$1,000,000 in each fiscal year shall be used by the Department of Public Safety to distribute grants to state and/or local law enforcement to conduct investigations on sexual assault kit testing results and related expenses.

Of the foregoing appropriation item 768425, Justice Program Services, up to \$250,000 in each fiscal year shall be used by the Department of Public Safety, Office of Criminal Justice Services, for the purposes of implementing recommendations of the Governor's Warrant Task Force.

YOUTHFUL DRIVER SAFETY

The foregoing appropriation item 769407, Youthful Driver Safety, shall be used to enhance driver training for a statewide youthful driver safety program. The program will use best practices and technology to focus on behind-the-wheel driver training for drivers aged sixteen to twenty-four in order to reduce the number of at-fault youthful fatal car crashes.

SCHOOL SAFETY

The foregoing appropriation item 769501, School Safety, shall be used by the Department of Public Safety to pay for the costs of

the Ohio Homeland Security Safer Schools Tipline, promotional 111055  
materials to enhance awareness of the Tipline, and analytic tools 111056  
to proactively alert local officials to school security threats. 111057

LOCAL DISASTER ASSISTANCE 111058

Of the foregoing appropriation item 763511, Local Disaster 111059  
Assistance, \$7,000,000 shall be used to pay the match requirement 111060  
necessary for eligible local governments to utilize federal 111061  
disaster assistance funds released as a result of the Major 111062  
Disaster Declaration issued by the President of the United States 111063  
on April 17, 2018, and \$4,000,000 shall be used to pay the match 111064  
requirement necessary for eligible local governments to utilize 111065  
federal disaster assistance funds released as a result of the 111066  
Major Disaster Declaration issued by the President of the United 111067  
States on April 8, 2019. 111068

An amount equal to the unexpended, unencumbered balance of 111069  
appropriation item 763511, Local Disaster Assistance, at the end 111070  
of fiscal year 2019 is hereby reappropriated exclusively for the 111071  
April 17, 2018, Major Disaster Declaration for fiscal year 2020. 111072

An amount equal to the unexpended, unencumbered balance of 111073  
appropriation item 763511, Local Disaster Assistance, at the end 111074  
of fiscal year 2020 is hereby reappropriated for the April 17, 111075  
2018, and April 8, 2019, Major Disaster Declarations for fiscal 111076  
year 2021. 111077

STATE DISASTER RELIEF 111078

The State Disaster Relief Fund (Fund 5330) may accept 111079  
transfers of cash or appropriations from Controlling Board 111080  
appropriation items for the Ohio Emergency Management Agency 111081  
disaster response costs and disaster program management costs, and 111082  
may also be used for the following purposes: 111083

(A) To accept transfers of cash or appropriations from 111084  
Controlling Board appropriation items for Ohio Emergency 111085

Management Agency public assistance and mitigation program match	111086
costs to reimburse eligible local governments and private	111087
nonprofit organizations for costs related to disasters;	111088
(B) To accept transfers of cash to reimburse the costs	111089
associated with Emergency Management Assistance Compact (EMAC)	111090
deployments;	111091
(C) To accept disaster related reimbursement from federal,	111092
state, and local governments. The Director of Budget and	111093
Management may transfer cash from reimbursements received by this	111094
fund to other funds of the state from which transfers were	111095
originally approved by the Controlling Board.	111096
(D) To accept transfers of cash or appropriations from	111097
Controlling Board appropriation items to fund the State Disaster	111098
Relief Program, for disasters that qualify for the program by	111099
written authorization of the Governor, and the State Individual	111100
Assistance Program for disasters that have been declared by the	111101
federal Small Business Administration and that qualify for the	111102
program by written authorization from the Governor. The Ohio	111103
Emergency Management Agency shall publish and make available	111104
application packets outlining procedures for the State Disaster	111105
Relief Program and the State Individual Assistance Program.	111106
<b>Section 373.30.</b> TRANSFER FROM STATE FIRE MARSHAL FUND TO	111107
EMERGENCY MANAGEMENT AGENCY SERVICE AND REIMBURSEMENT FUND	111108
On July 1 of each fiscal year, or as soon as possible	111109
thereafter, the Director of Budget and Management shall transfer	111110
\$200,000 cash from the State Fire Marshall Fund (Fund 5460) to the	111111
Emergency Management Agency Service and Reimbursement Fund (Fund	111112
4V30) to be distributed to the Ohio Task Force One - Urban Search	111113
and Rescue Unit, other similar urban search and rescue units	111114
around the state, and for maintenance of the statewide fire	111115
emergency response plan by an entity recognized by the Ohio	111116

Emergency Management Agency.	111117
DRUG LAW ENFORCEMENT FUND	111118
Notwithstanding division (D) of section 5502.68 of the	111119
Revised Code, in each of fiscal years 2020 and 2021, the	111120
cumulative amount of funding provided to any single drug task	111121
force out of the Drug Law Enforcement Fund (Fund 5ET0) may not	111122
exceed \$500,000 in any calendar year.	111123
COMMUNITY POLICE RELATIONS	111124
The foregoing appropriation item 768621, Community Police	111125
Relations, shall be used to implement key recommendations of the	111126
Ohio Task Force on Community-Police Relations, including a	111127
database on use of force and officer involved shootings, a public	111128
awareness campaign, and state-provided assistance with	111129
policy-making and manuals.	111130
SARA TITLE III HAZMAT PLANNING	111131
The SARA Title III Hazmat Planning Fund (Fund 6810) is	111132
entitled to receive grant funds from the Emergency Response	111133
Commission to implement the Emergency Management Agency's	111134
responsibilities under Chapter 3750. of the Revised Code.	111135
SECURITY GRANTS	111136
(A) The foregoing appropriation items 763513, Security	111137
Grants, and 763603, Security Grants, shall be used to make	111138
competitive grants of up to \$100,000 to nonprofit organizations	111139
for eligible security improvements that assist the organization in	111140
preventing, preparing for, or responding to acts of terrorism.	111141
(B)(1) The foregoing appropriation item 763514, Security	111142
Grants - Personnel, shall be used to make competitive grants to	111143
nonprofit organizations, houses of worship, chartered nonpublic	111144
schools, and licensed preschools to acquire the services of a	111145
resource officer, special duty police officer, or licensed armed	111146

security guards or the purchase of qualified equipment, including 111147  
equipment for emergency and crisis communication, crisis 111148  
management, or trauma and crisis response to assist in preventing, 111149  
preparing for, or responding to acts of terrorism. 111150

(2) Grants awarded under division (B)(1) of this section 111151  
shall not exceed \$100,000 per resource officer per building or not 111152  
more than \$25,000 for the purchase of qualified equipment. 111153

(3) Each recipient of a grant under division (B) of this 111154  
section shall provide a matching contribution at a ratio of one to 111155  
one. The matching contribution may come from any lawful non-state 111156  
source, including federal and local government entities, law 111157  
enforcement organizations, or the private sector. Notwithstanding 111158  
any provision of law to the contrary, a state or local law 111159  
enforcement agency may provide asset forfeiture or similar funds 111160  
for use as a recipient's local matching contribution. If an 111161  
applicant for a grant is unable to provide a sufficient matching 111162  
contribution, the applicant may, in its grant application, submit 111163  
a written request for a waiver of the local matching contribution 111164  
requirement. As part of an applicant's request for a waiver, the 111165  
applicant shall explain why the waiver is necessary. The Ohio 111166  
Emergency Management Agency may grant a waiver only for good cause 111167  
in accordance with the procedures it establishes. 111168

(C) The Emergency Management Agency shall administer and 111169  
award the grants described in divisions (A) and (B) of this 111170  
section. The Agency shall establish procedures and forms by which 111171  
applicants may apply for a grant, a competitive process for 111172  
ranking applicants and awarding the grants, and procedures for 111173  
distributing grants to recipients. The procedures shall require 111174  
each applicant to do all of the following: 111175

(1) Identify and substantiate prior threats or attacks by a 111176  
terrorist organization, network, or cell against the nonprofit 111177  
organization, house of worship, chartered nonpublic school, or 111178

licensed preschool;	111179
(2) Indicate the symbolic or strategic value of one or more sites that renders the site a possible target of terrorism;	111180 111181
(3) Discuss potential consequences to the organization if the site is damaged, destroyed, or disrupted by a terrorist;	111182 111183
(4) Describe how the grant will be used to integrate organizational preparedness with broader state and local preparedness efforts;	111184 111185 111186
(5) Submit either a vulnerability assessment conducted by experienced security, law enforcement, or military personnel, or a credible intelligence and threat analysis from one or more qualified homeland security, counterintelligence, or anti-terrorism experts, and a description of how the grant will be used to address the vulnerabilities identified in the assessment.	111187 111188 111189 111190 111191 111192
The Agency shall consider all of the above factors in evaluating grant applications.	111193 111194
(D) Any grant submission described in division (I) of section 3313.536 of the Revised Code or section 149.433 of the Revised Code is not a public record under section 149.43 of the Revised Code and is not subject to mandatory release or disclosure under that section.	111195 111196 111197 111198 111199
(E) The Emergency Management Agency may use up to two and one-half per cent of the total amount appropriated to administer the program, a portion of which may be used to pay costs incurred by the Department of Public Safety to provide security-related or specialized assistance in reviewing vulnerability assessments and prioritizing grant applications.	111200 111201 111202 111203 111204 111205
(F) As used in this section:	111206
(1) "Eligible security improvements" means any of the following:	111207 111208

(a) Physical security enhancement equipment or inspection and screening equipment included on the Authorized Equipment List published by the United States Department of Homeland Security; (b) Attendance fees and associated materials, supplies, and equipment costs for security-related training courses and programs regarding the protection of critical infrastructure and key resources, physical and cyber security, target hardening, or terrorism awareness or preparedness. Personnel and travel costs associated with training shall not be considered an eligible expense of the grant. (2) "Nonprofit organization" means a corporation, association, group, institution, society, or other organization that is exempt from federal income taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 501(c)(3), as amended. (3) "Resource officer" means any law enforcement officer of an accredited local law enforcement agency providing special duty services in a school setting to create or maintain a safe, secure, and orderly environment. A resource officer may include a special duty police officer, off-duty police officer, deputy sheriff, or other peace officer of the applicable local law enforcement agency in which the chartered nonpublic school or licensed preschool is located or qualifying personnel of an accredited local law enforcement agency for any jurisdiction in this state. (4) "Terrorism" means any act taken by a group or individual used to intimidate or coerce a nonprofit organization, house of worship, chartered nonpublic school, or licensed preschool, its employees, and anyone who is or in the future may be associated with it, as well as their families; to influence the policy of the nonprofit organization, house of worship, chartered nonpublic school, or licensed preschool; and to affect the conduct of the nonprofit organization, house of worship, chartered nonpublic



school, or licensed preschool.				111241
(G) An amount equal to the unexpended, unencumbered balance				111242
of the foregoing appropriation item 763603, Security Grants, at				111243
the end of fiscal year 2020 is hereby reappropriated for the same				111244
purpose in fiscal year 2021.				111245
(H) An amount equal to the unexpended, unencumbered balance				111246
of the foregoing appropriation item 763514, Security Grants -				111247
Personnel, at the end of fiscal year 2020 is hereby reappropriated				111248
for the same purpose in fiscal year 2021.				111249
<b>Section 375.10.</b> PUC PUBLIC UTILITIES COMMISSION OF OHIO				111250
Dedicated Purpose Fund Group				111251
4A30 870614 Grade Crossing	\$	1,196,662	\$ 1,200,000	111252
Protection				
Devices-State				
4L80 870617 Pipeline Safety-State	\$	346,253	\$ 346,253	111253
5610 870606 Power Siting Board	\$	1,095,185	\$ 1,095,185	111254
5F60 870622 Utility and Railroad	\$	34,582,560	\$ 35,415,760	111255
Regulation				
5F60 870624 NARUC/NRRI Subsidy	\$	85,000	\$ 85,000	111256
5LT0 870640 Intrastate	\$	195,000	\$ 195,000	111257
Registration				
5LT0 870641 Unified Carrier	\$	450,000	\$ 450,000	111258
Registration				
5LT0 870643 Non-hazardous	\$	299,942	\$ 299,942	111259
Materials Civil				
Forfeiture				
5LT0 870644 Hazardous Materials	\$	800,000	\$ 800,000	111260
Civil Forfeiture				
5LT0 870645 Motor Carrier	\$	4,681,427	\$ 4,719,696	111261
Enforcement				
5Q50 870626 Telecommunications	\$	3,000,000	\$ 3,000,000	111262

		Relay Service					
5QR0	870646	Underground Facilities	\$	50,000	\$	50,000	111263
		Protection					
5QS0	870647	Underground Facilities	\$	316,000	\$	316,000	111264
		Administration					
TOTAL DPF	Dedicated Purpose Fund		\$	47,098,029	\$	47,972,836	111265
Group							
Federal Fund Group							111266
3330	870601	Gas Pipeline Safety	\$	1,397,959	\$	1,397,959	111267
3500	870608	Motor Carrier Safety	\$	10,058,083	\$	10,058,083	111268
3500	870648	Motor Carrier	\$	450,000	\$	450,000	111269
		Administration High					
		Priority Activities					
		Grants and					
		Cooperative					
		Agreements					
3V30	870604	Commercial Vehicle	\$	100,000	\$	100,000	111270
		Information					
		Systems/Networks					
TOTAL FED	Federal Fund Group		\$	12,006,042	\$	12,006,042	111271
TOTAL ALL BUDGET FUND GROUPS			\$	59,104,071	\$	59,978,878	111272
<b>Section 377.10. PWC PUBLIC WORKS COMMISSION</b>							111274
General Revenue Fund							111275
GRF	150904	Conservation General	\$	44,218,800	\$	44,394,800	111276
		Obligation Bond Debt					
		Service					
GRF	150907	Infrastructure	\$	229,338,800	\$	231,754,500	111277
		Improvement General					
		Obligation Bond Debt					
		Service					
TOTAL GRF	General Revenue Fund		\$	273,557,600	\$	276,149,300	111278

Capital Projects Fund Group					111279
7038 150321 State Capital	\$	1,085,834	\$	895,864	111280
Improvements Program					
- Operating Expenses					
7056 150403 Clean Ohio	\$	364,345	\$	301,022	111281
Conservation					
Operating					
TOTAL CPF Capital Projects Fund	\$	1,450,179	\$	1,196,886	111282
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	275,007,779	\$	277,346,186	111283

**Section 377.20.** CONSERVATION GENERAL OBLIGATION BOND DEBT 111285

SERVICE 111286

The foregoing appropriation item 150904, Conservation General 111287  
Obligation Bond Debt Service, shall be used to pay all debt 111288  
service and related financing costs during the period from July 1, 111289  
2019, through June 30, 2021, on obligations issued under sections 111290  
151.01 and 151.09 of the Revised Code. 111291

INFRASTRUCTURE IMPROVEMENT GENERAL OBLIGATION BOND DEBT 111292

SERVICE 111293

The foregoing appropriation item 150907, Infrastructure 111294  
Improvement General Obligation Bond Debt Service, shall be used to 111295  
pay all debt service and related financing costs during the period 111296  
from July 1, 2019, through June 30, 2021, on obligations issued 111297  
under sections 151.01 and 151.08 of the Revised Code. 111298

STATE CAPITAL IMPROVEMENTS PROGRAM - OPERATING EXPENSES 111299

The foregoing appropriation item 150321, State Capital 111300  
Improvements Program - Operating Expenses, shall be used by the 111301  
Ohio Public Works Commission to administer the State Capital 111302  
Improvement Program under sections 164.01 to 164.16 of the Revised 111303  
Code. 111304

CLEAN OHIO CONSERVATION OPERATING 111305

The foregoing appropriation item 150403, Clean Ohio 111306  
Conservation Operating, shall be used by the Ohio Public Works 111307  
Commission in administering Clean Ohio Conservation Fund (Fund 111308  
7056) projects pursuant to sections 164.20 to 164.27 of the 111309  
Revised Code. 111310

DISTRICT ADMINISTRATION COSTS 111311

The Director of the Public Works Commission is authorized to 111312  
create a District Administration Costs Program from proceeds of 111313  
the Capital Improvements Fund and Local Transportation Improvement 111314  
Program Fund. The program shall be used to provide for the direct 111315  
costs of district administration of the nineteen public works 111316  
districts. Districts choosing to participate in the program shall 111317  
only expend State Capital Improvements Fund moneys for State 111318  
Capital Improvements Fund costs and Local Transportation 111319  
Improvement Program Fund moneys for Local Transportation 111320  
Improvement Program Fund costs. The District Administration Costs 111321  
Program account shall not exceed \$1,235,000 per fiscal year. Each 111322  
public works district may be eligible for up to \$65,000 per fiscal 111323  
year from its district allocation as provided in sections 164.08 111324  
and 164.14 of the Revised Code. 111325

The Director, by rule, shall define allowable and 111326  
nonallowable costs for the purpose of the District Administration 111327  
Costs Program. Nonallowable costs include indirect costs, elected 111328  
official salaries and benefits, and project-specific costs. No 111329  
district public works committee may participate in the District 111330  
Administration Costs Program without the approval of those costs 111331  
by the district public works committee under section 164.04 of the 111332  
Revised Code. 111333

NATURAL RESOURCE ASSISTANCE COUNCIL ADMINISTRATION COSTS 111334

The Director of the Public Works Commission is authorized to 111335

create a District Administration Costs Program for districts 111336  
represented by natural resource assistance councils. This program 111337  
shall be funded from proceeds of the Clean Ohio Conservation Fund. 111338  
The program shall be used by natural resource assistance councils 111339  
in order to provide for administration costs of the nineteen 111340  
natural resource assistance councils for the direct costs of 111341  
council administration. Councils choosing to participate in this 111342  
program may be eligible for up to \$15,000 per fiscal year from its 111343  
district allocation as provided in section 164.27 of the Revised 111344  
Code. 111345

The Director shall define allowable and nonallowable costs 111346  
for the purpose of the District Administration Costs Program. 111347  
Nonallowable costs include indirect costs, elected official 111348  
salaries and benefits, and project-specific costs. 111349

**Section 379.10. RAC STATE RACING COMMISSION** 111350

Dedicated Purpose Fund Group 111351

5620	875601	Thoroughbred	\$	1,400,000	\$	1,400,000	111352
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Development

5630	875602	Standardbred	\$	1,550,000	\$	1,550,000	111353
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Development

5650	875604	Racing Commission	\$	4,034,320	\$	4,070,948	111354
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Operating

5JK0	875610	Horse Racing	\$	8,512,095	\$	8,512,095	111355
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Development-Casino

5NL0	875611	Revenue	\$	8,000,000	\$	8,000,000	111356
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Redistribution

TOTAL	DPF	Dedicated Purpose Fund	\$	23,496,415	\$	23,533,043	111357
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Group

Fiduciary Fund Group 111358

5C40	875607	Simulcast Horse	\$	7,000,000	\$	7,000,000	111359
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Racing Purse

TOTAL FID Fiduciary Fund Group	\$	7,000,000	\$	7,000,000	111360
Holding Account Fund Group					111361
R021 875605 Bond Reimbursements	\$	100,000	\$	100,000	111362
TOTAL HLD Holding Account Fund Group	\$	100,000	\$	100,000	111363
TOTAL ALL BUDGET FUND GROUPS	\$	30,596,415	\$	30,633,043	111364

**Section 381.10. BOR DEPARTMENT OF HIGHER EDUCATION** 111366

General Revenue Fund					111367
GRF 235321 Operating Expenses	\$	5,825,252	\$	5,762,414	111368
GRF 235402 Sea Grants	\$	299,250	\$	299,250	111369
GRF 235406 Articulation and Transfer	\$	1,844,372	\$	1,851,773	111370
GRF 235408 Midwest Higher Education Compact	\$	115,000	\$	115,000	111371
GRF 235414 Grants and Scholarship Administration	\$	837,799	\$	855,433	111372
GRF 235417 Technology Maintenance and Operations	\$	4,989,937	\$	3,758,802	111373
GRF 235428 Appalachian New Economy Workforce Partnership	\$	4,228,000	\$	4,228,000	111374
GRF 235438 Choose Ohio First Scholarship	\$	28,169,310	\$	40,177,613	111375
GRF 235443 Adult Basic and Literacy Education - State	\$	8,083,344	\$	8,083,344	111376
GRF 235444 Ohio Technical Centers	\$	19,669,559	\$	23,250,000	111377
GRF 235474 Area Health Education Centers Program Support	\$	873,000	\$	873,000	111378
GRF 235492 Campus Safety and	\$	750,000	\$	750,000	111379

	Training				
GRF 235501	State Share of	\$ 2,019,202,822	\$ 2,039,394,850	111380	
	Instruction				
GRF 235504	War Orphans and	\$ 11,163,333	\$ 12,502,933	111381	
	Severely Disabled				
	Veterans' Children				
	Scholarships				
GRF 235507	OhioLINK	\$ 6,024,682	\$ 6,024,682	111382	
GRF 235508	Air Force Institute of	\$ 1,641,723	\$ 1,641,723	111383	
	Technology				
GRF 235510	Ohio Supercomputer	\$ 4,388,513	\$ 4,388,513	111384	
	Center				
GRF 235511	Cooperative Extension	\$ 25,110,186	\$ 25,110,186	111385	
	Service				
GRF 235514	Central State	\$ 11,685,516	\$ 11,685,516	111386	
	Supplement				
GRF 235515	Case Western Reserve	\$ 2,038,940	\$ 2,038,940	111387	
	University School of				
	Medicine				
GRF 235519	Family Practice	\$ 3,007,876	\$ 3,007,876	111388	
GRF 235520	Shawnee State	\$ 4,037,456	\$ 4,037,456	111389	
	Supplement				
GRF 235525	Geriatric Medicine	\$ 496,043	\$ 496,043	111390	
GRF 235526	Primary Care	\$ 1,425,000	\$ 1,425,000	111391	
	Residencies				
GRF 235533	Program and Project	\$ 2,803,850	\$ 1,328,000	111392	
	Support				
GRF 235535	Ohio Agricultural	\$ 37,361,470	\$ 37,361,470	111393	
	Research and				
	Development Center				
GRF 235536	The Ohio State	\$ 9,185,494	\$ 9,185,494	111394	
	University Clinical				
	Teaching				

GRF 235537	University of Cincinnati Clinical Teaching	\$	7,904,944	\$	7,904,944	111395
GRF 235538	University of Toledo Clinical Teaching	\$	5,888,670	\$	5,888,670	111396
GRF 235539	Wright State University Clinical Teaching	\$	2,860,830	\$	2,860,830	111397
GRF 235540	Ohio University Clinical Teaching	\$	2,765,651	\$	2,765,651	111398
GRF 235541	Northeast Ohio Medical University Clinical Teaching	\$	2,844,469	\$	2,844,469	111399
GRF 235543	Kent State University College of Podiatric Medicine Clinic Subsidy	\$	500,000	\$	500,000	111400
GRF 235544	STEM Public-Private Partnership Program	\$	500,000	\$	500,000	111401
GRF 235546	Central State Agricultural Research and Development	\$	3,492,485	\$	3,492,485	111402
GRF 235548	Central State Cooperative Extension Services	\$	3,004,367	\$	3,004,367	111403
GRF 235552	Capital Component	\$	1,584,491	\$	1,584,491	111404
GRF 235555	Library Depositories	\$	1,396,592	\$	1,396,592	111405
GRF 235556	Ohio Academic Resources Network	\$	3,077,343	\$	3,077,343	111406
GRF 235558	Long-term Care Research	\$	309,035	\$	309,035	111407
GRF 235563	Ohio College Opportunity Grant	\$	122,260,500	\$	148,200,000	111408



GRF 235572	The Ohio State University Clinic Support	\$	728,206	\$	728,206	111409
GRF 235591	Co-Op Internship Program	\$	1,262,500	\$	1,462,500	111410
GRF 235597	High School STEM Innovation and Ohio College Scholarship and Retention Program	\$	1,000,000	\$	1,000,000	111411
GRF 235598	Rural University Program	\$	500,000	\$	500,000	111412
GRF 235599	National Guard Scholarship Program	\$	20,604,000	\$	21,222,120	111413
GRF 235909	Higher Education General Obligation Bond Debt Service	\$	323,545,500	\$	348,550,200	111414
TOTAL GRF General Revenue Fund		\$	2,721,287,310	\$	2,807,425,214	111415
Dedicated Purpose Fund Group						111416
2200 235614	Program Approval and Reauthorization	\$	800,485	\$	744,562	111417
4560 235603	Sales and Services	\$	199,250	\$	199,250	111418
4E80 235602	Higher Educational Facility Commission Administration	\$	53,239	\$	60,000	111419
5D40 235675	Conference/Special Purposes	\$	1,000,000	\$	1,000,000	111420
5FR0 235650	State and Non-Federal Grants and Award	\$	1,402,150	\$	1,402,150	111421
5JC0 235654	Federal Research Network	\$	4,950,000	\$	4,950,000	111422
5NH0 235684	OhioMeansJobs Workforce Development Revolving Loan	\$	245,163	\$	0	111423

		Program					
5P30	235663	Variable Savings Plan	\$	7,743,050	\$	7,915,343	111424
6450	235664	Guaranteed Savings	\$	956,973	\$	1,001,626	111425
		Plan					
6820	235606	Nursing Loan Program	\$	889,611	\$	891,320	111426
TOTAL	DPF	Dedicated Purpose Fund	\$	18,239,921	\$	18,164,251	111427
Group							
Bond Research and Development Fund Group							111428
7011	235634	Research Incentive	\$	6,500,000	\$	6,500,000	111429
		Third Frontier					
7014	235639	Research Incentive	\$	1,500,000	\$	1,500,000	111430
		Third Frontier - Tax					
TOTAL	BRD	Bond Research and	\$	8,000,000	\$	8,000,000	111431
Development Fund Group							
Federal Fund Group							111432
3120	235611	Gear-up Grant	\$	1,995,808	\$	2,000,000	111433
3120	235612	Carl D. Perkins	\$	1,332,315	\$	1,350,000	111434
		Grant/Plan					
		Administration					
3120	235641	Adult Basic and	\$	17,579,996	\$	17,600,000	111435
		Literacy Education -					
		Federal					
3BG0	235651	Gear Up Grant	\$	1,750,000	\$	1,750,000	111436
		Scholarships					
3H20	235608	Human Services	\$	375,000	\$	375,000	111437
		Project					
3N60	235658	John R. Justice	\$	70,000	\$	70,000	111438
		Student Loan					
		Repayment Program					
TOTAL	FED	Federal Fund Group	\$	23,103,119	\$	23,145,000	111439
TOTAL	ALL	BUDGET FUND GROUPS	\$	2,770,630,350	\$	2,856,734,465	111440
<b>Section 381.20. SEA GRANTS</b>							111442

The foregoing appropriation item 235402, Sea Grants, shall be used to match federal dollars and leverage additional support by The Ohio State University's Sea Grant program, including Stone Laboratory, for research, education, and outreach to enhance the economic value, public utilization, and responsible management of Lake Erie and Ohio's coastal resources.

**Section 381.30. ARTICULATION AND TRANSFER**

The foregoing appropriation item 235406, Articulation and Transfer, shall be used by the Chancellor of Higher Education to maintain and expand the work of the Articulation and Transfer Council to develop a system of transfer policies to ensure that students at state institutions of higher education can transfer and have coursework apply to their majors and degrees at any other state institution of higher education without unnecessary duplication or institutional barriers under sections 3333.16, 3333.161, and 3333.162 of the Revised Code.

**Section 381.40. MIDWEST HIGHER EDUCATION COMPACT**

The foregoing appropriation item 235408, Midwest Higher Education Compact, shall be distributed by the Chancellor of Higher Education under section 3333.40 of the Revised Code.

**Section 381.50. GRANTS AND SCHOLARSHIP ADMINISTRATION**

The foregoing appropriation item 235414, Grants and Scholarship Administration, shall be used by the Chancellor of Higher Education to manage and administer student financial aid programs created by the General Assembly and grants for which the Department of Higher Education is responsible. The appropriation item also shall be used to support all state financial aid audits and student financial aid programs created by Congress, and to provide fiscal and administrative services for the Ohio National

Guard Scholarship Program. 111472

**Section 381.60. TECHNOLOGY MAINTENANCE AND OPERATIONS** 111473

The foregoing appropriation item 235417, Technology 111474  
Maintenance and Operations, shall be used by the Chancellor of 111475  
Higher Education to support the development and implementation of 111476  
information technology solutions designed to improve the 111477  
performance and capacity of the Department of Higher Education. 111478  
The information technology solutions may be provided by the Ohio 111479  
Technology Consortium (OH-TECH). 111480

Of the foregoing appropriation item 235417, Technology 111481  
Maintenance and Operations, a portion in each fiscal year may be 111482  
used by the Chancellor to support the continued implementation of 111483  
eStudent Services, a consortium organized under division (T) of 111484  
section 3333.04 of the Revised Code to expand access to dual 111485  
enrollment opportunities for high school students, as well as 111486  
adult and higher education opportunities through technology. The 111487  
funds shall be used by eStudent Services to develop and promote 111488  
learning and assessment through the use of technology, to test and 111489  
provide advice on emerging learning-directed technologies, to 111490  
facilitate cost-effectiveness through shared educational 111491  
technology investments, and for any other priorities of the 111492  
Chancellor of Higher Education. 111493

Of the foregoing appropriation item 235417, Technology 111494  
Maintenance and Operations, a portion in each fiscal year shall be 111495  
used by the Chancellor to implement a high priority data 111496  
warehouse, advanced analytics, and visualization integration 111497  
services associated with the Higher Education Information (HEI) 111498  
system. The services may be facilitated by OH-TECH. 111499

Of the foregoing appropriation item 235417, Technology 111500  
Maintenance and Operations, \$150,000 in each fiscal year shall be 111501  
used to support Ohio Reach to provide mentoring and support 111502

services to former foster youth attending college. 111503

Of the foregoing appropriation item 235417, Technology 111504  
Maintenance and Operations, up to \$750,000 in fiscal year 2020 111505  
shall be provided to the Fairfield County Port Authority to 111506  
distribute to Hocking College. Hocking College shall propose 111507  
technical content of currently existing Department of Higher 111508  
Education approved certificate and stackable certificate 111509  
programming or technical content of associate degrees at a 111510  
Workforce Training Center located in Fairfield County. The 111511  
instructional programming proposals shall focus efforts on 111512  
creating and implementing a short-term certificate and apprentice 111513  
pathway program and providing access to training programs for 111514  
developmentally disabled clients. Prior to the proposed 111515  
development of any programming to be offered in Fairfield County 111516  
at the Workforce Training Center, Hocking College shall document a 111517  
need at the request of a corporation located or locating in 111518  
Fairfield County. The Workforce Program committee shall review 111519  
these requests first to acknowledge there is a need before 111520  
development of such programming. Any such program shall be offered 111521  
to Ohio University and its Lancaster Campus for their first right 111522  
of refusal to meet that same need. Hocking College shall expend 111523  
these moneys by June 30, 2020. Hocking College shall not offer 111524  
associate or baccalaureate degrees in Fairfield County. 111525

Of the foregoing appropriation item 235417, Technology 111526  
Maintenance and Operations, \$500,000 in fiscal year 2020 shall be 111527  
allocated to the Fairfield County Port Authority to distribute to 111528  
Ohio University-Lancaster to support the development and 111529  
implementation of instructional programming that supports 111530  
workforce training in the areas of advanced manufacturing and 111531  
robotics. Hocking College, Ohio University Lancaster Campus, and 111532  
Fairfield County shall establish a Workforce Program Committee for 111533  
advisory purposes in developing workforce training plans and 111534

Workforce Training Center operations. 111535

**Section 381.70.** APPALACHIAN NEW ECONOMY WORKFORCE PARTNERSHIP 111536

Of the foregoing appropriation item 235428, Appalachian New 111537  
Economy Workforce Partnership, \$500,000 in each fiscal year shall 111538  
be allocated to the Mahoning Valley Innovation and 111539  
Commercialization Center. 111540

The remainder of the foregoing appropriation item 235428, 111541  
Appalachian New Economy Workforce Partnership, shall be 111542  
distributed to Ohio University to continue a multi-campus and 111543  
multi-agency coordinated effort to link Appalachia to the new 111544  
economy. Ohio University shall use these funds to provide 111545  
leadership in the development and implementation of initiatives in 111546  
the areas of entrepreneurship, management, education, and 111547  
technology. 111548

**Section 381.80.** CHOOSE OHIO FIRST SCHOLARSHIP 111549

The foregoing appropriation item 235438, Choose Ohio First 111550  
Scholarship, shall be used to operate the program prescribed in 111551  
sections 3333.60 to 3333.69 of the Revised Code. 111552

During each fiscal year, the Chancellor of Higher Education, 111553  
as soon as possible after cancellation, may certify to the 111554  
Director of Budget and Management the amount of canceled 111555  
prior-year encumbrances in appropriation item 235438, Choose Ohio 111556  
First Scholarship. Upon receipt of the certification, the Director 111557  
of Budget and Management may transfer cash, up to the certified 111558  
amount, from the General Revenue Fund to the Choose Ohio First 111559  
Scholarship Reserve Fund (Fund 5PV0). 111560

**Section 381.90.** ADULT BASIC AND LITERACY EDUCATION 111561

The foregoing appropriation item 235443, Adult Basic and 111562  
Literacy Education - State, shall be used to support the adult 111563

basic and literacy education instructional grant program and state 111564  
leadership program. The supported programs shall satisfy the state 111565  
match and maintenance of effort requirements for the 111566  
state-administered grant program. 111567

**Section 381.100.** OHIO TECHNICAL CENTERS FUNDING 111568

The foregoing appropriation item 235444, Ohio Technical 111569  
Centers, shall be used by the Chancellor of Higher Education to 111570  
support post-secondary adult career-technical education. The 111571  
Chancellor shall provide coordination for Ohio Technical Centers 111572  
through program approval processes, data collection of program and 111573  
student outcomes, and subsidy disbursements from the foregoing 111574  
appropriation item 235444, Ohio Technical Centers. 111575

(A)(1) As soon as possible in each fiscal year, in accordance 111576  
with instructions of the Chancellor, each Ohio Technical Center 111577  
shall report its actual data, consistent with the definitions in 111578  
the Higher Education Information (HEI) system's files, to the 111579  
Chancellor. 111580

(a) In defining the number of full-time equivalent students 111581  
for state subsidy purposes, the Chancellor shall exclude all 111582  
students who are not residents of Ohio. 111583

(b) A full-time equivalent student shall be defined as a 111584  
student who completes 450 hours. Those students that complete some 111585  
portion of 450 hours shall be counted as a partial full-time 111586  
equivalent for funding purposes, while students that complete more 111587  
than 450 hours shall be counted as proportionally greater than one 111588  
full-time equivalent. 111589

(c) In calculating each Ohio Technical Center's full-time 111590  
equivalent students, the Chancellor shall use a three-year 111591  
average. 111592

(d) After June 30, 2019, Ohio Technical Centers shall operate 111593

with, or be an active candidate for, accreditation by an 111594  
accreditor authorized by the United States Department of Education 111595  
to be eligible to receive subsidies from the foregoing 111596  
appropriation item 235444, Ohio Technical Centers. 111597

(2) In each fiscal year, twenty-five per cent of the 111598  
allocation for Ohio Technical Centers shall be distributed based 111599  
on the proportion of each Center's full-time equivalent students 111600  
to the total full-time equivalent students who complete a 111601  
post-secondary technical workforce training program approved by 111602  
the Chancellor with a grade of C or better or a grade of pass if 111603  
the program is evaluated on a pass/fail basis. 111604

(3) In each fiscal year, twenty per cent of the allocation 111605  
for Ohio Technical Centers shall be distributed based on the 111606  
proportion of each Center's full-time equivalent students to the 111607  
total full-time equivalent students who complete 50 per cent of a 111608  
program of study as a measure of student retention. 111609

(4) In each fiscal year, fifty per cent of the allocation for 111610  
Ohio Technical Centers shall be distributed based on the 111611  
proportion of each Center's full-time equivalent students to the 111612  
total full-time equivalent students who have found employment, 111613  
entered military service, or enrolled in additional post-secondary 111614  
education and training in accordance with the placement 111615  
definitions of the Carl D. Perkins Career and Technical Education 111616  
Act of 2006 (Perkins). The calculation for eligible full-time 111617  
equivalent students shall be based on the per cent of Perkins 111618  
placements for students who have completed at least 50 per cent of 111619  
a program of study. 111620

(5) In each fiscal year, five per cent of the allocation for 111621  
Ohio Technical Centers shall be distributed based on the 111622  
proportion of each Center's full-time equivalent students to the 111623  
total full-time equivalent students who have earned a credential 111624  
from an industry-recognized third party. 111625



(B) Of the foregoing appropriation item 235444, Ohio 111626  
Technical Centers, up to 2.38 per cent in each fiscal year may be 111627  
distributed by the Chancellor to the Ohio Central School System, 111628  
up to \$48,000 in each fiscal year may be utilized for assistance 111629  
for Ohio Technical Centers, and up to \$3,000,000 in each fiscal 111630  
year may be distributed by the Chancellor to Ohio Technical 111631  
Centers that provide business consultation with matching local 111632  
dollars, with preference to industries on the in-demand jobs list 111633  
created under section 6301.11 of the Revised Code or in regionally 111634  
emerging fields. Each center meeting this requirement shall 111635  
receive at least \$25,000 but not more than a maximum amount 111636  
determined by the Chancellor. 111637

(C) The remainder of the foregoing appropriation item 235444, 111638  
Ohio Technical Centers, in each fiscal year shall be distributed 111639  
in accordance with division (A) of this section. 111640

(D) PHASE-IN OF PERFORMANCE FUNDING FOR OHIO TECHNICAL 111641  
CENTERS 111642

(1) In fiscal year 2020, no Ohio Technical Center shall 111643  
receive performance funding calculated under division (A) of this 111644  
section, excluding funding for third party credentials calculated 111645  
under division (A)(5) of this section, that is less than 75 per 111646  
cent of the average allocation the Center received, excluding 111647  
funding for third party credentials, in the three prior fiscal 111648  
years. 111649

In fiscal year 2021, no Ohio Technical Center shall receive 111650  
performance funding calculated under division (A) of this section, 111651  
excluding funding for third party credentials calculated under 111652  
division (A)(5) of this section, that is less than 65 per cent of 111653  
the average allocation the Center received, excluding funding for 111654  
third party credentials, in the three prior fiscal years. 111655

(2) In order to ensure that no Center receives less than the 111656

amounts identified for each fiscal year in accordance with 111657  
division (D)(1) of this section, funds shall be made available to 111658  
support the phase-in allocation by proportionally reducing formula 111659  
earnings from each Center not receiving phase-in funding. 111660

**Section 381.110.** AREA HEALTH EDUCATION CENTERS PROGRAM 111661  
SUPPORT 111662

The foregoing appropriation item 235474, Area Health 111663  
Education Centers Program Support, shall be used by the Chancellor 111664  
of Higher Education to support the medical school regional area 111665  
health education centers' educational programs for the continued 111666  
support of medical and other health professions education and for 111667  
support of the Area Health Education Center Program. 111668

**Section 381.120.** CAMPUS SAFETY AND TRAINING 111669

The foregoing appropriation item 235492, Campus Safety and 111670  
Training, shall be used by the Chancellor of Higher Education for 111671  
the purpose of developing model best practices for preventing and 111672  
responding to sexual violence on campus. The Chancellor, in 111673  
consultation with state institutions of higher education as 111674  
defined in section 3345.011 of the Revised Code and private 111675  
nonprofit institutions of higher education holding certificates of 111676  
authorization under Chapter 1713. of the Revised Code, shall 111677  
continue to develop model best practices in line with emerging 111678  
trends, research, and evidence-based training for preventing and 111679  
responding to sexual violence and protecting students and staff 111680  
who are victims of sexual violence on campus. The Chancellor shall 111681  
convene state institutions of higher education and private 111682  
nonprofit institutions of higher education in the training and 111683  
implementation of best practices regarding campus sexual violence. 111684

**Section 381.140.** STATE SHARE OF INSTRUCTION FORMULAS 111685

The Chancellor of Higher Education shall establish procedures 111686  
to allocate the foregoing appropriation item 235501, State Share 111687  
of Instruction, based on the formulas detailed in this section 111688  
that utilize the enrollment, course completion, degree attainment, 111689  
and student achievement factors reported annually by each state 111690  
institution of higher education participating in the Higher 111691  
Education Information (HEI) system. 111692

(A) FULL-TIME EQUIVALENT (FTE) ENROLLMENTS AND COURSE 111693  
COMPLETIONS 111694

(1) As soon as possible during each fiscal year of the 111695  
biennium ending June 30, 2021, in accordance with instructions of 111696  
the Department of Higher Education, each state institution of 111697  
higher education shall report its actual data, consistent with the 111698  
definitions in the Higher Education Information (HEI) system's 111699  
enrollment files, to the Chancellor of Higher Education. 111700

(2) In defining the number of full-time equivalent students 111701  
for state subsidy instructional cost purposes, the Chancellor 111702  
shall exclude all undergraduate students who are not residents of 111703  
Ohio or who do not meet the definition of residency for state 111704  
subsidy and tuition surcharge purposes, except those charged 111705  
in-state fees in accordance with reciprocity agreements made under 111706  
section 3333.17 of the Revised Code or employer contracts entered 111707  
into under section 3333.32 of the Revised Code. 111708

(B) TOTAL COSTS PER FULL-TIME EQUIVALENT STUDENT 111709

For purposes of calculating state share of instruction 111710  
allocations, the total instructional costs per full-time 111711  
equivalent student shall be: 111712

Model	Fiscal Year 2020	Fiscal Year 2021	
ARTS AND HUMANITIES 1	\$9,115	\$9,285	111714
ARTS AND HUMANITIES 2	\$12,986	\$13,227	111715
ARTS AND HUMANITIES 3	\$16,155	\$16,455	111716

ARTS AND HUMANITIES 4	\$24,740	\$25,200	111717
ARTS AND HUMANITIES 5	\$41,648	\$42,421	111718
ARTS AND HUMANITIES 6	\$41,449	\$42,219	111719
BUSINESS, EDUCATION & SOCIAL SCIENCES 1	\$8,820	\$8,984	111720
BUSINESS, EDUCATION & SOCIAL SCIENCES 2	\$9,681	\$9,861	111721
BUSINESS, EDUCATION & SOCIAL SCIENCES 3	\$12,351	\$12,580	111722
BUSINESS, EDUCATION & SOCIAL SCIENCES 4	\$14,388	\$14,655	111723
BUSINESS, EDUCATION & SOCIAL SCIENCES 5	\$22,995	\$23,422	111724
BUSINESS, EDUCATION & SOCIAL SCIENCES 6	\$24,140	\$24,588	111725
BUSINESS, EDUCATION & SOCIAL SCIENCES 7	\$36,758	\$37,440	111726
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	\$8,441	\$8,598	111727
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2	\$11,326	\$11,536	111728
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3	\$13,054	\$13,296	111729
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 4	\$15,314	\$15,599	111730
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 5	\$19,665	\$20,030	111731
SCIENCE, TECHNOLOGY,	\$20,452	\$20,832	111732

ENGINEERING, MATHEMATICS, MEDICINE 6				
SCIENCE, TECHNOLOGY,	\$24,577	\$25,033	111733	
ENGINEERING, MATHEMATICS, MEDICINE 7				
SCIENCE, TECHNOLOGY,	\$39,870	\$40,610	111734	
ENGINEERING, MATHEMATICS, MEDICINE 8				
SCIENCE, TECHNOLOGY,	\$56,741	\$57,795	111735	
ENGINEERING, MATHEMATICS, MEDICINE 9				
Doctoral I and Doctoral II models shall be allocated in			111736	
accordance with division (D)(2) of this section.			111737	
Medical I and Medical II models shall be allocated in			111738	
accordance with divisions (D)(3) and (D)(4) of this section.			111739	
(C) SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICAL,			111740	
AND GRADUATE WEIGHTS			111741	
For the purpose of implementing the recommendations of the			111742	
2006 State Share of Instruction Consultation and the Higher			111743	
Education Funding Study Council that priority be given to			111744	
maintaining state support for science, technology, engineering,			111745	
mathematics, medicine, and graduate programs, the costs in			111746	
division (B) of this section shall be weighted by the amounts			111747	
provided below:			111748	
Model	Fiscal Year 2020	Fiscal Year 2021	111749	
ARTS AND HUMANITIES 1	1.0000	1.0000	111750	
ARTS AND HUMANITIES 2	1.0000	1.0000	111751	
ARTS AND HUMANITIES 3	1.0000	1.0000	111752	
ARTS AND HUMANITIES 4	1.0000	1.0000	111753	
ARTS AND HUMANITIES 5	1.0425	1.0425	111754	
ARTS AND HUMANITIES 6	1.0425	1.0425	111755	
BUSINESS, EDUCATION &	1.0000	1.0000	111756	

SOCIAL SCIENCES 1			
BUSINESS, EDUCATION &	1.0000	1.0000	111757
SOCIAL SCIENCES 2			
BUSINESS, EDUCATION &	1.0000	1.0000	111758
SOCIAL SCIENCES 3			
BUSINESS, EDUCATION &	1.0000	1.0000	111759
SOCIAL SCIENCES 4			
BUSINESS, EDUCATION &	1.0425	1.0425	111760
SOCIAL SCIENCES 5			
BUSINESS, EDUCATION &	1.0425	1.0425	111761
SOCIAL SCIENCES 6			
BUSINESS, EDUCATION &	1.0425	1.0425	111762
SOCIAL SCIENCES 7			
SCIENCE, TECHNOLOGY,	1.0000	1.0000	111763
ENGINEERING, MATHEMATICS,			
MEDICINE 1			
SCIENCE, TECHNOLOGY,	1.0017	1.0017	111764
ENGINEERING, MATHEMATICS,			
MEDICINE 2			
SCIENCE, TECHNOLOGY,	1.6150	1.6150	111765
ENGINEERING, MATHEMATICS,			
MEDICINE 3			
SCIENCE, TECHNOLOGY,	1.6920	1.6920	111766
ENGINEERING, MATHEMATICS,			
MEDICINE 4			
SCIENCE, TECHNOLOGY,	1.4222	1.4222	111767
ENGINEERING, MATHEMATICS,			
MEDICINE 5			
SCIENCE, TECHNOLOGY,	1.8798	1.8798	111768
ENGINEERING, MATHEMATICS,			
MEDICINE 6			
SCIENCE, TECHNOLOGY,	1.4380	1.4380	111769
ENGINEERING, MATHEMATICS,			

MEDICINE 7			
SCIENCE, TECHNOLOGY,	1.5675	1.5675	111770
ENGINEERING, MATHEMATICS,			
MEDICINE 8			
SCIENCE, TECHNOLOGY,	1.1361	1.1361	111771
ENGINEERING, MATHEMATICS,			
MEDICINE 9			
(D) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA			111772
ENTITLEMENTS AND ADJUSTMENTS FOR UNIVERSITIES			111773
(1) Of the foregoing appropriation item 235501, State Share			111774
of Instruction, 50 per cent of the appropriation for universities,			111775
as established in division (A)(2) of the section of this act			111776
entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2020 AND			111777
2021," in each fiscal year shall be reserved for support of			111778
associate, baccalaureate, master's, and professional level degree			111779
attainment.			111780
The degree attainment funding shall be allocated to			111781
universities in proportion to each campus's share of the total			111782
statewide degrees granted, weighted by the cost of the degree			111783
programs. The degree cost calculations shall include the model			111784
cost weights for the science, technology, engineering,			111785
mathematics, and medicine models as established in division (C) of			111786
this section.			111787
For degrees including credits earned at multiple			111788
institutions, degree attainment funding shall be allocated to			111789
universities in proportion to each campus's share of the			111790
student-specific cost of earned credits for the degree. Each			111791
institution shall receive its prorated share of degree funding for			111792
credits earned at that institution. Cost of credits not earned at			111793
a university main or regional campus shall be credited to the			111794
degree-granting institution for the first degree earned by a			111795
student at each degree level. The cost credited to the			111796

degree-granting institution shall not be eligible for at-risk 111797  
weights and shall be limited to 12.5 per cent of the 111798  
student-specific degree costs. However, the 12.5 per cent 111799  
limitation shall not apply if the student transferred 12 or fewer 111800  
credits into the degree granting institution. 111801

In calculating the subsidy entitlements for degree attainment 111802  
for universities, the Chancellor shall use the following count of 111803  
degrees and degree costs: 111804

(a) The subsidy eligible undergraduate degrees shall be 111805  
defined as follows: 111806

(i) The subsidy eligible degrees conferred to students 111807  
identified as residents of the state of Ohio in any term of their 111808  
studies, as reported through the Higher Education Information 111809  
(HEI) system student enrollment file, shall be weighted by a 111810  
factor of 1. 111811

(ii) The subsidy eligible degrees conferred to students 111812  
identified as out-of-state residents during all terms of their 111813  
studies, as reported through the Higher Education Information 111814  
(HEI) system student enrollment file, who remain in the state of 111815  
Ohio at least one year after graduation, as calculated based on 111816  
the three-year average in-state residency rate using the 111817  
Unemployment Wage data for out-of-state graduates at each 111818  
institution, shall be weighted by a factor of 50 per cent. 111819

(iii) Subsidy eligible associate degrees are defined as those 111820  
earned by students attending any state-supported university main 111821  
or regional campus. 111822

(b) In calculating each campus's count of degrees, the 111823  
Chancellor shall use the three-year average associate, 111824  
baccalaureate, master's, and professional degrees awarded for the 111825  
three-year period ending in the prior year. 111826

(i) If a student is awarded an associate degree and, 111827



subsequently, is awarded a baccalaureate degree, the amount funded 111828  
for the baccalaureate degree shall be limited to either the 111829  
difference in cost between the cost of the baccalaureate degree 111830  
and the cost of the associate degree paid previously, or if the 111831  
associate degree has a higher cost than the baccalaureate degree, 111832  
the cost of the credits earned by the student after the associate 111833  
degree was awarded. 111834

(ii) If a student earns an associate degree then, 111835  
subsequently, earns a baccalaureate degree, the associate degree 111836  
granting institution shall only receive the prorated share of the 111837  
baccalaureate degree funding for the credits earned at that 111838  
institution after the associate degree is awarded. 111839

(iii) If a student earns more than one degree at the same 111840  
institution at the same degree level in the same fiscal year, the 111841  
funding for the highest cost degree shall be prorated among 111842  
institutions based on where the credits were earned and additional 111843  
degrees shall be funded at 25 per cent of the cost of the degrees. 111844

(c) Associate degrees and baccalaureate degrees earned by a 111845  
student defined as at-risk based on academic underpreparation, 111846  
age, minority status, financial status, or first generation 111847  
post-secondary status based on neither parent completing any 111848  
education beyond high school, shall be defined as degrees earned 111849  
by an at-risk student and shall be weighted by the following: 111850

A student-specific degree completion weight, where the weight 111851  
is calculated based on the at-risk factors of the individual 111852  
student, determined by calculating the difference between the 111853  
percentage of students with each risk factor who earned a degree 111854  
and the percentage of non-at-risk students who earned a degree. 111855

(2) Of the foregoing appropriation item 235501, State Share 111856  
of Instruction, up to 11.78 per cent of the appropriation for 111857  
universities, as established in division (A)(2) of the section of 111858

this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 111859  
2020 and 2021," in each fiscal year shall be reserved for support 111860  
of doctoral programs to implement the funding recommendations made 111861  
by representatives of the universities. The amount so reserved 111862  
shall be referred to as the doctoral set-aside. 111863

In each fiscal year, the doctoral set-aside funding 111864  
allocation shall be allocated to universities as follows: 111865

(a) 25 per cent of the doctoral set-aside shall be allocated 111866  
to universities in proportion to their share of the statewide 111867  
total earnings of each state institution's three-year average 111868  
course completions. The subsidy eligible enrollments by model 111869  
shall equal only those FTE students who successfully complete the 111870  
course as defined and reported through the Higher Education 111871  
Information (HEI) system course enrollment file. Course completion 111872  
earnings shall be determined by multiplying the amounts listed 111873  
above in divisions (B) and (C) of this section by the 111874  
subsidy-eligible FTEs for the three-year period ending in the 111875  
prior year for all doctoral enrollments in graduate-level models. 111876

(b) 50 per cent of the doctoral set-aside shall be allocated 111877  
to universities in proportion to each campus's share of the total 111878  
statewide doctoral degrees, weighted by the cost of the doctoral 111879  
discipline. In calculating each campus's doctoral degrees the 111880  
Chancellor shall use the three-year average doctoral degrees 111881  
awarded for the three-year period ending in the prior year. 111882

(c) 25 per cent of the doctoral set-aside shall be allocated 111883  
to universities in proportion to their share of research grant 111884  
activity. Funding for this component shall be allocated to 111885  
eligible universities in proportion to their share of research 111886  
grant activity published by the National Science Foundation. Grant 111887  
awards from the Department of Health and Human Services shall be 111888  
weighted at 50 per cent. 111889

(3) Of the foregoing appropriation item 235501, State Share 111890  
of Instruction, 6.41 per cent of the appropriation for 111891  
universities, as established in division (A)(2) of the section of 111892  
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 111893  
2020 AND 2021," in each fiscal year shall be reserved for support 111894  
of Medical II FTEs. The amount so reserved shall be referred to as 111895  
the medical II set-aside. 111896

The medical II set-aside shall be allocated to universities 111897  
in proportion to their share of the statewide total of each state 111898  
institution's three-year average Medical II FTEs as calculated in 111899  
division (A) of this section. 111900

In calculating the core subsidy entitlements for Medical II 111901  
models only, students repeating terms may be no more than five per 111902  
cent of current year enrollment. 111903

(4) Of the foregoing appropriation item 235501, State Share 111904  
of Instruction, 1.48 per cent of the appropriation for 111905  
universities, as established in division (A)(2) of the section of 111906  
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 111907  
2020 AND 2021," in each fiscal year shall be reserved for support 111908  
of Medical I FTEs. The amount so reserved shall be referred to as 111909  
the medical I set-aside. 111910

The medical I set-aside shall be allocated to universities in 111911  
proportion to their share of the statewide total of each state 111912  
institution's three-year average Medical I FTEs as calculated in 111913  
division (A) of this section. 111914

(5) In calculating the course completion funding for 111915  
universities, the Chancellor shall use the following count of FTE 111916  
students: 111917

(a) The subsidy eligible enrollments by model shall equal 111918  
only those FTE students who successfully complete the course as 111919  
defined and reported through the Higher Education Information 111920

(HEI) system course enrollment file; 111921

(b) Those undergraduate FTE students with successful course 111922  
completions, identified in division (D)(5)(a) of this section, 111923  
that are defined as at-risk based on academic under-preparation or 111924  
financial status shall have their eligible completions weighted by 111925  
the following: 111926

(i) Institution-specific course completion indexes, where the 111927  
indexes are calculated based upon the number of at-risk students 111928  
enrolled during the 2016-2018 academic years; and 111929

(ii) A statewide average at-risk course completion weight 111930  
determined for each subsidy model. The statewide average at-risk 111931  
course completion weight shall be determined by calculating the 111932  
difference between the percentage of traditional students who 111933  
complete a course and the percentage of at-risk students who 111934  
complete the same course. 111935

(c) The course completion earnings shall be determined by 111936  
multiplying the amounts listed above in divisions (B) and (C) of 111937  
this section by the subsidy-eligible FTEs for the three-year 111938  
period ending in the prior year for all models except Medical I, 111939  
Medical II, Doctoral I, and Doctoral II. 111940

(d) For universities, the Chancellor shall compute the course 111941  
completion earnings by dividing the appropriation for 111942  
universities, established in division (A)(2) of the section of 111943  
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 111944  
2020 AND 2021," less the degree attainment funding as calculated 111945  
in division (D)(1) of this section, less the doctoral set-aside, 111946  
less the medical I set-aside, and less the medical II set-aside, 111947  
by the sum of all campuses' instructional costs as calculated in 111948  
division (D)(5) of this section. 111949

(E) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA 111950  
ENTITLEMENTS AND ADJUSTMENTS FOR COMMUNITY COLLEGES 111951

(1) Of the foregoing appropriation item 235501, State Share of Instruction, 50 per cent of the appropriation for state-supported community colleges, state community colleges, and technical colleges as established in division (A)(1) of the section of the act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2020 AND 2021," in each fiscal year shall be reserved for course completion FTEs as aggregated by the subsidy models defined in division (B) of this section.

The course completion funding shall be allocated to campuses in proportion to each campus's share of the total sector's course completions, weighted by the instructional cost of the subsidy models.

To calculate the subsidy entitlements for course completions at community colleges, state community colleges, and technical colleges, the Chancellor shall use the following calculations:

(a) In calculating each campus's count of FTE course completions, the Chancellor shall use a three-year average for course completions for the three year period ending in the prior year for students identified as residents of the state of Ohio in any term of their studies, as reported through the Higher Education Information (HEI) system student enrollment file.

(b) The subsidy eligible enrollments by model shall equal only those FTE students who successfully complete the course as defined and reported through the Higher Education Information (HEI) system course enrollment file.

(c) Those students with successful course completions, that are defined as access students based on financial status, minority status, age, or academic under-preparation shall have their eligible course completions weighted by a statewide access weight. The weight given to any student that meets any access factor shall be 15 per cent for all course completions.

(d) The model costs as used in the calculation shall be 111983  
augmented by the model weights for science, technology, 111984  
engineering, mathematics, and medicine models as established in 111985  
division (C) of this section. 111986

(2) Of the foregoing appropriation item 235501, State Share 111987  
of Instruction, 25 per cent of the appropriation for 111988  
state-supported community colleges, state community colleges, and 111989  
technical colleges as established in division (A)(1) of the 111990  
section of this act entitled "STATE SHARE OF INSTRUCTION FOR 111991  
FISCAL YEARS 2020 AND 2021," in each fiscal year shall be reserved 111992  
for colleges in proportion to their share of college student 111993  
success factors. 111994

Student success factors shall be awarded at the institutional 111995  
level for each subsidy-eligible student that successfully: 111996

(a) Completes a developmental math course and, within the 111997  
next year, enrolls in a college-level math course. 111998

(b) Completes a developmental English course and, within the 111999  
next year, enrolls in a college-level English course. 112000

(c) Completes 12 semester credit hours of college-level 112001  
coursework. 112002

(d) Completes 24 semester credit hours of college-level 112003  
coursework. 112004

(e) Completes 36 semester credit hours of college-level 112005  
coursework. 112006

(3) Of the foregoing appropriation item 235501, State Share 112007  
of Instruction, 25 per cent of the appropriation for 112008  
state-supported community colleges, state community colleges, and 112009  
technical colleges as established in division (A)(1) of the 112010  
section of this act entitled "STATE SHARE OF INSTRUCTION FOR 112011  
FISCAL YEARS 2020 AND 2021," in each fiscal year shall be reserved 112012

for completion milestones. 112013

Completion milestones shall include associate degrees, 112014  
technical certificates over 30 credit hours as designated by the 112015  
Department of Higher Education, and students transferring to any 112016  
four-year institution with at least 12 credit hours of 112017  
college-level coursework earned at that community college, state 112018  
community college, or technical college. 112019

The completion milestone funding shall be allocated to 112020  
colleges in proportion to each institution's share of the sector's 112021  
total completion milestones, weighted by the instructional cost of 112022  
the associate degree, certificate, or transfer models. Costs for 112023  
technical certificates over 30 hours shall be weighted at one-half 112024  
of the associate degree model costs and transfers with at least 12 112025  
credit hours of college-level coursework shall be weighted at 112026  
one-fourth of the average cost for all associate degree model 112027  
costs. 112028

(4) To calculate the subsidy entitlements for completions at 112029  
community colleges, state community colleges, and technical 112030  
colleges, the Chancellor shall use the following calculations: 112031

(a) In calculating each campus's count of completions, the 112032  
Chancellor shall use a three-year average for completion 112033  
milestones awarded to students identified as subsidy eligible in 112034  
any term of their studies, as reported through the Higher 112035  
Education Information (HEI) system student enrollment file. 112036

(b) The subsidy eligible completion milestones by model shall 112037  
equal only those students who successfully complete an associate 112038  
degree or technical certificate over 30 credit hours, or transfer 112039  
to any four-year institution with at least 12 credit hours of 112040  
college-level coursework as defined and reported in the Higher 112041  
Education Information (HEI) system. Student completions reported 112042  
in HEI shall have an accompanying course enrollment record in 112043

order to be subsidy eligible. 112044

(c) Those students with successful completions for associate 112045  
degrees, technical certificates over 30 credit hours, or transfer 112046  
to any four-year institution with at least 12 credit hours of 112047  
college-level coursework, identified in division (E)(3) of this 112048  
section, that are defined as access students based on financial 112049  
status, minority status, age, or academic under-preparation shall 112050  
have their eligible completions weighted by a statewide access 112051  
weight. The weight shall be 25 per cent for students with one 112052  
access factor, 66 per cent for students with two access factors, 112053  
150 per cent for students with three access factors, and 200 per 112054  
cent for students with four access factors. 112055

(d) For those students who complete more than one completion 112056  
milestone, funding for each additional associate degree or 112057  
technical certificate over 30 credit hours designated as such by 112058  
the Department of Higher Education shall be funded at 50 per cent 112059  
of the model costs as defined in division (3) of this section. 112060

(5) For purposes of the calculations made in division (E) of 112061  
this section, the Chancellor shall only include subsidy-eligible 112062  
students identified as residents of the state of Ohio in any term 112063  
of their studies, as reported through the Higher Education 112064  
Information (HEI) system student enrollment file, except that, for 112065  
fiscal year 2020, any student included in the state share of 112066  
instruction calculations prior to July 1, 2019, shall continue to 112067  
be included in the calculations in division (E) of this section 112068  
subject to the limitations of the three-year average time period 112069  
that is used for determining final fiscal year 2020 allocations. 112070  
For purposes of the calculation made in division (E) of this 112071  
section for fiscal year 2021 and beyond, the Chancellor shall not 112072  
include nonresident students as subsidy-eligible except for those 112073  
students otherwise identified as subsidy-eligible in division 112074  
(A)(2) of this section. 112075



(F) CAPITAL COMPONENT DEDUCTION 112076

After all other adjustments have been made, state share of 112077  
instruction earnings shall be reduced for each campus by the 112078  
amount, if any, by which debt service charged in Am. H.B. 748 of 112079  
the 121st General Assembly, Am. Sub. H.B. 850 of the 122nd General 112080  
Assembly, Am. Sub. H.B. 640 of the 123rd General Assembly, H.B. 112081  
675 of the 124th General Assembly, Am. Sub. H.B. 16 of the 126th 112082  
General Assembly, Am. Sub. H.B. 699 of the 126th General Assembly, 112083  
Am. Sub. H.B. 496 of the 127th General Assembly, and Am. Sub. H.B. 112084  
562 of the 127th General Assembly for that campus exceeds that 112085  
campus's capital component earnings. The sum of the amounts 112086  
deducted shall be transferred to appropriation item 235552, 112087  
Capital Component, in each fiscal year. 112088

(G) EXCEPTIONAL CIRCUMSTANCES 112089

Adjustments may be made to the state share of instruction 112090  
payments and other subsidies distributed by the Chancellor of 112091  
Higher Education to state colleges and universities for 112092  
exceptional circumstances. No adjustments for exceptional 112093  
circumstances may be made without the recommendation of the 112094  
Chancellor and the approval of the Controlling Board. 112095

(H) APPROPRIATION REDUCTIONS TO THE STATE SHARE OF 112096  
INSTRUCTION 112097

The standard provisions of the state share of instruction 112098  
calculation as described in the preceding sections of temporary 112099  
law shall apply to any reductions made to appropriation item 112100  
235501, State Share of Instruction, before the Chancellor has 112101  
formally approved the final allocation of the state share of 112102  
instruction funds for any fiscal year. 112103

Any reductions made to appropriation item 235501, State Share 112104  
of Instruction, after the Chancellor has formally approved the 112105  
final allocation of the state share of instruction funds for any 112106

fiscal year, shall be uniformly applied to each campus in 112107  
proportion to its share of the final allocation. 112108

(I) DISTRIBUTION OF STATE SHARE OF INSTRUCTION 112109

The state share of instruction payments to the institutions 112110  
shall be in substantially equal monthly amounts during the fiscal 112111  
year, unless otherwise determined by the Director of Budget and 112112  
Management pursuant to section 126.09 of the Revised Code. 112113  
Payments during the first six months of the fiscal year shall be 112114  
based upon the state share of instruction appropriation estimates 112115  
made for the various institutions of higher education and payments 112116  
during the last six months of the fiscal year shall be based on 112117  
the final data from the Chancellor. 112118

(J) STUDY ON THE USE OF EMPLOYMENT METRICS FOR THE STATE 112119  
SHARE OF INSTRUCTION FORMULAS 112120

The Inter-University Council and Ohio Association of 112121  
Community Colleges shall each recommend eight members representing 112122  
their institutions to serve on the Employment Metrics 112123  
Consultation, which shall assist the Chancellor of Higher 112124  
Education to study the most appropriate formula weights for 112125  
post-graduation employment measures that may be used in the 112126  
distribution to universities and community colleges from the 112127  
foregoing appropriation item 235501, State Share of Instruction, 112128  
beginning in fiscal year 2022. The Chancellor, or the Chancellor's 112129  
designee, shall lead the Consultation and call its first meeting. 112130  
The Consultation shall research the most appropriate data sources 112131  
available to measure employment outcomes and evaluate the public 112132  
policy benefits of adding such measures to the current State Share 112133  
of Instruction allocation formulas to reward institutional 112134  
performance of job placement. The Consultation shall also identify 112135  
and evaluate the most critical factors that should be considered 112136  
as possible enhancements to the formula, such as the relevance of 112137  
graduates' degrees to job placement, employment in Ohio versus out 112138

of state, placement in high demand fields, and other qualitative 112139  
factors. Separate allocation factors may be considered within each 112140  
sector's share of the foregoing appropriation item 235501, State 112141  
Share of Instruction. The study shall be completed by June 30, 112142  
2020. 112143

**Section 381.150.** STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 112144  
2020 AND 2021 112145

(A) The foregoing appropriation item 235501, State Share of 112146  
Instruction, shall be distributed according to the section of this 112147  
act entitled "STATE SHARE OF INSTRUCTION FORMULAS." 112148

(1) Of the foregoing appropriation item 235501, State Share 112149  
of Instruction, \$465,426,250 in fiscal year 2020 and \$470,080,512 112150  
in fiscal year 2021 shall be distributed to state-supported 112151  
community colleges, state community colleges, and technical 112152  
colleges. 112153

(2) Of the foregoing appropriation item 235501, State Share 112154  
of Instruction, \$1,553,776,572 in fiscal year 2020 and 112155  
\$1,569,314,338 in fiscal year 2021 shall be distributed to 112156  
state-supported university main and regional campuses. 112157

Any increases in the amount distributed to an institution 112158  
from appropriation item 235501, State Share of Instruction, above 112159  
the prior year shall be used by the institution to provide 112160  
need-based aid and to provide counseling, support services, and 112161  
workforce preparation services to students. 112162

**Section 381.160.** RESTRICTION ON FEE INCREASES 112163

(A) In fiscal years 2020 and 2021, the boards of trustees of 112164  
state institutions of higher education shall restrain increases in 112165  
in-state undergraduate instructional and general fees. 112166

(1) For the 2019-2020 and 2020-2021 academic years, all of 112167

the following shall apply: 112168

(a) Each state university or college, as defined in section 112169  
3345.12 and university branch established under Chapter 3355. of 112170  
the Revised Code shall not increase its in-state undergraduate 112171  
instructional and general fees by more than two per cent over what 112172  
the institution charged for the previous academic year. 112173

(b) Each community college established under Chapter 3354., 112174  
state community college established under Chapter 3358., or 112175  
technical college established under Chapter 3357. of the Revised 112176  
Code may increase its in-state undergraduate instructional and 112177  
general fees by not more than \$5 per credit hour over what the 112178  
institution charged for the previous academic year. 112179

(c) For state institutions of higher education, as defined in 112180  
section 3345.011 of the Revised Code, increases for all other 112181  
special fees, including the creation of new special fees, shall be 112182  
subject to the approval of the Chancellor of Higher Education. 112183

(2) The limitations under division (A)(1) of this section do 112184  
not apply to room and board, student health insurance, fees for 112185  
auxiliary goods or services provided to students at the cost 112186  
incurred to the institution, fees assessed to students as a 112187  
pass-through for licensure and certification examinations, fees in 112188  
elective courses associated with travel experiences, elective 112189  
service charges, fines, voluntary sales transactions, and fees, 112190  
which may appear directly on a student's tuition bill as assessed 112191  
by the institution's bursar, to offset the cost of providing 112192  
textbooks to students. 112193

(B) The limitations under this section shall not apply to 112194  
increases required to comply with institutional covenants related 112195  
to their obligations or to meet unfunded legal mandates or legally 112196  
binding obligations incurred or commitments made prior to the 112197  
effective date of this section with respect to which the 112198

institution had identified such fee increases as the source of 112199  
funds. Any increase required by such covenants and any such 112200  
mandates, obligations, or commitments shall be reported by the 112201  
Chancellor of Higher Education to the Controlling Board. These 112202  
limitations may also be modified by the Chancellor, with the 112203  
approval of the Controlling Board, to respond to exceptional 112204  
circumstances as identified by the Chancellor. 112205

(C) Institutions offering an undergraduate tuition guarantee 112206  
pursuant to section 3345.48 of the Revised Code may increase 112207  
instructional and general fees pursuant to that section. 112208

**Section 381.170. HIGHER EDUCATION - BOARD OF TRUSTEES** 112209

(A) Funds appropriated for instructional subsidies at 112210  
colleges and universities may be used to provide such branch or 112211  
other off-campus undergraduate courses of study and such master's 112212  
degree courses of study as may be approved by the Chancellor of 112213  
Higher Education. 112214

(B) In providing instructional and other services to 112215  
students, boards of trustees of state institutions of higher 112216  
education shall supplement state subsidies with income from 112217  
charges to students. Except as otherwise provided in this act, 112218  
each board shall establish the fees to be charged to all students, 112219  
including an instructional fee for educational and associated 112220  
operational support of the institution and a general fee for 112221  
noninstructional services, including locally financed student 112222  
services facilities used for the benefit of enrolled students. The 112223  
instructional fee and the general fee shall encompass all charges 112224  
for services assessed uniformly to all enrolled students. Each 112225  
board may also establish special purpose fees, service charges, 112226  
and fines as required; such special purpose fees and service 112227  
charges shall be for services or benefits furnished individual 112228  
students or specific categories of students and shall not be 112229

applied uniformly to all enrolled students. A tuition surcharge 112230  
shall be paid by all students who are not residents of Ohio. 112231

The board of trustees of a state institution of higher 112232  
education shall not authorize a waiver or nonpayment of 112233  
instructional fees or general fees for any particular student or 112234  
any class of students other than waivers specifically authorized 112235  
by law or approved by the Chancellor. This prohibition is not 112236  
intended to limit the authority of boards of trustees to provide 112237  
for payments to students for services rendered the institution, 112238  
nor to prohibit the budgeting of income for staff benefits or for 112239  
student assistance in the form of payment of such instructional 112240  
and general fees. 112241

Each state institution of higher education in its statement 112242  
of charges to students shall separately identify the instructional 112243  
fee, the general fee, the tuition charge, and the tuition 112244  
surcharge. Fee charges to students for instruction shall not be 112245  
considered to be a price of service but shall be considered to be 112246  
an integral part of the state government financing program in 112247  
support of higher educational opportunity for students. 112248

(C) The boards of trustees of state institutions of higher 112249  
education shall ensure that faculty members devote a proper and 112250  
judicious part of their work week to the actual instruction of 112251  
students. Total class credit hours of production per academic term 112252  
per full-time faculty member is expected to meet the standards set 112253  
forth in the budget data submitted by the Chancellor of Higher 112254  
Education. 112255

(D) The authority of government vested by law in the boards 112256  
of trustees of state institutions of higher education shall in 112257  
fact be exercised by those boards. Boards of trustees may consult 112258  
extensively with appropriate student and faculty groups. 112259  
Administrative decisions about the utilization of available 112260  
resources, about organizational structure, about disciplinary 112261

procedure, about the operation and staffing of all auxiliary 112262  
facilities, and about administrative personnel shall be the 112263  
exclusive prerogative of boards of trustees. Any delegation of 112264  
authority by a board of trustees in other areas of responsibility 112265  
shall be accompanied by appropriate standards of guidance 112266  
concerning expected objectives in the exercise of such delegated 112267  
authority and shall be accompanied by periodic review of the 112268  
exercise of this delegated authority to the end that the public 112269  
interest, in contrast to any institutional or special interest, 112270  
shall be served. 112271

**Section 381.180. WAR ORPHANS AND SEVERELY DISABLED VETERANS'** 112272  
**CHILDREN SCHOLARSHIPS** 112273

The foregoing appropriation item 235504, War Orphans and 112274  
Severely Disabled Veterans' Children Scholarships, shall be used 112275  
to reimburse state institutions of higher education for waivers of 112276  
instructional fees and general fees provided by them, to provide 112277  
grants to institutions that have received a certificate of 112278  
authorization from the Chancellor of Higher Education under 112279  
Chapter 1713. of the Revised Code, in accordance with the 112280  
provisions of section 5910.04 of the Revised Code, and to fund 112281  
additional scholarship benefits provided by section 5910.032 of 112282  
the Revised Code. 112283

During each fiscal year, the Chancellor, as soon as possible 112284  
after cancellation, may certify to the Director of Budget and 112285  
Management the amount of canceled prior-year encumbrances in 112286  
appropriation item 235504, War Orphans and Severely Disabled 112287  
Veterans' Children Scholarships. Upon receipt of the 112288  
certification, the Director of Budget and Management may transfer 112289  
cash, up to the certified amount, from the General Revenue Fund to 112290  
the War Orphans and Severely Disabled Veterans' Children 112291  
Scholarship Reserve Fund (Fund 5PW0). 112292

**Section 381.200.** OHIOLINK 112293

The foregoing appropriation item 235507, OhioLINK, shall be 112294  
used by the Chancellor of Higher Education to support OhioLINK, a 112295  
consortium organized under division (T) of section 3333.04 of the 112296  
Revised Code to serve as the state's electronic library 112297  
information and retrieval system, which provides access statewide 112298  
to an extensive set of electronic databases and resources, the 112299  
library holdings of Ohio's public and participating private 112300  
nonprofit colleges and universities, and the State Library of 112301  
Ohio. 112302

**Section 381.210.** AIR FORCE INSTITUTE OF TECHNOLOGY 112303

Of the foregoing appropriation item 235508, Air Force 112304  
Institute of Technology, \$75,000 in each fiscal year shall be 112305  
allocated to the Aerospace Professional Development Center in 112306  
Dayton for statewide workforce development services in the 112307  
aerospace industry. 112308

The remainder of the foregoing appropriation item 235508, Air 112309  
Force Institute of Technology, shall be used to: (A) strengthen 112310  
the research and educational linkages between the Wright Patterson 112311  
Air Force Base and institutions of higher education in Ohio; and 112312  
(B) support the Defense Associated Graduate Student Innovators, an 112313  
engineering graduate consortium of Wright State University, the 112314  
University of Dayton, and the Air Force Institute of Technology, 112315  
with the participation of the University of Cincinnati and The 112316  
Ohio State University. 112317

**Section 381.220.** OHIO SUPERCOMPUTER CENTER 112318

The foregoing appropriation item 235510, Ohio Supercomputer 112319  
Center, shall be used by the Chancellor of Higher Education to 112320  
support the operation of the Ohio Supercomputer Center, a 112321



consortium organized under division (T) of section 3333.04 of the Revised Code, located at The Ohio State University. The Ohio Supercomputer Center is a statewide resource available to Ohio research universities both public and private. It is also intended that the center be made accessible to private industry as appropriate.

The Ohio Supercomputer Center's services shall support Ohio's colleges, universities, and businesses to make Ohio a leader in using computational science, modeling, and simulation to promote higher education, research, and economic competitiveness.

**Section 381.230. COOPERATIVE EXTENSION SERVICE**

The foregoing appropriation item 235511, Cooperative Extension Service, shall be disbursed through the Chancellor of Higher Education to The Ohio State University in monthly payments, unless otherwise determined by the Director of Budget and Management under section 126.09 of the Revised Code.

**Section 381.240. CENTRAL STATE SUPPLEMENT**

The foregoing appropriation item 235514, Central State Supplement, shall be disbursed by the Chancellor of Higher Education to Central State University in accordance with the plan developed by the Chancellor and submitted to the Governor and the General Assembly as directed by Am. Sub. H.B. 153 of the 129th General Assembly. Funds shall be used in a manner consistent with the goals of increasing enrollment, improving course completion, and increasing the number of degrees conferred.

**Section 381.250. CASE WESTERN RESERVE UNIVERSITY SCHOOL OF MEDICINE**

The foregoing appropriation item 235515, Case Western Reserve University School of Medicine, shall be disbursed to Case Western

Reserve University through the Chancellor of Higher Education in 112351  
accordance with agreements entered into under section 3333.10 of 112352  
the Revised Code, provided that the state support per full-time 112353  
medical student shall not exceed that provided to full-time 112354  
medical students at state universities. 112355

**Section 381.260. FAMILY PRACTICE** 112356

The foregoing appropriation item 235519, Family Practice, 112357  
shall be distributed in each fiscal year, based on each medical 112358  
school's share of residents placed in a family practice and 112359  
graduates practicing in a family practice. 112360

**Section 381.270. SHAWNEE STATE SUPPLEMENT** 112361

The foregoing appropriation item 235520, Shawnee State 112362  
Supplement, shall be disbursed by the Chancellor of Higher 112363  
Education to Shawnee State University in accordance with the plan 112364  
developed by the Chancellor and submitted to the Governor and the 112365  
General Assembly as directed by Am. Sub. H.B. 153 of the 129th 112366  
General Assembly. Funds shall be used in a manner consistent with 112367  
the goals of improving course completion, increasing the number of 112368  
degrees conferred, and furthering the university's mission of 112369  
service to the Appalachian region. 112370

**Section 381.280. GERIATRIC MEDICINE** 112371

The Chancellor of Higher Education shall distribute 112372  
appropriation item 235525, Geriatric Medicine, consistent with 112373  
existing criteria and guidelines. 112374

**Section 381.285. PRIMARY CARE RESIDENCIES** 112375

The foregoing appropriation item 235526, Primary Care 112376  
Residencies, shall be distributed in each fiscal year, based on 112377  
each medical school's share of residents placed in a primary care 112378

field and graduates practicing in a primary care field. 112379

**Section 381.288.** PROGRAM AND PROJECT SUPPORT 112380

Of the foregoing appropriation item 235533, Program and 112381  
Project Support, \$500,000 in fiscal year 2020 shall be allocated 112382  
to the Levin College of Urban Affairs at Cleveland State 112383  
University. 112384

Of the foregoing appropriation item, 235533, Program and 112385  
Project Support, \$125,000 in each fiscal year shall be used by the 112386  
Chancellor of Higher Education to support the expansion of an 112387  
unmanned aviation STEM pilot program at Emmanuel Christian Academy 112388  
for public and nonpublic high school students in Clark County. 112389

Of the foregoing appropriation item 235533, Program and 112390  
Project Support, \$28,000 in each fiscal year shall be allocated to 112391  
support Cincinnati Hillel at the University of Cincinnati. 112392

Of the foregoing appropriation item 235533, Program and 112393  
Project Support, \$200,000 in each fiscal year shall be used by the 112394  
Chancellor of Higher Education to support the development and 112395  
implementation of an apprenticeship program administered through 112396  
the Manufacturing Advocacy and Growth Network's (MAGNET) Early 112397  
College Early Career Program. The apprenticeship program shall 112398  
place high school students in a participating local private 112399  
business that will employ the student and provide the training 112400  
necessary for the student to earn a technical certification in 112401  
Computer Integrated Manufacturing (CIM), machining, or welding. 112402

Of the foregoing appropriation item 235533, Program and 112403  
Project Support, \$975,850 in fiscal year 2020 shall be allocated 112404  
to the Ashland University Military and Veterans Resource Center 112405  
Project. 112406

Of the foregoing appropriation item 235533, Program and 112407  
Project Support, \$750,000 in each fiscal year shall be used to 112408

support the Ohio Aerospace Institute's Space Grant Consortium. 112409

Of the foregoing appropriation item 235533, Program and 112410  
Project Support, \$125,000 in each fiscal year shall be allocated 112411  
to the Seeds of Literacy organization in Cleveland. 112412

Of the foregoing appropriation item 235533, Program and 112413  
Project Support, \$100,000 in each fiscal year shall be allocated 112414  
to support the Kent State University Rising Scholars Program. 112415

**Section 381.290.** OHIO AGRICULTURAL RESEARCH AND DEVELOPMENT 112416  
CENTER 112417

The foregoing appropriation item 235535, Ohio Agricultural 112418  
Research and Development Center, shall be disbursed through the 112419  
Chancellor of Higher Education to The Ohio State University in 112420  
monthly payments, unless otherwise determined by the Director of 112421  
Budget and Management under section 126.09 of the Revised Code. 112422

The Ohio Agricultural Research and Development Center, an 112423  
entity of the College of Food, Agricultural, and Environmental 112424  
Sciences of The Ohio State University, shall further its mission 112425  
of enhancing Ohio's economic development and job creation by 112426  
continuing to internally allocate on a competitive basis 112427  
appropriated funding of programs based on demonstrated 112428  
performance. Academic units, faculty, and faculty-driven programs 112429  
shall be evaluated and rewarded consistent with agreed-upon 112430  
performance expectations as called for in the College's 112431  
Expectations and Criteria for Performance Assessment. 112432

**Section 381.300.** STATE UNIVERSITY CLINICAL TEACHING 112433

The foregoing appropriation items 235536, The Ohio State 112434  
University Clinical Teaching; 235537, University of Cincinnati 112435  
Clinical Teaching; 235538, University of Toledo Clinical Teaching; 112436  
235539, Wright State University Clinical Teaching; 235540, Ohio 112437  
University Clinical Teaching; and 235541, Northeast Ohio Medical 112438

University Clinical Teaching, shall be distributed through the 112439  
Chancellor of Higher Education. 112440

Of the foregoing appropriation item 235537, University of 112441  
Cincinnati Clinical Teaching, \$350,000 in each fiscal year shall 112442  
be provided to People Working Cooperatively for the Whole Home 112443  
Innovation Center. The funds shall be used to administer 112444  
programming, conduct research and training, and convene 112445  
multi-disciplinary experts to assess and adopt strategies to help 112446  
Ohioans remain in their homes. 112447

STEM PUBLIC-PRIVATE PARTNERSHIP PROGRAM 112448

The foregoing appropriation item 235544, STEM Public-Private 112449  
Partnership Program, shall be used for grants for the STEM 112450  
Public-Private Partnership Program established in Section 733.30 112451  
of this act. 112452

**Section 381.310.** CENTRAL STATE AGRICULTURAL RESEARCH AND 112453  
DEVELOPMENT 112454

The foregoing appropriation item 235546, Central State 112455  
Agricultural Research and Development, shall be used in 112456  
conjunction with appropriation item 235548, Central State 112457  
Cooperative Extension Services, by Central State University for 112458  
its state match requirement as an 1890 land grant university. 112459

**Section 381.320.** CAPITAL COMPONENT 112460

The foregoing appropriation item 235552, Capital Component, 112461  
shall be used by the Chancellor of Higher Education to provide 112462  
funding for prior commitments made pursuant to the state's former 112463  
capital funding policy for state colleges and universities that 112464  
was originally established in Am. H.B. 748 of the 121st General 112465  
Assembly. Appropriations from this item shall be distributed to 112466  
all campuses for which the estimated campus debt service 112467  
attributable to qualifying capital projects was less than the 112468

campus's formula-determined capital component allocation. Campus 112469  
allocations shall be determined by subtracting the estimated 112470  
campus debt service attributable to qualifying capital projects 112471  
from the campus's formula-determined capital component allocation. 112472  
Moneys distributed from this appropriation item shall be 112473  
restricted to capital-related purposes. 112474

Any campus for which the estimated campus debt service 112475  
attributable to qualifying capital projects is greater than the 112476  
campus's formula-determined capital component allocation shall 112477  
have the difference subtracted from its State Share of Instruction 112478  
allocation in each fiscal year. Appropriation equal to the sum of 112479  
all such amounts shall be transferred from appropriation item 112480  
235501, State Share of Instruction, to appropriation item 235552, 112481  
Capital Component. 112482

**Section 381.330. LIBRARY DEPOSITORIES** 112483

The foregoing appropriation item 235555, Library 112484  
Depositories, shall be distributed to the state's five regional 112485  
depository libraries for the cost-effective storage of and access 112486  
to lesser-used materials in university library collections. The 112487  
depositories shall be administrated by the Chancellor of Higher 112488  
Education, or by OhioLINK at the discretion of the Chancellor. 112489

**Section 381.340. OHIO ACADEMIC RESOURCES NETWORK (OARNET)** 112490

The foregoing appropriation item 235556, Ohio Academic 112491  
Resources Network, shall be used by the Chancellor of Higher 112492  
Education to support the operations of the Ohio Academic Resources 112493  
Network, a consortium organized under division (T) of section 112494  
3333.04 of the Revised Code, which shall include support for 112495  
Ohio's colleges and universities in maintaining and enhancing 112496  
network connections, using new network technologies to improve 112497  
research, education, and economic development programs, and 112498

sharing information technology services. To the extent network 112499  
capacity is available, OARnet shall support allocating bandwidth 112500  
to eligible programs directly supporting Ohio's economic 112501  
development. 112502

**Section 381.350.** LONG-TERM CARE RESEARCH 112503

The foregoing appropriation item 235558, Long-term Care 112504  
Research, shall be disbursed to Miami University for long-term 112505  
care research. 112506

**Section 381.360.** OHIO COLLEGE OPPORTUNITY GRANT 112507

(A) Except as provided in division (C) of this section: 112508

Of the foregoing appropriation item 235563, Ohio College 112509  
Opportunity Grant, at least \$116,560,126 in fiscal year 2020 and 112510  
at least \$142,586,364 in fiscal year 2021 shall be used by the 112511  
Chancellor of Higher Education to award need-based financial aid 112512  
to students enrolled in eligible public and private nonprofit 112513  
institutions of higher education, excluding early college high 112514  
school and post-secondary enrollment option participants. 112515

The remainder of the foregoing appropriation item 235563, 112516  
Ohio College Opportunity Grant, shall be used by the Chancellor to 112517  
award needs-based financial aid to students enrolled in eligible 112518  
private for-profit career colleges and schools. 112519

(B)(1) As used in this section: 112520

(a) "Eligible institution" means any institution described in 112521  
divisions (B)(2)(a) to (c) of section 3333.122 of the Revised 112522  
Code. 112523

(b) The three "sectors" of institutions of higher education 112524  
consist of the following: 112525

(i) State colleges and universities, community colleges, 112526  
state community colleges, university branches, and technical 112527

colleges; 112528

(ii) Eligible private nonprofit institutions of higher 112529  
education; 112530

(iii) Eligible private for-profit career colleges and 112531  
schools. 112532

(2) Awards for students attending eligible state colleges and 112533  
universities shall be \$2,000 in fiscal year 2020 and \$2,500 in 112534  
fiscal year 2021, and for students attending eligible private 112535  
nonprofit institutions of higher education shall be \$3,500 in 112536  
fiscal year 2020 and \$4,000 in fiscal year 2021. 112537

For students attending an eligible institution year-round, 112538  
awards may be distributed on an annual basis, once Pell grants 112539  
have been exhausted. 112540

(3) If the Chancellor determines that the amounts 112541  
appropriated for support of the Ohio College Opportunity Grant 112542  
program are inadequate to provide grants to all eligible students 112543  
as calculated under division (D) of section 3333.122 of the 112544  
Revised Code, the Chancellor may create a distribution formula for 112545  
fiscal year 2020 and fiscal year 2021 based on the formula used in 112546  
fiscal year 2019, or may follow methods established in division 112547  
(C)(1)(a) or (b) of section 3333.122 of the Revised Code. If the 112548  
Chancellor determines that reductions in award amounts are 112549  
necessary, the Chancellor shall reduce the award amounts 112550  
proportionally among the sectors of institutions specified in 112551  
division (B)(1) of this section in a manner determined by the 112552  
Chancellor. The Chancellor shall notify the Controlling Board of 112553  
the distribution method. Any formula calculated under this 112554  
division shall be complete and established to coincide with the 112555  
start of the 2019-2020 academic year. 112556

(C) Prior to determining the amount of funds available to 112557  
award under this section and section 3333.122 of the Revised Code, 112558



the Chancellor shall use the foregoing appropriation item 235563, 112559  
Ohio College Opportunity Grant, to pay for waivers of tuition and 112560  
student fees for eligible students under the Ohio Safety Officer's 112561  
College Memorial Fund Program under sections 3333.26 of the 112562  
Revised Code. In paying for waivers under this division, the 112563  
Chancellor shall deduct funds from the allocations made under 112564  
division (A) of this section. Deductions shall be proportionate to 112565  
the amounts allocated to each sector from the total amounts 112566  
appropriated for each sector under the foregoing appropriation 112567  
item 235563, Ohio College Opportunity Grant. 112568

In each fiscal year, with the exception of sections 3333.121 112569  
and 3333.124 of the Revised Code and the section of this act 112570  
entitled "STATE FINANCIAL AID RECONCILIATION," the Chancellor 112571  
shall not distribute or obligate or commit to be distributed an 112572  
amount greater than what is appropriated under the foregoing 112573  
appropriation item 235563, Ohio College Opportunity Grant. 112574

(D) The Chancellor shall establish, and post on the 112575  
Department of Higher Education's web site, award tables based on 112576  
any formulas created under division (B) of this section. The 112577  
Chancellor shall notify students and institutions of any 112578  
reductions in awards under this section. 112579

(E) Notwithstanding section 3333.122 of the Revised Code, no 112580  
student shall be eligible to receive an Ohio College Opportunity 112581  
Grant for more than ten semesters, fifteen quarters, or the 112582  
equivalent of five academic years, less the number of semesters or 112583  
quarters in which the student received an Ohio Instructional 112584  
Grant. 112585

(F) During each fiscal year, the Chancellor, as soon as 112586  
possible after cancellation, may certify to the Director of Budget 112587  
and Management the amount of canceled prior-year encumbrances in 112588  
appropriation item 235563, Ohio College Opportunity Grant. Upon 112589  
receipt of the certification, the Director of Budget and 112590

Management may transfer cash, up to the certified amount, from the 112591  
General Revenue Fund to the Ohio College Opportunity Grant Program 112592  
Reserve Fund (Fund 5PU0). 112593

**Section 381.370.** THE OHIO STATE UNIVERSITY CLINIC SUPPORT 112594

The foregoing appropriation item 235572, The Ohio State 112595  
University Clinic Support, shall be distributed through the 112596  
Chancellor of Higher Education to The Ohio State University for 112597  
support of dental and veterinary medicine clinics. 112598

STATE SHARE OF INSTRUCTION RECONCILIATION 112599

On July 1, 2019, or as soon as possible thereafter, the 112600  
Chancellor of Higher Education shall recommend to the Director of 112601  
Budget and Management the transfer of up to \$1,500,000 of 112602  
unexpended and unencumbered General Revenue Fund appropriations 112603  
within the Department of Higher Education that exist on June 30, 112604  
2019, to appropriation item 235505, State Share of Instruction 112605  
Reconciliation. Upon the recommendation of the Chancellor, the 112606  
Director of Budget and Management shall transfer up to \$1,500,000 112607  
of unexpended and unencumbered General Revenue Fund appropriations 112608  
within the Department of Higher Education to appropriation item 112609  
235505, State Share of Instruction Reconciliation. The transferred 112610  
appropriation shall be disbursed by the Chancellor to state 112611  
institutions of higher education, as defined in section 3345.011 112612  
of the Revised Code, for any prior year State Share of Instruction 112613  
funding obligations as determined by the Chancellor. 112614

**Section 381.373.** CO-OP INTERNSHIP PROGRAM 112615

Of the foregoing appropriation item 235591, Co-op Internship 112616  
Program, \$612,500 in fiscal year 2020 and \$812,500 in fiscal year 112617  
2021 shall be used to support the operations of Ohio University's 112618  
Voinovich School. 112619

Of the foregoing appropriation item 235591, Co-op Internship 112620

Program, \$62,500 in each fiscal year shall be used to support the 112621  
operations of The Ohio State University's John Glenn College of 112622  
Public Affairs. 112623

Of the foregoing appropriation item 235591, Co-op Internship 112624  
Program, \$62,500 in each fiscal year shall be used to support the 112625  
Bliss Institute of Applied Politics at the University of Akron. 112626

Of the foregoing appropriation item 235591, Co-op Internship 112627  
Program, \$50,000 in each fiscal year shall be used to support the 112628  
Center for Public Management and Regional Affairs at Miami 112629  
University. 112630

Of the foregoing appropriation item 235591, Co-op Internship 112631  
Program, \$100,000 in each fiscal year shall be used to support 112632  
students who attend institutions of higher education in Ohio and 112633  
are participating in the Washington Center Internship Program. 112634

Of the foregoing appropriation item 235591, Co-op Internship 112635  
Program, \$50,000 in each fiscal year shall be used to support the 112636  
Ohio Center for the Advancement of Women in Public Service at the 112637  
Maxine Goodman Levin College of Urban Affairs at Cleveland State 112638  
University. 112639

Of the foregoing appropriation item 235591, Co-op Internship 112640  
Program, \$50,000 in each fiscal year shall be used to support the 112641  
University of Cincinnati Internship Program. 112642

Of the foregoing appropriation item 235591, Co-op Internship 112643  
Program, \$50,000 in each fiscal year shall be used to support the 112644  
operations of the Center for Regional Development at Bowling Green 112645  
State University. 112646

Of the foregoing appropriation item 235591, Co-op Internship 112647  
Program, \$75,000 in each fiscal year shall be used to support the 112648  
Model United Nations Program and the operations of the Center for 112649  
Liberal Arts Student Success at Wright State University. 112650

Of the foregoing appropriation item 235591, Co-op Internship Program, \$50,000 in each fiscal year shall be used to support the University of Toledo Urban Affairs Center.

Of the foregoing appropriation item 235591, Co-op Internship Program, \$50,000 in each fiscal year shall be used to support the Center for Urban and Regional Studies at Youngstown State University.

Of the foregoing appropriation item 235591, Co-op Internship, \$50,000 in each fiscal year shall be used to support the Kent State University Washington Program in National Issues.

**Section 381.375. HIGH SCHOOL STEM INNOVATION AND OHIO COLLEGE SCHOLARSHIP AND RETENTION PROGRAM**

(A) The foregoing appropriation item 235597, High School STEM Innovation and Ohio College Scholarship and Retention Program, shall be distributed by the Chancellor of Higher Education to the Ohio Academy of Science, in collaboration with Entrepreneurial Engagement Ohio, for the continuing development and implementation of recommendations of the Ohio Board of Regents that seek to create an innovation pathway between Ohio's K-12 education system and Ohio's colleges and universities and post-secondary career centers and vocational schools. The purpose of this program is to create a "Culture of Innovation" in Ohio high schools, promote Ohio as a great place for high school students to continue their educations and careers, and to provide college scholarships to encourage Ohio's most innovative and entrepreneurial high school students to remain in Ohio by focusing on the practical application of science, technology, engineering, and mathematics, including related medicine, health and arts fields, and the development of an entrepreneurial mindset and critical thinking skills that will be needed by today's students in Ohio's innovation economy.

(B) The High School STEM Innovation and Ohio College Scholarship and Retention Program shall: 112682  
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(1) Conduct STEM Innovation and Entrepreneurship forums at Ohio's universities and colleges for high school students and educators; 112684  
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(2) Develop an in-school STEM Innovation and Entrepreneurship Program and STEM Commercialization Plan and STEM Business Plan competitions that include student incentive awards for competition winners and related curriculum, content and other program support to teachers and students; 112687  
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(3) Conduct a statewide STEM Commercialization Plan and STEM Business Plan competition, open to the winners of related local high school competition award winners, that includes scholarships to attend any Ohio college, university, or post-secondary career center; 112692  
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(4) Conduct a statewide Innovation and Entrepreneurship Scholarship program that awards at least one scholarship to attend any Ohio college in each Ohio Senate and House District. Ohio high school students who have distinguished themselves in a significant STEM, entrepreneurship, or innovation program competition or accomplishment shall be eligible to apply for this scholarship program. 112697  
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(C) All aspects of the High School STEM Innovation and Ohio College Scholarship and Retention Program shall be open to any Ohio high school student, with an emphasis on minority, rural and economically disadvantaged students. 112704  
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(D) The High School STEM Innovation and Ohio College Scholarship and Retention Program shall collaborate with Ohio's colleges and universities, and existing STEM, innovation, and entrepreneurship programs to implement these provisions and encourage enrollment at Ohio institutions of post-secondary and 112708  
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higher education. 112713

**Section 381.376.** RURAL UNIVERSITY PROGRAM 112714

The foregoing appropriation item 235598, Rural University 112715  
Program, shall be used for the Rural University Program, a 112716  
collaboration of Bowling Green State University, Kent State 112717  
University, Miami University, and Ohio University that provides 112718  
rural communities with economic development, public 112719  
administration, and public health services. Each of the four 112720  
participating universities shall receive \$125,000 in each fiscal 112721  
year to support their respective programs. 112722

**Section 381.380.** NATIONAL GUARD SCHOLARSHIP PROGRAM 112723

The Chancellor of Higher Education shall disburse funds from 112724  
appropriation item 235599, National Guard Scholarship Program. 112725  
During each fiscal year, the Chancellor, as soon as possible after 112726  
cancellation, may certify to the Director of Budget and Management 112727  
the amount of canceled prior-year encumbrances in appropriation 112728  
item 235599, National Guard Scholarship Program. Upon receipt of 112729  
the certification, the Director of Budget and Management may 112730  
transfer cash, up to the certified amount, from the General 112731  
Revenue Fund to the National Guard Scholarship Reserve Fund (Fund 112732  
5BM0). 112733

**Section 381.390.** PLEDGE OF FEES 112734

Any new pledge of fees, or new agreement for adjustment of 112735  
fees, made in the biennium ending June 30, 2021, to secure bonds 112736  
or notes of a state institution of higher education for a project 112737  
for which bonds or notes were not outstanding on the effective 112738  
date of this section or to secure a refund of prior debt that is 112739  
anticipated to increase the total cost of retiring the original 112740  
debt shall be effective only after approval by the Chancellor of 112741

Higher Education, unless approved in a previous biennium. 112742

**Section 381.400.** HIGHER EDUCATION GENERAL OBLIGATION BOND 112743  
DEBT SERVICE 112744

The foregoing appropriation item 235909, Higher Education 112745  
General Obligation Bond Debt Service, shall be used to pay all 112746  
debt service and related financing costs during the period from 112747  
July 1, 2019, through June 30, 2021, for obligations issued under 112748  
sections 151.01 and 151.04 of the Revised Code. 112749

**Section 381.410.** SALES AND SERVICES 112750

The Chancellor of Higher Education is authorized to charge 112751  
and accept payment for the provision of goods and services. Such 112752  
charges shall be reasonably related to the cost of producing the 112753  
goods and services. Except as otherwise provided by law, no 112754  
charges may be levied for goods or services that are produced as 112755  
part of the routine responsibilities or duties of the Chancellor. 112756  
All revenues received by the Chancellor shall be deposited into 112757  
Fund 4560, and may be used by the Chancellor to pay for the costs 112758  
of producing the goods and services. 112759

**Section 381.420.** HIGHER EDUCATIONAL FACILITY COMMISSION 112760  
ADMINISTRATION 112761

The foregoing appropriation item 235602, Higher Educational 112762  
Facility Commission Administration, shall be used by the 112763  
Chancellor of Higher Education for operating expenses related to 112764  
the Chancellor's support of the activities of the Ohio Higher 112765  
Educational Facility Commission. Upon the request of the 112766  
Chancellor, the Director of Budget and Management may transfer 112767  
cash in an amount up to the amount appropriated from the foregoing 112768  
appropriation item 235602, Higher Educational Facility Commission 112769  
Administration, in each fiscal year from the HEFC Operating 112770

Expenses Fund (Fund 4610) to the HEFC Administration Fund (Fund 4E80). 112771  
112772

**Section 381.440. FEDERAL RESEARCH NETWORK** 112773

The foregoing appropriation item 235654, Federal Research 112774  
Network, shall be allocated to The Ohio State University to 112775  
collaborate with federal installations in Ohio, state institutions 112776  
of higher education as defined in section 3345.011 of the Revised 112777  
Code, private nonprofit institutions of higher education holding 112778  
certificates of authorization under Chapter 1713. of the Revised 112779  
Code, and the private sector to align the state's research assets 112780  
with emerging missions and job growth opportunities emanating from 112781  
federal installations, strengthen related workforce development 112782  
and technology commercialization programs, and better position the 112783  
state's university system to directly impact new job creation in 112784  
Ohio. A portion of the foregoing appropriation item 235654, 112785  
Federal Research Network, shall be used to support the growth of 112786  
small business federal contractors in the state and to expand the 112787  
participation of Ohio businesses in the federal Small Business 112788  
Innovation Research Program and related federal programs. 112789

On July 1, 2019, or as soon as possible thereafter, the 112790  
Chancellor of Higher Education may certify to the Director of 112791  
Budget and Management an amount up to the unexpended, unencumbered 112792  
balance of the foregoing appropriation item, 235654, Federal 112793  
Research Network, at the end of fiscal year 2019 to be 112794  
reappropriated to fiscal year 2020. Upon the approval of the 112795  
Controlling Board, the amount certified is hereby reappropriated 112796  
to the same appropriation item for fiscal year 2020. 112797

**Section 381.450. OHIOMEANSJOBS WORKFORCE DEVELOPMENT** 112798  
**REVOLVING LOAN PROGRAM** 112799

The foregoing appropriation item 235684, OhioMeansJobs 112800



Workforce Development Revolving Loan Program, shall be used by the 112801  
Chancellor of Higher Education to provide administrative support 112802  
for the OhioMeansJobs Workforce Development Revolving Loan 112803  
Program. 112804

**Section 381.460.** OHIOCORPS PILOT PROGRAM 112805

Of the appropriation item 235594, OhioCorps Pilot Program, up 112806  
to \$50,000 in each fiscal year shall be used by the Chancellor of 112807  
Higher Education to implement and administer the OhioCorps Pilot 112808  
Program pursuant to sections 3333.80 to 3333.802 of the Revised 112809  
Code. 112810

The remainder of the appropriation item 235594, OhioCorps 112811  
Pilot Program, shall be used by the Chancellor of Higher Education 112812  
to assist eligible state institutions of higher education, as 112813  
defined in division (A)(4) of section 3333.80 of the Revised Code, 112814  
in establishing and administering OhioCorps mentorship programs 112815  
under section 3333.80 of the Revised Code. 112816

On July 1, 2019, or as soon as possible thereafter, the 112817  
Chancellor of Higher Education may certify to the Director of 112818  
Budget and Management an amount up to the unexpended, unencumbered 112819  
balance of the appropriation item, 235594, OhioCorps Pilot 112820  
Program, at the end of fiscal year 2019 to be reappropriated to 112821  
fiscal year 2020. The amount certified is hereby reappropriated to 112822  
the same appropriation item for fiscal year 2020 for purposes of 112823  
providing funds to support mentorship programs under the OhioCorps 112824  
Pilot Program. 112825

On July 1, 2020, or as soon as possible thereafter, the 112826  
Chancellor of Higher Education may certify to the Director of 112827  
Budget and Management an amount up to the unexpended, unencumbered 112828  
balance of the appropriation item, 235594, OhioCorps Pilot 112829  
Program, at the end of fiscal year 2020 to be reappropriated to 112830  
fiscal year 2021. The amount certified is hereby reappropriated to 112831

the same appropriation item for fiscal year 2021 for purposes of 112832  
providing funds to support mentorship programs under the OhioCorps 112833  
Pilot Program. 112834

**Section 381.470. STATE FINANCIAL AID RECONCILIATION** 112835

By the first day of September in each fiscal year, or as soon 112836  
as possible thereafter, the Chancellor of Higher Education shall 112837  
certify to the Director of Budget and Management the amount 112838  
necessary to pay any outstanding prior year obligations to higher 112839  
education institutions for the state's financial aid programs. The 112840  
amounts certified are hereby appropriated to appropriation item 112841  
235618, State Financial Aid Reconciliation, from revenues received 112842  
in the State Financial Aid Reconciliation Fund (Fund 5Y50). 112843

**Section 381.480. NURSING LOAN PROGRAM** 112844

The foregoing appropriation item 235606, Nursing Loan 112845  
Program, shall be used to administer the nurse education 112846  
assistance program. 112847

**Section 381.520. RESEARCH INCENTIVE THIRD FRONTIER** 112848

The foregoing appropriation items 235634, Research Incentive 112849  
Third Frontier, and 235639, Research Incentive Third Frontier-Tax, 112850  
shall be used by the Chancellor of Higher Education to advance 112851  
collaborative research at institutions of higher education. Of the 112852  
foregoing appropriation items 235634, Research Incentive Third 112853  
Frontier, and 235639, Research Incentive Third Frontier - Tax, up 112854  
to \$2,000,000 in each fiscal year may be allocated toward research 112855  
regarding the improvement of water quality, up to \$1,500,000 in 112856  
each fiscal year may be allocated for spinal cord research, up to 112857  
\$1,000,000 in each fiscal year may be allocated toward research 112858  
regarding the reduction of infant mortality, up to \$1,000,000 in 112859  
each fiscal year may be allocated toward research regarding opiate 112860

addiction issues in Ohio, up to \$750,000 in each fiscal year may 112861  
be allocated toward research regarding cyber security initiatives, 112862  
up to \$500,000 in each fiscal year may be allocated to the Ohio 112863  
Manufacturing and Innovation Center, up to \$300,000 in each fiscal 112864  
year may be allocated toward the I-Corps@Ohio program, and up to 112865  
\$200,000 in each fiscal year may be allocated toward the Ohio 112866  
Innovation Exchange program. 112867

**Section 381.530. VETERANS PREFERENCES** 112868

The Chancellor of Higher Education shall work with the 112869  
Department of Veterans Services to develop specific veterans 112870  
preference guidelines for higher education institutions. These 112871  
guidelines shall ensure that the institutions' hiring practices 112872  
are in accordance with the intent of Ohio's veterans preference 112873  
laws. 112874

**Section 381.540. (A) As used in this section:** 112875

(1) "Board of trustees" includes the managing authority of a 112876  
university branch district. 112877

(2) "State institution of higher education" has the same 112878  
meaning as in section 3345.011 of the Revised Code. 112879

(B) The board of trustees of any state institution of higher 112880  
education, notwithstanding any rule of the institution to the 112881  
contrary, may adopt a policy providing for mandatory furloughs of 112882  
employees, including faculty, to achieve spending reductions 112883  
necessitated by institutional budget deficits. 112884

**Section 381.550. EFFICIENCY REPORTS** 112885

In each fiscal year, the board of trustees of each public 112886  
institution of higher education shall approve the institution's 112887  
efficiency report submitted to the Chancellor of Higher Education 112888  
under section 3333.95 of the Revised Code. 112889

MEDICAL EDUCATION POST-GRADUATION RESIDENCY REPORTS 112890

For each fiscal year, each institution of higher education 112891  
that receives funds from the foregoing appropriation items 235515, 112892  
Case Western Reserve University School of Medicine, 235519, Family 112893  
Practice, 235525, Geriatric Medicine, 235526, Primary Care 112894  
Residencies, 235536, The Ohio State University Clinical Teaching, 112895  
235537, University of Cincinnati Clinical Teaching, 235538, 112896  
University of Toledo Clinical Teaching, 235539, Wright State 112897  
University Clinical Teaching, 235540, Ohio University Clinical 112898  
Teaching, 235541, Northeast Ohio Medical University Clinical 112899  
Teaching, 235558, Long-term Care Research, and 235572, The Ohio 112900  
State University Clinic Support, shall report to the Chancellor of 112901  
Higher Education the residency status of graduates from the 112902  
respective programs receiving support from those appropriation 112903  
items one year and five years after graduating. 112904

**Section 381.580.** The Chancellor of Higher Education shall 112905  
support the continued development of the Ohio Innovation Exchange 112906  
for the purpose of showcasing the research expertise of Ohio's 112907  
university and college faculty in a variety of fields, including, 112908  
but not limited to, engineering, biomedicine, and information 112909  
technology, and to identify institutional research equipment 112910  
available in the state. 112911

**Section 381.590.** The Chancellor of Higher Education shall 112912  
work with state institutions of higher education, as defined by 112913  
section 3345.011 of the Revised Code, Ohio Technical Centers, as 112914  
recognized by the Chancellor, and industry partners to develop 112915  
program models that include project-based learning to increase 112916  
continuing education and non-credit program offerings that lead to 112917  
a credential in order to meet the state's in-demand job needs. 112918

**Section 381.610.** HEALTH CARE WORKFORCE PREPARATION 112919

The Chancellor of Higher Education shall establish the Ohio Physician and Allied Health Care Workforce Preparation Task Force to study, evaluate, and make recommendations with respect to health care workforce needs in Ohio. Topics considered by the task force may include, but not be limited to, physician, nursing, and allied health care education programs and health care workforce shortages in Ohio. The Chancellor shall appoint task force members with representation from the State Medical Board, medical school deans, hospital administrators, physician and nursing organizations, federally qualified health centers, and other allied health personnel as the Chancellor may decide. The task force shall convene as soon as practicable and issue a report to the Governor, the Speaker and Minority Leader of the House of Representatives, and the President and Minority Leader of the Senate by March 1, 2020.

**Section 381.620.** FUND NAME CHANGES

On July 1, 2019, or as soon as possible thereafter, the Director of Budget and Management shall rename the SchoolNet Fees Fund (Fund 5D40) the Conference Administration Fund (Fund 5D40).

**Section 383.10.** DRC DEPARTMENT OF REHABILITATION AND  
CORRECTION

General Revenue Fund

GRF 501321	Institutional Operations	\$ 1,126,589,266	\$ 1,167,132,362	112942
GRF 501405	Halfway House	\$ 69,440,618	\$ 74,922,786	112943
GRF 501406	Adult Correctional Facilities Lease Rental Bond Payments	\$ 64,797,700	\$ 72,940,500	112944
GRF 501407	Community Nonresidential	\$ 59,410,711	\$ 61,966,863	112945

		Programs				
GRF	501408	Community Misdemeanor	\$	9,356,800	\$	9,356,800 112946
		Programs				
GRF	501501	Community Residential	\$	83,072,332	\$	84,758,355 112947
		Programs - Community Based Correctional Facilities				
GRF	503321	Parole and Community Operations	\$	86,373,348	\$	88,673,763 112948
GRF	504321	Administrative Operations	\$	24,909,617	\$	24,800,000 112949
GRF	505321	Institution Medical Services	\$	283,935,623	\$	295,579,451 112950
GRF	506321	Institution Education Services	\$	35,154,257	\$	34,142,490 112951
TOTAL GRF		General Revenue Fund	\$	1,843,040,272	\$	1,914,273,370 112952
		Dedicated Purpose Fund Group				112953
4B00	501601	Sewer Treatment Services	\$	1,759,683	\$	1,800,000 112954
4D40	501603	Prisoner Programs	\$	400,000	\$	400,000 112955
4L40	501604	Transitional Control	\$	2,449,420	\$	2,450,000 112956
4S50	501608	Education Services	\$	4,546,081	\$	4,660,000 112957
5AF0	501609	State and Non-Federal Awards	\$	1,375,000	\$	2,375,000 112958
5H80	501617	Offender Financial Responsibility	\$	2,610,000	\$	1,860,000 112959
5TZ0	501610	Probation Improvement and Incentive Grants	\$	5,000,000	\$	5,000,000 112960
TOTAL DPF		Dedicated Purpose Fund Group	\$	18,140,184	\$	18,545,000 112961
		Internal Service Activity Fund Group				112962
1480	501602	Institutional	\$	2,925,000	\$	2,850,000 112963

		Services				
2000	501607	Ohio Penal Industries	\$	47,053,957	\$	46,515,000 112964
4830	501605	Leased Property	\$	2,000,000	\$	2,000,000 112965
		Maintenance and Operating				
5710	501606	Corrections Training	\$	980,000	\$	980,000 112966
		Maintenance and Operating				
5L60	501611	Information	\$	500,000	\$	500,000 112967
		Technology Services				
TOTAL ISA Internal Activity						112968
Fund Group			\$	53,458,957	\$	52,845,000 112969
Federal Fund Group						112970
3230	501619	Federal Grants	\$	1,566,734	\$	1,540,000 112971
3CW0	501622	Federal Equitable	\$	450,000	\$	450,000 112972
		Sharing				
TOTAL FED Federal						112973
Fund Group			\$	2,016,734	\$	1,990,000 112974
TOTAL ALL BUDGET FUND GROUPS			\$	1,916,656,147	\$	1,987,653,370 112975
OSU MEDICAL CHARGES						112976
Notwithstanding section 341.192 of the Revised Code, at the						112977
request of the Department of Rehabilitation and Correction, the						112978
Ohio State University Medical Center, including the Arthur G.						112979
James Cancer Hospital and Richard J. Solove Research Institute and						112980
the Richard M. Ross Heart Hospital, shall provide necessary care						112981
to persons who are confined in state adult correctional						112982
facilities. The provision of necessary inpatient care billed to						112983
the Department shall be reimbursed at a rate not to exceed the						112984
authorized reimbursement rate for the same service established by						112985
the Department of Medicaid under the Medicaid Program.						112986
ADULT CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS						112987
The foregoing appropriation item 501406, Adult Correctional						112988

Facilities Lease Rental Bond Payments, shall be used to meet all 112989  
payments during the period from July 1, 2019, through June 30, 112990  
2021, by the Department of Rehabilitation and Correction pursuant 112991  
to leases and agreements for facilities made under Chapters 152. 112992  
and 154. of the Revised Code. These appropriations are the source 112993  
of funds pledged for bond service charges on related obligations 112994  
issued under Chapters 152. and 154. of the Revised Code. 112995

COMMUNITY BASED CORRECTIONAL FACILITIES 112996

Of the foregoing appropriation item 501501, Community 112997  
Residential Programs - Community Based Correctional Facilities, 112998  
\$2,970,000 in fiscal year 2020 and \$3,053,977 in fiscal year 2021 112999  
shall be used to support staff retention for community based 113000  
correctional facilities. 113001

REENTRY EMPLOYMENT GRANTS 113002

(A) Of the foregoing appropriation item 503321, Parole and 113003  
Community Operations, \$250,000 in each fiscal year shall be used 113004  
by the Department of Rehabilitation and Correction to create and 113005  
implement a program to award grants to at least one nonprofit 113006  
organization that operates reentry employment programs that meet 113007  
all of the following criteria: 113008

(1) Serve parolees, releasees, and probationers assessed by 113009  
the Department as moderate or high risk to recidivate and referred 113010  
by the Adult Parole Authority or probation for services; 113011

(2) Provide job readiness training, transitional employment, 113012  
job coaching and placement, and post-placement retention services; 113013

(3) Have been independently and rigorously evaluated and 113014  
shown to reduce recidivism; 113015

(4) Have the ability to serve multiple large jurisdictions 113016  
across the state. 113017

(B) The Department shall establish guidelines, procedures, 113018



all forms by which applicants may apply for grants, and 113019  
outcome-based criteria upon which performance, under the terms of 113020  
the grant awards, is evaluated. The outcomes, as defined by the 113021  
Department, should include enrollment, job placement, and job 113022  
retention. 113023

INSTITUTION EDUCATION SERVICES 113024

Of the foregoing appropriation item 506321, Institution 113025  
Education Services, \$1,450,000 in each fiscal year shall be used 113026  
to pay for the costs associated with providing postsecondary 113027  
education programs to eligible students. 113028

Of the foregoing appropriation item 506321, Institution 113029  
Education Services, \$329,293 in each fiscal year shall be used to 113030  
pay for the costs to expand the current certificate offering for 113031  
students eligible for postsecondary education programs to attain 113032  
degree credentials in employment fields of study. 113033

Of the foregoing appropriation item 506321, Institution 113034  
Education Services, up to \$620,500 in each fiscal year shall be 113035  
used to pay for the costs to expand postsecondary education 113036  
programming to security level 3 and 4 correctional institutions. 113037  
Notwithstanding any provision of law to the contrary, the Director 113038  
of Rehabilitation and Correction shall have sole discretion on the 113039  
allocation these funds based upon needs of the security level 3 113040  
and 4 correctional institutions and those individuals classified 113041  
as such. Any unused balance in each fiscal year may be used to 113042  
cover the costs of postsecondary education programs other than 113043  
security level 3 and 4 correctional institutions or individuals 113044  
classified as such. 113045

Of the foregoing appropriation item 506321, Institution 113046  
Education Services, \$192,490 in each fiscal year shall be used to 113047  
pay for the costs associated with increasing tuition for 113048  
postsecondary education programming by 5 per cent. 113049

Of the foregoing appropriation item 506321, Institution 113050  
 Education Services, \$1,308,500 in fiscal year 2020 shall be used 113051  
 for the Ashland University Correctional Education Expansion 113052  
 Program. 113053

PROBATION IMPROVEMENT AND INCENTIVE GRANTS 113054

The foregoing appropriation item 501610, Probation 113055  
 Improvement and Incentive Grants, shall be allocated by the 113056  
 Department of Rehabilitation and Correction to municipalities as 113057  
 Probation Improvement and Incentive Grants with an emphasis on: 113058  
 (1) providing services to those addicted to opiates and other 113059  
 illegal substances, and (2) supplementing the programs and 113060  
 services funded by grants distributed from the foregoing 113061  
 appropriation item 501407, Community Nonresidential Programs. 113062

**Section 387.10. RDF STATE REVENUE DISTRIBUTIONS** 113063

General Revenue Fund Group 113064

GRF 110908 Property Tax \$ 644,885,000 \$ 650,342,850 113065  
 Reimbursement - Local  
 Government

GRF 200903 Property Tax \$ 1,197,715,000 \$ 1,207,908,150 113066  
 Reimbursement -  
 Education

TOTAL GRF General Revenue Fund \$ 1,842,600,000 \$ 1,858,251,000 113067  
 Group

Revenue Distribution Fund Group 113068

5JG0 110633 Gross Casino Revenue \$ 144,150,000 \$ 147,030,000 113069  
 Payments-County

5JH0 110634 Gross Casino Revenue \$ 95,880,000 \$ 97,800,000 113070  
 Payments- School  
 Districts

5JJ0 110636 Gross Casino Revenue \$ 14,150,000 \$ 14,430,000 113071

		- Host City				
7047	200902	Property Tax	\$	135,105,080	\$	111,196,773 113072
		Replacement Phase				
		Out-Education				
7049	336900	Indigent Drivers	\$	2,250,000	\$	2,250,000 113073
		Alcohol Treatment				
7050	762900	International	\$	23,000,000	\$	23,000,000 113074
		Registration Plan				
		Distribution				
7051	762901	Auto Registration	\$	328,000,000	\$	328,000,000 113075
		Distribution				
7060	110960	Gasoline Excise Tax	\$	576,000,000	\$	576,000,000 113076
		Fund				
7065	110965	Public Library Fund	\$	422,300,000	\$	430,000,000 113077
7066	800966	Undivided Liquor	\$	14,600,000	\$	14,600,000 113078
		Permits				
7069	110969	Local Government Fund	\$	417,300,000	\$	424,900,000 113079
7081	110907	Property Tax	\$	11,804,000	\$	8,620,000 113080
		Replacement Phase				
		Out-Local Government				
7082	110982	Horse Racing Tax	\$	60,000	\$	60,000 113081
7083	700900	Ohio Fairs Fund	\$	1,000,000	\$	1,000,000 113082
TOTAL RDF Revenue Distribution						113083
Fund Group			\$	2,185,599,080	\$	2,178,886,773 113084
Fiduciary Fund Group						113085
4P80	001698	Cash Management	\$	3,100,000	\$	3,100,000 113086
		Improvement Fund				
5VR0	110902	Municipal Net Profit	\$	30,000,000	\$	35,000,000 113087
		Tax				
6080	001699	Investment Earnings	\$	140,000,000	\$	160,000,000 113088
7001	110996	Horse Racing Tax	\$	240,000	\$	240,000 113089
		Local Government				
		Payments				

7062	110962	Resort Area Excise Tax Distribution	\$ 1,200,000	\$ 1,200,000	113090
7063	110963	Permissive Sales Tax Distribution	\$ 2,733,517,000	\$ 2,815,522,510	113091
7067	110967	School District Income Tax Distribution	\$ 469,248,000	\$ 488,017,920	113092
7085	800985	Volunteer Firemen's Dependents Fund	\$ 300,000	\$ 300,000	113093
7093	110640	Next Generation 9-1-1	\$ 1,000,000	\$ 1,000,000	113094
7094	110641	Wireless 9-1-1 Government Assistance	\$ 25,700,000	\$ 25,700,000	113095
7095	110995	Municipal Income Tax	\$ 15,000,000	\$ 15,000,000	113096
7099	762902	Permissive Tax Distribution - Auto Registration	\$ 213,100,000	\$ 222,700,000	113097
TOTAL FID Fiduciary Fund Group			\$ 3,632,405,000	\$ 3,767,780,430	113098
Holding Account Fund Group					113099
R045	110617	International Fuel Tax Distribution	\$ 56,100,000	\$ 56,100,000	113100
TOTAL HLD Holding Account Fund Group			\$ 56,100,000	\$ 56,100,000	113101
TOTAL ALL BUDGET FUND GROUPS			\$ 7,716,704,080	\$ 7,861,018,203	113102

**Section 387.20. ADDITIONAL APPROPRIATIONS** 113104

Appropriation items in Section 387.10 of this act shall be 113105  
used for the purpose of administering and distributing the 113106  
designated revenue distribution funds according to the Revised 113107  
Code. If it is determined that additional appropriations are 113108  
necessary for this purpose in any appropriation items in Section 113109  
387.10 of this act, such amounts are hereby appropriated. 113110

**GENERAL REVENUE FUND TRANSFERS** 113111

Notwithstanding any provision of law to the contrary, in 113112  
fiscal year 2020 and fiscal year 2021, the Director of Budget and 113113  
Management may transfer from the General Revenue Fund to the Local 113114  
Government Tangible Property Tax Replacement Fund (Fund 7081) and 113115  
the School District Tangible Property Tax Replacement Fund (Fund 113116  
7047) in the Revenue Distribution Fund Group, those amounts 113117  
necessary to reimburse local taxing units and school districts 113118  
under sections 5709.92 and 5709.93 of the Revised Code. Also, in 113119  
fiscal year 2020 and fiscal year 2021, the Director of Budget and 113120  
Management may make temporary transfers from the General Revenue 113121  
Fund to ensure sufficient balances in the Local Government 113122  
Tangible Property Tax Replacement Fund (Fund 7081) and the School 113123  
District Tangible Property Tax Replacement Fund (Fund 7047) and to 113124  
replenish the General Revenue Fund for such transfers. 113125

PROPERTY TAX REIMBURSEMENT - EDUCATION 113126

The foregoing appropriation item 200903, Property Tax 113127  
Reimbursement - Education, is appropriated to pay for the state's 113128  
costs incurred because of the homestead exemption, the property 113129  
tax rollback, and payments required under division (C) of section 113130  
5705.2110 of the Revised Code. In cooperation with the Department 113131  
of Taxation, the Department of Education shall distribute these 113132  
funds directly to the appropriate school districts of the state, 113133  
notwithstanding sections 321.24 and 323.156 of the Revised Code, 113134  
which provide for payment of the homestead exemption and property 113135  
tax rollback by the Tax Commissioner to the appropriate county 113136  
treasurer and the subsequent redistribution of these funds to the 113137  
appropriate local taxing districts by the county auditor. 113138

Upon receipt of these amounts, each school district shall 113139  
distribute the amount among the proper funds as if it had been 113140  
paid as real or tangible personal property taxes. Payments for the 113141  
costs of administration shall continue to be paid to the county 113142  
treasurer and county auditor as provided for in sections 319.54, 113143

321.26, and 323.156 of the Revised Code. 113144

Any sums, in addition to the amount specifically appropriated 113145  
in appropriation item 200903, Property Tax Reimbursement - 113146  
Education, for the homestead exemption and the property tax 113147  
rollback payments, and payments required under division (C) of 113148  
section 5705.2110 of the Revised Code, which are determined to be 113149  
necessary for these purposes, are hereby appropriated. 113150

HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK 113151

The foregoing appropriation item 110908, Property Tax 113152  
Reimbursement-Local Government, is hereby appropriated to pay for 113153  
the state's costs incurred due to the Homestead Exemption, the 113154  
Manufactured Home Property Tax Rollback, and the Property Tax 113155  
Rollback. The Tax Commissioner shall distribute these funds 113156  
directly to the appropriate local taxing districts, except for 113157  
school districts, notwithstanding the provisions in sections 113158  
321.24 and 323.156 of the Revised Code, which provide for payment 113159  
of the Homestead Exemption, the Manufactured Home Property Tax 113160  
Rollback, and Property Tax Rollback by the Tax Commissioner to the 113161  
appropriate county treasurer and the subsequent redistribution of 113162  
these funds to the appropriate local taxing districts by the 113163  
county auditor. 113164

Upon receipt of these amounts, each local taxing district 113165  
shall distribute the amount among the proper funds as if it had 113166  
been paid as real property taxes. Payments for the costs of 113167  
administration shall continue to be paid to the county treasurer 113168  
and county auditor as provided for in sections 319.54, 321.26, and 113169  
323.156 of the Revised Code. 113170

Any sums, in addition to the amounts specifically 113171  
appropriated in appropriation item 110908, Property Tax Allocation 113172  
- Local Government, for the Homestead Exemption, the Manufactured 113173  
Home Property Tax Rollback, and the Property Tax Rollback 113174

payments, which are determined to be necessary for these purposes, 113175  
are hereby appropriated. 113176

PUBLIC LIBRARY FUND 113177

Notwithstanding the requirement in division (B) of section 113178  
131.51 of the Revised Code that the Director of Budget and 113179  
Management shall credit to the Public Library Fund one and 113180  
sixty-six one-hundredths per cent of the total tax revenue 113181  
credited to the General Revenue Fund during the preceding month, 113182  
the Director shall instead calculate these amounts during fiscal 113183  
year 2020 and fiscal year 2021 using one and seven-tenths as the 113184  
percentage. 113185

In addition to the amounts credited to the Public Library 113186  
Fund in August of 2019, the Director of Budget and Management 113187  
shall transfer an additional \$916,705 cash from the General 113188  
Revenue Fund to the Public Library Fund. This amount shall be 113189  
distributed from the Public Library Fund in the same manner in 113190  
August of 2019 as if it were credited in accordance with section 113191  
131.51 of the Revised Code. 113192

LOCAL GOVERNMENT FUND 113193

Notwithstanding the requirement in division (A) of section 113194  
131.51 of the Revised Code that the Director of Budget and 113195  
Management shall credit to the Local Government Fund one and 113196  
sixty-six one-hundredths per cent of the total tax revenue 113197  
credited to the General Revenue Fund during the preceding month, 113198  
the Director shall instead calculate these amounts during fiscal 113199  
year 2020 and fiscal year 2021 using one and sixty-eight 113200  
one-hundredths as the percentage. 113201

In addition to the amounts credited to the Local Government 113202  
Fund in August of 2019, the Director of Budget and Management 113203  
shall transfer an additional \$458,352 cash from the General 113204  
Revenue Fund to the Local Government Fund. This amount shall be 113205

distributed from the Local Government Fund in the same manner in 113206  
August of 2019 as if it were credited in accordance with section 113207  
131.51 of the Revised Code. 113208

TANGIBLE PERSONAL PROPERTY TAX REIMBURSEMENTS 113209

Notwithstanding any provision of law to the contrary, in 113210  
fiscal years 2020 and 2021, any city, local, or exempted village 113211  
school district that has a nuclear power plant located within its 113212  
territory shall receive the same payment amount under section 113213  
5709.92 of the Revised Code as in fiscal year 2017. 113214

MUNICIPAL INCOME TAX 113215

The foregoing appropriation item 110995, Municipal Income 113216  
Tax, shall be used to make payments to municipal corporations 113217  
under section 5745.05 of the Revised Code. If it is determined 113218  
that additional appropriations are necessary to make such 113219  
payments, such amounts are hereby appropriated. 113220

MUNICIPAL NET PROFIT TAX 113221

The foregoing appropriation item 110902, Municipal Net Profit 113222  
Tax, shall be used to make payments to municipal corporations 113223  
under section 718.83 of the Revised Code. If it is determined that 113224  
additional amounts are necessary to make such payments, such 113225  
amounts are hereby appropriated. 113226

During fiscal year 2020 and fiscal year 2021, if the Tax 113227  
Commissioner determines that there is insufficient cash in the 113228  
Municipal Net Profit Tax Fund (Fund 5VR0) to meet monthly 113229  
distribution obligations under section 718.83 of the Revised Code, 113230  
the Tax Commissioner shall certify to the Director of Budget and 113231  
Management the amount of additional cash necessary to satisfy 113232  
those obligations. In addition, the Commissioner shall submit a 113233  
plan to the Director requesting the necessary cash be transferred 113234  
from one or a combination of the following funds: the Municipal 113235  
Income Tax Administrative Fund, the Local Sales Tax Administrative 113236



Fund, the General School District Income Tax Administrative Fund, 113237  
the Motor Fuel Tax Administrative Fund, the Property Tax 113238  
Administrative Fund, or the General Revenue Fund. This plan shall 113239  
include a proposed repayment schedule to reimburse those funds for 113240  
any cash transferred in accordance with this section. After 113241  
receiving the certification and funding plan from the Tax 113242  
Commissioner and if the Director determines that sufficient cash 113243  
is available, the Director may transfer the cash to the Municipal 113244  
Net Profit Tax Fund in accordance with the plan submitted by the 113245  
Tax Commissioner or as otherwise determined by the Director of 113246  
Budget and Management. The Director of Budget and Management may 113247  
transfer cash from the Municipal Net Profit Tax Fund to reimburse 113248  
the funds from which cash was transferred for the purpose outlined 113249  
in this section. 113250

**Section 391.10. OSB OHIO STATE SCHOOL FOR THE BLIND** 113251

General Revenue Fund				113252
GRF 226321 Operations	\$	12,440,519	\$ 12,576,088	113253
TOTAL GRF General Revenue Fund	\$	12,440,519	\$ 12,576,088	113254
Dedicated Purpose Fund Group				113255
4H80 226602 Education Reform	\$	200,000	\$ 200,000	113256
Grants				
4M50 226601 Work Study and	\$	299,645	\$ 300,000	113257
Technology Investment				
5NJ0 226622 Food Service Program	\$	10,162	\$ 10,500	113258
TOTAL DPF Dedicated Purpose				113259
Fund Group	\$	509,807	\$ 510,500	113260
Federal Fund Group				113261
3100 226626 Federal Grants	\$	773,386	\$ 778,500	113262
3DT0 226621 Ohio Transition	\$	260,369	\$ 265,000	113263
Collaborative				
3P50 226643 Medicaid Professional	\$	100,000	\$ 100,000	113264

Services

Reimbursement

TOTAL FED Federal Fund Group	\$	1,133,755	\$	1,143,500	113265
TOTAL ALL BUDGET FUND GROUPS	\$	14,084,081	\$	14,230,088	113266

**Section 393.10.** OSD OHIO SCHOOL FOR THE DEAF 113268

General Revenue Fund 113269

GRF 221321 Operations	\$	13,082,919	\$	13,594,347	113270
TOTAL GRF General Revenue Fund	\$	13,082,919	\$	13,594,347	113271

Dedicated Purpose Fund Group 113272

4M00 221601 Educational Program	\$	99,025	\$	101,000	113273
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Expenses

4M10 221602 Education Reform	\$	200,000	\$	200,000	113274
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Grants

5H60 221609 Even Start Fees and	\$	60,941	\$	63,000	113275
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Gifts

5NK0 221610 Food Service Program	\$	10,244	\$	10,500	113276
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TOTAL DPF Dedicated Purpose 113277

Fund Group	\$	370,210	\$	374,500	113278
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Federal Fund Group 113279

3110 221625 Federal Grants	\$	279,550	\$	281,000	113280
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3R00 221684 Medicaid Professional	\$	206,000	\$	206,000	113281
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Services

Reimbursement

TOTAL FED Federal Fund Group	\$	485,550	\$	487,000	113282
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TOTAL ALL BUDGET FUND GROUPS	\$	13,938,679	\$	14,455,847	113283
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**Section 395.10.** SOS SECRETARY OF STATE 113285

General Revenue Fund 113286

GRF 050321 Operating Expenses	\$	1,750,000	\$	1,750,000	113287
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GRF 050407 Poll Workers Training	\$	234,196	\$	234,196	113288
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GRF 050509 County Voting Systems	\$	10,116,000	\$	12,279,200	113289
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Lease Rental Payments			
TOTAL GRF General Revenue Fund	\$	12,100,196	\$ 14,263,396 113290
Dedicated Purpose Fund Group			113291
4120 050609 Notary Commission	\$	475,000	\$ 475,000 113292
4S80 050610 Board of Voting	\$	7,200	\$ 7,200 113293
Machine Examiners			
5990 050603 Business Services	\$	13,961,351	\$ 14,310,430 113294
Operating Expenses			
5990 050629 Statewide Voter	\$	700,000	\$ 700,000 113295
Registration Database			
5990 050630 Elections Support	\$	2,209,204	\$ 2,288,196 113296
Supplement			
5FG0 050620 BOE Reimbursement and	\$	200,000	\$ 200,000 113297
Education			
5SN0 050626 Address	\$	100,000	\$ 100,000 113298
Confidentiality			
5VX0 050634 Women's Suffrage	\$	50,000	\$ 0 113299
Centennial Commission			
TOTAL DPF Dedicated Purpose Fund	\$	17,702,755	\$ 18,080,826 113300
Group			
Holding Account Fund Group			
R002 050606 Corporate/Business	\$	85,000	\$ 85,000 113302
Filing Refunds			
TOTAL HLD Holding Account Fund	\$	85,000	\$ 85,000 113303
Group			
Federal Fund Group			
3AS0 050616 Help America Vote Act	\$	2,740,000	\$ 1,750,000 113305
(HAVA)			
TOTAL FED Federal Fund Group	\$	2,740,000	\$ 1,750,000 113306
TOTAL ALL BUDGET FUND GROUPS	\$	32,627,951	\$ 34,179,222 113307
<b>Section 395.20. POLL WORKERS TRAINING</b>			113309

The foregoing appropriation item 050407, Poll Workers Training, shall be used to reimburse county boards of elections for precinct election official (PEO) training pursuant to section 3501.27 of the Revised Code. An amount equal to the unexpended, unencumbered portion of the foregoing appropriation item 050407, Poll Workers Training at the end of fiscal year 2020 is hereby reappropriated to fiscal year 2021 for the same purpose.

COUNTY VOTING SYSTEMS LEASE RENTAL PAYMENTS 113317

The foregoing appropriation item 050509, County Voting Systems Lease Rental Payments, shall be used to make payments during the period from July 1, 2019, through June 30, 2021, pursuant to leases and agreements entered into under Section 4 of S.B. 135 of the 132nd General Assembly with respect to financing the costs associated with the acquisition, development, installation, and implementation of county voting systems.

BOARD OF VOTING MACHINE EXAMINERS 113325

The foregoing appropriation item 050610, Board of Voting Machine Examiners, shall be used to pay for the services and expenses of the members of the Board of Voting Machine Examiners, and for other expenses that are authorized to be paid from the Board of Voting Machine Examiners Fund (Fund 4S80) created in section 3506.05 of the Revised Code. Moneys not used shall be returned to the person or entity submitting equipment for examination. If it is determined by the Secretary of State that additional appropriation amounts are necessary, the Secretary of State may request that the Director of Budget and Management approve such amounts. Upon approval of the Director of Budget and Management, such amounts are hereby appropriated.

BALLOT ADVERTISING COSTS 113338

Notwithstanding division (G) of section 3501.17 of the Revised Code, upon requests submitted by the Secretary of State,

the Controlling Board may approve transfers from the Controlling Board Emergency Purposes/Contingencies Fund (Fund 5KM0) to the Statewide Ballot Advertising Fund (Fund 5FH0) in order to pay for the cost of public notices associated with statewide ballot initiatives.

ABSENT VOTER'S BALLOT APPLICATION MAILING

Notwithstanding division (B) of section 111.31 of the Revised Code, upon the request of the Secretary of State, the Controlling Board may approve cash and appropriation transfers from the Controlling Board Emergency Purposes/Contingencies Fund (Fund 5KM0) to the Absent Voter's Ballot Application Mailing Fund (Fund 5RG0) to be used by the Secretary of State to pay the costs of printing and mailing unsolicited applications for absent voters' ballots for the general election to be held in November 2020.

ADDRESS CONFIDENTIALITY PROGRAM

Upon the request of the Secretary of State, the Director of Budget and Management may transfer up to \$50,000 per fiscal year in cash from the Business Services Operating Expenses Fund (Fund 5990) to the Address Confidentiality Program Fund (Fund 5SN0).

WOMEN'S SUFFRAGE CENTENNIAL COMMISSION

The foregoing appropriation item 050634, Women's Suffrage Centennial Commission, shall be used to carry out the duties of the Womens' Suffrage Commission in accordance with Am. S.B. 30 of the 133rd General Assembly. An amount equal to the unexpended, unencumbered portion of the foregoing appropriation item 050634, Women's Suffrage Centennial Commission, at the end of fiscal year 2020 is hereby reappropriated to fiscal year 2021 for the same purpose.

CORPORATE/BUSINESS FILING REFUNDS

The foregoing appropriation item 050606, Corporate/Business

Filing Refunds, shall be used to hold revenues until they are 113371  
 directed to the appropriate accounts or until they are refunded. 113372  
 If it is determined by the Secretary of State that additional 113373  
 appropriation amounts are necessary, the Secretary of State may 113374  
 request that the Director of Budget and Management approve such 113375  
 amounts. Upon approval of the Director of Budget and Management, 113376  
 such amounts are hereby appropriated. 113377

HAVA FUNDS 113378

An amount equal to the unexpended, unencumbered portion of 113379  
 appropriation item 050616, Help America Vote Act (HAVA), at the 113380  
 end of fiscal year 2019 is hereby reappropriated for the same 113381  
 purpose in fiscal year 2020. 113382

An amount equal to the unexpended, unencumbered portion of 113383  
 appropriation item 050616, Help America Vote Act (HAVA), at the 113384  
 end of fiscal year 2020 is hereby reappropriated for the same 113385  
 purpose in fiscal year 2021. 113386

**Section 397.10.** SEN THE OHIO SENATE 113387

General Revenue Fund 113388

GRF 020321	Operating Expenses	\$	15,902,029	\$	15,902,029	113389
TOTAL GRF	General Revenue Fund	\$	15,902,029	\$	15,902,029	113390

Internal Service Activity Fund Group 113391

1020 020602	Senate Reimbursement	\$	425,800	\$	425,800	113392
4090 020601	Miscellaneous Sales	\$	34,497	\$	34,497	113393
TOTAL ISA	Internal Service Activity					113394
Fund Group		\$	460,297	\$	460,297	113395
TOTAL ALL BUDGET FUND GROUPS		\$	16,362,326	\$	16,362,326	113396

OPERATING EXPENSES 113397

On July 1, 2019, or as soon as possible thereafter, the Clerk 113398  
 of the Senate may certify to the Director of Budget and Management 113399  
 an amount up to the unexpended, unencumbered balance of the 113400

foregoing appropriation item 020321, Operating Expenses, at the 113401  
end of fiscal year 2019 to be reappropriated to fiscal year 2020. 113402  
The amount certified is hereby reappropriated to the same 113403  
appropriation item for fiscal year 2020. 113404

On July 1, 2020, or as soon as possible thereafter, the Clerk 113405  
of the Senate may certify to the Director of Budget and Management 113406  
an amount up to the unexpended, unencumbered balance of the 113407  
foregoing appropriation item 020321, Operating Expenses, at the 113408  
end of fiscal year 2020 to be reappropriated to fiscal year 2021. 113409  
The amount certified is hereby reappropriated to the same 113410  
appropriation item for fiscal year 2021. 113411

**Section 399.10.** CSV COMMISSION ON SERVICE AND VOLUNTEERISM 113412

General Revenue Fund 113413

GRF 866321	CSV Operations	\$	307,176	\$	305,971	113414
TOTAL GRF	General Revenue Fund	\$	307,176	\$	305,971	113415

Dedicated Purpose Fund Group 113416

5GN0 866605	Serve Ohio Support	\$	30,000	\$	30,000	113417
TOTAL DPF	Dedicated Purpose Fund	\$	30,000	\$	30,000	113418

Group

Federal Fund Group 113419

3R70 866617	AmeriCorps Programs	\$	9,649,635	\$	9,671,749	113420
TOTAL FED	Federal Fund Group	\$	9,649,635	\$	9,671,749	113421
TOTAL ALL BUDGET FUND GROUPS		\$	9,986,811	\$	10,007,720	113422

**Section 401.10.** CSF COMMISSIONERS OF THE SINKING FUND 113424

Debt Service Fund Group 113425

7070 155905	Third Frontier	\$	84,181,400	\$	87,403,000	113426
	Research and					
	Development Bond					
	Retirement Fund					

7072	155902	Highway Capital Improvement Bond Retirement Fund	\$	152,796,000	\$	164,693,700	113427
7073	155903	Natural Resources Bond Retirement Fund	\$	20,359,800	\$	20,420,700	113428
7074	155904	Conservation Projects Bond Retirement Fund	\$	44,218,800	\$	44,394,800	113429
7076	155906	Coal Research and Development Bond Retirement Fund	\$	8,123,100	\$	7,682,600	113430
7077	155907	State Capital Improvement Bond Retirement Fund	\$	229,338,800	\$	231,754,500	113431
7078	155908	Common Schools Bond Retirement Fund	\$	410,259,800	\$	424,825,900	113432
7079	155909	Higher Education Bond Retirement Fund	\$	323,545,500	\$	348,550,200	113433
7080	155901	Persian Gulf, Afghanistan, and Iraq Conflict Bond Retirement Fund	\$	5,092,400	\$	5,586,600	113434
7090	155912	Job Ready Site Development Bond Retirement Fund	\$	15,516,000	\$	9,879,900	113435
TOTAL	DSF Debt Service Fund Group		\$	1,293,431,600	\$	1,345,191,900	113436
TOTAL	ALL BUDGET FUND GROUPS		\$	1,293,431,600	\$	1,345,191,900	113437

ADDITIONAL APPROPRIATIONS

113438

Appropriation items in this section are for the purpose of 113439  
paying debt service and financing costs during the period from 113440  
July 1, 2019, through June 30, 2021, on bonds or notes of the 113441  
state issued under the Ohio Constitution, Revised Code, and acts 113442  
of the General Assembly. If it is determined that additional 113443  
amounts are necessary for this purpose, such amounts are hereby 113444



appropriated.				113445
<b>Section 403.10.</b>	SOA SOUTHERN OHIO AGRICULTURAL AND COMMUNITY			113446
DEVELOPMENT FOUNDATION				113447
Dedicated Purpose Fund Group				113448
5M90 945601	Operating Expenses	\$	294,906 \$	300,910 113449
TOTAL DPF Dedicated Purpose Fund		\$	294,906 \$	300,910 113450
Group				
TOTAL ALL BUDGET FUND GROUPS		\$	294,906 \$	300,910 113451
<b>Section 404.10.</b>	SHP STATE SPEECH AND HEARING PROFESSIONALS			113453
BOARD				113454
Dedicated Purpose Fund Group				113455
4K90 123609	Operating Expenses	\$	620,000 \$	636,709 113456
TOTAL DPF Dedicated Purpose Fund		\$	620,000 \$	636,709 113457
Group				
TOTAL ALL BUDGET FUND GROUPS		\$	620,000 \$	636,709 113458
<b>Section 407.10.</b>	BTA BOARD OF TAX APPEALS			113460
General Revenue Fund				113461
GRF 116321	Operating Expenses	\$	1,845,494 \$	1,857,751 113462
TOTAL GRF General Revenue Fund		\$	1,845,494 \$	1,857,751 113463
TOTAL ALL BUDGET FUND GROUPS		\$	1,845,494 \$	1,857,751 113464
<b>Section 409.10.</b>	TAX DEPARTMENT OF TAXATION			113466
General Revenue Fund				113467
GRF 110321	Operating Expenses	\$	61,292,238 \$	62,378,576 113468
GRF 110404	Tobacco Settlement	\$	145,479 \$	150,810 113469
Enforcement				
TOTAL GRF General Revenue Fund		\$	61,437,717 \$	62,529,386 113470
Dedicated Purpose Fund Group				113471

**Am. Sub. H. B. No. 166**  
**As Reported by the Committee of Conference**

2280	110628	CAT Administration	\$	13,872,268	\$	14,254,131	113472
4350	110607	Local Tax Administration	\$	30,409,575	\$	31,020,628	113473
4360	110608	Motor Vehicle Audit Administration	\$	1,982,731	\$	2,000,000	113474
4380	110609	School District Income Tax Administration	\$	9,027,264	\$	9,200,001	113475
4C60	110616	International Registration Plan Administration	\$	683,494	\$	705,869	113476
4R60	110610	Tire Tax Administration	\$	177,706	\$	180,000	113477
5BP0	110639	Wireless 9-1-1 Administration	\$	296,210	\$	298,794	113478
5JM0	110637	Casino Tax Administration	\$	125,000	\$	125,000	113479
5N50	110605	Municipal Income Tax Administration	\$	400,000	\$	400,000	113480
5N60	110618	Kilowatt Hour Tax Administration	\$	96,954	\$	100,000	113481
5NY0	110643	Petroleum Activity Tax Administration	\$	992,581	\$	1,000,000	113482
5V70	110622	Motor Fuel Tax Administration	\$	5,899,525	\$	6,000,000	113483
5V80	110623	Property Tax Administration	\$	5,872,025	\$	6,000,000	113484
6390	110614	Cigarette Tax Enforcement	\$	1,548,152	\$	1,599,999	113485
6880	110615	Local Excise Tax Administration	\$	588,213	\$	600,000	113486
TOTAL	DPF	Dedicated Purpose Fund Group	\$	71,971,698	\$	73,484,422	113487

Fiduciary Fund Group					113488
4250 110635	Tax Refunds	\$ 2,205,303,300	\$ 2,179,769,300		113489
5CZ0 110631	Vendor's License	\$ 380,000	\$ 380,000		113490
	Application				
6420 110613	Ohio Political Party	\$ 90,000	\$ 0		113491
	Distributions				
TOTAL FID	Fiduciary Fund Group	\$ 2,205,773,300	\$ 2,180,149,300		113492
Holding Account Fund Group					113493
R010 110611	Tax Distributions	\$ 25,000	\$ 25,000		113494
R011 110612	Miscellaneous Income	\$ 500	\$ 500		113495
	Tax Receipts				
TOTAL HLD	Holding Account Fund	\$ 25,500	\$ 25,500		113496
Group					
TOTAL ALL BUDGET FUND GROUPS		\$ 2,339,208,215	\$ 2,316,188,608		113497

**Section 409.20. TAX REFUNDS** 113499

The foregoing appropriation item 110635, Tax Refunds, shall 113500  
be used to pay refunds under section 5703.052 of the Revised Code. 113501  
If it is determined that additional appropriations are necessary 113502  
for this purpose, such amounts are hereby appropriated. 113503

**VENDOR'S LICENSE PAYMENTS** 113504

The foregoing appropriation item 110631, Vendor's License 113505  
Application, shall be used to make payments to county auditors 113506  
under section 5739.17 of the Revised Code. If it is determined 113507  
that additional appropriations are necessary to make such 113508  
payments, such amounts are hereby appropriated. 113509

**INTERNATIONAL REGISTRATION PLAN ADMINISTRATION** 113510

The foregoing appropriation item 110616, International 113511  
Registration Plan Administration, shall be used under section 113512  
5703.12 of the Revised Code for audits of persons with vehicles 113513  
registered under the International Registration Plan. 113514

TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT	113515
Of the foregoing appropriation item 110607, Local Tax Administration, the Tax Commissioner may disburse funds, if available, for the purposes of paying travel expenses incurred by members of Ohio's delegation to the Streamlined Sales Tax Project, as appointed under section 5740.02 of the Revised Code. Any travel expense reimbursement paid for by the Department of Taxation shall be done in accordance with applicable state laws and guidelines.	113516 113517 113518 113519 113520 113521 113522
TOBACCO SETTLEMENT ENFORCEMENT	113523
The foregoing appropriation item 110404, Tobacco Settlement Enforcement, shall be used by the Tax Commissioner to pay costs incurred in the enforcement of divisions (F) and (G) of section 5743.03 of the Revised Code.	113524 113525 113526 113527
PROPERTY TAX ADMINISTRATION	113528
Notwithstanding section 5703.80 or division (F) of section 321.24 of the Revised Code, in fiscal years 2020 and 2021, the Tax Commissioner shall not compute or certify the amounts calculated under divisions (A) and (B) of that section as amended by this act. The Director of Budget and Management shall not transfer any amounts from the General Revenue Fund to the Property Tax Administration Fund in fiscal year 2020 or fiscal year 2021. In fiscal years 2020 and 2021, the Tax Commissioner shall not subtract any amounts computed under section 5703.80 of the Revised Code, as amended by this act, from the payments made from the General Revenue Fund to county treasurers under division (F) of section 321.24 of the Revised Code.	113529 113530 113531 113532 113533 113534 113535 113536 113537 113538 113539 113540
<b>Section 411.10. DOT DEPARTMENT OF TRANSPORTATION</b>	113541
General Revenue Fund	113542
GRF 772502 Local Transportation \$ 25,000 \$ 25,000	113543
Projects	

GRF	776465	Rail Development	\$	2,000,000	\$	2,000,000	113544
GRF	777471	Airport Improvements	\$	6,419,687	\$	6,419,687	113545
		- State					
TOTAL GRF	General Revenue Fund		\$	8,444,687	\$	8,444,687	113546
	Dedicated Purpose Fund Group						113547
5QT0	776670	Ohio Maritime	\$	11,000,000	\$	12,000,000	113548
		Assistance Program					
TOTAL DPF	Dedicated Purpose Fund		\$	11,000,000	\$	12,000,000	113549
	Group						
TOTAL ALL BUDGET FUND GROUPS			\$	19,444,687	\$	20,444,687	113550

**Section 411.15. LOCAL TRANSPORTATION PROJECTS** 113552

The foregoing appropriation item 772502, Local Transportation 113553  
 Projects, shall be used to support the Regional Transportation 113554  
 Improvement Project in Stark, Columbiana, and Carroll counties. 113555

**Section 411.17. AIRPORT IMPROVEMENTS - STATE** 113556

The foregoing appropriation item 777471, Airport Improvements 113557  
 - State, shall be used for the Ohio Airport Grant Program in 113558  
 supporting capital improvements, maintaining infrastructure, and 113559  
 ensuring safety at publicly owned, public use airports in the 113560  
 state. 113561

**Section 411.20. OHIO MARITIME ASSISTANCE PROGRAM** 113562

The foregoing appropriation item 776670, Ohio Maritime 113563  
 Assistance Program, shall be used for the Ohio Maritime Assistance 113564  
 Program established in section 5501.91 of the Revised Code. 113565

Notwithstanding anything to the contrary in Chapter 166. of 113566  
 the Revised Code, the Director of Budget and Management shall 113567  
 transfer \$11,000,000 cash in fiscal year 2020 and \$12,000,000 cash 113568  
 in fiscal year 2021 from the Facilities Establishment Fund (Fund 113569  
 7037) to the Ohio Maritime Assistance Fund (Fund 5QT0), which is 113570

hereby created.				113571
<b>Section 413.10. TOS TREASURER OF STATE</b>				113572
General Revenue Fund				113573
GRF 090321	Operating Expenses	\$ 8,037,839	\$ 8,037,839	113574
GRF 090401	Office of the Sinking Fund	\$ 476,836	\$ 476,836	113575
GRF 090402	Continuing Education	\$ 175,000	\$ 175,000	113576
GRF 090406	Treasury Management System Lease Rental Payments	\$ 1,113,400	\$ 1,115,000	113577
GRF 090613	STABLE Account Administration	\$ 1,660,000	\$ 1,660,000	113578
TOTAL GRF	General Revenue Fund	\$ 11,463,075	\$ 11,464,675	113579
Dedicated Purpose Fund Group				113580
4E90 090603	Securities Lending Income	\$ 7,480,675	\$ 7,843,565	113581
4X90 090614	Political Subdivision Obligation	\$ 45,000	\$ 45,000	113582
5770 090605	Investment Pool Reimbursement	\$ 1,050,000	\$ 1,050,000	113583
5C50 090602	County Treasurer Education	\$ 240,057	\$ 240,057	113584
5NH0 090610	OhioMeansJobs Workforce Development	\$ 775,000	\$ 250,000	113585
5VZ0 090615	State Pay for Success Contract Fund	\$ 0	\$ 5,000,000	113586
6050 090609	Treasurer of State Administrative Fund	\$ 700,000	\$ 700,000	113587
TOTAL DPF	Dedicated Purpose Fund Group	\$ 10,290,732	\$ 15,128,622	113588
Fiduciary Fund Group				113590

4250 090635 Tax Refunds	\$	12,000,000	\$	12,000,000	113591
TOTAL FID Fiduciary Fund Group	\$	12,000,000	\$	12,000,000	113592
TOTAL ALL BUDGET FUND GROUPS	\$	33,753,807	\$	38,593,297	113593

**Section 413.20. OFFICE OF THE SINKING FUND** 113595

The foregoing appropriation item 090401, Office of the Sinking Fund, shall be used for costs incurred by or on behalf of the Commissioners of the Sinking Fund and the Ohio Public Facilities Commission with respect to State of Ohio general obligation bonds or notes, and the Treasurer of State with respect to State of Ohio general obligation and special obligation bonds or notes, including, but not limited to, printing, advertising, delivery, rating fees and the procurement of ratings, professional publications, membership in professional organizations, and other services referred to in division (D) of section 151.01 of the Revised Code. The General Revenue Fund shall be reimbursed for such costs relating to the issuance and administration of Highway Capital Improvement bonds or notes authorized under Ohio Constitution, Article VIII, Section 2m and Chapter 151. of the Revised Code. That reimbursement shall be made from appropriation item 155902, Highway Capital Improvement Bond Retirement Fund, by intrastate transfer voucher pursuant to a certification by the Office of the Sinking Fund of the actual amounts used. The amounts necessary to make such a reimbursement are hereby appropriated from the Highway Capital Improvement Bond Retirement Fund created in section 151.06 of the Revised Code.

**STABLE ACCOUNT ADMINISTRATION** 113617

The foregoing appropriation item 090613, STABLE Account Administration, shall be used for administration of an Achieve a Better Living Experience (ABLE) account program.

**TAX REFUNDS** 113621

The foregoing appropriation item 090635, Tax Refunds, shall

be used to pay refunds under section 5703.052 of the Revised Code. 113623  
If the Director of Budget and Management determines that 113624  
additional amounts are necessary for this purpose, such amounts 113625  
are hereby appropriated. 113626

**Section 413.30.** TREASURY MANAGEMENT SYSTEM LEASE RENTAL 113627  
PAYMENTS 113628

The foregoing appropriation item 090406, Treasury Management 113629  
System Lease Rental Payments, shall be used to make payments 113630  
during the period from July 1, 2019, through June 30, 2021, 113631  
pursuant to leases and agreements entered into under Section 113632  
701.20 of Am. Sub. H.B. 497 of the 130th General Assembly and 113633  
other prior acts of the General Assembly with respect to financing 113634  
the costs associated with the acquisition, development, 113635  
implementation, and integration of the Treasury Management System. 113636

**Section 413.40.** OHIOMEANSJOBS WORKFORCE DEVELOPMENT REVOLVING 113637  
LOAN PROGRAM 113638

The foregoing appropriation item 090610, OhioMeansJobs 113639  
Workforce Development, shall be used for the OhioMeansJobs 113640  
Workforce Development Revolving Loan Program to provide loans to 113641  
individuals for workforce training. 113642

Of the foregoing appropriation item 090610, OhioMeansJobs 113643  
Workforce Development, up to \$250,000 in fiscal year 2020 may be 113644  
used by the Treasurer of State to administer the program. 113645

Any unexpended and unencumbered portion of the foregoing 113646  
appropriation item 090610, OhioMeansJobs Workforce Development, at 113647  
the end of fiscal year 2020 is hereby reappropriated for the same 113648  
purpose in fiscal year 2021. To the extent that reappropriated 113649  
funds are available, of the foregoing appropriation item 090610, 113650  
OhioMeansJobs Workforce Development, up to \$250,000 in fiscal year 113651  
2021 may be used by the Treasurer of State to administer the 113652



program. 113653

The Treasurer of State shall determine, during the second 113654  
half of fiscal year 2021, if the cash balance and anticipated loan 113655  
repayments to the OhioMeansJobs Workforce Development Revolving 113656  
Loan Fund (Fund 5NH0), will be sufficient to meet the 113657  
appropriation level of \$250,000 in fiscal year 2021. If those 113658  
resources are insufficient, the Treasurer of State may submit a 113659  
request to the Controlling Board for a transfer of up to \$325,000 113660  
from the Controlling Board Emergency Purposes/Contingencies Fund 113661  
(Fund 5KM0), to Fund 5NH0. 113662

**Section 413.50. STATE PAY FOR SUCCESS CONTRACT FUND** 113663

The Director of Budget and Management shall transfer 113664  
\$5,000,000 cash from the General Revenue Fund to the State Pay for 113665  
Success Contract Fund (Fund 5VZ0) on July 1, 2020, or as soon as 113666  
possible thereafter. 113667

The foregoing appropriation item 090615, State Pay for 113668  
Success Contract Fund, shall be used for the purpose of 113669  
implementing a pay for success project as established under 113670  
section 113.60 of the Revised Code. The Treasurer of State, in 113671  
consultation with the Department of Administrative Services and 113672  
the Department of Rehabilitation and Correction shall initiate a 113673  
pay for success contract with a service intermediary in the area 113674  
of enhanced workforce training for prison populations or 113675  
recidivism rate reduction utilizing the ZeroBack program. The 113676  
project may take place at the following correctional institutions: 113677  
Lake Erie Correctional Institution, Lorain Correctional 113678  
Institution, Mansfield Correctional Institution, Northeast 113679  
Reintegration Center, and Richland Correctional Institution. 113680

**Section 414.10. VTO VETERANS' ORGANIZATIONS** 113681

General Revenue Fund 113682

		VAP AMERICAN EX-PRISONERS OF WAR				113683
GRF	743501	State Support	\$	31,895	\$	31,895 113684
		VAN ARMY AND NAVY UNION, USA, INC.				113685
GRF	746501	State Support	\$	68,640	\$	68,808 113686
		VKW KOREAN WAR VETERANS				113687
GRF	747501	State Support	\$	62,400	\$	62,400 113688
		VJW JEWISH WAR VETERANS				113689
GRF	748501	State Support	\$	37,865	\$	37,865 113690
		VCW CATHOLIC WAR VETERANS				113691
GRF	749501	State Support	\$	72,800	\$	72,800 113692
		VPH MILITARY ORDER OF THE PURPLE HEART				113693
GRF	750501	State Support	\$	72,800	\$	72,800 113694
		VVV VIETNAM VETERANS OF AMERICA				113695
GRF	751501	State Support	\$	236,948	\$	236,948 113696
		VAL AMERICAN LEGION OF OHIO				113697
GRF	752501	State Support	\$	385,237	\$	385,237 113698
		VII AMVETS				113699
GRF	753501	State Support	\$	366,877	\$	366,877 113700
		VAV DISABLED AMERICAN VETERANS				113701
GRF	754501	State Support	\$	275,628	\$	275,628 113702
		VMC MARINE CORPS LEAGUE				113703
GRF	756501	State Support	\$	169,520	\$	169,520 113704
		V37 37TH DIVISION VETERANS' ASSOCIATION				113705
GRF	757501	State Support	\$	10,400	\$	10,400 113706
		VFW VETERANS OF FOREIGN WARS				113707
GRF	758501	State Support	\$	314,246	\$	314,246 113708
TOTAL GRF		General Revenue Fund	\$	2,105,256	\$	2,105,424 113709
TOTAL ALL BUDGET FUND GROUPS			\$	2,105,256	\$	2,105,424 113710
		<b>Section 415.10. DVS DEPARTMENT OF VETERANS SERVICES</b>				113712
		General Revenue Fund				113713
GRF	900321	Veterans' Homes	\$	41,442,419	\$	45,402,392 113714
GRF	900402	Hall of Fame	\$	124,400	\$	135,638 113715

GRF	900408	Department of Veterans Services	\$	4,448,745	\$	4,605,661	113716
GRF	900901	Veterans Compensation General Obligation Bond Debt Service	\$	5,092,400	\$	5,586,600	113717
TOTAL GRF		General Revenue Fund	\$	51,107,964	\$	55,730,291	113718
		Dedicated Purpose Fund Group					113719
4840	900603	Veterans' Homes Services	\$	995,000	\$	995,000	113720
4E20	900602	Veterans' Homes Operating	\$	11,672,589	\$	11,672,589	113721
5DB0	900643	Military Injury Relief Program	\$	1,000,000	\$	1,000,000	113722
5PH0	900642	Veterans Initiatives	\$	70,000	\$	70,000	113723
6040	900604	Veterans' Homes Improvement	\$	500,000	\$	500,000	113724
TOTAL DPF		Dedicated Purpose Fund Group	\$	14,237,589	\$	14,237,589	113725
		Debt Service Fund Group					113726
7041	900615	Veteran Bonus Program - Administration	\$	311,497	\$	260,856	113727
7041	900641	Persian Gulf, Afghanistan, and Iraq Compensation	\$	722,832	\$	552,706	113728
TOTAL DSF		Debt Service Fund Group	\$	1,034,329	\$	813,562	113730
		Federal Fund Group					113731
3680	900614	Veterans Training	\$	864,932	\$	930,262	113732
3BX0	900609	Medicare Services	\$	3,578,278	\$	3,578,278	113733
3L20	900601	Veterans' Homes Operations - Federal	\$	33,838,615	\$	34,986,679	113734
TOTAL FED		Federal Fund Group	\$	38,281,825	\$	39,495,219	113735

TOTAL ALL BUDGET FUND GROUPS	\$	104,661,707	\$	110,276,661	113736
VETERANS ORGANIZATIONS' RENT					113737
The foregoing appropriation item 900408, Department of Veterans Services, shall be used to pay veterans organizations' rent in buildings managed by the Department of Administrative Services.					113738 113739 113740 113741
SAVE A WARRIOR					113742
Of the foregoing appropriation item 900408, Department of Veterans Services, \$100,000 in each fiscal year shall be distributed to Save a Warrior for the purpose of providing post-traumatic stress rehabilitation services to Ohio veterans at their facility located in Licking County. All of this funding shall be spent in Ohio on Ohio veterans.					113743 113744 113745 113746 113747 113748
VETERANS COMPENSATION GENERAL OBLIGATION BOND DEBT SERVICE					113749
The foregoing appropriation item 900901, Veterans Compensation General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2019, through June 30, 2021, on obligations issued under Section 2r of Article VIII, Ohio Constitution.					113750 113751 113752 113753 113754
<b>Section 417.10.</b> DVM STATE VETERINARY MEDICAL LICENSING BOARD					113755
Dedicated Purpose Fund Group					113756
4K90 888609 Operating Expenses	\$	433,150	\$	435,046	113757
TOTAL DPF Dedicated Purpose Fund Group	\$	433,150	\$	435,046	113758 113759
Internal Service Activity Fund Group					113760
5BU0 888602 Veterinary Student Loan Program	\$	30,000	\$	30,000	113761
TOTAL ISA Internal Service Activity Fund Group	\$	30,000	\$	30,000	113762 113763
TOTAL ALL BUDGET FUND GROUPS	\$	463,150	\$	465,046	113764

<b>Section 419.10. VPB STATE VISION PROFESSIONALS BOARD</b>				113766
Dedicated Purpose Fund Group				113767
4K90 129609	Operating Expenses	\$ 640,756	\$ 654,140	113768
TOTAL DPF Dedicated Purpose Fund Group				113769
Group				
TOTAL ALL BUDGET FUND GROUPS				113770
 <b>Section 421.10. DYS DEPARTMENT OF YOUTH SERVICES</b>				113772
General Revenue Fund				113773
GRF 470401	RECLAIM Ohio	\$ 171,784,391	\$ 177,765,001	113774
GRF 470412	Juvenile Correctional Facilities Lease	\$ 14,990,500	\$ 17,441,300	113775
Rental Bond Payments				
GRF 470510	Youth Services	\$ 16,702,727	\$ 16,702,728	113776
GRF 472321	Parole Operations	\$ 10,481,781	\$ 10,661,690	113777
GRF 477321	Administrative Operations	\$ 12,505,577	\$ 12,936,832	113778
TOTAL GRF General Revenue Fund				113779
Dedicated Purpose Fund Group				113780
1470 470612	Vocational Education	\$ 1,463,162	\$ 1,463,162	113781
1750 470613	Education Services	\$ 3,204,678	\$ 3,292,983	113782
4790 470609	Employee Food Service	\$ 40,000	\$ 40,000	113783
4A20 470602	Child Support	\$ 153,968	\$ 153,968	113784
4G60 470605	Juvenile Special Revenue - Non-Federal	\$ 115,000	\$ 115,000	113785
5BN0 470629	E-Rate Program	\$ 59,000	\$ 59,000	113786
TOTAL DPF Dedicated Purpose Fund Group				113787
Fund Group				113788
Federal Fund Group				113789
3210 470601	Education	\$ 1,003,161	\$ 1,019,832	113790
3210 470603	Juvenile Justice	\$ 2,486,393	\$ 2,499,486	113791

		Prevention				
3210	470606	Nutrition	\$	930,000	\$	930,000 113792
3210	470614	Title IV-E	\$	800,000	\$	700,000 113793
		Reimbursements				
3V50	470604	Juvenile	\$	1,720,000	\$	1,720,000 113794
		Justice/Delinquency				
		Prevention				
TOTAL FED Federal						113795
		Fund Group	\$	6,939,554	\$	6,869,318 113796
TOTAL ALL BUDGET FUND GROUPS						\$ 238,440,338 \$ 247,500,982 113797
COMMUNITY PROGRAMS						113798
For purposes of implementing juvenile sentencing reforms, and						113799
notwithstanding any provision of law to the contrary, the						113800
Department of Youth Services may use up to \$1,375,000 of the						113801
unexpended, unencumbered balance of the portion of appropriation						113802
item 470401, RECLAIM Ohio, that is allocated to juvenile						113803
correctional facilities in each fiscal year to expand Targeted						113804
RECLAIM, the Behavioral Health Juvenile Justice Initiative, and						113805
other evidence-based community programs.						113806
JUVENILE CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS						113807
The foregoing appropriation item 470412, Juvenile						113808
Correctional Facilities Lease Rental Bond Payments, shall be used						113809
to meet all payments during the period from July 1, 2019, through						113810
June 30, 2021, by the Department of Youth Services under the						113811
leases and agreements for facilities made under Chapters 152. and						113812
154. of the Revised Code. These appropriations are the source of						113813
funds pledged for bond service charges on related obligations						113814
issued under Chapters 152. and 154. of the Revised Code.						113815
EDUCATION SERVICES						113816
The foregoing appropriation item 470613, Education Services,						113817
shall be used to fund the operating expenses of providing						113818

educational services to youth supervised by the Department of 113819  
Youth Services. Operating expenses include, but are not limited 113820  
to, teachers' salaries, maintenance costs, and educational 113821  
equipment. 113822

FLEXIBLE FUNDING FOR CHILDREN AND FAMILIES 113823

In collaboration with the county family and children first 113824  
council, the juvenile court of that county that receives 113825  
allocations from one or both of the foregoing appropriation items 113826  
470401, RECLAIM Ohio, and 470510, Youth Services, may transfer 113827  
portions of those allocations to a flexible funding pool as 113828  
authorized by the section of this act titled "FAMILY AND CHILDREN 113829  
FIRST FLEXIBLE FUNDING POOL." 113830

**Section 500.10.** INTERIM BUDGET RECONCILIATION 113831

All amounts expended or encumbered from interim budget 113832  
appropriations made in S.B. 171 of the 133rd General Assembly, or 113833  
any successive act providing such interim budget appropriations 113834  
shall be deducted from the appropriate line item appropriations 113835  
made in this act. The Director of Budget and Management shall make 113836  
any necessary adjustments to the appropriate line item 113837  
appropriations to carry out this section. 113838

**Section 501.10.** All appropriation items in this section are 113839  
hereby appropriated as designated out of any moneys in the state 113840  
treasury to the credit of the designated fund. The appropriations 113841  
made in this section are in addition to any other appropriations 113842  
made for the fiscal year 2019-2020 capital biennium. 113843

DPS DEPARTMENT OF PUBLIC SAFETY 113844

Administrative Building Fund (Fund 7026) 113845

C76067 Radiological Calibration Laboratory \$ 2,250,000 113846  
Relocation

TOTAL Administrative Building Fund \$ 2,250,000 113847

TOTAL ALL FUNDS \$ 2,250,000 113848

**Section 501.11.** The appropriations made in Section 501.10 of 113850  
this act are subject to all provisions of H.B. 529 of the 132nd 113851  
General Assembly that are generally applicable to such 113852  
appropriations. Expenditures from appropriations contained in 113853  
Section 501.10 of this act shall be accounted for as though made 113854  
in H.B. 529 of the 132nd General Assembly. 113855

**Section 501.12.** The Treasurer of State is hereby authorized 113856  
to issue and sell, in accordance with Section 2i of Article VIII, 113857  
Ohio Constitution, Chapter 154. of the Revised Code, and other 113858  
applicable sections of the Revised Code, original obligations in 113859  
an aggregate principal amount not to exceed \$3,000,000 in addition 113860  
to the original issuance of obligations heretofore authorized by 113861  
prior acts of the General Assembly. These authorized obligations 113862  
shall be issued, subject to applicable constitutional and 113863  
statutory limitations, as needed to provide sufficient moneys to 113864  
the credit of the Administrative Building Fund (Fund 7026) to pay 113865  
costs associated with previously authorized capital facilities for 113866  
the housing of branches and agencies of state government or their 113867  
functions. 113868

**Section 503.10. PERSONAL SERVICE EXPENSES** 113869

Unless otherwise prohibited by law, any appropriation from 113870  
which personal service expenses are paid shall bear the employer's 113871  
share of public employees' retirement, workers' compensation, 113872  
disabled workers' relief, and insurance programs; the costs of 113873  
centralized financial services, centralized payroll processing, 113874  
and related reports and services; centralized human resources 113875  
services, including affirmative action and equal employment 113876  
opportunity programs; the Office of Collective Bargaining; 113877  
centralized information technology management services; 113878



administering the enterprise resource planning system; and 113879  
administering the state employee merit system as required by 113880  
section 124.07 of the Revised Code. These costs shall be 113881  
determined in conformity with the appropriate sections of law and 113882  
paid in accordance with procedures specified by the Office of 113883  
Budget and Management. Expenditures from appropriation item 113884  
070601, Public Audit Expense - Intra-State, may be exempted from 113885  
the requirements of this section. 113886

**Section 503.20. SATISFACTION OF JUDGMENTS AND SETTLEMENTS** 113887  
AGAINST THE STATE 113888

Except as otherwise provided in this section, an 113889  
appropriation in this act or any other act may be used for the 113890  
purpose of satisfying judgments, settlements, or administrative 113891  
awards ordered or approved by the Court of Claims or by any other 113892  
court of competent jurisdiction in connection with civil actions 113893  
against the state. This authorization does not apply to 113894  
appropriations to be applied to or used for payment of guarantees 113895  
by or on behalf of the state, or for payments under lease 113896  
agreements relating to, or debt service on, bonds, notes, or other 113897  
obligations of the state. Notwithstanding any other statute to the 113898  
contrary, this authorization includes appropriations from funds 113899  
into which proceeds of direct obligations of the state are 113900  
deposited only to the extent that the judgment, settlement, or 113901  
administrative award is for, or represents, capital costs for 113902  
which the appropriation may otherwise be used and is consistent 113903  
with the purpose for which any related obligations were issued or 113904  
entered into. Nothing contained in this section is intended to 113905  
subject the state to suit in any forum in which it is not 113906  
otherwise subject to suit, and is not intended to waive or 113907  
compromise any defense or right available to the state in any suit 113908  
against it. 113909

**Section 503.30.** CAPITAL PROJECT SETTLEMENTS 113910

This section specifies an additional and supplemental 113911  
procedure to provide for payments of judgments and settlements if 113912  
the Director of Budget and Management determines, pursuant to 113913  
division (C)(4) of section 2743.19 of the Revised Code, that 113914  
sufficient unencumbered moneys do not exist in the fund to support 113915  
a particular appropriation to pay the amount of a final judgment 113916  
rendered against the state or a state agency, including the 113917  
settlement of a claim approved by a court, in an action upon and 113918  
arising out of a contractual obligation for the construction or 113919  
improvement of a capital facility if the costs under the contract 113920  
were payable in whole or in part from a state capital projects 113921  
appropriation. In such a case, the Director may either proceed 113922  
pursuant to division (C)(4) of section 2743.19 of the Revised Code 113923  
or apply to the Controlling Board to increase an appropriation or 113924  
create an appropriation out of any unencumbered moneys in the 113925  
state treasury to the credit of the capital projects fund from 113926  
which the initial state appropriation was made. The amount of an 113927  
increase in appropriation or new appropriation approved by the 113928  
Controlling Board is hereby appropriated from the applicable 113929  
capital projects fund and made available for the payment of the 113930  
judgment or settlement. 113931

If the Director does not make the application authorized by 113932  
this section or the Controlling Board disapproves the application, 113933  
and the Director does not make application under division (C)(4) 113934  
of section 2743.19 of the Revised Code, the Director shall for the 113935  
purpose of making that payment make a request to the General 113936  
Assembly as provided for in division (C)(5) of that section. 113937

**Section 503.40.** RE-ISSUANCE OF VOIDED WARRANTS 113938

In order to provide funds for the reissuance of voided 113939

warrants under section 126.37 of the Revised Code, there is hereby 113940  
appropriated, out of moneys in the state treasury from the fund 113941  
credited as provided in section 126.37 of the Revised Code, that 113942  
amount sufficient to pay such warrants when approved by the Office 113943  
of Budget and Management. 113944

**Section 503.50. REAPPROPRIATION OF UNEXPENDED ENCUMBERED 113945**  
BALANCES OF OPERATING APPROPRIATIONS 113946

(A) Notwithstanding the original year of appropriation or 113947  
encumbrance, the unexpended balance of an operating appropriation 113948  
or reappropriation that a state agency lawfully encumbered prior 113949  
to the close of fiscal year 2019 or fiscal year 2020 is hereby 113950  
reappropriated on the first day of July of the following fiscal 113951  
year from the fund from which it was originally appropriated or 113952  
reappropriated for the period of time listed in this section and 113953  
shall remain available only for the purpose of discharging the 113954  
encumbrance: 113955

(1) For an encumbrance for personal services, maintenance, 113956  
equipment, or items for resale not otherwise identified in this 113957  
section, for a period of not more than five months from the end of 113958  
the fiscal year; 113959

(2) For an encumbrance for an item of special order 113960  
manufacture not available on state contract or in the open market, 113961  
for a period of not more than five months from the end of the 113962  
fiscal year or, with the written approval of the Director of 113963  
Budget and Management, for a period of not more than twelve months 113964  
from the end of the fiscal year; 113965

(3) For an encumbrance for reclamation of land or oil and gas 113966  
wells, for a period ending when the encumbered appropriation is 113967  
expended provided such period does not extend beyond the FY 2020 - 113968  
FY 2021 biennium; 113969

(4) For an encumbrance for any other type of expense not otherwise identified in division (A)(1), (2), or (3) of this section, for such period as the Director approves, provided such period does not extend beyond the FY 2020 - FY 2021 biennium.

(B) Any operating appropriations for which unexpended balances are reappropriated in fiscal year 2020 or fiscal year 2021 pursuant to division (A)(2) of this section shall be reported to the Controlling Board by the Director of Budget and Management by the thirty-first day of December of each year. The report shall include the item, the cost of the item, and the name of the vendor. The report shall be updated on a quarterly basis for encumbrances remaining open.

(C) Upon the expiration of the reappropriation period set out in division (A) of this section, a reappropriation made by this section lapses and the Director of Budget and Management shall cancel the encumbrance of the unexpended reappropriation not later than the end of the weekend following the expiration of the reappropriation period.

(D) If the Controlling Board approved a purchase, that approval remains in effect so long as the appropriation used to make that purchase remains encumbered.

**Section 503.60. CORRECTION OF ACCOUNTING ERRORS**

(A) The Director of Budget and Management may correct accounting errors committed by the staff of the Office of Budget and Management, such as reestablishing encumbrances or appropriations canceled in error, during the cancellation of operating encumbrances in November and of non-operating encumbrances in December.

(B) The Director of Budget and Management may at any time correct accounting errors committed by staff or a state agency or

state institution of higher education, as defined in section 114000  
3345.011 of the Revised Code, such as reestablishing prior year 114001  
non-operating encumbrances canceled or modified in error. The 114002  
reestablished encumbrance amounts are hereby appropriated. 114003

**Section 503.70.** TEMPORARY REVENUE HOLDING 114004

The Director of Budget and Management may create funds in the 114005  
state treasury solely for the purpose of temporarily holding 114006  
revenue required to be credited to a fund in the state treasury, 114007  
whose disposition is not immediately known at the time of receipt. 114008  
Once identified, the Director shall credit the revenue to the 114009  
appropriate fund in the state treasury. 114010

**Section 503.80.** APPROPRIATIONS RELATED TO CASH TRANSFERS AND 114011  
RE-ESTABLISHMENT OF ENCUMBRANCES 114012

Any cash transferred by the Director of Budget and Management 114013  
under section 126.15 of the Revised Code is hereby appropriated. 114014  
Any amounts necessary to re-establish appropriations or 114015  
encumbrances under section 126.15 of the Revised Code are hereby 114016  
appropriated. 114017

**Section 503.90.** TRANSFERS OF THIRD FRONTIER APPROPRIATIONS 114018

The Director of Budget and Management may transfer 114019  
appropriations between the Third Frontier Research and Development 114020  
Fund (Fund 7011) and the Third Frontier Research and Development 114021  
Taxable Bond Fund (Fund 7014) as necessary to maintain the 114022  
exclusion from the calculation of gross income for federal income 114023  
taxation purposes under the Internal Revenue Code with respect to 114024  
obligations issued to fund projects appropriated from the Third 114025  
Frontier Research and Development Fund (Fund 7011). 114026

The Director may also create new appropriation items within 114027  
the Third Frontier Research and Development Taxable Bond Fund 114028

(Fund 7014) and make transfers of appropriations to them for 114029  
projects originally funded from appropriations made from the Third 114030  
Frontier Research and Development Fund (Fund 7011). 114031

**Section 503.100.** INCOME TAX DISTRIBUTION TO COUNTIES 114032

There are hereby appropriated out of any moneys in the state 114033  
treasury to the credit of the General Revenue Fund, which are not 114034  
otherwise appropriated, funds sufficient to make any payment 114035  
required by division (B)(2) of section 5747.03 of the Revised 114036  
Code. 114037

**Section 503.110.** EXPENDITURES AND APPROPRIATION INCREASES 114038  
APPROVED BY THE CONTROLLING BOARD 114039

Any money that the Controlling Board approves for expenditure 114040  
or any increase in appropriation that the Controlling Board 114041  
approves under sections 127.14, 131.35, and 131.39 of the Revised 114042  
Code or any other provision of law is hereby appropriated for the 114043  
period ending June 30, 2021. 114044

**Section 503.120.** FUNDS RECEIVED FOR USE OF GOVERNOR'S 114045  
RESIDENCE 114046

If the Governor's Residence Fund (Fund 4H20) receives payment 114047  
for use of the residence pursuant to section 107.40 of the Revised 114048  
Code, the amounts so received are hereby appropriated to 114049  
appropriation item 100604, Governor's Residence Gift. 114050

**Section 504.10.** GENERAL OBLIGATION DEBT SERVICE PAYMENTS 114051

Certain appropriations are in this act for the purpose of 114052  
paying debt service and financing costs on general obligation 114053  
bonds or notes of the state issued pursuant to the Ohio 114054  
Constitution, Revised Code, and acts of the General Assembly. If 114055  
it is determined that additional appropriations are necessary for 114056

this purpose, such amounts are hereby appropriated. 114057

**Section 504.20.** LEASE RENTAL PAYMENTS FOR DEBT SERVICE 114058

Certain appropriations are in this act for the purpose of 114059  
making lease rental payments pursuant to leases and agreements 114060  
relating to bonds, notes, or other obligations issued by or on 114061  
behalf of the state pursuant to the Ohio Constitution, Revised 114062  
Code, and acts of the General Assembly. If it is determined that 114063  
additional appropriations are necessary for this purpose, such 114064  
amounts are hereby appropriated. 114065

**Section 504.30.** AUTHORIZATION FOR TREASURER OF STATE AND OBM 114066  
TO EFFECTUATE CERTAIN DEBT SERVICE PAYMENTS 114067

The Office of Budget and Management shall process payments 114068  
from general obligation and lease rental payment appropriation 114069  
items during the period from July 1, 2019, through June 30, 2021, 114070  
relating to bonds, notes, or other obligations issued by or on 114071  
behalf of the state pursuant to the Ohio Constitution, Revised 114072  
Code, and acts of the General Assembly. Payments shall be made 114073  
upon certification by the Treasurer of State of the dates and the 114074  
amounts due on those dates. 114075

**Section 505.10.** ARBITRAGE REBATE AUTHORIZATION 114076

If it is determined that a payment is necessary in the amount 114077  
computed at the time to represent the portion of investment income 114078  
to be rebated or amounts in lieu of or in addition to any rebate 114079  
amount to be paid to the federal government in order to maintain 114080  
the exclusion from gross income for federal income tax purposes of 114081  
interest on those state obligations under section 148(f) of the 114082  
Internal Revenue Code, such an amount is hereby appropriated from 114083  
those funds designated by or pursuant to the applicable 114084  
proceedings authorizing the issuance of state obligations. 114085

Payments for this purpose shall be approved and vouchered by 114086  
the Office of Budget and Management. 114087

**Section 505.20.** STATEWIDE INDIRECT COST RECOVERY 114088

Whenever the Director of Budget and Management determines 114089  
that an appropriation made to a state agency from a fund of the 114090  
state is insufficient to provide for the recovery of statewide 114091  
indirect costs under section 126.12 of the Revised Code, the 114092  
amount required for such purpose is hereby appropriated from the 114093  
available receipts of such fund. 114094

**Section 505.30.** TRANSFERS ON BEHALF OF THE STATEWIDE INDIRECT 114095  
COST ALLOCATION PLAN 114096

The total transfers made from the General Revenue Fund by the 114097  
Director of Budget and Management under this section shall not 114098  
exceed the amounts transferred into the General Revenue Fund under 114099  
section 126.12 of the Revised Code. 114100

The director of an agency may certify to the Director of 114101  
Budget and Management the amount of expenses not allowed to be 114102  
included in the Statewide Indirect Cost Allocation Plan under 114103  
federal regulations, from any fund included in the Statewide 114104  
Indirect Cost Allocation Plan, prepared as required by section 114105  
126.12 of the Revised Code. 114106

Upon determining that no alternative source of funding is 114107  
available to pay for such expenses, the Director of Budget and 114108  
Management may transfer cash from the General Revenue Fund into 114109  
the fund for which the certification is made, up to the amount of 114110  
the certification. The director of the agency receiving such funds 114111  
shall include, as part of the next budget submission prepared 114112  
under section 126.02 of the Revised Code, a request for funding 114113  
for such activities from an alternative source such that further 114114  
federal disallowances would not be required. 114115



The director of an agency may certify to the Director of Budget and Management the amount of expenses paid in error from a fund included in the Statewide Indirect Cost Allocation Plan. The Director of Budget and Management may transfer cash from the fund from which the expenditure should have been made into the fund from which the expenses were erroneously paid, up to the amount of the certification.

The director of an agency may certify to the Director of Budget and Management the amount of expenses or revenues not allowed to be included in the Statewide Indirect Cost Allocation Plan under federal regulations, for any fund included in the Statewide Indirect Cost Allocation Plan, for which the federal government requires payment. If the Director of Budget and Management determines that an appropriation made to a state agency from a fund of the state is insufficient to pay the amount required by the federal government, the amount required for such purpose is hereby appropriated from the available receipts of such fund, up to the amount of the certification.

**Section 505.40. FEDERAL GOVERNMENT INTEREST REQUIREMENTS**

Notwithstanding any provision of law to the contrary, on or before the first day of September of each fiscal year, the Director of Budget and Management, in order to reduce the payment of adjustments to the federal government, as determined by the plan prepared under division (A) of section 126.12 of the Revised Code, may designate such funds as the Director considers necessary to retain their own interest earnings.

**Section 505.50. FEDERAL CASH MANAGEMENT IMPROVEMENT ACT**

Pursuant to the plan for compliance with the Federal Cash Management Improvement Act required by section 131.36 of the Revised Code, the Director of Budget and Management may cancel and

re-establish all or part of encumbrances in like amounts within 114146  
the funds identified by the plan. The amounts necessary to 114147  
re-establish all or part of encumbrances are hereby appropriated. 114148

**Section 509.10.** TRANSFERS TO THE GENERAL REVENUE FUND OF 114149  
INTEREST EARNED 114150

Notwithstanding any provision of law to the contrary, the 114151  
Director of Budget and Management, through June 30, 2021, may 114152  
transfer interest earned by any state fund to the General Revenue 114153  
Fund. This section does not apply to funds whose source of revenue 114154  
is restricted or protected by the Ohio Constitution, federal tax 114155  
law, or the "Cash Management Improvement Act of 1990," 104 Stat. 114156  
1058 (1990), 31 U.S.C. 6501 et seq., as amended. 114157

**Section 509.20.** CASH TRANSFERS TO THE GENERAL REVENUE FUND 114158  
FROM NON-GRF FUNDS 114159

Notwithstanding any provision of law to the contrary, the 114160  
Director of Budget and Management may transfer up to \$100,000,000 114161  
cash, during the biennium ending June 30, 2021, from non-General 114162  
Revenue Funds that are not constitutionally restricted to the 114163  
General Revenue Fund. 114164

**Section 509.30.** CASH TRANSFERS FROM THE STATE FIRE MARSHAL 114165  
FUND TO THE GENERAL REVENUE FUND 114166

On July 1, 2020, or as soon as possible thereafter, the 114167  
Director of Budget and Management shall transfer \$2,000,000 cash 114168  
from the State Fire Marshal Fund (Fund 5460) to the General 114169  
Revenue Fund. 114170

**Section 509.40.** CASH TRANSFER TO THE GENERAL REVENUE FUND 114171  
FROM THE LOCAL GOVERNMENT INNOVATION FUND 114172

On July 1, 2019, or as soon as possible thereafter, the 114173

Director of Budget and Management shall transfer \$2,250,000 from 114174  
the Local Government Innovation Fund (Fund 5KN0) to the General 114175  
Revenue Fund. 114176

**Section 509.45.** CASH TRANSFER TO THE GENERAL REVENUE FUND 114177  
FROM THE LOCAL GOVERNMENT SAFETY CAPITAL GRANT FUND 114178

On July 1, 2019, or as soon as possible thereafter, the 114179  
Director of Budget and Management shall transfer the unencumbered 114180  
cash balance remaining in the Local Government Safety Capital 114181  
Grant Fund (Fund 5RD0) to the General Revenue Fund. 114182

**Section 509.47.** TRANSFER FROM THE HEALTH CARE SERVICES 114183  
SUPPORT AND RECOVERIES FUND TO THE GENERAL REVENUE FUND 114184

Notwithstanding any provision of law to the contrary, on July 114185  
1, 2019, or as soon as possible thereafter, the Director of Budget 114186  
and Management shall transfer \$6,000,000 cash from the Health Care 114187  
Services Support and Recoveries Fund (Fund 5DL0) to the General 114188  
Revenue Fund. 114189

Notwithstanding any other provision of law to the contrary, 114190  
on July 1, 2020, or as soon as possible thereafter, the Director 114191  
of Budget and Management shall transfer \$4,000,000 cash from the 114192  
Health Care Services Support and Recoveries Fund (Fund 5DL0) to 114193  
the General Revenue Fund. 114194

**Section 509.49.** UNEMPLOYMENT COMPENSATION INTEREST 114195  
CONTINGENCY FUND TRANSFER TO THE GENERAL REVENUE FUND 114196

On July 1, 2020, or as soon as possible thereafter, the 114197  
Director of Budget and Management shall transfer the unexpended, 114198  
unencumbered balance of the Unemployment Compensation Interest 114199  
Contingency Fund (Fund 5HC0) to the General Revenue Fund. 114200

**Section 509.50.** MEDICAL MARIJUANA CONTROL PROGRAM REPAYMENTS 114201

On October 1, 2019, or as soon as possible thereafter, the 114202  
Director of Commerce and the Executive Director of the Board of 114203  
Pharmacy shall consult with the Director of Budget and Management 114204  
to determine a repayment schedule for the biennium ending June 30, 114205  
2021, to fully repay transfers on behalf of each agency from the 114206  
Emergency Purposes/Contingency Fund (Fund 5KM0) to the Medical 114207  
Marijuana Control Program Fund (Fund 5YS0). Payments made by the 114208  
Department of Commerce and the Board of Pharmacy in accordance 114209  
with this repayment schedule shall be credited to the General 114210  
Revenue Fund. 114211

**Section 512.10.** GENERAL REVENUE FUND TRANSFER TO TOURISM OHIO 114212  
FUND 114213

On July 1, 2019, or as soon as possible thereafter, the 114214  
Director of Budget and Management may transfer up to \$20,000,000 114215  
cash from the General Revenue Fund to the Tourism Ohio Fund (Fund 114216  
5MJ0). 114217

**Section 512.20.** GENERAL REVENUE FUND TRANSFER TO STATEWIDE 114218  
TREATMENT AND PREVENTION FUND 114219

Notwithstanding any provision of law to the contrary, in each 114220  
fiscal year of the biennium ending June 30, 2021, the Director of 114221  
Budget and Management may transfer up to \$5,050,000 cash from the 114222  
General Revenue Fund to the Statewide Treatment and Prevention 114223  
Fund (Fund 4750). 114224

**Section 512.30.** GENERAL REVENUE FUND TRANSFER TO STATEWIDE 114225  
COMMUNITY POLICE RELATIONS FUND 114226

Notwithstanding any provision of law to the contrary, in 114227  
fiscal year 2020, the Director of Budget and Management may 114228  
transfer up to \$2,200,000 cash from the General Revenue Fund to 114229  
the Statewide Community Police Relations Fund (Fund 5RS0). 114230

**Section 512.40.** GENERAL REVENUE FUND TRANSFER TO TARGETED 114231  
ADDICTION PROGRAM FUND 114232

Notwithstanding any provision of law to the contrary, in each 114233  
fiscal year of the biennium ending June 30, 2021, the Director of 114234  
Budget and Management may transfer up to \$23,750,000 cash from the 114235  
General Revenue Fund to the Targeted Addiction Program Fund (Fund 114236  
5TZ0). 114237

**Section 512.50.** GENERAL REVENUE FUND TRANSFER TO PERSIAN 114238  
GULF, AFGHANISTAN, IRAQ COMPENSATION FUND 114239

During fiscal year 2021, upon request of the Director of 114240  
Veterans Services, the Director of Budget and Management may 114241  
transfer up to \$500,000 cash from the General Revenue Fund to the 114242  
Persian Gulf, Afghanistan, Iraq Compensation Fund (Fund 7041). 114243

**Section 512.70.** GENERAL REVENUE FUND TRANSFER TO STUDENT 114244  
WELLNESS AND SUCCESS FUND 114245

Notwithstanding any provision of law to the contrary, the 114246  
Director of Budget and Management may transfer up to \$275,000,000 114247  
cash in fiscal year 2020 and up to \$400,000,000 cash in fiscal 114248  
year 2021 from the General Revenue Fund to the Student Wellness 114249  
and Success Fund (Fund 5VS0), which is hereby created in the state 114250  
treasury. 114251

**Section 512.85.** GENERAL REVENUE FUND TRANSFER TO TRANSCRANIAL 114252  
MAGNETIC STIMULATION FUND 114253

On July 1, 2019, or as soon as possible thereafter, the 114254  
Director of Budget and Management shall transfer \$6,000,000 cash 114255  
from the General Revenue Fund to the Transcranial Magnetic 114256  
Stimulation Fund (Fund 5VV0). 114257

**Section 512.90.** GENERAL REVENUE FUND TRANSFER TO SPORTS EVENT GRANT FUND 114258  
114259

On July 1, 2019, or as soon as possible thereafter, the 114260  
Director of Budget and Management shall transfer \$5,000,000 cash 114261  
from the General Revenue Fund to the Sports Event Grant Fund (Fund 114262  
5UY0). 114263

**Section 513.10.** FISCAL YEAR 2019 GENERAL REVENUE FUND ENDING BALANCE 114264  
114265

Notwithstanding section 131.44 of the Revised Code, the 114266  
Director of Budget and Management shall determine the surplus 114267  
General Revenue Fund revenue that existed on June 30, 2019. 114268  
Notwithstanding any provision of law to the contrary, except for 114269  
the transfers listed in this section, the surplus shall remain in 114270  
the General Revenue Fund. The Director shall transfer cash, not to 114271  
exceed the amount of the surplus revenue from the General Revenue 114272  
Fund in the following order: 114273

(A) Up to \$10,000,000 cash to the Targeted Addiction Program 114274  
Fund (Fund 5TZ0); 114275

(B) Up to \$172,000,000 cash to the H2Ohio Fund (Fund 6H20); 114276

(C) Up to \$20,000,000 cash to the School Bus Purchase Fund 114277  
(Fund 5VU0), which is hereby created in the state treasury; 114278

(D) Up to \$5,000,000 cash to the Ohio Governor's Imagination 114279  
Library Fund (Fund 5VJ0), which is hereby created in the state 114280  
treasury; 114281

(E) Up to \$25,000,000 cash to the Emergency Purposes Fund 114282  
(Fund 5KM0); 114283

(F) Up to \$14,000,000 cash to the Disaster Services Fund 114284  
(Fund 5E20); 114285

(G) Up to \$19,000,000 cash to the Tobacco Use Prevention Fund 114286

(Fund 5BX0);	114287
(H) Up to \$7,400,000 cash to the Economic Development Programs Fund (Fund 5JC0);	114288 114289
(I) Up to \$2,000,000 cash to the Ohio Incumbent Workforce Job Training Fund (Fund 5HR0);	114290 114291
(J) Up to \$31,000,000 cash to the Statewide Treatment and Prevention Fund (Fund 4750);	114292 114293
(K) Up to \$5,000,000 cash, subject to Controlling Board approval, to the State Park Fund (Fund 5120); and	114294 114295
(L) Up to \$2,000,000 cash to the Ohio Public Health Priorities Fund (Fund L087).	114296 114297
<b>Section 513.20.</b> FISCAL YEARS 2020 AND 2021 GENERAL REVENUE	114298
FUND ENDING BALANCE	114299
Notwithstanding section 131.44 of the Revised Code, the cash balance of the General Revenue Fund on June 30, 2020, shall remain in the General Revenue Fund.	114300 114301 114302
Notwithstanding section 131.44 of the Revised Code, not later than July 31, 2021, the Director of Budget and Management shall determine the surplus General Revenue Fund revenue that existed on June 30, 2021, and shall transfer cash, in an amount equal to fifty per cent of the surplus revenue, from the General Revenue Fund to the H2Ohio Fund (Fund 6H20) and from the General Revenue Fund to the Budget Stabilization Fund (Fund 7013).	114303 114304 114305 114306 114307 114308 114309
As used in this section, "surplus revenue" has the same meaning as in section 131.44 of the Revised Code.	114310 114311
<b>Section 513.30.</b> FISCAL YEAR 2021 APPROPRIATIONS FOR THE H2OHIO FUND	114312 114313
Notwithstanding section 131.35 of the Revised Code, in fiscal	114314

year 2021, the Controlling Board may increase or establish 114315  
 appropriations in the H2Ohio Fund (Fund 6H20) for state agencies 114316  
 or boards responsible for water protection and water management in 114317  
 amounts necessary to support the statewide strategic vision and 114318  
 comprehensive periodic water protection strategy in that fiscal 114319  
 year. 114320

**Section 514.10. UTILITY RADIOLOGICAL SAFETY BOARD ASSESSMENTS** 114321

Unless the agency and nuclear electric utility mutually agree 114322  
 to a higher amount by contract, the maximum amounts that may be 114323  
 assessed against nuclear electric utilities under division (B)(2) 114324  
 of section 4937.05 of the Revised Code and deposited into the 114325  
 specified funds are as follows: 114326

<u>Fund</u>	<u>User</u>	<u>FY 2020</u>	<u>FY 2021</u>	
Utility	Department of	\$ 97,610	\$ 101,130	114328
Radiological	Agriculture			
Safety Fund				
(Fund 4E40)				
Radiation	Department of	\$ 1,300,000	\$ 1,300,000	114329
Emergency	Health			
Response Fund				
(Fund 6100)				
ER Radiological	Environmental	\$ 276,500	\$ 278,500	114330
Safety Fund	Protection Agency			
(Fund 6440)				
Emergency	Department of	\$ 1,258,624	\$ 1,258,624	114331
Response Plan	Public Safety			
Fund (Fund 6570)				

**Section 516.10. CASH TRANSFERS AND ABOLISHMENT OF FUNDS** 114332

(A) On July 1, 2019, or as soon as possible thereafter, the 114333  
 Director of Budget and Management shall transfer the cash balance 114334



from each of the funds as indicated in the table below to the fund 114335  
also indicated in the table below. Upon completion of each 114336  
transfer and on the effective date of its repeal by this act, 114337  
where applicable, the fund from which the cash balance was 114338  
transferred is hereby abolished. 114339

User	Transfer from:		Transfer to:		
Agency	Fund	Fund Name	Fund	Fund Name	
AGR	5HP0	Livestock Care Standards Board	4C90	Commercial Feed Inspection/Lab	114342
AIR	7004	Advanced Energy Research and Development Taxable Fund	5M50	Advanced Energy Fund	114343
AIR	7005	Advanced Energy Research and Development	5M50	Advanced Energy Fund	114344
BWC	8290	Long Term Care Loan Fund	8260	Safety and Hygiene Fund	114345
COM	5PA0	BUSTR Revolving Loan Fund	6530	Underground Storage Tank Administration	114346
DAS	4P30	DAS Information Services	1330	Information Technology	114347
DAS	5D70	Workforce Development	5EB0	OAKS Support Organization	114348
DEV	3DB0	Federal Stimulus Energy Efficiency and Conservation	GRF	General Revenue Fund	114349
DEV	5AD0	Job Development Initiatives	5430	Unclaimed Funds Trust	114350
DEV	5CG0	Alternative Fuel Transportation	5M50	Advanced Energy Fund	114351
DEV	5MB0	Economic Development Support	5LN0	Liquor Operating Services Fund	114352

DEV	5NS0	Career Exploration Internship	5JC0	Economic Development Projects	114353
DNR	5CU0	Mine Safety	5290	Mining Regulation and Safety	114354
DNR	5MF0	Ohio Geology License Plate	5110	Geological Mapping	114355
DOH	6830	Employee Assistance Program	1250	Human Resources Services Fund	114356
DOT	5CF0	Rail Transload Facilities	4N40	Rail Development	114357
DPS	8500	Public Safety Investigative Unit Salvage and Exchange Institution	5RH0	Ohio Investigative Unit Fund	114358
DRC	5UB0	Addiction Treatment Services	GRF	General Revenue Fund	114359
DYS	3BH0	Federal Juvenile Justice Program FFY06	3V50	Juvenile Justice/Delinquency Prevention Fund	114360
DYS	3BT0	Federal Juvenile Justice Program FFY07	3V50	Juvenile Justice/Delinquency Prevention Fund	114361
DYS	3BY0	Federal Juvenile Justice Program SFY07	3V50	Juvenile Justice/Delinquency Prevention Fund	114362
DYS	3BZ0	Federal Juvenile Justice Program SFY08	3V50	Juvenile Justice/Delinquency Prevention Fund	114363
DYS	3CR0	Federal Juvenile Justice Program FFY10	3V50	Juvenile Justice/Delinquency Prevention Fund	114364
DYS	3FB0	Federal Juvenile Justice Program	3V50	Juvenile Justice/Delinquency	114365

		FFY11		Prevention Fund	
DYS	3FC0	Federal Juvenile Justice Program	3V50	Juvenile Justice/Delinquency	114366
		FFY12		Prevention Fund	
DYS	3GB0	Federal Juvenile Justice Program	3V50	Juvenile Justice/Delinquency	114367
		FFY13		Prevention Fund	
DYS	3V90	Federal Juvenile Justice Program	3V50	Juvenile Justice/Delinquency	114368
		FFY01		Prevention Fund	
DYS	3W00	Federal Juvenile Justice Program	3V50	Juvenile Justice/Delinquency	114369
		FFY02		Prevention Fund	
DYS	3Z80	Federal Juvenile Justice Program	3V50	Juvenile Justice/Delinquency	114370
		FFY04		Prevention Fund	
DYS	3Z90	Federal Juvenile Justice Program	3V50	Juvenile Justice/Delinquency	114371
		FFY05		Prevention Fund	
EDU	3DL0	Idea Preschool - Federal Stimulus	GRF	General Revenue Fund	114372
EDU	4D10	Ohio Prevention/Education Resource Center	6200	Education Grants	114373
EDU	5B10	Child Nutrition Services	GRF	General Revenue Fund	114374
EDU	5KY0	Community Schools Temporary Sponsorship	5KX0	Ohio School Sponsorship Program	114375
EDU	5RB0	Straight A Fund	6200	Educational Grants	114376
EDU	5T30	Gates Foundation Grants	6200	Educational Grants	114377
EDU	5UC0	Accountability/Report 4L20		Teacher	114378

		Cards		Certification	
EDU	5W20	Head Start Plus/Head	GRF	General Revenue	114379
		Start		Funds	
EDU	5X90	NGA Stem	6200	Educational Grants	114380
EDU	6210	Pre-School Foreign	6200	Educational Grants	114381
		Language			
EPA	3560	Indirect Costs	GRF	General Revenue Fund	114382
EPA	3580	205-J Federal	3BU0	Water Quality	114383
		Planning		Protection	
EPA	3M50	HazMat	GRF	General Revenue Fund	114384
		Transportation			
		Uniform Safety			
INS	3EV0	Health Insurance	5540	Department of	114385
		Premium Rev		Insurance Operating	
INS	3EW0	Health Exchange	5540	Department of	114386
		Planning		Insurance Operating	
INS	3EX0	Consumer Assistance	5540	Department of	114387
		Grant		Insurance Operating	
INS	5AG0	Medical Liability	GRF	General Revenue Fund	114388
INS	5FZ0	Claims Processing	5540	Department of	114389
		Education		Insurance Operating	
JFS	5GC0	GOFBI/Family	5RY0	Human Services	114390
		Stability		Projects	
JFS	5HA0	Health Care Services	5RY0	Human Services	114391
		Other		Projects	
JFS	5S30	JFS Administration	GRF	General Revenue Fund	114392
		and Oversight			
JSC	6A80	Supreme Court	4C80	Attorney	114393
		Admissions		Registration	
MCD	5AJ0	Money Follows the	5DL0	Medicaid Support and	114394
		Person		Recoveries	
MCD	5HA0	Health Care Services	GRF	General Revenue Fund	114395
		- Other			

MCD	5KC0	Health Care Special Activities	5DL0	Medicaid Support and Recoveries	114396
OBM	3CM0	Medicaid Agency Transition	3B10	Community Medicaid Expansion	114397
OBM	7087	Settlement Agreement Fund	GRF	General Revenue Fund	114398
PUB	3FF0	Capital Case Litigation	4070	County Representation	114399
PUB	3FX0	Wrongful Conviction Program	4070	County Representation	114400
PUB	3GJ0	Byrne Memorial Grant	4070	County Representation	114401
TAX	7054	Loc Govt Prop Tax Replacement	GRF	General Revenue Fund	114402
TAX	4K00	Beverage Tax Administrative	GRF	General Revenue Fund	114403
TAX	5BQ0	Revenue Enhancement	2280	Revenue Enhancement	114404
TAX	5BW0	Tax Amnesty Promotion and Administration	GRF	General Revenue Fund	114405
TAX	QD20	OBG-Assessment Payments	GRF	General Revenue Fund	114406
TOS	4N00	Treasury Education	6050	Treasurer of State's Administration	114407
TOS	R044	Tax Holding	6050	Treasurer of State's Administration	114408

(B) On July 1, 2019, or as soon as possible thereafter, the 114409  
Director of Budget and Management shall cancel existing 114410  
encumbrances against each appropriation item indicated in the 114411  
table below and reestablish them against the appropriation item 114412  
also indicated in the table below. The Director may cancel and 114413  
reestablish other encumbrances as needed to properly close out the 114414  
funds identified in division (A) of this section. The encumbrances 114415

reestablished under this section are hereby appropriated.				114416
Cancel existing encumbrances		Reestablish encumbrances against:		114417
against:				
Fund	Appropriation Item	Fund	Appropriation Item	114418
5CU0	725647 - Mine Safety	5290	725639 - Mining Regulation and Safety	114419
5MF0	725635 - Ohio Geology License Plate	5110	725646 - Ohio Geological Mapping	114420
5CF0	776667 - Rail Transload Facilities	4N40	776664 - Rail Transportation - Other	114421
3EVO	820610 - Health Insurance Premium Review	5540	820606 - Operating Expenses	114422
3EW0	820611 - Health Exchange Planning	5540	820606 - Operating Expenses	114423
3EX0	820612 - Consumer Assistance Grant	5540	820606 - Operating Expenses	114424
5AG0	820603 - Health Information Technology and Health Care Coverage and Quality Council	5540	820606 - Operating Expenses	114425
3FF0	019620 - Capital Case Litigation	4070	019604 - County Representation	114426
3FX0	019621 - Wrongful Conviction Program	4070	019604 - County Representation	114427
3GJ0	019622 - Byrne Memorial Grant	4070	019604 - County Representation	114428
6A80	005606 - Supreme Court Admissions	4C80	005605 - Attorney Services	114429
5AJ0	651631 - Money Follows the Person	5DL0	651639 - Medicaid Services - Recoveries	114430
(C) The following funds are hereby		abolished on the effective		114431
date of their repeal by this act:				114432

User	Fund	Fund Name	
			114433
DNR	5260	Coal Mining Administration and Reclamation Reserve	114434
DOH	5QH0	Dental Hygiene Resource Shortage Area	114435
DVS	A041	Veterans Compensation Series 2011	114436
DVS	B041	Veterans Compensation Series 2013	114437
EDU	3090	Neglected & Delinquent Education	114438
EDU	3660	Adult Basic Education	114439
EDU	3690	Vocational Education	114440
EDU	3720	Federal Drivers' Education Projects	114441
EDU	3730	Pupil Transportation Safety Program	114442
EDU	3760	Job Training Partnership Act	114443
EDU	3780	Math/Science Tech Investments	114444
EDU	5960	Ohio Career Information System	114445
EDU	7006	Education Improvement	114446
EDU	3E20	AIDS Education Project	114447
EDU	3AK0	State Homeland Security	114448
EDU	3AX0	Improving Health and Education Outcomes of Young People	114449
EDU	3BK0	Longitudinal Data Systems	114450
EDU	3BV0	Character Education	114451
EDU	3CF0	Foreign Language Assistance	114452
EDU	3CG0	Teacher Incentive	114453
EDU	3DC0	Federal Stimulus School Cafeteria Equipment	114454
EDU	3DJ0	Idea Part B - Federal Stimulus	114455
EDU	3DK0	Title I A - Federal Stimulus	114456
EDU	3EC0	Teacher Incentive - Federal Stimulus	114457
EDU	3EF0	National School Lunch Program Equipment	114458
EDU	3EK0	Advanced Placement	114459
EDU	3EL0	Even Start	114460
EDU	3EM0	Byrd Scholarship	114461
EDU	3EN0	State Data System - Federal Stimulus	114462
EDU	3ES0	Special Education Research	114463

EDU	3ET0	Ed Jobs	114464
EDU	3FD0	Race to the Top	114465
EDU	3FN0	Race to the Top - Early Learning Challenge Grant	114466
EDU	3GP0	School Climate Transformation	114467
EDU	3GQ0	Project Aware	114468
EDU	3GZ0	JAVITS Gifted and Talented Students Education	114469
EDU	3M10	ESEA Chapter Two	114470
EDU	3N70	School-to-Work	114471
EDU	3P90	SRRC/FRC Evaluation Project	114472
EDU	3R30	Goals 2000	114473
EDU	3S20	Tech Literacy Transfer	114474
EDU	3S70	Child Care School Age	114475
EDU	3T50	Coordinated School Health	114476
EDU	3T60	Class Size Reduction	114477
EDU	3U60	Provision 2&3 Grant	114478
EDU	3W60	TANF Education	114479
EDU	3X50	School Renovation Idea & Tech Program	114480
EDU	3Y40	Reading First	114481
EDU	3Z70	General Supervision Enhancement	114482
EDU	4M40	Emergency Svc Telecommunicator Training	114483
EDU	4Y50	Supplemental School Assistance	114484
EDU	4Z40	School District 1987 Reimburse	114485
EDU	5BB0	State Action for Education Leadership	114486
EDU	5F80	Instructional Materials Education	114487
EDU	5JA0	ARRA Compliance	114488
EDU	5X80	Jobs for Ohio Graduates	114489
EPA	3520	Wastewater Pollution	114490
EPA	3630	Construction Grant	114491
EPA	4910	Moving Expenses	114492
EPA	4990	Emergency Village Capital Improvements	114493
EPA	6020	Motor Vehicle Inspection/Maintenance	114494
EPA	6600	Infectious Waste Management	114495
EPA	6800	Emergency Plan & Community Right-to-Know Reserve	114496



EPA	3F40	Water Quality Management	114497
EPA	3J10	Urban Stormwater	114498
EPA	3J50	Maumee AOC Assessment	114499
EPA	3K20	Clean Water Act 106	114500
EPA	3K30	DOE Agreement in Principle	114501
EPA	3K40	DOD Base Realign/Closure Grant	114502
EPA	3K60	Remedial Action Plans	114503
EPA	3N10	Pollution Prevention Grants	114504
EPA	3S40	Performance Partnership Grants	114505
EPA	3T10	Rural Hardship Grant	114506
EPA	4C30	State Special Revenue Indirect	114507
EPA	4U70	Construction/Demolition Debris	114508
EPA	5DW0	Automotive Mercury Switch Program	114509
EPA	5N20	Dredge and Fill	114510
EPA	6A90	Construction/Demolition Debris Facility Oversight	114511
JFS	3W30	Adult Special Needs	114512
JFS	4J50	Home/Community Based Services/Aged	114513
JFS	4Z10	Health Care Compliance	114514
JFS	5BG0	Managed Care Assessment	114515
JFS	5KU0	Unemployment Insurance Support - Other Sources	114516
JFS	5Q90	Supplemental Inpatient Hospital	114517
JFS	R013	Forgery Collections	114518
MED	5LE0	Education and Patient Safety	114519
OOD	5L90	TANF/PCA Maintenance of Effort	114520
OOD	5QL0	Disability Determination Reimbursement	114521
PRX	3CT0	2008 Developing/Enhancing PMP	114522
PRX	3EB0	NASPER	114523
PRX	3EY0	Administration of the PMIX Hub	114524
PRX	3EZ0	NASPER 10	114525
SOS	3AH0	Election Reform/Health and Human Services	114526

**Section 601.03.** That Section 261.168 of Am. Sub. H.B. 49 of 114527

the 132nd General Assembly, as amended by Sub. H.B. 24 of the 114528  
132nd General Assembly, be amended to read as follows: 114529

**Sec. 261.168.** MODIFICATIONS AND CAP FOR FISCAL YEARS ~~2019,~~ 114530  
~~2020,~~ AND 2021 ICF/IID MEDICAID RATES UNDER THE FORMULA BEING 114531  
PHASED OUT 114532

(A) As used in this section: 114533

(1) "Change of operator," "cost report year," "entering 114534  
operator," "exiting operator," "ICF/IID," "ICF/IID services," 114535  
"Medicaid days," "peer group 1-B," "peer group 2-B," "peer group 114536  
3-B," "provider," and "provider agreement" have the same meanings 114537  
as in section 5124.01 of the Revised Code. 114538

(2) "Formula being phased out" means the formula specified in 114539  
division (C) of section 5124.15 of the Revised Code. 114540

(3) "Franchise permit fee" means the fee imposed by sections 114541  
5168.60 to 5168.71 of the Revised Code. 114542

(B)(1) This section applies to each ICF/IID that is in peer 114543  
group 1-B or peer group 2-B and to which either of the following, 114544  
as applicable to a fiscal year, applies: 114545

(a) ~~In the context of determining an ICF/IID's total Medicaid 114546  
payment rate for fiscal year 2019 under the formula being phased 114547  
out, either of the following is the case:~~ 114548

~~(i) The provider of the ICF/IID has a valid Medicaid provider 114549  
agreement for the ICF/IID on June 30, 2018, and a valid Medicaid 114550  
provider agreement for the ICF/IID during fiscal year 2019;~~ 114551

~~(ii) The ICF/IID undergoes a change of operator that takes 114552  
effect during fiscal year 2019, the exiting operator has a valid 114553  
Medicaid provider agreement for the ICF/IID on the day immediately 114554  
preceding the effective date of the change of operator, and the 114555  
entering operator has a valid Medicaid provider agreement for the 114556~~

~~ICF/IID during fiscal year 2019.~~ 114557

~~(b)~~ In the context of determining an ICF/IID's total Medicaid 114558  
payment rate for fiscal year 2020, either of the following is the 114559  
case: 114560

(i) The provider of the ICF/IID has a valid Medicaid provider 114561  
agreement for the ICF/IID on June 30, 2019, and a valid Medicaid 114562  
provider agreement for the ICF/IID during fiscal year 2020; 114563

(ii) The ICF/IID undergoes a change of operator that takes 114564  
effect during fiscal year 2020, the exiting operator has a valid 114565  
Medicaid provider agreement for the ICF/IID on the day immediately 114566  
preceding the effective date of the change of operator, and the 114567  
entering operator has a valid Medicaid provider agreement for the 114568  
ICF/IID during fiscal year 2020. 114569

~~(e)~~(b) In the context of determining an ICF/IID's total 114570  
Medicaid payment rate for fiscal year 2021, either of the 114571  
following is the case: 114572

(i) The provider of the ICF/IID has a valid Medicaid provider 114573  
agreement for the ICF/IID on June 30, 2020, and a valid Medicaid 114574  
provider agreement for the ICF/IID during fiscal year 2021; 114575

(ii) The ICF/IID undergoes a change of operator that takes 114576  
effect during fiscal year 2021, the exiting operator has a valid 114577  
Medicaid provider agreement for the ICF/IID on the day immediately 114578  
preceding the effective date of the change of operator, and the 114579  
entering operator has a valid Medicaid provider agreement for the 114580  
ICF/IID during fiscal year 2021. 114581

(2) This section does not apply to either of the following: 114582

(a) An ICF/IID in peer group 3-B; 114583

(b) An ICF/IID for which the provider obtains an initial 114584  
provider agreement during a fiscal year for which modifications to 114585  
the formula being phased out are made under this section. 114586

(C) Notwithstanding Chapter 5124. of the Revised Code, the following modifications shall be made when determining under the formula being phased out the fiscal years ~~2019~~, 2020~~7~~ and 2021 total per Medicaid day payment rates for an ICF/IID to which this section applies:

(1) The ICF/IID's efficiency incentive for capital costs, as determined under division (F) of section 5124.171 of the Revised Code, shall be reduced by 50%.

(2) In place of the maximum cost per case-mix unit established for the ICF/IID's peer group under division (C) of section 5124.195 of the Revised Code, the ICF/IID's maximum costs per case-mix unit shall be the amount the Department determined for the ICF/IID's peer group for fiscal year 2016 in accordance with division (E) of Section 259.160 of Am. Sub. H.B. 64 of the 131st General Assembly.

(3) In place of the inflation adjustment otherwise calculated under division (D) of section 5124.195 of the Revised Code for the purpose of division (A)(1)(b) of that section, an inflation adjustment of 1.014 shall be used.

(4) In place of the efficiency incentive otherwise calculated under division (B)(2) of section 5124.211 of the Revised Code, the ICF/IID's efficiency incentive for indirect care costs shall be the following:

(a) In the case of an ICF/IID in peer group 1-B, not more than \$3.69;

(b) In the case of an ICF/IID in peer group 2-B, not more than \$3.19.

(5) In place of the maximum rate for indirect care costs established for the ICF/IID's peer group under division (C) of section 5124.211 of the Revised Code, the maximum rate for indirect care costs for the ICF/IID's peer group shall be an

amount the Department shall determine in accordance with division 114618  
(D) of this section. 114619

(6) In place of the inflation adjustment otherwise calculated 114620  
under division ~~(D)~~(E)(1) of section 5124.211 of the Revised Code 114621  
for the purpose of division (B)(1) of that section only, an 114622  
inflation adjustment of 1.014 shall be used. 114623

(7) In place of the inflation adjustment otherwise made under 114624  
section 5124.231 of the Revised Code, the ICF/IID's desk-reviewed, 114625  
actual, allowable, per Medicaid day other protected costs, 114626  
excluding the franchise permit fee, from the applicable cost 114627  
report year shall be multiplied by 1.014. 114628

(D) In determining the amount of the maximum rate for 114629  
indirect costs for the purpose of division (C)(5) of this section, 114630  
the Department shall strive to the greatest extent possible to do 114631  
both of the following: 114632

(1) Avoid rate reductions under division (E)~~(1)~~ of this 114633  
section; 114634

(2) Have the amount so determined result in payment of all 114635  
desk-reviewed, actual, allowable indirect care costs for the same 114636  
percentage of Medicaid days for ICFs/IID in peer group 1-B as for 114637  
ICFs/IID in peer group 2-B as of the first day of the fiscal year 114638  
for which the determination is made, based on May Medicaid days 114639  
from the calendar year in which the fiscal year begins. 114640

(E)~~(1)~~ If the mean total per Medicaid day rate for all 114641  
ICFs/IID to which this section applies, as determined under 114642  
division (C) of this section as of the first day of a fiscal year 114643  
for which a rate is determined under this section and weighted by 114644  
May Medicaid days from the calendar year in which the fiscal year 114645  
begins, is other greater than ~~the amount determined under division~~ 114646  
~~(E)(2) of this section §290.10~~, the Department shall adjust, for 114647  
the fiscal year for which the rate is determined, the total per 114648

Medicaid day rate for each ICF/IID to which this section applies 114649  
by a percentage that is equal to the percentage by which the mean 114650  
total per Medicaid day rate is greater ~~or less~~ than ~~the amount~~ 114651  
~~determined under division (E)(2) of this section §290.10.~~ 114652

~~(2) The amount to be used for the purpose of division (E)(1)~~ 114653  
~~of this section shall be not less than \$290.10. The Department, in~~ 114654  
~~its sole discretion, may use a larger amount for the purpose of~~ 114655  
~~that division. In determining whether to use a larger amount, the~~ 114656  
~~Department may consider any of the following:~~ 114657

~~(a) The reduction in the total Medicaid certified capacity of~~ 114658  
~~all ICFs/IID that occurs in the fiscal year immediately preceding~~ 114659  
~~the fiscal year for which the determination is made, and the~~ 114660  
~~reduction that is projected to occur in the fiscal year for which~~ 114661  
~~the determination is made, as a result of either of the following:~~ 114662

~~(i) A downsizing pursuant to a plan approved by the~~ 114663  
~~Department under section 5123.042 of the Revised Code;~~ 114664

~~(ii) A conversion of beds to providing home and~~ 114665  
~~community based services under the Individual Options waiver~~ 114666  
~~pursuant to section 5124.60 or 5124.61 of the Revised Code.~~ 114667

~~(b) The increase in Medicaid payments made for ICF/IID~~ 114668  
~~services provided during the fiscal year immediately preceding the~~ 114669  
~~fiscal year for which the determination is made, and the increase~~ 114670  
~~that is projected to occur in the fiscal year for which the~~ 114671  
~~determination is made, as a result of the modifications to the~~ 114672  
~~payment rates made under section 5124.101 of the Revised Code;~~ 114673

~~(c) The total reduction in the number of ICF/IID beds that~~ 114674  
~~occurs pursuant to section 5124.67 of the Revised Code;~~ 114675

~~(d) Other factors the Department determines to be relevant.~~ 114676

(F) If the United States Centers for Medicare and Medicaid 114677  
Services requires that the franchise permit fee be reduced or 114678

eliminated, the Department shall reduce the rate determined under 114679  
this section as necessary to reflect the loss to the state of the 114680  
revenue and federal financial participation generated from the 114681  
franchise permit fee. 114682

**Section 601.04.** That existing Section 261.168 of Am. Sub. 114683  
H.B. 49 of the 132nd General Assembly, as amended by Sub. H.B. 24 114684  
of the 132nd General Assembly, is hereby repealed. 114685

**Section 601.05.** Sections 601.03 and 601.04 of this act are 114686  
exempt from the referendum under section 1d of Article II, Ohio 114687  
Constitution, and take effect July 1, 2019. 114688

**Section 601.07.** That Section 1 of H.B. 336 of the 132nd 114689  
General Assembly be amended to read as follows: 114690

**Sec. 1.** (A) As used in this section: 114691

(1) "Eligible offense" means an offense under any of the 114692  
following Revised Code sections if the offense, an essential 114693  
element of the offense, the basis of the charge, or any underlying 114694  
offense did not involve alcohol, a drug of abuse, combination 114695  
thereof, or a deadly weapon: 2151.354, 2152.19, 2152.21, 2907.24, 114696  
2913.02, 4507.20, 4509.101, 4509.17, 4509.24, 4509.40, 4510.037, 114697  
4510.05, 4510.06, 4510.15, 4510.22, 4510.23, 4510.31, 4510.32, 114698  
4511.203, 4511.205, 4511.251, 4511.75, 4549.02, 4549.021, and 114699  
5743.99. 114700

(2) "Deadly weapon" has the same meaning as in section 114701  
2923.11 of the Revised Code. 114702

(3) "Drug of abuse" has the same meaning as in section 114703  
4511.181 of the Revised Code. 114704

(4) "Complete amnesty" means a waiver of reinstatement fees. 114705

(5) "Driver's license or permit" does not include a 114706

commercial driver's license or permit. 114707

(6) "Indigent" means a person who is a participant in the 114708  
supplemental nutrition assistance program administered by the 114709  
department of job and family services pursuant to section 5101.54 114710  
of the Revised Code. 114711

(B) Not later than ninety days after ~~the effective date of~~ 114712  
~~this section~~ November 2, 2018, the Registrar of Motor Vehicles 114713  
shall establish a driver's license reinstatement fee debt 114714  
reduction and amnesty program. The program shall immediately 114715  
terminate ~~six months after that effective date~~ on December 31, 114716  
2019. 114717

(C) During the period the program is in operation, both of 114718  
the following apply: 114719

(1) A person whose driver's license or permit has been 114720  
suspended as a result of an eligible offense may apply to the 114721  
Registrar for driver's license reinstatement fee debt reduction if 114722  
the person has completed all court-ordered sanctions related to 114723  
the eligible offense other than the payment of reinstatement fees 114724  
and at least eighteen months have expired since the end of the 114725  
period of suspension ordered by the court. 114726

(2) A person whose driver's license or permit has been 114727  
suspended as a result of an eligible offense may apply to the 114728  
Registrar for complete amnesty if the person has completed all 114729  
court-ordered sanctions related to the eligible offense other than 114730  
the payment of reinstatement fees, and the person is indigent and 114731  
can demonstrate proof of indigence by providing documentation in a 114732  
form approved by the Registrar. 114733

(D)(1) The Registrar shall grant reinstatement fee debt 114734  
reduction to a person who is eligible under division (C)(1) of 114735  
this section as follows: 114736

(a) If the person owes reinstatement fees for multiple 114737



eligible offenses, the person shall be required to pay either the 114738  
lowest reinstatement fee owed for those offenses or ten per cent 114739  
of the total amount owed for those offenses, whichever amount is 114740  
greater. 114741

(b) If the person owes reinstatement fees for one eligible 114742  
offense, the person shall be required to pay one-half of the 114743  
reinstatement fee owed for that offense. 114744

(2) The Registrar shall grant complete amnesty to a person 114745  
eligible under division (C)(2) of this section. 114746

(E) The Registrar shall conduct a public service announcement 114747  
regarding the driver's license reinstatement fee debt reduction 114748  
and amnesty program that includes a description of the program and 114749  
its requirements. In addition, the Registrar shall make such 114750  
information available on the Bureau of Motor Vehicle's web site. 114751

(F) The Registrar may establish any requirements and 114752  
procedures necessary to administer and implement this section. 114753

**Section 601.08.** That existing Section 1 of H.B. 336 of the 114754  
132nd General Assembly is hereby repealed. 114755

**Section 601.10.** That Sections 207.10, 207.210, 215.10, 114756  
215.20, 217.10, 221.10, 225.10, 237.30, 253.310, and 701.10 of 114757  
H.B. 529 of the 132nd General Assembly be amended to read as 114758  
follows: 114759

**Sec. 207.10.** DEPARTMENT OF HIGHER EDUCATION AND STATE 114760  
INSTITUTIONS OF HIGHER EDUCATION 114761

BOR DEPARTMENT OF HIGHER EDUCATION 114762

Higher Education Improvement Fund (Fund 7034) 114763

C23501 Ohio Supercomputer Center \$ 6,105,076 114764

C23516 Ohio Library and Information Network \$ 13,844,808 114765

C23524	Supplemental Renovations - Library Depositories	\$	447,000	114766
C23529	Workforce Based Training and Equipment	\$	<del>8,000,000</del> <u>16,000,000</u>	114767
C23530	Technology Initiatives	\$	2,500,000	114768
C23532	OARnet	\$	10,203,116	114769
C23551	Ohio Innovation Exchange	\$	400,000	114770
C23560	HEI Critical Maintenance and Upgrades	\$	2,500,000	114771
C23563	Ohio Cyber Range	\$	1,000,000	114772
C23564	Ohio Aerospace Institute Improvements	\$	150,000	114773
TOTAL Higher Education Improvement Fund		\$	<del>45,150,000</del> <u>53,150,000</u>	114774
TOTAL ALL FUNDS		\$	<del>45,150,000</del> <u>53,150,000</u>	114775

RESEARCH FACILITY ACTION AND INVESTMENT FUNDS 114776

Capital appropriations or reappropriations in this act made 114777  
from appropriation item C23502, Research Facility Action and 114778  
Investment Funds, shall be used for a program of grants to be 114779  
administered by the Department of Higher Education to provide 114780  
timely availability of capital facilities for research programs 114781  
and research-oriented instructional programs at or involving 114782  
state-supported and state-assisted institutions of higher 114783  
education. 114784

WORKFORCE BASED TRAINING AND EQUIPMENT 114785

(A) Capital appropriations or reappropriations in this act 114786  
made from appropriation item C23529, Workforce Based Training and 114787  
Equipment, shall be used to support the Regionally Aligned 114788  
Priorities in Developing Skills (RAPIDS) program in the Department 114789  
of Higher Education. The purpose of the RAPIDS program is to 114790  
support collaborative projects among higher education institutions 114791  
to strengthen education and training opportunities that maximize 114792  
workforce development efforts in defined areas of the state. 114793

(B) Capital funds appropriated or reappropriated for this purpose by the General Assembly shall be distributed by the Chancellor of Higher Education to Ohio regions or subsets of regions. Regions or subsets of regions may be defined by the state's economic development strategy.

(C) The Chancellor shall award capital funds within the program using an application and review process, as developed by the Chancellor. In reviewing applications and making awards, priority shall be given to proposals that demonstrate:

(1) Collaboration among and between state institutions of higher education, as defined in section 3345.011 of the Revised Code, Ohio Technical Centers, and other entities as determined to be appropriate by the Chancellor;

(2) Evidence of meaningful business support and engagement;

(3) Identification of targeted occupations and industries supported by data, which sources may include the Governor's Office of Workforce Transformation, OhioMeansJobs, labor market information from the Department of Job and Family Services, and lists of in-demand occupations;

(4) Sustainability beyond the grant period with the opportunity to provide continued value and impact to the region.

(D) In submitting proposals for consideration under the program, a state institution of higher education, as defined in section 3345.011 of the Revised Code, shall be the lead applicant and preference shall be given to proposals in which equipment and technology acquired by capital funds awarded under the program are owned by a state institution of higher education. If equipment, technology, or facilities acquired by capital funds awarded under the program will be owned by a separate governmental or nonprofit entity, the state institution of higher education shall enter into a joint use agreement with the entity, which shall be approved by

the Chancellor.			114825
<b>Sec. 207.210. NEM NORTHEAST OHIO MEDICAL UNIVERSITY</b>			114826
Higher Education Improvement Fund (Fund 7034)			114827
C30533	Air Handling Unit #3 (Building B) Replacement	\$ 600,000	114828
C30534	Chiller-Cooling Tower Replacement and Upgrade	\$ 400,000	114829
C30535	Electrical Panels Infrastructure Replacement and Upgrade	\$ 100,000	114830
C30536	Air Handling Units #4 & #5 (Building E) Replacement	\$ 728,644	114831
C30538	University Hospitals Geauga Medical Center	\$ 900,000	114832
C30539	Cleveland Clinic Children's Outpatient Therapy Services Medina	\$ 750,000	114833
C30540	Pro Football Hall of Fame <del>Center of</del> <del>Excellence</del>	\$ 1,000,000	114834
TOTAL Higher Education Improvement Fund		\$ 4,478,644	114835
TOTAL ALL FUNDS		\$ 4,478,644	114836
<b>Sec. 215.10. AGR DEPARTMENT OF AGRICULTURE</b>			114838
Administrative Building Fund (Fund 7026)			114839
C70007	Building and Grounds	\$ 1,500,000	114840
C70022	Agricultural Society Facilities	\$ <del>2,185,000</del> <u>6,885,000</u>	114841
C70024	Building #22 Renovation	\$ 660,000	114842
C70026	EPA Warehouse Facility	\$ 872,000	114843
TOTAL Administrative Building Fund		\$ <del>5,217,000</del> <u>9,917,000</u>	114844
Clean Ohio Agricultural Easement Fund (Fund 7057)			114845
C70009	Clean Ohio Agricultural Easement	\$ 12,500,000	114846

TOTAL Clean Ohio Agricultural Easement	\$	12,500,000	114847
TOTAL ALL FUNDS	\$	<del>17,717,000</del>	114848
		<u>22,417,000</u>	

**Sec. 215.20. AGRICULTURAL SOCIETY FACILITIES** 114850

The Of the foregoing appropriation item C70022, Agricultural Society Facilities, \$4,700,000 shall be distributed evenly to each county and independent agricultural society in accordance with Section 717.11 of H.B. 166 of the 133rd General Assembly. 114851  
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Of the foregoing appropriation item C70022, Agricultural Society Facilities, \$2,185,000 shall be used to support the projects listed in this section. 114855  
114856  
114857

<b>Project Description</b>	<b>Amount</b>	
Pickaway County Agricultural Facility Improvements	\$ 400,000	114858
Warren County Fairgrounds Event Center	\$ 400,000	114859
Ashtabula County Agricultural Facility Improvements	\$ 250,000	114860
Clinton County Agricultural Facility Improvements	\$ 250,000	114861
Pike County Agricultural Facility Improvements	\$ 230,000	114862
Harrison County Agricultural Facility Improvements	\$ 200,000	114863
Brown County Agricultural Facility Improvements	\$ 150,000	114864
Monroe County Agricultural Education Complex Classroom	\$ 100,000	114865
Shelby County Agricultural Facility Improvements	\$ 100,000	114866
Preble County Agricultural Facility Improvements	\$ 50,000	114867
Defiance County Agricultural Facility Improvements	\$ 30,000	114868
Meigs County Agricultural Society Open Class Domestic Arts Building Project	\$ 25,000	114869

**Sec. 217.10. COM DEPARTMENT OF COMMERCE** 114871

State Fire Marshal Fund (Fund 5460)			114872
C80023 SFM Renovations and Improvements	\$	1,497,500	114873
C80034 Fire Training Apparatus	\$	1,675,000	114874

C80040	<u>Green Township Department - Lucas CPR</u>	\$	<u>15,000</u>	114875
	<u>Device</u>			
TOTAL	State Fire Marshal Fund	\$	<del>3,172,500</del>	114876
			<u>3,187,500</u>	
	Administrative Building Fund (Fund 7026)			114877
C80038	Mahoning County Live Fire Training	\$	375,000	114878
	Facility			
C80039	Weathersfield Township	\$	150,000	114879
	Multi-jurisdictional Center			
TOTAL	Administrative Building Fund	\$	525,000	114880
TOTAL ALL FUNDS		\$	<del>3,697,500</del>	114881
			<u>3,712,500</u>	

	<b>Sec. 221.10. MHA DEPARTMENT OF MENTAL HEALTH AND ADDICTION</b>			114883
	SERVICES			114884
	Mental Health Facilities Improvement Fund (Fund 7033)			114885
C58001	Community Assistance Projects	\$	<del>21,520,000</del>	114886
			<u>21,620,000</u>	
C58007	Infrastructure Renovations	\$	15,085,600	114887
C58047	TVBH Campus Redevelopment	\$	112,000,000	114888
C58048	Community Resiliency Projects	\$	20,000,000	114889
TOTAL	Mental Health Facilities Improvement Fund	\$	<del>168,605,600</del>	114890
			<u>168,705,600</u>	
TOTAL ALL FUNDS		\$	<del>168,605,600</del>	114891
			<u>168,705,600</u>	

	<b>Sec. 225.10. DOT DEPARTMENT OF TRANSPORTATION</b>			114893
	Administrative Building Fund (Fund 7026)			114894
C77706	Allen County Building Demolition,	\$	200,000	114895
	<u>Maintenance, or Construction</u>			
TOTAL	Administrative Building Fund	\$	200,000	114896
	Transportation Building Fund (Fund 7029)			114897

C77705	Statewide Land and Buildings	\$	60,000,000	114898
	TOTAL Transportation Building Fund	\$	60,000,000	114899
	TOTAL ALL FUNDS	\$	60,200,000	114900

**Sec. 237.30.** The Ohio Public Facilities Commission is hereby 114902  
authorized to issue and sell, in accordance with Section 2n of 114903  
Article VIII, Ohio Constitution, and Chapter 151. and particularly 114904  
sections 151.01 and 151.03 of the Revised Code, original 114905  
obligations in an aggregate principal amount not to exceed 114906  
~~\$375,000,000~~ \$475,000,000, in addition to the original issuance of 114907  
obligations heretofore authorized by prior acts of the General 114908  
Assembly. These authorized obligations shall be issued, subject to 114909  
applicable constitutional and statutory limitations, as needed to 114910  
provide sufficient moneys to the credit of the School Building 114911  
Program Assistance Fund (Fund 7032) to pay the state share of the 114912  
costs of constructing classroom facilities pursuant to Chapter 114913  
3318. of the Revised Code. 114914

Reappropriations

	<b>Sec. 253.310.</b> UAK UNIVERSITY OF AKRON			114915
	Higher Education Improvement Fund (Fund 7034)			114916
C25000	Basic Renovations	\$	249,343	114917
C25002	Basic Renovations - Wayne	\$	689,642	114918
C25054	General Lab Renovations	\$	2,609,586	114919
C25055	Auburn Science and Engineering Center	\$	600,000	114920
C25063	Austen BioInnovation Institute	\$	500,000	114921
C25065	Akron Battered Women's Shelter	\$	750,000	114922
C25069	Campus Hardscape	\$	840,000	114923
C25070	IT Cabling and Network Switches	\$	4,839,000	114924
C25071	Orrville Area Boys and Girls Club	\$	250,000	114925
C25072	Wooster Area Boys and Girls Club	\$	40,000	114926
<del>C25073</del>	<del>Medina County Fiber Network</del>	<del>\$</del>	<del>100,000</del>	114927
C25078	Akron Global Business Accelerator	\$	750,000	114928

C25083	Airborne Maintenance and Engineering Services	\$	1,097,461	114929
C25084	Bierce Library	\$	850,000	114930
TOTAL	Higher Education Improvement Fund	\$	<del>14,165,032</del>	114931
			<u>14,065,032</u>	
TOTAL ALL FUNDS		\$	<del>14,165,032</del>	114932
			<u>14,065,032</u>	

BASIC RENOVATIONS 114933

The amount reappropriated for the foregoing appropriation 114934  
item C25000, Basic Renovations, is the unencumbered balance as of 114935  
June 30, 2018, in appropriation item C25000, Basic Renovations, 114936  
plus the unencumbered balance as of June 30, 2018, in 114937  
appropriation item C25068, Polsky Exterior Facade and Renovation. 114938

AIRBORNE MAINTENANCE AND ENGINEERING SERVICES 114939

The amount reappropriated for the foregoing appropriation 114940  
item C25083, Airborne Maintenance and Engineering Services, is the 114941  
unencumbered balance as of June 30, 2018, in appropriation item 114942  
C25083, Airborne Maintenance and Engineering Services, plus the 114943  
unencumbered balance as of June 30, 2018, in appropriation items 114944  
C25008, Supercritical Fluid Technology, C25018, Nanoscale Polymers 114945  
Manufacturing, C25045, Polymer Dynamics, and C25059, Capitol 114946  
Square Internship Center, plus \$400,000 of the unencumbered 114947  
balance as of June 30, 2018, in appropriation item C25074, Akron 114948  
Global Business Accelerator Main Street Redevelopment. 114949

BIERCE LIBRARY 114950

The amount reappropriated for the foregoing appropriation 114951  
item C25084, Bierce Library, is the unencumbered balance as of 114952  
June 30, 2018, in appropriation item C25084, Bierce Library, plus 114953  
\$850,000 of the unencumbered balance as of June 30, 2018, in 114954  
appropriation item C25074, Akron Global Business Accelerator Main 114955  
Street Redevelopment. 114956



**Sec. 701.10.** OHIO ENTERPRISE DATA AND INFORMATION SYSTEM 114957  
PROJECTS 114958

The enterprise data center solutions (EDCS) project is an 114959  
information technology initiative that will expand and improve the 114960  
state's cloud computing environment and support expansion of and 114961  
upgrades to enterprise shared solutions. The Ohio Administrative 114962  
Knowledge System (OAKS) is an enterprise resource planning system 114963  
that replaced the state's central services infrastructure systems. 114964  
The Department of Administrative Services may continue to acquire 114965  
and implement EDCS, OAKS, and related information system projects, 114966  
including, but not limited to, acquisition of the application 114967  
hardware and software and the installation, implementation, and 114968  
integration thereof. The Department of Administrative Services may 114969  
enter into a lease-purchase agreement pursuant to Chapter 125. of 114970  
the Revised Code as necessary to finance or refinance the 114971  
projects. At the request of the Director of Administrative 114972  
Services, the Office of Budget and Management shall make 114973  
arrangements for the issuance of obligations, including 114974  
fractionalized interests in public obligations as defined in 114975  
division (N) of section 133.01 of the Revised Code, to finance the 114976  
enterprise data and information system and OAKS projects, provided 114977  
that not more than ~~\$29,594,850~~ \$51,094,850 shall be raised for 114978  
this purpose. 114979

**Section 601.11.** That existing Sections 207.10, 207.210, 114980  
215.10, 215.20, 217.10, 221.10, 225.10, 237.30, 253.310, and 114981  
701.10 of H.B. 529 of the 132nd General Assembly are hereby 114982  
repealed. 114983

**Section 601.12.** That Section 207.440 of H.B. 529 of the 132nd 114984  
General Assembly, as amended by Am. Sub. S.B. 299 of the 132nd 114985  
General Assembly, be amended to read as follows: 114986

**Sec. 207.440.** The Ohio Public Facilities Commission is hereby 114987  
authorized to issue and sell, in accordance with Section 2n of 114988  
Article VIII, Ohio Constitution, and Chapter 151. and particularly 114989  
sections 151.01 and 151.04 of the Revised Code, original 114990  
obligations in an aggregate principal amount not to exceed 114991  
~~\$431,000,000~~ 439,000,000, in addition to the original issuance of 114992  
obligations heretofore authorized by prior acts of the General 114993  
Assembly. These authorized obligations shall be issued, subject to 114994  
applicable constitutional and statutory limitations, as needed to 114995  
provide sufficient moneys to the credit of the Higher Education 114996  
Improvement Fund (Fund 7034) and the Higher Education Improvement 114997  
Taxable Fund (Fund 7024) to pay costs of capital facilities for 114998  
state-supported and state-assisted institutions of higher 114999  
education. 115000

**Section 601.13.** That existing Section 207.440 of H.B. 529 of 115001  
the 132nd General Assembly, as amended by Am. Sub. S.B. 299 of the 115002  
132nd General Assembly, is hereby repealed. 115003

**Section 601.15.** That Sections 223.15, 227.10, 237.10, and 115004  
237.13 of H.B. 529 of the 132nd General Assembly, as most recently 115005  
amended by Am. Sub. S.B. 51 of the 132nd General Assembly, be 115006  
amended to read as follows: 115007

**Sec. 223.15. LOCAL PARKS, RECREATION, AND CONSERVATION** 115008  
**PROJECTS** 115009

Of the foregoing appropriation item C725E2, Local Parks, 115010  
Recreation, and Conservation Projects, an amount equal to two per 115011  
cent of the projects listed may be used by the Department of 115012  
Natural Resources for the administration of local projects. 115013

<b>Project Description</b>	<b>Amount</b>	
Cuyahoga Franklin Hill Stabilization	\$ 2,500,000	115014 115015

Quarry Trails Project	\$ 1,250,000	115016
Bridge Park Center	\$ 1,000,000	115017
Canal Fulton Community Park	\$ 750,000	115018
North Canton Parks Upgrades	\$ 750,000	115019
The Wilds - Visitors Center, Overlook Facilities & Cheetah Facility Expansion	\$ 700,000	115020
John F. Wolfe Palm House Renovation and Improvements	\$ 600,000	115021
The REC at Crawford Commons Facility	\$ 500,000	115022
Prairie Township Artificial Turf Soccer Fields	\$ 500,000	115023
Jackson Township North Park Activity Complex	\$ 500,000	115024
Westward Ho National Monument	\$ 500,000	115025
City of Sheffield Lake Regional Watershed Initiative	\$ 450,000	115026
Buckeye Lake Feeder Channel Restoration	\$ 400,000	115027
Chagrin Riverbank Stabilization	\$ 400,000	115028
Buckeye Lake Public Pier	\$ 400,000	115029
Mill Creek Conservation and Flood Control Area in North Ridgeville	\$ 400,000	115030
Danny Thomas Park Renovation	\$ 400,000	115031
Lincoln Park Stadium and Field Restoration	\$ 400,000	115032
New Philadelphia South Side Community Park	\$ 400,000	115033
Mason Common Ground Park	\$ 400,000	115034
<u>Williams County Opdyke Park</u>	<u>\$ 400,000</u>	115035
Grand River Conservation Campus	\$ 385,000	115036
Stanbery Park Pavilion	\$ 360,000	115037
Miami Canal Trail Extension at Gilmore MetroPark	\$ 350,000	115038
Voice of America Park Turf Fields	\$ 350,000	115039
Dover Riverfront Trailhead Connector	\$ 350,000	115040
Montpelier Rails to Trails	\$ 325,000	115041
Ashland Brookside Tennis Courts	\$ 300,000	115042
Solon-Chagrin Falls Multi-purpose Trail	\$ 300,000	115043
Ohio to Erie Trail Land Acquisition	\$ 300,000	115044
Grove City Gantz Park Improvements	\$ 300,000	115045
Symmes Township Home of the Brave Phase 2	\$ 300,000	115046

Wadsworth City Park	\$ 300,000	115047
Piqua Great Miami River Trail Bridge Replacement Project	\$ 300,000	115048
Chudzinski Johannsen Conservancy Park Improvements	\$ 300,000	115049
Tiffin Recreation, Arts and Learning Park	\$ 300,000	115050
Wooster Venture Boulevard Park Project	\$ 300,000	115051
Pierce Park Learning and History Trail Improvements	\$ 275,000	115052
Versailles Poultry Days Amphitheater	\$ 275,000	115053
Adams County Splash Pad	\$ 250,000	115054
New Bremen Bike Path	\$ 250,000	115055
Grand Lake Shoreline Water Quality Improvements	\$ 250,000	115056
Clinton County to Little Miami Scenic Trail Connector	\$ 250,000	115057
Jeffrey Mansion Expansion Project	\$ 250,000	115058
Chardon Mel Harder Park Improvements	\$ 250,000	115059
Montgomery Gateway Keystone Park	\$ 250,000	115060
Hocking Valley Scenic Trail	\$ 250,000	115061
Sheffield Village Walking Trails	\$ 250,000	115062
Magnolia Flouring Mills Restoration	\$ 250,000	115063
Wilmington Parks	\$ 250,000	115064
Eastlake Field and Press Box	\$ 225,000	115065
Cleveland Zoological Society	\$ 200,000	115066
Powhatan Point Marina Improvement Project	\$ 200,000	115067
Chagrin Falls Chagrin River Retaining Walls	\$ 200,000	115068
Avon Veterans Memorial and Ice Rink	\$ 200,000	115069
London Access Cowling Playground	\$ 200,000	115070
Plum Creek Recreation, Conservation, and Flood Control Project	\$ 200,000	115071
Dayton Webster Station Landing	\$ 200,000	115072
Village of New Paris Community Park Splash Pad Development	\$ 200,000	115073
Waynesburg Park	\$ 200,000	115074
Little Miami State Park / Little Miami Trail	\$ 200,000	115075
James E. Carnes Convention Center	\$ 200,000	115076

Sharonville Sharon Woods Park Improvements	\$ 175,000	115077
Monroe Crossings Park	\$ 165,000	115078
Ottawa Corridor Improvements	\$ 150,000	115079
Harrisburg Baseball Complex	\$ 150,000	115080
Hilliard Miracle Field	\$ 150,000	115081
Mill Creek Valley Conservancy District Corridor Revitalization	\$ 150,000	115082
Moberly Branch Connector Trail-Pedestrian Bridge	\$ 150,000	115083
Willard Reservoir Recreation and Safety Upgrades	\$ 150,000	115084
Merrick Hutchinson Memorial Park	\$ 150,000	115085
Montville Township Park Improvements	\$ 150,000	115086
Medina County Rocky River Trail West Branch	\$ 150,000	115087
Middle Point Ballpark Improvements	\$ 150,000	115088
Redskin Memorial Park Playground	\$ 145,000	115089
Cahoon Memorial Park Improvements	\$ 130,000	115090
Valley View Outdoor Classroom	\$ 125,000	115091
Schines Park Stage	\$ 125,000	115092
McIntyre Park Bike Path	\$ 125,000	115093
Fairlawn Gully Water Quality Basins	\$ 125,000	115094
Fremont Upland Reservoir Trail	\$ 123,000	115095
St. Mary's Splash Pad	\$ 100,000	115096
Fairview Park Indoor Pool and Aquatics Center	\$ 100,000	115097
Maple Heights Recreation Improvements	\$ 100,000	115098
Greenville Parks Projects	\$ 100,000	115099
Concord Township History and Community Trail	\$ 100,000	115100
Upper Arlington Multi-modal Transportation Project	\$ 100,000	115101
Blue Ash Summit Park Nature Playscape	\$ 100,000	115102
Deer Park Community Center Renovation & Trailhead	\$ 100,000	115103
Fairfax Ziegler Park Improvements	\$ 100,000	115104
Filview Bike/Hike Trail-Green Township	\$ 100,000	115105
Findlay Miracle Field Upgrades	\$ 100,000	115106
Sally Buffalo Park Playground Improvement	\$ 100,000	115107
Norwalk Alex Waite Trail Project	\$ 100,000	115108

Steubenville Ohio River Marina Improvement Project	\$ 100,000	115109
City of Sylvania SOMO Project	\$ 100,000	115110
Brunswick Hills Township Park	\$ 100,000	115111
Westfield Center Village Park Improvements	\$ 100,000	115112
Racine Star Mill Park Splash Pad	\$ 100,000	115113
Meadowbrook and Clayton Community Center Renovations	\$ 100,000	115114
Earl Thomas Conley <del>Splash Pad</del> <u>Park</u>	\$ 100,000	115115
Akron Finish Line Park	\$ 100,000	115116
Richwood Beach and Shelter House	\$ 100,000	115117
Lebanon Countryside YMCA Trail Realignment	\$ 100,000	115118
Muskingum Township River Road Streambank Stabilization	\$ 100,000	115119
Rails to Trails of Wayne County	\$ 100,000	115120
<u>Van Wert Jubilee Park Improvements</u>	<u>\$ 100,000</u>	115121
Sandusky River Sand Dock	\$ 78,000	115122
2019 Loudonville Swimming Pool Improvements Project	\$ 75,000	115123
Jackson Street Pier and Shoreline Drive Revitalization Project	\$ 75,000	115124
Holmes County Rails to Trails Maintenance Building	\$ 75,000	115125
Jackson Manpower Park Improvements	\$ 75,000	115126
Leipsic Parks Tennis Courts and Boat Dock	\$ 75,000	115127
Western Reserve Greenway Bike Trail	\$ 75,000	115128
Smiley Park Ball Field Updates	\$ 75,000	115129
Miracle League of Northwest Ohio Restroom & Concession Building	\$ 75,000	115130
Delhi Township Bicentennial Pavilion	\$ 62,000	115131
Indian Mound Park & Cultural Education Project	\$ 60,000	115132
Plymouth Game Room and Spray Park	\$ 60,000	115133
James Day Park Splash Pad	\$ 50,000	115134
Jefferson Park Recreation Upgrades	\$ 50,000	115135
Fairborn Fairfield Park Enhancements	\$ 50,000	115136
Napoleon Buckeye Trail Connections	\$ 50,000	115137
Rocky Fork State Park Water and Electrical Upgrade	\$ 50,000	115138

Manry Park Exercise Trail Improvements	\$ 50,000	115139
Avon Lake Veterans Park Gazebo	\$ 50,000	115140
Camp Sherman Park	\$ 50,000	115141
Roger Young & Biggs Kettner Parks Tennis Courts	\$ 50,000	115142
Hinton/Humiston Fitness Park	\$ 50,000	115143
<del>Van Wert Jubilee Park Improvements</del>	<del>\$ 50,000</del>	115144
<del>Van Wert Rotary Athletic Complex Improvements</del>	<del>\$ 50,000</del>	115145
Little Hocking Riverfront Park Enhancements	\$ 50,000	115146
Upper Sandusky Bicentennial Park	\$ 50,000	115147
Kelley Nature Preserve Boat Ramp	\$ 50,000	115148
Swanton Village Memorial Park Pavilion Improvements	\$ 45,000	115149
Carroll Community Park	\$ 40,000	115150
Michael A. Reis Park Playground	\$ 35,000	115151
Monroeville Clark Park - North Coast Inland Trail	\$ 33,000	115152
Connection		
Sam Kerr Campground Expansion	\$ 25,000	115153
Crestline Park Lighting	\$ 25,000	115154
Sandusky County North Inland Trail Hub	\$ 25,000	115155
Miami Erie Canal Towpath Trail	\$ 25,000	115156
Delphos Swimming Pool Renovations	\$ 25,000	115157
Orr Pool Bathhouse Renovations	\$ 25,000	115158
Ohio City Warrior Trail Extension Phase 2	\$ 22,000	115159
Epworth Park Walking Trail Project	\$ 20,000	115160
Clifton to Yellow Springs Bike Trail	\$ 20,000	115161
Village of Roseville Park Improvements	\$ 20,000	115162
Waverly Canal Park	\$ 20,000	115163
Seville Memorial Park Public Restroom Facilities	\$ 15,000	115164
Hinkley Township Park	\$ 13,000	115165
Van Wert County Park District Trail Improvements	\$ 13,000	115166
Shiloh Firestone Park Restoration	\$ 12,000	115167

**Sec. 227.10.** DPS DEPARTMENT OF PUBLIC SAFETY 115168

Public Safety - Highway Purposes Fund (Fund 5TM0) 115169

C76000	Platform Scales Improvements	\$	350,000	115170
C76035	Alum Creek Facility Renovations and Upgrades	\$	1,500,000	115171
C76036	Shipley Building Renovations and Improvements	\$	1,500,000	115172
C76043	Minor Capital Projects	\$	2,500,000	115173
C76044	OSHP Headquarters/Post Renovations and Improvements	\$	2,000,000	115174
C76045	OSHP Academy Renovations and Improvements	\$	1,250,000	115175
C76050	OSHP Dispatch Center Renovations and Improvements	\$	1,500,000	115176
TOTAL Public Safety - Highway Purposes Fund		\$	10,600,000	115177
Administrative Building Fund (Fund 7026)				115178
C76049	EMA Building Renovations and Improvements	\$	250,000	115179
C76059	Medina County Driving Skills Pad	\$	250,000	115180
C76060	Medina County Safety Services Complex	\$	400,000	115181
C76061	Warren County Drug Taskforce Headquarters	\$	500,000	115182
<del>C76063</del>	<del>Williams County MARCS Tower</del>	<del>\$</del>	<del>400,000</del>	115183
C76065	Clermont County Sheriff's Safety and Training Center	\$	500,000	115184
C76066	Clinton/Fayette County MARCS Tower	\$	175,000	115185
TOTAL Administrative Building Fund		\$	<del>2,475,000</del>	115186
			<u>2,075,000</u>	
TOTAL ALL FUNDS		\$	<del>13,075,000</del>	115187
			<u>12,675,000</u>	
<b>Sec. 237.10. FCC FACILITIES CONSTRUCTION COMMISSION</b>				115189
Lottery Profits Education Fund (Fund 7017)				115190
C23014	Classroom Facilities Assistance Program	\$	50,000,000	115191



- Lottery Profits

TOTAL Lottery Profits Education Fund	\$	50,000,000	115192
Public School Building Fund (Fund 7021)			115193
C23001 Public School Buildings	\$	75,000,000	115194
TOTAL Public School Building Fund	\$	75,000,000	115195
Administrative Building Fund (Fund 7026)			115196
C23016 Energy Conservation Projects	\$	2,000,000	115197
C230E5 State Agency Planning/Assessment	\$	1,500,000	115198
TOTAL Administrative Building Fund	\$	3,500,000	115199
Cultural and Sports Facilities Building Fund (Fund 7030)			115200
C23023 OHS - Ohio History Center Exhibit Replacement	\$	500,000	115201
C23024 OHS - Statewide Site Exhibit Renovation	\$	650,000	115202
C23025 OHS - Statewide Site Repairs	\$	1,615,000	115203
C23028 OHS - Basic Renovations and Emergency Repairs	\$	1,000,000	115204
C23031 OHS - Harding Home State Memorial	\$	1,500,000	115205
C23032 OHS - Ohio Historical Center Rehabilitation	\$	1,000,000	115206
C23057 OHS - Online Portal to Ohio's Heritage	\$	750,000	115207
C230C8 Serpent Mound	\$	50,000	115208
C230E6 OHS - Exhibits Native American Sites	\$	100,000	115209
C230E8 OHS - Armstrong Air and Space Museum Improvements	\$	250,000	115210
C230ED OHS - Historical Center/Ohio Village Buildings	\$	390,000	115211
C230EN OHS - Collections Storage Facilities Expansion	\$	15,000,000	115212
C230EO Poindexter Village Museum	\$	247,000	115213

C230FM	Cultural and Sports Facilities	\$	<del>69,733,500</del>	115214
	Projects		<u>69,983,500</u>	
C230FN	John and Annie Glenn Museum	\$	25,000	115215
	Improvements			
C230FO	OHS - Marion Cemetery	\$	65,000	115216
	Association/Harding Receiving Vault			
	Project			
C230X1	OHS - Site Energy Conservation	\$	305,000	115217
C230Y8	Armstrong Air and Space Museum and	\$	500,000	115218
	STEM Education Center			
TOTAL Cultural and Sports Facilities Building		\$	<del>93,680,500</del>	115219
Fund			<u>93,930,500</u>	
School Building Program Assistance Fund (Fund 7032)				115220
C23002	School Building Program Assistance	\$	<del>475,000,000</del>	115221
			<u>575,000,000</u>	
TOTAL School Building Program Assistance Fund		\$	475,000,000	115222
TOTAL ALL FUNDS		\$	<del>697,180,500</del>	115223
			<u>797,430,500</u>	
	STATE AGENCY PLANNING/ASSESSMENT			115224
	Capital appropriations or reappropriations in H.B. 529 of the			115225
	132nd General Assembly made from appropriation item C230E5, State			115226
	Agency Planning/Assessment, shall be used by the Facilities			115227
	Construction Commission to provide assistance to any state agency			115228
	for assessment, capital planning, and maintenance management.			115229
	<b>Sec. 237.13. CULTURAL AND SPORTS FACILITIES PROJECTS</b>			115230
	The foregoing appropriation item C230FM, Cultural and Sports			115231
	Facilities Projects, shall be used to support the projects listed			115232
	in this section. If the Cincinnati MLS franchise is not awarded by			115233
	December 31, 2018, funds for the FC Cincinnati Stadium shall not			115234
	be released for this purpose.			115235
	<b>Project Description</b>		<b>Amount</b>	115236

Columbus Crew SC Stadium	\$ 15,000,000	115237
COSI Redevelopment	\$ 5,000,000	115238
FC Cincinnati Stadium	\$ 4,000,000	115239
Cleveland Museum of Natural History Phase II	\$ 2,500,000	115240
Cincinnati Museum Center STEM and Space Galleries	\$ 2,000,000	115241
Cleveland Museum of Art Holden Terrace	\$ 1,250,000	115242
Cincinnati Playhouse in the Park Theater Project	\$ 1,200,000	115243
Playhouse Square Parking District Improvement	\$ 1,000,000	115244
BalletMet Renovation and Building Connector	\$ 1,000,000	115245
North Market Grand Atrium	\$ 1,000,000	115246
Cincinnati Art Museum Building Envelope Improvements	\$ 1,000,000	115247
Imagination Station Theater Experience	\$ 1,000,000	115248
Toledo Museum of Art	\$ 1,000,000	115249
Dayton Arcade Innovation Hub	\$ 1,000,000	115250
Playhouse Square Theater Improvements	\$ 850,000	115251
Murphy Theatre Improvements	\$ 750,000	115252
Gordon Square Arts District Theatre Renovations	\$ 750,000	115253
Renovations of the Palace Theater	\$ 750,000	115254
Dayton Art Institute Historic Stair and Hillside Preservation	\$ 750,000	115255
Mansfield Art Center Art Rising	\$ 750,000	115256
Renaissance of Duncan Plaza	\$ 750,000	115257
Karamu House	\$ 700,000	115258
Akron Civic Theater Restoration and Expansion	\$ 675,000	115259
Holmes County Center for the Arts Facility	\$ 600,000	115260
The Music Settlement	\$ 550,000	115261
Ohio Aviation Hall of Fame	\$ 550,000	115262
Stan Hywet Hall & Gardens Campus Improvement Plan	\$ 550,000	115263
Schine's Theater	\$ 500,000	115264
Flats East Bank Performance Stage	\$ 500,000	115265
Columbus Zoo - Elephant Habitat Enhancements	\$ 500,000	115266
Columbus Zoo - Orangutan Habitat and Indoor Facility	\$ 500,000	115267
King Arts Complex Renovations	\$ 500,000	115268

Westerville Police Memorial	\$	500,000	115269
Center for Holocaust & Humanity Center Expansion & Relocation	\$	500,000	115270
Riverbend Music Center Capital Improvements	\$	500,000	115271
Cincinnati Contemporary Arts Center Learning Center Renovation	\$	500,000	115272
SeaGate Convention Centre Renovation	\$	500,000	115273
Majestic Theater	\$	500,000	115274
Canton Cultural Center for the Arts	\$	500,000	115275
Canton Market Square Enhancement	\$	500,000	115276
Akron Zoological Park Pride of Africa and Wild Asia	\$	500,000	115277
Kettering Rosewood Arts Center Renovation	\$	450,000	115278
Valentine Theatre Symphonic Acoustical Enhancement	\$	400,000	115279
Restoration of John Brown House	\$	400,000	115280
Champaign Aviation Museum Work & Education Space	\$	350,000	115281
Lake View Cemetery Garfield Memorial Preservation	\$	350,000	115282
Mazza Museum S.T.E.(A.)M. Exhibit Gallery	\$	350,000	115283
Lynchburg Covered Bridge	\$	350,000	115284
Victoria Theater Arts Annex	\$	350,000	115285
Kister Water Mill and Education Center Improvements	\$	350,000	115286
The Historic Mary Modroo Family Farm	\$	325,000	115287
Glenville Arts Campus	\$	300,000	115288
LaSalle Arts & Media Center Redevelopment	\$	300,000	115289
National Museum of the Great Lakes Expansion	\$	300,000	115290
Ashtabula Lighthouse Restoration & Preservation	\$	280,000	115291
Gaslight District Renovation Project	\$	250,000	115292
Historic Sorg Opera House Renovation	\$	250,000	115293
Springfield Museum of Art Improvements	\$	250,000	115294
Historical Stratford Barn Restoration	\$	250,000	115295
Cincinnati Shakespeare Company Facility Renovation	\$	250,000	115296
Louis Sullivan Building of Newark Restoration and Adaptive Reuse	\$	250,000	115297
Medina Town Square Improvements	\$	250,000	115298

Dayton Society of Natural History Boonshoft Exhibit Space	\$	250,000	115299
Zanesville Performing Arts Theater Preservation	\$	250,000	115300
Preble County Art Association Historic Renovation	\$	250,000	115301
Yoctangee Park Historic Armory	\$	250,000	115302
McKinley Presidential Library and Museum Enhancements	\$	250,000	115303
Massillon Museum Improvements	\$	250,000	115304
Hale Farm & Village Capital Improvement Project	\$	250,000	115305
<u>Springboro Performing Arts Center</u>	<u>\$</u>	<u>250,000</u>	115306
Delaware Arts Castle Improvements	\$	225,000	115307
Wellston Pride Park Depot	\$	225,000	115308
Lilly Weston House Improvements	\$	200,000	115309
Upper Arlington Veterans Memorial	\$	200,000	115310
Sauder Village Walk Through Time	\$	200,000	115311
Wolcott House Heritage Center	\$	200,000	115312
Great Lakes Museum of Natural History	\$	200,000	115313
Medina County and Brunswick Historical Societies Project	\$	200,000	115314
Ohio State Reformatory Fire Suppression and ADA Upgrades	\$	200,000	115315
Peninsula Grand Army of the Republic Hall Improvements	\$	200,000	115316
Van Wert County Niswonger Performing Arts Center	\$	200,000	115317
Unionville Tavern Restoration Structural Rehabilitation	\$	185,000	115318
Beach Park Railway Museum Improvements	\$	175,000	115319
Wright Factory Unit - Dayton	\$	175,000	115320
Freer Children's County Home	\$	170,000	115321
Cozad-Bates House Interpretive Center and Cultural Park Renovations	\$	180,000	115322
Grand Theater Restoration Project	\$	150,000	115323
Village of Genoa Civic Theater Renovations	\$	150,000	115324
Glamorgan Castle Improvements	\$	150,000	115325

Sandusky State Theater Improvements	\$	125,000	115326
Gallipolis Railroad Freight Station Museum Restoration	\$	125,000	115327
Evendale Cultural Arts Center ADA Compliance	\$	125,000	115328
Lorain Carnegie Center Exhibits	\$	125,000	115329
Lorain County Historical Society	\$	112,000	115330
Southeast Ohio History Center Renovation Project	\$	100,000	115331
Great Stone Viaduct Park	\$	100,000	115332
BAYarts Huntington Playhouse Improvements	\$	100,000	115333
Cleveland Museum of Contemporary Art	\$	100,000	115334
Levi Scofield Mansion Transformation	\$	100,000	115335
El Mercado at La Villa Hispana Cultural Revitalization	\$	100,000	115336
Mayfield Civic Center Theater Renovation	\$	100,000	115337
2018 North Royalton Cemetery Improvements	\$	100,000	115338
Leesburg Historic B & O Rail Depot	\$	100,000	115339
Lorain County Law Enforcement and Firefighters Memorial	\$	100,000	115340
The Funk Music Hall of Fame & Exhibition Center	\$	100,000	115341
Shawnee Development/Tecumseh Theater Restoration	\$	100,000	115342
Jacob Miller's Tavern Renovation	\$	100,000	115343
The Arthur-Lugibihl Community Center Restoration	\$	100,000	115344
Marietta Armory Revitalization	\$	100,000	115345
Stuart's Opera House Renovation	\$	75,000	115346
AuGlaize Village Mansfield Museum	\$	75,000	115347
Morris-Sharp Estate Restoration Project	\$	75,000	115348
Willoughby Fine Arts Association	\$	75,000	115349
Mantua Township Historic Building Upgrades	\$	75,000	115350
Clinton County Police and Fire Memorial	\$	75,000	115351
Sugarloaf Mountain Amphitheatre Improvements	\$	70,000	115352
LaGrange Township Fire Station Restoration	\$	65,000	115353
Medina Historical Society - John Smart Museum	\$	65,000	115354
Downtown Ottawa's "Paul's Lot"	\$	65,000	115355

Rose Hill Museum Repairs	\$	62,000	115356
Milford Leming House Improvements	\$	60,000	115357
Weathervane Playhouse Improvements	\$	60,000	115358
Medina Vietnam Veterans Memorial	\$	60,000	115359
Frostville Museum Schoolhouse	\$	50,000	115360
Pepper Pike Community Theater	\$	50,000	115361
AHA! Children's Museum STEM/Nature Play Area	\$	50,000	115362
Motts Military Museum - Improvements	\$	50,000	115363
Silverton Park Art District Improvement Project	\$	50,000	115364
Clark Gable Facility Improvements	\$	50,000	115365
Tiffin History Museum Improvements	\$	50,000	115366
Case-Barlow Farm Restoration	\$	50,000	115367
Cuyahoga Valley Scenic Railroad Parking Lot	\$	50,000	115368
Avalon Uptown Theatre Restoration	\$	50,000	115369
Holmes County Historical Society Museum Upgrades	\$	30,000	115370
Platt R. Spencer House Preservation	\$	25,000	115371
Bucyrus Bicentennial Arch Project	\$	25,000	115372
Fairborn Military Veterans Memorial	\$	25,000	115373
Salt Lick Village Restoration	\$	25,000	115374
Medina Twin Tower Memorial	\$	25,000	115375
Bradford Rail Museum Tower Exhibits	\$	25,000	115376
Lewisburg Bicentennial Museum	\$	25,000	115377
Cortland Veterans Memorial Project	\$	25,000	115378
Historic 19th Century Jefferson Depot Village	\$	22,500	115379
Lake Erie Nature and Science Center Improvements	\$	15,000	115380
French Art Colony Renovations	\$	15,000	115381
1893 Genoa Schoolhouse Renovation	\$	12,000	115382
Seville Vietnam War Memorial	\$	5,000	115383

**Section 601.16.** That existing Sections 223.15, 227.10, 115384  
237.10, and 237.13 of H.B. 529 of the 132nd General Assembly, as 115385  
most recently amended by Am. Sub. S.B. 51 of the 132nd General 115386  
Assembly, is hereby repealed. 115387

**Section 601.17.** On the effective date of this section, or as soon as possible thereafter, the Director of Budget and Management shall cancel encumbrances totaling \$250,000 against Fund 7034 appropriation item C37728, Hopkins Commons Senior Center.

**Section 601.18.** That Section 221.13 of H.B. 529 of the 132nd General Assembly, as most recently amended by Am. Sub. S.B. 299 of the 132nd General Assembly, be amended to read as follows:

**Sec. 221.13. COMMUNITY ASSISTANCE PROJECTS**

Capital appropriations or reappropriations in this act made from appropriation item C58001, Community Assistance Projects, may be used for facilities constructed or to be constructed pursuant to Chapter 340., 5119., 5123., or 5126. of the Revised Code or the authority granted by section 154.20 and other applicable sections of the Revised Code and the rules issued pursuant to those chapters and that section and shall be distributed by the Department of Mental Health and Addiction Services subject to Controlling Board approval.

Of the foregoing appropriation item C58001, Community Assistance Projects, ~~\$9,470,000~~ 9,570,000 shall be used to support the projects listed in this section.

<b>Project Description</b>	<b>Amount</b>	
Bellefaire JCB Expansion	\$ 1,000,000	
Dayton Regional Crisis Stabilization Unit and Detox Center	\$ 800,000	
Stella Maris Expansion	\$ 750,000	
Cuyahoga County Mental Health Jail Diversion Facility	\$ 700,000	
Cornerstone of Hope - Cuyahoga County	\$ 500,000	
Lorain County Recovery One Center Renovation	\$ 500,000	
Cincinnati Center for Addiction Treatment	\$ 450,000	



Facility Improvements

Tri-County One Wellness Place Troy Facility	\$ 450,000	115416
Portage County Detoxification and Residential Treatment Center	\$ 400,000	115417
The Cocoon Center for Victims of Domestic and Sexual Violence	\$ 375,000	115418
Applewood Jones Home Renovation	\$ 350,000	115419
Hamilton County First Step Home Improvements	\$ 350,000	115420
Sidney STAR Transitional Treatment House	\$ 325,000	115421
Opiate Treatment Center at Western Reserve Area on Aging	\$ 300,000	115422
Alvis House Opiate Addiction Treatment Center	\$ 300,000	115423
Adams County Wilson Children's Home	\$ 250,000	115424
Concord Counseling Services Facility and Operations Expansion at Westerville	\$ 250,000	115425
Field of Hope Prevention Center Renovations at Gallipolis	\$ 250,000	115426
Cornerstone of Hope - Allen County	\$ 200,000	115427
Lake County Extended Housing Wellness Center Renovation	\$ 200,000	115428
Lake County Painesville Addiction Recovery Center Building Franklin's Hope Project	\$ 160,000	115429
Maryhaven's Addiction Stabilization Center	\$ 150,000	115430
Henry County Opiate Interoperable Communications Project	\$ 125,000	115431
Massillon Recovery Campus Renovations	\$ 110,000	115432
<u>Medina County Women's Recovery House</u>	<u>\$ 100,000</u>	115433
Talbert House Glenway Outpatient Treatment Center Renovations	\$ 75,000	115434
Coshocton County First Step Family Violence Intervention Services Building	\$ 50,000	115435

**Section 601.19.** That existing Section 221.13 of H.B. 529 of 115437

the 132nd General Assembly, as most recently amended by Am. Sub. 115438  
S.B. 299 of the 132nd General Assembly, is hereby repealed. 115439

**Section 601.20.** That Sections 213.20, 223.10, and 223.50 of 115440  
H.B. 529 of the 132nd General Assembly, as most recently amended 115441  
by Am. Sub. H.B. 62 of the 133rd General Assembly, be amended to 115442  
read as follows: 115443

**Sec. 213.20.** The Treasurer of State is hereby authorized to 115444  
issue and sell, in accordance with Section 2i of Article VIII, 115445  
Ohio Constitution, Chapter 154. of the Revised Code, and other 115446  
applicable sections of the Revised Code, original obligations in 115447  
an aggregate principal amount not to exceed ~~\$122,800,000~~ 115448  
\$127,500,000 in addition to the original issuance of obligations 115449  
heretofore authorized by prior acts of the General Assembly. These 115450  
authorized obligations shall be issued, subject to applicable 115451  
constitutional and statutory limitations, as needed to provide 115452  
sufficient moneys to the credit of the Administrative Building 115453  
Fund (Fund 7026) to pay costs associated with previously 115454  
authorized capital facilities for the housing of branches and 115455  
agencies of state government or their functions. 115456

**Sec. 223.10.** DNR DEPARTMENT OF NATURAL RESOURCES 115457

Oil and Gas Well Fund (Fund 5180) 115458

C725U6	Oil and Gas Facilities	\$	1,150,000	115459
TOTAL	Oil and Gas Well Fund	\$	1,150,000	115460

Wildlife Fund (Fund 7015) 115461

C725B0	Access Development	\$	<del>15,000,000</del>	115462
			<u>18,000,000</u>	
C725B6	Upgrade Underground Fuel Tanks	\$	460,000	115463
C725K9	Wildlife Area Building	\$	9,950,000	115464
	Development/Renovation			

C725L9	Dam Rehabilitation	\$	6,200,000	115465
TOTAL Wildlife Fund		\$	<del>31,610,000</del>	115466
			<u>34,610,000</u>	
Administrative Building Fund (Fund 7026)				115467
C725D5	Fountain Square Building and Telephone Improvement	\$	2,000,000	115468
C725N7	District Office Renovations	\$	2,455,343	115469
TOTAL Administrative Building Fund		\$	4,455,343	115470
Ohio Parks and Natural Resources Fund (Fund 7031)				115471
C72549	Facilities Development	\$	1,500,000	115472
C725E1	Local Parks Projects Statewide	\$	6,668,925	115473
C725E5	Project Planning	\$	1,147,700	115474
C725K0	State Park Renovations/Upgrading	\$	1,100,000	115475
C725M0	Dam Rehabilitation	\$	11,928,000	115476
C725N8	Operations Facilities Development	\$	1,000,000	115477
C725T3	Healthy Lake Erie Initiative	\$	20,000,000	115478
TOTAL Ohio Parks and Natural Resources Fund		\$	43,344,625	115479
Parks and Recreation Improvement Fund (Fund 7035)				115480
<u>C72513</u>	<u>Land Acquisition</u>	\$	<u>47,000,000</u>	115481
C725A0	State Parks, Campgrounds, Lodges, Cabins	\$	<del>57,554,343</del>	115482
			<u>77,554,343</u>	
C725C4	Muskingum River Lock and Dam	\$	6,800,000	115483
C725E2	Local Parks, Recreation, and Conservation Projects	\$	<del>31,351,000</del>	115484
			<u>31,751,000</u>	
C725E6	Project Planning	\$	4,082,793	115485
C725N6	Wastewater/Water Systems Upgrades	\$	8,955,000	115486
C725R3	State Parks Renovations/Upgrades	\$	8,640,000	115487
C725R4	Dam Rehabilitation - Parks	\$	33,125,000	115488
C725U5	The Banks	\$	2,000,000	115489
C725U7	Eagle Creek Watershed Flood Mitigation	\$	15,000,000	115490
TOTAL Parks and Recreation Improvement Fund		\$	<del>167,508,136</del>	115491
			<u>234,908,136</u>	

Clean Ohio Trail Fund (Fund 7061)			115492
C72514 Clean Ohio Trail Fund	\$	12,500,000	115493
TOTAL Clean Ohio Trail Fund	\$	12,500,000	115494
TOTAL ALL FUNDS	\$	<del>260,568,104</del>	115495
		<u>330,968,104</u>	

FEDERAL REIMBURSEMENT 115496

All reimbursements received from the federal government for 115497  
any expenditures made pursuant to this section shall be deposited 115498  
in the state treasury to the credit of the fund from which the 115499  
expenditure originated. 115500

HEALTHY LAKE ERIE INITIATIVE 115501

Of the foregoing appropriation item C725T3, Healthy Lake Erie 115502  
Initiative, \$10,000,000 shall be used to support projects that 115503  
enhance efforts to reduce open lake disposal of dredged materials 115504  
into Lake Erie by 2020. 115505

STATE PARKS RENOVATIONS/UPGRADES 115506

Of the foregoing appropriation item C725R3, State Parks 115507  
Renovations/Upgrades, up to \$500,000 shall be used to make repairs 115508  
to the Kenny Road dock on North Bass Island in Ottawa County. 115509

EAGLE CREEK WATERSHED FLOOD MITIGATION 115510

The foregoing appropriation item C725U7, Eagle Creek 115511  
Watershed Flood Mitigation, shall be used to support the Eagle 115512  
Creek Watershed Flood Mitigation Project in Hancock County, 115513  
provided that there are local matching funds committed to the 115514  
project of not less than twenty per cent of the total project 115515  
cost. 115516

**Sec. 223.50.** The Treasurer of State is hereby authorized to 115517  
issue and sell, in accordance with Section 2i of Article VIII, 115518  
Ohio Constitution, and Chapter 154. of the Revised Code, 115519  
particularly section 154.22, and other applicable sections of the 115520

Revised Code, original obligations in an aggregate principal 115521  
amount not to exceed ~~\$134,500,000~~ \$201,400,000, in addition to the 115522  
original issuance of obligations heretofore authorized by prior 115523  
acts of the General Assembly. These authorized obligations shall 115524  
be issued, subject to applicable constitutional and statutory 115525  
limitations, as needed to provide sufficient moneys to the credit 115526  
of the Parks and Recreation Improvement Fund (Fund 7035) to pay 115527  
the costs of capital facilities for parks and recreation purposes. 115528

**Section 601.21.** That existing Sections 213.20, 223.10, and 115529  
223.50 of H.B. 529 of the 132nd General Assembly, as most recently 115530  
amended by Am. Sub. H.B. 62 of the 133rd General Assembly, are 115531  
hereby repealed. 115532

**Section 601.22.** That Sections 125.10 and 125.11 of Am. Sub. 115533  
H.B. 59 of the 130th General Assembly, as most recently amended by 115534  
Am. Sub. H.B. 49 of the 132nd General Assembly, be amended to read 115535  
as follows: 115536

**Sec. 125.10.** Sections 5168.01, 5168.02, 5168.03, 5168.04, 115537  
5168.05, 5168.06, 5168.07, 5168.08, 5168.09, 5168.10, 5168.11, 115538  
5168.13, 5168.99, and 5168.991 of the Revised Code are hereby 115539  
repealed, effective October 16, ~~2019~~ 2021. 115540

**Sec. 125.11.** Sections 5168.20, 5168.21, 5168.22, 5168.23, 115541  
5168.24, 5168.25, 5168.26, 5168.27, and 5168.28 of the Revised 115542  
Code are hereby repealed, effective October 1, ~~2019~~ 2021. 115543

**Section 601.23.** That existing Sections 125.10 and 125.11 of 115544  
Am. Sub. H.B. 59 of the 130th General Assembly, as most recently 115545  
amended by Am. Sub. H.B. 49 of the 132nd General Assembly, are 115546  
hereby repealed. 115547

Section 601.30. That Section 207.71 of Am. Sub. H.B. 49 of 115548  
the 132nd General Assembly be amended to read as follows: 115549

Sec. 207.71. PAY FOR SUCCESS CONTRACTING PROGRAM 115550

(A) As used in this section, "social service intermediary" 115551  
has the same meaning as in section 125.66 of the Revised Code, as 115552  
enacted by Am. Sub. H.B. 49 of the 132nd General Assembly. 115553

(B) Not later than six months after ~~the effective date of~~ 115554  
~~this section~~ June 29, 2017, the Director of Administrative 115555  
Services shall, in consultation with the Department of Health and 115556  
as part of the Pay for Success Contracting Program established 115557  
under section 125.66 of the Revised Code, as enacted by Am. Sub. 115558  
H.B. 49 of the 132nd General Assembly, contract with one or more 115559  
social service intermediaries to administer one or two pilot 115560  
projects intended to do both of the following: 115561

(1) Reduce the incidence of infant mortality, low-birthweight 115562  
births, premature births, and stillbirths in the urban and rural 115563  
communities of this state that are specified by the Director of 115564  
Health under section 3701.142 of the Revised Code; 115565

(2) Promote equity in birth outcomes among infants of 115566  
different races in this state. 115567

(C) The Director of Administrative Services may request that 115568  
the Director of Health pay the costs of the Pay for Success 115569  
Contracting Program under appropriations to the Department of 115570  
Health. Upon approval of the Director of Health, these costs shall 115571  
be paid from General Revenue Fund appropriation item 440474, 115572  
Infant Vitality. 115573

(D) Notwithstanding any contrary provision of sections 113.60 115574  
to 113.62 of the Revised Code, the Director of Administrative 115575  
Services and the Department of Health may continue to contract 115576  
with social service intermediaries to administer the pilot 115577

projects described in division (B) of this section in accordance 115578  
with this section and sections 125.66 and 125.661 of the Revised 115579  
Code, as enacted by Am. Sub. H.B. 49 of the 132nd General 115580  
Assembly, on and after the effective date of this amendment. 115581

**Section 601.31.** That existing Section 207.71 of Am. Sub. H.B. 115582  
49 of the 132nd General Assembly is hereby repealed. 115583

**Section 603.01.** That Section 5 of Am. Sub. H.B. 410 of the 115584  
131st General Assembly be amended to read as follows: 115585

**Sec. 5.** ~~The amendment made by this act to division (G) of~~ 115586  
~~section 5919.34 of the Revised Code applies to a~~ A scholarship 115587  
~~recipient who became~~ is not liable ~~on or before September 30,~~ 115588  
~~2016,~~ under division (G) of section 5919.34 of the Revised Code 115589  
for failure to complete the scholarship recipient's enlistment 115590  
term in the Ohio National Guard due to enlistment, warrant, 115591  
commission, or appointment in the National Guard, the active duty 115592  
component of the United States Armed Forces, or other service or 115593  
component of the United States Armed Forces, if such failure 115594  
occurred between April 2, 2012, and the effective date of this 115595  
amendment. ~~Not later than one year after the effective date of~~ 115596  
~~this act, the state shall return to a scholarship recipient, who~~ 115597  
~~is no longer liable under this section, any scholarship amount~~ 115598  
~~recovered from a scholarship recipient who became liable under~~ 115599  
~~division (G) of section 5919.34 of the Revised Code, on or before~~ 115600  
~~September 30, 2016.~~ 115601

**Section 603.02.** That existing Section 5 of Am. Sub. H.B. 410 115602  
of the 131st General Assembly is hereby repealed. 115603

**Section 603.10.** That Section 205.10 of Am. Sub. H.B. 62 of 115604  
the 133rd General Assembly be amended to read as follows: 115605

<b>Sec. 205.10. DPS DEPARTMENT OF PUBLIC SAFETY</b>				115606
General Revenue Fund				115607
GRF	761408	Highway Patrol	\$ 0	\$ 35,000,000 115608
Operating Expenses				
TOTAL GRF	General Revenue Fund		\$ 0	\$ 35,000,000 115609
Highway Safety Fund Group				115610
5TM0	761401	Public Safety	\$ 1,595,800	\$ 1,598,300 115611
Facilities Lease				
Rental Bond Payments				
5TM0	762321	Operating Expense -	\$ 108,178,738	\$ 111,822,673 115612
BMV				
5TM0	762636	Financial	\$ 5,463,977	\$ 5,540,059 115613
Responsibility				
Compliance				
5TM0	762637	Local Immobilization	\$ 200,000	\$ 200,000 115614
Reimbursement				
5TM0	764321	Operating Expense -	\$ 345,534,531	\$ <del>349,339,662</del> 115615
Highway Patrol				<u>314,339,662</u>
5TM0	764605	Motor Carrier	\$ 4,283,940	\$ 4,308,088 115616
Enforcement Expenses				
5TM0	769636	Administrative	\$ 48,326,950	\$ 49,020,261 115617
Expenses - Highway				
Purposes				
8370	764602	Turnpike Policing	\$ 12,720,330	\$ 12,840,263 115618
83C0	764630	Contraband,	\$ 1,210,917	\$ 1,213,407 115619
Forfeiture, and Other				
83F0	764657	Law Enforcement	\$ 6,903,824	\$ 6,441,735 115620
Automated Data System				
83G0	764633	OMVI	\$ 593,518	\$ 596,799 115621
Enforcement/Education				
83M0	765624	Operating - EMS	\$ <del>5,281,688</del>	\$ <del>5,521,843</del> 115622



				<u>4,850,688</u>		<u>5,020,843</u>	
83M0	765640	EMS - Grants	\$	2,900,000	\$	2,900,000	115623
8400	764607	State Fair Security	\$	1,533,397	\$	1,549,094	115624
8400	764617	Security and Investigations	\$	15,333,469	\$	15,469,782	115625
8400	764626	State Fairgrounds Police Force	\$	1,263,762	\$	1,276,143	115626
8460	761625	Motorcycle Safety Education	\$	3,823,000	\$	3,823,000	115627
8490	762627	Automated Title Processing Board	\$	16,446,027	\$	16,446,027	115628
8490	762630	Electronic Liens and Titles	\$	2,900,000	\$	2,900,000	115629
TOTAL HSF	Highway Safety Fund Group		\$	<del>584,493,868</del> <u>584,062,868</u>	\$	<del>592,807,136</del> <u>557,306,136</u>	115630
Dedicated Purpose Fund Group							115631
5390	762614	Motor Vehicle Dealers Board	\$	140,000	\$	140,000	115632
5FF0	762621	Indigent Interlock and Alcohol Monitoring	\$	2,000,000	\$	2,000,000	115633
5Y10	764695	State Highway Patrol Continuing Professional Training	\$	134,000	\$	134,000	115634
TOTAL DPF	Dedicated Purpose Fund Group		\$	2,274,000	\$	2,274,000	115635
Fiduciary Fund Group							115636
5J90	761678	Federal Salvage/GSA	\$	750,000	\$	750,000	115637
5V10	762682	License Plate Contributions	\$	2,700,000	\$	2,700,000	115638
TOTAL FID	Fiduciary Fund Group		\$	3,450,000	\$	3,450,000	115639
Holding Account Fund Group							115640

R024	762619	Unidentified Motor Vehicle Receipts	\$	1,885,000	\$	1,885,000	115641
R052	762623	Security Deposits	\$	50,000	\$	50,000	115642
TOTAL HLD		Holding Account Fund Group	\$	1,935,000	\$	1,935,000	115643
Federal Fund		Group					115644
3DU0	762628	BMV Grants	\$	1,150,000	\$	1,150,000	115645
3GR0	764693	Highway Patrol Justice Contraband	\$	1,230,549	\$	1,234,258	115646
3GS0	764694	Highway Patrol Treasury Contraband	\$	21,000	\$	21,000	115647
3GU0	761610	Information and Education Grant	\$	300,000	\$	300,000	115648
3GU0	764608	Fatality Analysis Report System Grant	\$	175,000	\$	175,000	115649
3GU0	764610	Highway Safety Programs Grant	\$	4,036,721	\$	4,071,387	115650
3GU0	764659	Motor Carrier Safety Assistance Program Grant	\$	5,755,900	\$	5,816,116	115651
3GU0	765610	EMS Grants	\$	225,000	\$	225,000	115652
3GV0	761612	Traffic Safety Action Plan Grants	\$	30,200,000	\$	30,200,000	115653
TOTAL FED		Federal Fund Group	\$	43,094,170	\$	43,192,761	115654
TOTAL ALL BUDGET		FUND GROUPS	\$	<del>635,247,038</del>	\$	<del>678,658,897</del>	115655
				<u>634,816,038</u>		<u>643,157,897</u>	

**Section 603.11.** That existing Section 205.10 of Am. Sub. H.B. 115657  
62 of the 133rd General Assembly is hereby repealed. 115658

**Section 701.10.** Notwithstanding any provision of the Revised 115659  
Code to the contrary, designees of the Office of Budget and 115660  
Management and the Department of Administrative Services jointly 115661

shall review agency functions and programs and determine if any 115662  
overlap or duplicative functions exist and shall collaborate with 115663  
affected agencies in the course of their review. The designees 115664  
shall determine the cost-effectiveness of the programming in terms 115665  
of administrative and operational costs, including facilities, 115666  
personnel, technology, supplies, contracts, and services. 115667  
Following review and not later than January 1, 2020, the Directors 115668  
of Budget and Management and Administrative Services jointly shall 115669  
determine, in consultation with the affected agencies, the 115670  
functions that may be consolidated within and across state 115671  
departments, with particular emphasis on facilities utilization, 115672  
laboratory testing facility consolidation, and field or regional 115673  
office operation consolidation. The determination also may include 115674  
other functions, programs, and services that would reduce costs 115675  
and improve services and would be suitable for operation within 115676  
the Office of Budget and Management's Shared Services Center. 115677

Should the consolidation of functions result in consolidation 115678  
within the Shared Services Center or otherwise impact any employee 115679  
not subject to Chapter 4117. of the Revised Code, the Director of 115680  
Administrative Services may assign, reassign, classify, 115681  
reclassify, transfer, reduce, promote, or demote any employee so 115682  
transferred. Any employment records and actions, including 115683  
personnel actions, disciplinary actions, performance improvement 115684  
plans, and performance evaluations transfer with the employee. 115685  
These employees are subject to the policies, procedures, and work 115686  
rules of the agency to which they are transferred. The Director of 115687  
Administrative Services also may transfer all equipment and assets 115688  
relating to the program or function that is being consolidated to 115689  
the department that is to be responsible for the functions after 115690  
consolidation occurs. 115691

On or after the effective date of the respective 115692  
consolidation of functions and notwithstanding any provision of 115693

law to the contrary, the Director of Budget and Management may 115694  
make budget changes made necessary by this section, including 115695  
cancelling encumbrances and reestablishing them as encumbrances of 115696  
the department that is to be responsible for the functions after 115697  
consolidation occurs. Any reestablished encumbrances are hereby 115698  
appropriated. 115699

**Section 701.20.** On the effective date of this act, or as soon 115700  
as possible thereafter, the Director of Budget and Management 115701  
shall transfer the cash balance from all money collected under 115702  
sections 718.80 to 718.95 of the Revised Code, if any, in the 115703  
municipal income tax fund to the municipal net profit tax fund. 115704

**Section 701.30.** COORDINATION OF BENEFITS 115705

The Development Services Agency and the Department of Job and 115706  
Family Services may collaborate to coordinate benefits available 115707  
to eligible Ohioans. By evaluating current procedures and working 115708  
toward a goal of developing a single application for eligible 115709  
customers, the agencies shall work to produce new efficiencies and 115710  
prevent duplication of efforts. 115711

**Section 701.40.** RECOVERY HOUSING PILOT PROGRAM 115712

The Department of Mental Health and Addiction Services shall 115713  
work with the Development Services Agency to develop a pilot 115714  
program in partnership with rural Ohio counties hard hit by the 115715  
opioid epidemic to enhance funding availability for recovery 115716  
housing. This partnership may include local OhioMeansJobs and Job 115717  
and Family Services entities to develop workforce job training and 115718  
employer participation for those individuals participating in 115719  
recovery housing programs. 115720

**Section 701.43.** DEPARTMENT OF EDUCATION PERFORMANCE AUDIT 115721

The Auditor of State shall conduct a performance audit of 115722  
selected offices or programs within the Department of Education. 115723  
The audit shall be completed by October 1, 2020. 115724

**Section 701.55.** Notwithstanding section 5160.23 of the 115725  
Revised Code, the Auditor of State is not responsible for the 115726  
costs the Auditor of State incurs in carrying out the Auditor of 115727  
State's duties under sections 5160.21 and 5160.22 of the Revised 115728  
Code. All audits authorized by Chapter 117. of the Revised Code or 115729  
as otherwise provided by state law shall be charged in accordance 115730  
with section 117.13 of the Revised Code. In addition to the 115731  
Auditor of State's authority under division (C) of section 117.10 115732  
of the Revised Code, the Auditor of State may conduct audits of 115733  
Medicaid providers and shall conduct audits of Medicaid managed 115734  
care organizations as defined in section 5167.01 of the Revised 115735  
Code. The Auditor of State shall provide a copy of each audit of a 115736  
Medicaid managed care organization conducted under this section to 115737  
the Governor, Medicaid Director, and Joint Medicaid Oversight 115738  
Committee. This section expires on June 30, 2023. 115739

**Section 709.10.** The Director of Agriculture may reimburse the 115740  
license application fee paid by a person for a pet store license 115741  
if both of the following apply: 115742

(A) The person holds a valid pet store license issued under 115743  
section 956.21 of the Revised Code on the effective date of this 115744  
section; and 115745

(B) The person no longer qualifies as an owner or operator of 115746  
a pet store as a result of the amendment by this act of the 115747  
definition of "pet store" in section 956.01 of the Revised Code. 115748

**Section 715.10.** Except for an applicant for a nonresident 115749  
youth hunting license who shall pay nine dollars for an annual 115750  
license as specified in section 1533.10 of the Revised Code, an 115751

applicant for a hunting or fishing license who is not a resident 115752  
of a reciprocal state, and a nonresident applicant for a deer 115753  
permit shall pay the annual fee for each license or permit through 115754  
December 31, 2019, in accordance with the fee schedule established 115755  
in Section 715.11 of H.B. 49 of the 132nd General Assembly. 115756

**Section 715.20.** (A) The Director of Natural Resources shall 115757  
establish a pilot program to study the environmental impact of oil 115758  
and gas production operations on stream flow using continuous 115759  
stream flow monitoring technology. The study shall conclude on or 115760  
before December 31, 2020. 115761

(B) The Director shall adopt policies and procedures for the 115762  
administration and implementation of the pilot program. 115763

(C) After the conclusion of the study, the Director shall 115764  
submit a report of the study's findings to the General Assembly in 115765  
accordance with section 101.68 of the Revised Code. 115766

**Section 717.11.** (A) The Agricultural Society Facilities Grant 115767  
Program is hereby created for fiscal year 2020 to provide grants 115768  
to county agricultural societies established under section 1711.01 115769  
of the Revised Code and independent agricultural societies 115770  
established under section 1711.02 of the Revised Code to support 115771  
capital projects that enhance the use and enjoyment of 115772  
agricultural society facilities by individuals. Agricultural 115773  
societies may apply to the Director of Agriculture for monetary 115774  
assistance for the acquisition, construction, reconstruction, 115775  
expansion, improvement, planning, and equipping of such 115776  
facilities. Except as provided in division (D) of this section, 115777  
each county agricultural society and each independent agricultural 115778  
society that applies for assistance shall receive an equal amount 115779  
appropriated for those purposes. 115780

(B) Not later than ninety days after the effective date of 115781

this section and subject to division (D) of this section, the 115782  
Director or the Director's designee shall establish requirements 115783  
and procedures for the administration of the Agricultural Society 115784  
Facilities Grant Program, including establishing a grant 115785  
application form, procedures for reviewing an application, 115786  
procedures for awarding grant money, and any other requirements 115787  
and procedures the Director or the Director's designee determines 115788  
to be necessary to administer this section. In issuing grants 115789  
under the Grant program, the Director shall require each 115790  
agricultural society receiving a grant to provide a matching 115791  
amount equal to the amount of the grant, unless an agricultural 115792  
society can demonstrate in a manner acceptable to the Director 115793  
that the agricultural society cannot provide the matching amount. 115794  
The matching amount may be any combination of funding, materials, 115795  
and donated labor. Documentation of the matching amount shall be 115796  
submitted with the grant application. 115797

(C) An agricultural society that applies for a grant under 115798  
the Program shall submit the grant application and matching amount 115799  
documentation to the Director or the Director's designee not later 115800  
than May 30, 2020, in accordance with the requirements and 115801  
procedures established by the Director or the Director's designee 115802  
and this section. 115803

(D) After reviewing a grant application and matching amount 115804  
documentation, the Director or the Director's designee shall 115805  
approve the application unless one of the following applies: 115806

(1) The project or facility that is the subject of the 115807  
application is not a bondable capital improvement project. 115808

(2) The agricultural society does not provide a matching 115809  
amount as required in division (B) of this section, unless the 115810  
agricultural society demonstrates to the Director that the society 115811  
cannot provide the matching amount. 115812

The Director or the Director's designee shall award all grants not later than June 30, 2020, and shall so notify each grant recipient.

**Section 733.10.** If a city, local, or exempted village school district experienced an increase in the taxable value of all utility tangible personal property subject to taxation by the district between tax years 2017 and 2018 and, as a result, the Department of Education deducted funds from the district under division (B) of section 3317.028 of the Revised Code, as it existed prior to the effective date of this section, the Department, during the fiscal year that begins after that effective date, shall credit the deducted amount to the district.

**Section 733.23.** FAFSA COMPLETION PROGRAM

(A) As used in this section, "eligible district" means any educational service center or city, exempted village, local, or joint vocational school district.

(B) The Department of Education shall establish a program to award grants to eligible districts for the purposes of organizing activities to encourage and assist students in grade twelve with completing the Free Application for Federal Student Aid. The program shall operate in fiscal years 2020 and 2021.

(C) In each fiscal year in which the program operates, the Department shall solicit, review, and approve proposals from eligible districts. The Department shall award a grant to each eligible district with an approved proposal, except that, if the funds appropriated by the General Assembly for the program are insufficient, the Department shall prioritize awarding grants to lower wealth eligible districts. Each award shall be up to five thousand dollars and each eligible district with an approved proposal shall receive one award per fiscal year.



(D) The Department shall adopt guidelines and procedures for the program, including all of the following:

(1) A process in which the Department shall solicit, review, and approve proposals submitted by eligible districts, as well as a timeline for that process;

(2) Criteria for approving a proposal submitted by an eligible district, including both of the following:

(a) A requirement that the eligible district work with a public or private community partner;

(b) A requirement that the proposal include at least one activity such as a training session, a fair, or another event that actively engages students.

(3) A metric to gauge the wealth of eligible districts.

**Section 733.30.** (A) The STEM Public-Private Partnership Pilot Program is hereby created. The program shall operate for fiscal years 2020 and 2021 to encourage public-private partnerships between high schools, colleges, and the community to provide high school students the opportunity to receive education and training in a targeted industry, as defined by JobsOhio established under section 187.01 of the Revised Code, while simultaneously earning high school and college credit for the course. The Chancellor of Higher Education shall administer the program and select five partnerships, one from each quadrant of the state and one from the central part of the state, each to receive a one-time grant of \$100,000. No partnership that received a grant under Section 733.13 of Am. Sub. H.B. 64 of the 131st General Assembly shall be eligible to receive a grant under this section.

(B) The Chancellor shall adopt rules for the implementation of the STEM Public-Private Partnership Pilot Program, including the requirements for applying for program approval. The rules also

shall include, but not be limited to, all of the following 115873  
operational requirements for the program: 115874

(1) Partnerships shall consist of one community college or 115875  
state community college, one or more private companies, and one or 115876  
more high schools, either public or private. 115877

(2) For purposes of the program, the partnering community 115878  
college or state community college shall pursue one targeted 115879  
industry during the pilot period. However, the college may partner 115880  
with multiple private companies within that industry. 115881

(3) Students that take courses offered under the program 115882  
shall earn college credit for that class from the community or 115883  
state community college. 115884

(4) Students, high schools, and colleges that participate in 115885  
this program shall do so under the College Credit Plus Program 115886  
established under Chapter 3365. of the Revised Code. 115887

(5) The curriculum offered by the program shall be developed 115888  
by and agreed upon by all members of the partnership. 115889

(6) The private company or companies that are part of the 115890  
partnership shall provide full- or part-time facilities to be used 115891  
as classroom space. 115892

(C) The Chancellor shall develop an application and review 115893  
process to select the five partnerships to receive grants under 115894  
the program. The community college or state community college 115895  
shall be responsible for submitting the application for the 115896  
partnership to the Chancellor. The application shall include a 115897  
proposed budget for the program. 115898

(D) The Chancellor shall select the five partnerships for the 115899  
program based on the following considerations: 115900

(1) Whether the partnership existed before the application 115901  
was submitted; 115902

(2) Whether the program is oriented toward a targeted industry;	115903 115904
(3) The likelihood of a student gaining employment upon graduating from high school or upon completing a two-year degree in the industry to which the program is oriented in relation to its geographic region;	115905 115906 115907 115908
(4) The number of students projected to be served;	115909
(5) The program's cost-per-student;	115910
(6) The sustainability of the program beyond the duration of the two-year pilot program;	115911 115912
(7) The level of investment made by the private company partner or partners in the program, including use of facilities, equipment, and staff and financially.	115913 115914 115915
(E) The partnerships selected may use the grants awarded under this section for only the following:	115916 115917
(1) Transportation;	115918
(2) Classroom supplies, including, but not limited to, textbooks, furniture, and technology;	115919 115920
(3) Primary instructors for a course offered under the program, including, but not limited to, faculty from participating high schools and community colleges or state community colleges, including adjunct faculty.	115921 115922 115923 115924
<b>Section 733.40.</b> (A) Effective October 1, 2019, the Joint Education Oversight Committee is abolished.	115925 115926
(B) All employees of the Committee cease to hold their positions of employment on October 1, 2019, or as soon as possible thereafter.	115927 115928 115929
(C) Any administrative business commenced but not completed by October 1, 2019, by the Committee shall be completed by the	115930 115931

Legislative Service Commission, in the same manner, and with the same effect, as if completed by the Committee.

(D) No action or proceeding pending on the effective date of this amendment is affected by the abolishment of the Committee and shall be prosecuted or defended in the name of the Legislative Service Commission. In all such actions and proceedings, the Commission shall be substituted as a party.

(E) Effective October 1, 2019, all records, documents, files, equipment, assets, and other materials of the Committee are transferred to the Legislative Service Commission.

**Section 733.51.** (A) The Superintendent of Public Instruction, in collaboration with the Chancellor of Higher Education and the Governor's Office of Workforce Transformation, shall establish a committee to develop policy recommendations regarding methods to assist high school students who completed the twelfth grade, but did not meet the graduation requirements to achieve a high school diploma.

(B) The recommendations developed by the committee shall include identifying additional assistance and supports to aid students who completed the twelfth grade, but did not meet the graduation requirements to achieve a high school diploma, as well as the amount of state funding necessary to ensure the adequate operation of the identified assistance and supports. The recommendations also shall address methods to minimize the social stigma associated with not graduating on time. Additionally, the recommendations may include any changes to the Revised Code or the Administrative Code necessary to implement the identified assistance and supports.

(C) The committee shall consist of a representative of each of the following:

- (1) Career-technical educators; 115962
- (2) Community colleges; 115963
- (3) Guidance counselors; 115964
- (4) Ohio technical centers; 115965
- (5) Principals; 115966
- (6) Superintendents; 115967
- (7) Teachers. 115968

(D) Not later than October 1, 2020, the committee shall issue 115969  
a report to the State Board of Education and, in accordance with 115970  
section 101.68 of the Revised Code, the General Assembly. The 115971  
report shall include the policy recommendations developed by the 115972  
committee. 115973

**Section 733.61.** (A) Notwithstanding section 3319.236 of the 115974  
Revised Code, for the 2019-2020 and 2020-2021 school years only, a 115975  
school district, community school established under Chapter 3314. 115976  
of the Revised Code, or science, technology, engineering, and 115977  
mathematics school established under Chapter 3326. of the Revised 115978  
Code may permit an individual who holds a valid educator license 115979  
in any of grades seven through twelve to teach a computer science 115980  
course if, prior to teaching the course, the individual completes 115981  
a professional development program approved by the district 115982  
superintendent or school principal that provides content knowledge 115983  
specific to the course the individual will teach. The 115984  
superintendent or principal shall approve any professional 115985  
development program endorsed by the organization that creates and 115986  
administers the national Advanced Placement examinations as 115987  
appropriate for the course the individual will teach. 115988

(B) Nothing in this section shall permit an individual 115989  
described in division (A) of this section to teach a computer 115990  
science course in a school district or school other than the 115991

school district or school that employed the individual at the time 115992  
the individual completed the professional development program 115993  
required by that division. 115994

(C) Beginning July 1, 2021, a school district or public 115995  
school shall permit an individual to teach a computer science 115996  
course only in accordance with section 3319.236 of the Revised 115997  
Code. 115998

**Section 735.11.** Notwithstanding any provision of the Revised 115999  
Code to the contrary, the major political parties shall certify to 116000  
the Secretary of State the names of the candidates for president 116001  
and vice-president nominated at their national conventions 116002  
pursuant to section 3505.10 of the Revised Code not later than the 116003  
sixtieth day before the 2020 general election. Certification by 116004  
the Secretary of State of the forms of official ballots required 116005  
by division (A) of section 3505.01 of the Revised Code shall occur 116006  
on or before the fiftieth day before the general election. 116007

For purposes of this section, "major political party" has the 116008  
same meaning as in section 3501.01 of the Revised Code. 116009

**Section 735.15.** Notwithstanding any contrary provision of the 116010  
Revised Code, a declaration of candidacy, nominating petition, or 116011  
other petition filed with the secretary of state or a board of 116012  
elections for the 2020 primary election or a special election on 116013  
the day of that election shall not be considered invalid on the 116014  
ground that it identifies the date of the 2020 primary election as 116015  
March 10, 2020, instead of March 17, 2020. 116016

**Section 737.10.** On or after July 1, 2019, the Department of 116017  
Health may establish a Substance Use Disorder Professional Loan 116018  
Repayment Program. Under the Program, the Department may agree to 116019  
repay all or part of the principal or interest of government or 116020  
other educational loans taken by professionals providing treatment 116021

and other related services to individuals with substance use 116022  
disorders. A professional participating in the Program must commit 116023  
to serving in an area of the state with limited access to 116024  
addiction treatment and related services. 116025

**Section 737.11.** On or after July 1, 2019, the Department of 116026  
Health may establish a program under which a physician providing 116027  
medication-assisted treatment to individuals with substance use 116028  
disorders in a health resource shortage area may be eligible for 116029  
financial assistance from the Department. Eligible physicians are 116030  
those participating in the Physician Loan Repayment Program as 116031  
described in section 3702.75 of the Revised Code. 116032

**Section 737.15.** (A) The Director of Health shall establish a 116033  
two-year Lead-Safe Home Fund Pilot Program for fiscal years 2020 116034  
and 2021 to improve housing conditions for children by providing 116035  
grants to eligible property owners for lead-safe remediation 116036  
actions. 116037

(B) The Director shall enter into a cooperative agreement 116038  
with the Lead Safe Cleveland Coalition whereby the Coalition may 116039  
make decisions and determinations regarding the Program in 116040  
accordance with the Program requirements established under 116041  
division (C) of this section. 116042

(C) The Director shall establish all of the following for the 116043  
purposes of the Program: 116044

(1) A means to solicit applicants; 116045

(2) An application process; 116046

(3) A process for distributing and administering the grants; 116047

(4) A methodology for evaluating the eligibility of the 116048  
applicants; 116049

(5) Any other procedures and requirements necessary to 116050  
implement and administer the Program. 116051

(D) Not later than June 30, 2021, the Director, in 116052  
consultation with the Coalition, shall issue a report of the 116053  
Program's findings and outcomes to the Governor and the members of 116054  
the General Assembly. 116055

**Section 737.40.** The Legislative Committee on Public Health 116056  
Futures is re-established. The committee shall review relevant 116057  
reports previously produced by similar public health futures 116058  
committees in this state. The Legislative Committee shall review 116059  
the effectiveness of recommendations from those reports that are 116060  
being or that have been implemented. And, based on the knowledge 116061  
and insight gained from its reviews, the Legislative Committee 116062  
shall make legislative and fiscal policy recommendations that it 116063  
believes would improve local public health services in Ohio. 116064

The Legislative Committee, not later than December 31, 2020, 116065  
shall prepare a report that describes its review of the reports 116066  
and its review and of the recommendations that are being or that 116067  
have been implemented, and that states and provides explanations 116068  
of the Committee's new policy recommendations. 116069

The Legislative Committee shall transmit a copy of its report 116070  
to the Governor, the President and Minority Leader of the Senate, 116071  
and the Speaker and Minority Leader of the House of 116072  
Representatives. Upon transmitting its report, the Legislative 116073  
Committee ceases to exist. 116074

Each of the following associations shall appoint one 116075  
individual to the Legislative Committee: the County Commissioners 116076  
Association of Ohio, the Ohio Township Association, the Department 116077  
of Health, the Ohio Public Health Association, the Ohio 116078  
Environmental Health Association, the Ohio Boards of Health 116079  
Association, the Ohio Municipal League, and the Ohio Hospital 116080



Association. The Association of Ohio Health Commissioners shall 116081  
appoint two individuals to the Legislative Committee. The 116082  
President and Minority Leader of the Senate each shall appoint two 116083  
members to the Legislative Committee. The Speaker and Minority 116084  
Leader of the House of Representatives each shall appoint two 116085  
members to the Legislative Committee. Of the two appointments made 116086  
by each legislative leader, one shall be a member of the General 116087  
Assembly from the appointing member's chamber. Appointments shall 116088  
be made as soon as possible but not later than thirty days after 116089  
the effective date of this section. Vacancies on the Legislative 116090  
Committee shall be filled in the same manner as the original 116091  
appointment. 116092

As soon as all members have been appointed to the Legislative 116093  
Committee, the President of the Senate shall fix a time and place 116094  
for the committee to hold its first meeting. At that meeting, the 116095  
committee shall elect from among its membership a chairperson, a 116096  
vice-chairperson, and a secretary. The Director of Health shall 116097  
provide the Legislative Committee with meeting and office space, 116098  
equipment, and professional, technical, and clerical staff as are 116099  
necessary to enable the Legislative Committee successfully to 116100  
complete its work. 116101

**Section 737.50. COMPLETENESS OF CERTIFICATE OF NEED 116102**  
APPLICATIONS 116103

Notwithstanding the 180-day time frame for the Director of 116104  
Health to make determinations of completeness of certificate of 116105  
need applications, as specified in division (B)(3) of section 116106  
3702.52 of the Revised Code, as amended by this act, the time 116107  
frames governing the Director's determinations of completeness 116108  
that are specified in rule 3701-12-08 and rule 3701-12-09 of the 116109  
Administrative Code, as those rules exist on the effective date of 116110  
this section, shall continue to govern the Director in making 116111

determinations of completeness until the Director adopts rules 116112  
that reflect the 180-day time frame established by this act. 116113

**Section 737.60.** CERTIFICATE OF NEED APPLICATIONS IN JANUARY 116114  
2020 116115

Notwithstanding section 3702.593 of the Revised Code or any 116116  
other conflicting provision of sections 3702.51 to 3702.62 of the 116117  
Revised Code, all of the following apply to the Director of Health 116118  
when reviewing certificate of need applications during January 116119  
2020: 116120

(A) Except as provided in division (B) of this section, the 116121  
Director shall use the long-term care bed supply and bed need made 116122  
in calendar year 2016. 116123

(B) In the case of Delaware, Greene, Lake, Licking, and 116124  
Medina counties, the Director shall do the following: 116125

(1) Redetermine the bed supply and bed need determinations 116126  
made in calendar year 2016 using the same data that was used in 116127  
those determinations but without applying division (C) of section 116128  
3702.593 of the Revised Code; 116129

(2) Refuse to accept a certificate of need application for 116130  
any of the specified counties, other than Greene County, unless 116131  
the applicant is an owner of, or is the operator of, a skilled 116132  
nursing facility in the county to which the certificate of need 116133  
application proposes to relocate beds; 116134

(3) Refuse to accept a certificate of need application for 116135  
any of the specified counties if the source of the beds to be 116136  
relocated is a facility that has a four- or five-star rating under 116137  
the nursing home quality rating system established by the U.S. 116138  
Centers for Medicare and Medicaid Services on the date the beds 116139  
are under contract for purchase or transfer unless the facility is 116140  
voluntarily closing; 116141

(4) Use, as applicable, either of the following:	116142
(a) The review process set forth in division (E) of section 3702.593 of the Revised Code, excluding division (E)(4) of that section;	116143 116144 116145
(b) The comparative review process set forth in division (F) of section 3702.593 of the Revised Code, excluding division (F)(3) of that section, for the purpose of limiting the increase in beds in the specified counties in accordance with the following:	116146 116147 116148 116149
(i) Delaware County, 200 total beds;	116150
(ii) Greene County, 99 total beds;	116151
(iii) Lake County, 200 total beds;	116152
(iv) Licking County, 185 total beds;	116153
(v) Medina County, 200 total beds.	116154
<b>Section 737.70. CERTIFICATE OF NEED MORATORIUM</b>	116155
(A) As used in this section, "existing bed," "existing long-term care facility," and "long-term care facility" have the same meanings as in section 3702.51 of the Revised Code.	116156 116157 116158
(B) During the period beginning on the effective date of this section and ending July 1, 2021, the Director of Health shall accept for review a certificate of need application only in accordance with this section, notwithstanding division (A) of section 3702.59 of the Revised Code.	116159 116160 116161 116162 116163
(C) To be accepted for review under this section, a certificate of need application must meet either of the following requirements:	116164 116165 116166
(1) The application must be submitted pursuant to section 3702.593 or 3702.594 of the Revised Code and, if applicable, in accordance with the section of this act titled "CERTIFICATE OF NEED APPLICATIONS IN JANUARY 2020"; or	116167 116168 116169 116170

(2) The application must propose either of the following: 116171

(a) The replacement of an existing long-term care facility, 116172  
if the replacement facility will have the same owner and operator 116173  
that the existing facility has on the effective date of this 116174  
section and the replacement will occur in a county with an 116175  
identified bed need under section 3702.593 of the Revised Code 116176  
according to the Director's county bed need determination made in 116177  
calendar year 2016; or 116178

(b) The renovation of or an addition to an existing long-term 116179  
care facility as provided in division (A)(3) of section 3702.511 116180  
of the Revised Code, if the facility is in a county with an 116181  
identified bed need under section 3702.593 of the Revised Code 116182  
according to the Director's county bed need determination made in 116183  
calendar year 2016. 116184

(D) The Director shall not accept an application under this 116185  
section unless it otherwise complies with sections 3702.51 to 116186  
3702.62 of the Revised Code and, if applicable, the section of 116187  
this act titled "CERTIFICATE OF NEED APPLICATIONS IN JANUARY 116188  
2020." 116189

(E) This section does not apply to a certificate of need 116190  
application that is pending on the effective date of this section. 116191

**Section 739.20.** Section 3959.20 of the Revised Code as 116192  
enacted by this act applies to contracts for pharmacy services and 116193  
to health benefit plans, as defined in section 3922.01 of the 116194  
Revised Code, entered into or amended on or after the effective 116195  
date of this act. 116196

**Section 739.31.** The requirements of sections 3902.50 and 116197  
3902.51 of the Revised Code apply beginning April 1, 2020, to 116198  
health benefit plans, as defined in section 3922.01 of the Revised 116199  
Code, delivered, issued for delivery, modified, or renewed on or 116200

after the effective date of those sections. 116201

**Section 747.20.** A license or certificate of registration 116202  
issued under Chapter 4757. of the Revised Code that is in effect 116203  
on the effective date of this section shall continue in effect 116204  
until the first biennial renewal date established by the 116205  
Counselor, Social Worker, and Marriage and Family Therapist Board 116206  
pursuant to sections 4757.10 and 4757.32 of the Revised Code, as 116207  
amended by this act. No license or certificate of registration in 116208  
effect on the effective date of this section is valid for more 116209  
than three years after the effective date of this section. 116210

**Section 747.33.** As used in this section, "authorizing 116211  
statute" means a Revised Code section or provision of a Revised 116212  
Code section that is cited in the Ohio Administrative Code as the 116213  
statute that authorizes the adoption of a rule. 116214

The Board of Executives of Long-Term Services and Supports is 116215  
not required to amend any rule for the sole purpose of updating 116216  
the citation in the Ohio Administrative Code to the rule's 116217  
authorizing statute to reflect that this act renumbers the 116218  
authorizing statute or relocates it to another Revised Code 116219  
section. Such citations shall be updated as the Board amends the 116220  
rules for other purposes. 116221

**Section 747.40.** CONVERSION AND RENAMING OF CERTIFICATES 116222  
ISSUED BY THE STATE MEDICAL BOARD 116223

(A) The repeal by this act of section 4731.296 of the Revised 116224  
Code does not invalidate a telemedicine certificate that was 116225  
issued under that section if the certificate is valid on the 116226  
effective date of this section. As soon as practicable, the State 116227  
Medical Board shall convert all such telemedicine certificates to 116228  
licenses, as if they were issued under section 4731.14 of the 116229

Revised Code. Once a telemedicine certificate is converted, the holder is subject to all requirements and privileges attendant to a license issued under section 4731.14 of the Revised Code, including continuing medical education requirements.

(B) The Board may take any action it considers necessary to rename the certificates issued under Chapters 4731., 4760., 4762., and 4774. of the Revised Code as licenses, as provided by the amendments made by this act to those chapters.

**Section 751.10.** REDUCTION IN MEMBERSHIP OF CITIZEN'S ADVISORY COUNCILS

The amendment made by this act to section 5123.092 of the Revised Code providing for a reduction in citizen's advisory council membership does not affect the members holding office on the effective date of this section. The reduction shall be implemented by not filling vacancies that correspond with the changes made by this act to council membership.

**Section 751.15.** CHALLENGES TO HEALTH CARE COST ESTIMATE STATUTE

Any member of the General Assembly may intervene in litigation that challenges section 5162.80 of the Revised Code.

**Section 753.10.** (A) The Governor is authorized to execute a deed or deeds in the name of the state conveying to a grantee or grantees acceptable to the Board of Trustees of Kent State University, all of the state's right, title, and interest in all or part of the following described parcels of real estate:

DESCRIPTION OF 60.09 ACRES.

FIRST TRACT: Being a tract of land located in Lot 18, Franklin Twp., Portage County, Ohio, and further described as follows: Beginning at an iron pipe set at the NW corner of Lot No.

18 in the centerline of Township Highway 98, known as Powder Mill 116259  
Road; thence S. 88° 57' E. along the N. line of Lot 18, 2408.23 116260  
ft. to a point in the W. right of way line of the old P. and W. 116261  
Railroad; thence S. 16° 28' W. along said Railroad W. right of way 116262  
line 311.19 ft. to a steel fence post; thence N. 88° 57' W. and 116263  
passing over an iron rod set 20 ft. at side of road 2204.60 ft. to 116264  
an iron rod set in the centerline of Township Highway 98; thence 116265  
N. 20° 54' W. along the centerline of Township Highway 98, 323.46 116266  
ft. to the place of beginning and containing 15.83 acres of land 116267  
as surveyed April 4, 1962, by C. B. Dodge, R. S. 1682. 116268

SECOND TRACT: Being part of Lot No. 18 in Franklin Twp. and 116269  
bounded and described as follows: Beginning at the NE corner of 116270  
said lot; thence S. 0° 25' E. along the lot line 9.26 chains; 116271  
thence W. 5.26 chains to within 20 ft. of the easterly line of the 116272  
right of way formerly P.C. & T. Railroad; thence Southwesterly 116273  
parallel with said right of way 19.07 chains to the E. line of 116274  
land now or formerly owned by John B. Hergenroeder; thence N. 0° 116275  
30' E. 32.5 links; thence northeasterly along the easterly line of 116276  
said right of way 28.25 chains to the N. line of said lot; thence 116277  
S. 89° 45' E. 2.69 chains to the place of beginning, containing 116278  
4.40 acres of land. 116279

THIRD TRACT: Situated in the township, county and state 116280  
aforesaid and being known as part of Lot 18 in said township, 116281  
bounded and described as follows: On the N. and NW by the Second 116282  
Tract herein described, being a 4.40 acre tract; E. by the lot 116283  
line of said Lot 18, S. by the centerline of Breakneck Creek; W. 116284  
by lands of J. & J. Polichena, containing 34.00 acres of land, 116285  
more or less. 116286

FOURTH TRACT: Being part of township Lot 18 and 19 in said 116287  
township, bounded and described as follows: Being all of the land 116288  
known as the former right of way of the B & O Railroad (now 116289  
abandoned) as contained between the E. line of Township Lot 19 116290

which is also the Township line between Franklin and Ravenna 116291  
Township and the centerline of the Powder Mill Road as shown by 116292  
the Quit Claim Deed from the B & O Railroad to Everett L. Foote as 116293  
recorded in Volume 324, Page 211, Portage County Records of Deeds 116294  
and containing 5.86 acres. 116295

Deed Reference: Vol. 777 Pg. 82 116296

Auditor's Parcel Numbers: 12-018-00-00-001-000, 116297  
12-018-00-00-001-002, 12-018-00-00-001-001, 12-018-00-00-002-003 116298

DESCRIPTION OF 130.25 ACRES 116299

PARCEL A: Situated in Lot 20 of Franklin Township, county and 116300  
state aforesaid, and further described as follows: BEGINNING at 116301  
the southeast corner of Lot 20 in said township; thence N. 1° 00' 116302  
00" E. along the east line of said Lot 20 and the centerline of T. 116303  
H. 98, known as Powder Mill Road, a distance of 1546.02 feet to a 116304  
point on the north line of the B. & O. Railroad right of way and 116305  
the true place of beginning; thence on a curve to the right along 116306  
the north line of the B.& O. Railroad right of way, which has a 116307  
delta of 6° 40' 19"; a radius of 5680.00 feet; a chord bearing of 116308  
N. 64° 10' 40" W. and a chord length of 661.05 feet, a distance of 116309  
661.42 feet to a point; thence N. 60° 50' 30" W. along the north 116310  
line of the B. & O. Railroad right of way a distance of 459.76 116311  
feet to an iron pipe; thence N. 86° 23' 30" E. a distance of 1008. 116312  
57 feet to an iron pin in the center of T. H. 98; thence S. 1° 00' 116313  
00" W. along the centerline of T. H. 98 a distance of 575.51 feet 116314  
to the place of beginning, and containing 6.934 acres of land as 116315  
surveyed by LeRoy M. Satrom, Registered Surveyor No. 4226. 116316

PARCEL B: Situated in Lots 19 and 36 of Franklin Township, 116317  
county and state aforesaid, and further described as follows: 116318  
BEGINNING at the southwest corner of Lot 19 in said township; 116319  
thence N. 1° 00' 00" E. along the west line of said Lot 19 and the 116320  
centerline of T. H. 98, known as Powder Mill Road, a distance of 116321



1546.02 feet to a point on the north line of the B. & O. Railroad 116322  
right of way and the true place of beginning; thence continuing N. 116323  
1° 00' 00" E. along the west line of Lot 19 and the centerline of 116324  
T. H. 98 a distance of 1076.56 feet to the intersection of the 116325  
centerline of State Route 5, known as Kent-Ravenna Road; thence N. 116326  
82° 16' 00" E. along the centerline of S. R. 5 a distance of 116327  
1336.37 feet to a point; thence S. 0° 31' 30" W. a distance of 116328  
1599.79 feet to an iron pipe on the north line of the B. & O. 116329  
Railroad right of way; thence on a curve to the right along the 116330  
north line of the B. & O. Railroad right of way which has a delta 116331  
of 2° 42' 56"; a radius of 5655.00 feet; a chord bearing of N. 80° 116332  
03' 30" W. and chord length of 268.00 feet a distance of 268.02 116333  
feet to a point; thence S. 11° 17' 58" W. a distance of 25.00 feet 116334  
to a point; thence on a curve to the right along the north line of 116335  
the B. & O. Railroad right of way, which has a delta of 11° 11' 116336  
13"; a radius of 5680.00 feet; a chord bearing of N. 73° 06' 25" 116337  
W. a chord length of 1107.25 feet. A distance of 1109.01 feet to 116338  
the place of beginning and containing 41.765 acres of land, of 116339  
which 39.465 acres are in Lot 19, and 2.300 acres are in Lot 36, 116340  
as surveyed by LeRoy M. Satrom, Registered Surveyor No. 4226. 116341

PARCEL C: Situated in Lot 19 of Franklin Township, county and 116342  
state aforesaid, and further described as follows: BEGINNING at 116343  
the southwest corner of Lot 19 in said township; thence N. 1° 00' 116344  
00" E. along the west line of said Lot 19 and the centerline of T. 116345  
H. 98, known as Powder Mill Road, a distance of 1388.97 feet to a 116346  
point on the south line of the B. & O. Railroad right of way; 116347  
thence on a curve to the left along the south line of the B. & O. 116348  
railroad right of way, which has a delta of 15° 47' 26", a radius 116349  
of 2915.00 feet; a chord bearing of S. 68° 44' 13" E., and a chord 116350  
length of 800.83 feet a distance of 803.37 feet to a point; thence 116351  
S. 13° 22' 04" W. a distance of 25.00 feet to a point; thence on a 116352  
curve to the left along the south line of the B. & O. Railroad 116353  
right of way, which has a delta of 14° 19' 34", a radius of 116354

2940.00 feet, a chord bearing of S. 83° 47' 43" E., and a chord 116355  
length of 733.20 feet a distance of 735.11 feet to a point; thence 116356  
N. 89° 02' 30" E. along the south line of the B. & O. Railroad 116357  
right of way a distance of 866.78 feet to a point; thence N. 0° 116358  
57' 30" W. a distance of 25.00 feet to a point/ thence N. 89° 02' 116359  
30" E. along the south line of the B. & O. Railroad right of way a 116360  
distance of 280.79 feet to a point on the east line of Lot 19; 116361  
thence S. 0° 41' 27" W. along the east line of Lot 19 a distance 116362  
of 681.57 feet to an iron pipe on the north line of the Old P. & 116363  
W. Railroad right of way; thence on a curve to the left along the 116364  
north and west line of the old P. & W. Railroad right of way which 116365  
has a delta of 39° 05' 19", a radius of 608.00 feet; a chord 116366  
bearing of S. 36° 36' 39" W. and a chord length of 406.79 feet to 116367  
a point; thence S. 17° 04' 00" W. along the west line of the old 116368  
P. & W. railroad right of way a distance of 58.47 feet to a point 116369  
on the south line of Lot 19; thence N. 88° 58' 46" W. along the 116370  
south line of Lot 19 a distance of 2405.01 feet to the place of 116371  
beginning and containing 64.868 acres of land, as surveyed by 116372  
LeRoy M. Satrom, Registered Surveyor No. 4226. 116373

PARCEL D: Situated in Lot 19 of Franklin Township, county and 116374  
state aforesaid, and further described as follows: BEGINNING at 116375  
the southwest corner of Lot 19 in said township; thence S. 88° 58' 116376  
46" E. along the south line of said Lot 19 a distance of 2473.68 116377  
feet to a point on the east line of the old P. & W. railroad right 116378  
of way and the true place of beginning; thence N. 17° 04' 00" E. 116379  
along the east line of the old P. & W. railroad right of way a 116380  
distance of 39.49 feet to a point; thence on a curve to the right 116381  
along the east and south line of the old P. & W. Railroad right of 116382  
way which has a delta of 34° 08' 00"; a radius of 542.00 feet; a 116383  
chord bearing of N. 34° 07' 54" E. and a chord length of 318.14 116384  
feet to a point on the east line of Lot 19; thence S. 0° 41' 27" 116385  
W. along the east line of Lot 19 a distance of 304.39 feet to the 116386  
southeast corner of Lot 19; thence N. 88° 58' 46" W. along the 116387

south line of Lot 19 a distance of 186.46 feet to the place of 116388  
beginning and containing 0.810 acres of land as surveyed by LeRoy 116389  
M. Satrom, Registered Surveyor No. 4226. 116390

PARCEL E: Situated in Lots 57 and 58, South Division of 116391  
Ravenna Township, county and state aforesaid, and further 116392  
described as follows: BEGINNNING at the southwest corner or Lot 116393  
57, South Division in said township; thence N. 0° 41' 27" E. along 116394  
the west line of said Lot 57 a distance of 533.13 feet to a point 116395  
on the south line of the B. & O Railroad right of way; thence N. 116396  
89° 02' 30" E. along the south line of the B. & O. Railroad right 116397  
of way a distance of 1260.95 feet to an iron pipe; thence S. 2° 116398  
57' 40" W. a distance of 483.35 feet to an iron pipe on the north 116399  
line of the old P. & W. Railroad right of way; thence S. 82° 56' 116400  
00" W. along the north line of the old P. & W. Railroad right of 116401  
way a distance of 987.97 feet to a point; thence on a curve to the 116402  
left along the north line of the old P. & W. Railroad right of 116403  
way, which has a delta of 26° 46' 06"; a radius of 608.00 feet; a 116404  
chord bearing of S. 69° 32' 57" W. and a chord length of 281.48 116405  
feet a distance of 284.05 feet to an iron pipe on the west line of 116406  
Lot 58 South Division; thence N. 0° 41' 27" E. along the west line 116407  
of Lot 58 a distance of 148.44 feet to the place of beginning, and 116408  
containing 15.882 acres of land of which 15.155 acres are in Lot 116409  
57 and 0.727 acres are in Lot 58, as surveyed by LeRoy M. Satrom, 116410  
Registered Surveyor No. 4226. 116411

Deed Reference: Vol. 787 Pg. 462 116412

Auditor's Parcel Numbers: 12-020-00-00-033-000, 116413  
12-019-00-00-002-000, 12-019-00-00-002-001, 12-019-00-00-005-000, 116414  
12-019-00-00-006-000, 29-357-00-00-025-000, 29-358-00-00-005-000 116415

(B) The foregoing description may be adjusted by the 116416  
Department of Administrative Services to accommodate any 116417  
corrections necessary to facilitate recordation of the deed. 116418

(C) Consideration for the conveyance is to be acceptable to the Board of Trustees of Kent State University. The net proceeds of any sale of real estate described above shall be paid to Kent State University and deposited in university accounts for purposes to be determined by the Board of Trustees.

(D) The Auditor of State, with the assistance of the Attorney General, shall prepare the deed to real estate upon notification by the University. The deed shall state the consideration and shall be executed by the Governor in the name of the state, countersigned by the Secretary of State, sealed with the Great Seal of the State, presented in the Office of the Auditor of State for recording, and delivered to the grantee. The grantee shall present the deed for recording in the Office of the Portage County Recorder.

(E) The grantee shall pay the costs of the conveyance including county recording fees.

(F) This section expires three years after its effective date.

**Section 753.20.** (A) The Governor is authorized to execute a deed or deeds in the name of the state conveying to a grantee or grantees acceptable to the Board of Trustees of Kent State University, all of the state's right, title, and interest in all or part of the following described parcels of real estate:

DESCRIPTION OF 8.477 ACRES

PARCEL 1: Situated in the Township of Franklin, County of Portage and State of Ohio being part of Lot 2 and further described as follows:

Beginning at the centerline intersection of Cline Road (T.H. 96 - 60' R/W) with Summit Road (C.H. 148 - 66' R/W) (witness a 1" iron bar found in a monument box used for line 0.048 feet north

and 0.008 feet east of said intersection); 116449

Thence S 9° 15' 31" W 375.00 along the centerline of Cline 116450  
Road to the southeasterly corner of a parcel of land conveyed to 116451  
R.E. or L.F. Slease (D.V. 1085, Pg. 685) and a northeasterly 116452  
corner of the Grantor's and the true place of beginning for the 116453  
parcel herein described (witness a capped iron bar set N 81° 16' 116454  
45" W 30.17 feet from said corner); 116455

Thence S 9° 15' 31" W 363.98 feet along the centerline of 116456  
Cline Road to a railroad spike found at a southeasterly corner of 116457  
the Grantor's and a northeasterly corner of a parcel of land 116458  
conveyed to University Land Development Co. (O.R. 365, Pg. 0250); 116459

Thence N 89° 16' 02" W 354.65 feet along a northerly line of 116460  
the University Land Development Co. Parcel and a southerly line of 116461  
the Grantor to a capped iron bar set at a southwesterly corner 116462  
(witness a capped iron pipe found used for line 3.859 feet south 116463  
and 0.631 feet west of said corner); 116464

Thence N 9° 16' 46" E 647.34 feet along an easterly line of 116465  
said University Land Development parcel and a westerly line of the 116466  
Grantor's to a point on the southerly line of a parcel conveyed to 116467  
the State of Ohio (D.V. 839, Pg. 508) and the northeasterly corner 116468  
of said University Land Development Co. and a northwesterly corner 116469  
of the Grantor's (witness a 1/2" open top iron pipe found and used 116470  
for line 0.052 feet north and 0.008' east of said corner); 116471

Thence N 72° 14' 21" E. 153.91 feet along the southerly line 116472  
of said State of Ohio parcel and a northerly line of the Grantor's 116473  
to a 1/2" open top iron pipe found on the westerly line of said 116474  
Slease parcel; 116475

Thence S 1° 59' 34" W 304.75 feet along the westerly line of 116476  
said Slease parcel and an easterly line of the Grantor's to a 1/2" 116477  
open top iron pipe found at the southwesterly corner of said 116478  
Slease parcel and northeasterly corner of the Grantor's; 116479

Thence S 81° 16' 45" E. 174.84 feet along the southerly line 116480  
of said Slease parcel and a northerly line of the Grantor's to the 116481  
true place of beginning and containing 4.1073 acres of land as 116482  
surveyed in May, 2000 by David L. Jensen, Registered Surveyor No. 116483  
7273. 116484

The basis for bearings is the Ohio State Plane Coordinate 116485  
System, North Zone. 116486

PARCEL 2: Situated in the Township of Franklin, County of 116487  
Portage and State of Ohio being part of Lot 2 and further 116488  
described as follows: 116489

Beginning at the centerline intersection of Cline Road (T.H. 116490  
96 - 60' R/W) with Summit Road (C.H. 148 - 66' R/W) (witness a 1" 116491  
iron bar found in a monument box used for line 0.048 feet north 116492  
and 0.008 feet east of said intersection); 116493

Thence N 86° 54' 42" W 289.05 along the centerline of Summit 116494  
Road to a 1" iron bar found in a monument box; 116495

Thence N 76° 56' 07" W 230.00 feet along the centerline of 116496  
Summit Road to a northwesterly corner of a parcel of land conveyed 116497  
to the State of Ohio (D.V. 839, Pg. 508 and a northeasterly corner 116498  
of the Grantor's and the true place of beginning for the parcel 116499  
herein described; 116500

Thence S 13° 03' 53" W 33.00 feet along a westerly line of 116501  
the State of Ohio parcel and an easterly line of the Grantor to a 116502  
point on the southerly right of way line of Summit Road (witness 116503  
an O.D.O.T. capped iron bar found 0.405 feet south and 0.197 feet 116504  
west of said point); 116505

Thence 74° 41' 57" W 303.87 feet along a northwesterly line 116506  
of said State of Ohio parcel and a southeasterly line of the 116507  
grantor's to a capped iron bar set at a northeasterly corner of 116508  
said State of Ohio parcel and a southwesterly corner of the 116509  
Grantor's (witness and O.D.O.T. capped iron bar found 3.104 feet 116510

north and 0.362 feet east of said point; 116511

Thence N 17° 52' 58" W 168.33 feet along an easterly line of 116512  
said State of Ohio Parcel and a westerly line of the Grantor's to 116513  
a point on the southerly right of way line of Summit Road (witness 116514  
an O.D.O.T. capped iron bar found 0.025 feet south and 0.956 feet 116515  
west of said point; 116516

Thence N 13° 03' 53" E 33.00 feet along an easterly line of 116517  
said State of Ohio parcel and a westerly line of Grantor's to a 116518  
point on the centerline of Summit Road said point being a 116519  
northeasterly corner of the State of Ohio parcel and a 116520  
northwesterly corner of the Grantor's; 116521

Thence S 76° 56' 07" E 353.95 feet along the centerline of 116522  
Summit Road and a northerly line of the Grantor's to the true 116523  
place of beginning and containing 0.8547 acres of land as surveyed 116524  
in May, 2000 by David L. Jensen, Registered Surveyor No. 7273. 116525

The basis for bearings is the Ohio State Plane Coordinate 116526  
System, North Zone. 116527

PARCEL 3: Situated in the Township of Franklin, County of 116528  
Portage and State of Ohio being part of Lot 2 and further 116529  
described as follows: 116530

Beginning at the centerline intersection of Cline Road (T.H. 116531  
96 - 60' R/W) with Summit Road (C.H. 148 - 66' R/W) (witness a 1" 116532  
iron bar found in a monument box used for line 0.048 feet north 116533  
and 0.008 feet east of said intersection); 116534

Thence N 86° 54' 42" W 289.05 along the centerline of Summit 116535  
Road to a 1" iron bar found in a monument box; 116536

Thence N 76° 56' 07" W 747.83 feet along the centerline of 116537  
Summit Road to a boat spike found at the northwesterly corner of a 116538  
parcel of land conveyed to the State of Ohio (D.V. 839, Pg. 508 116539  
and a northeasterly corner of a parcel of land conveyed to C.W. 116540

and D.D. Redman (O.R. 143, Pg. 460); 116541

Thence N 79° 11' 04" W 135.04 feet along the centerline of 116542  
Summit Road to the northwesterly corner of said Redman parcel and 116543  
a northeasterly corner of the Grantor's and the true place of 116544  
beginning for the parcel herein described (witness a 1/2" open top 116545  
iron pipe found bent, straightened and reset S 5° 22' 12" W 30.23 116546  
feet from said corner); 116547

Thence S 5° 22' 12" W 166.54 feet along an easterly line of 116548  
the Grantor's and the westerly line of the Redman parcel to a 1/2" 116549  
open top iron pipe found at the southwesterly corner thereof; 116550

Thence S 84° 55' 02" E 125.10 feet along a northerly line of 116551  
the Grantor's and the southerly of the Redman parcel to a 1/2" 116552  
open top iron pipe found bent (used the top) at the southeasterly 116553  
corner thereof and a northeasterly corner of the Grantor's and 116554  
being an angle point on the westerly line of said State of Ohio 116555  
parcel; 116556

Thence S 20° 40' 02" E 199.62 feet along a westerly line of 116557  
said State of Ohio parcel and an easterly line of the Grantor's to 116558  
a capped iron bar set at a southeasterly corner of the Grantor' 116559  
and a northwesterly corner of said State of Ohio parcel (witness 116560  
an O.D.O.T. capped iron bar found 1.335 feet north and 2.476 feet 116561  
east of said corner); 116562

Thence S 53° 28' 55" W 300.00 feet along a northwesterly line 116563  
of said State of Ohio parcel and a southeasterly line of the 116564  
Grantor's to a southwesterly corner thereof and a northwesterly 116565  
corner of the State of Ohio parcel and a northeasterly corner of a 116566  
parcel of land conveyed to the State of Ohio (D.V. 870, Pg. 15) 116567  
and the southeasterly of a parcel of land conveyed to Portage Area 116568  
Regional Transportation Authority (PARTA) (O.R. 327. Pg. 0097) 116569  
(witness an O.D.O.T. capped iron bar found 0.016 feet north and 116570  
0.048 feet east of said corner); 116571



Thence N 35° 03' 36" W 402.33 feet along the easterly line of said PARTA parcel and a westerly line of the Grantor's to a capped iron bar set;

Thence N 10° 23' 28" E 216.15 feet along a westerly line of the Grantor's and the easterly line of said PARTA parcel to 1/2" open top iron pipe found at the northeasterly corner thereof and being on the southerly right of way line of Summit Road;

Thence 84° 53' 23" E 149.54 feet along the southerly right of way line of Summit Road to a capped iron bar set;

Thence 9° 08' 08" E 33.01 feet along a westerly line of the Grantor's to a point on the centerline of Summit Road;

Thence S 79° 11' 04" E 101.36 feet along the centerline of Summit Road and a northerly line of the Grantor's to the true place of beginning and containing 3.5153 acres of land as surveyed in May, 2000 by David L. Jensen, Registered Surveyor No. 7273.

The basis for bearings is the Ohio State Plane Coordinate System, North Zone.

Deed Reference: Vol. 564 Pg. 696

Auditor's Parcel Numbers: 12-002-00-00-004-001,  
12-002-00-00-004-003, 12-002-00-00-004-004

(B) The foregoing description may be adjusted by the Department of Administrative Services to accommodate any corrections necessary to facilitate recordation of the deed.

(C) Consideration for the conveyance is to be acceptable to the Board of Trustees of Kent State University. The net proceeds of any sale of real estate described above shall be paid to Kent State University and deposited in university accounts for purposes to be determined by the Board of Trustees.

(D) The Auditor of State, with the assistance of the Attorney General, shall prepare the deed to real estate upon notification

by the University. The deed shall state the consideration and 116602  
shall be executed by the Governor in the name of the state, 116603  
countersigned by the Secretary of State, sealed with the Great 116604  
Seal of the State, presented in the Office of the Auditor of State 116605  
for recording, and delivered to the grantee. The grantee shall 116606  
present the deed for recording in the Office of the Portage County 116607  
Recorder. 116608

(E) The grantee shall pay the costs of the conveyance 116609  
including county recording fees. 116610

(F) This section expires three years after its effective 116611  
date. 116612

**Section 753.30.** (A) The Governor is authorized to execute a 116613  
deed or deeds in the name of the state conveying to a grantee or 116614  
grantees acceptable to the Board of Trustees of Kent State 116615  
University, all of the state's right, title, and interest in all 116616  
or part of the following described parcels of real estate: 116617

DESCRIPTION OF 31.103 ACRES 116618

Situated in the city of Kent, county of Portage, state of 116619  
Ohio and being known as: 116620

All of blocks A, B, C, D and E of the university town homes 116621  
subdivision, filed in the records of plats, book 89, page 30 of 116622  
the portage county records. 116623

Deed Reference: Vol. 564 Pg. 696 116624

Auditor's Parcel Numbers: 17-003-10-00-062-000, 116625  
17-003-10-00-063-000, 17-003-10-00-064-000, 17-003-10-00-065-000 116626  
and 17-003-10-00-066-000 116627

DESCRIPTION OF 2.44 ACRES 116628

Situated in the Township of Brimfield County of Portage and 116629  
State of Ohio: 116630

And being part of Lot 7 in said Township and bounded and 116631  
described as follows; Beginning at the intersection of the 116632  
centerline of T.H. 95, Burnett Road and the northerly line of Lot 116633  
7 and northerly line of Brimfield Township; thence N. 89° 33' 00" 116634  
W. along the northerly line of Lot 7 and northerly line of 116635  
Brimfield Township a distance of 113.24 feet to a point in a 116636  
northerly line of land now owned by the State of Ohio which marks 116637  
the true place of beginning for the following described parcel of 116638  
land; thence S. 78° 55' 45" W. along said northerly line of the 116639  
State of Ohio a distance of 590.56 feet to a point; thence S 89° 116640  
47' 00" W. continuing along a northerly line of the State of Ohio, 116641  
a distance of 594.25 feet to a point in the easterly line of land 116642  
now or formerly owned by C.M. & Lois Stewart; thence N. 00° 06' 116643  
00" W. along the easterly line of said Stewart a distance of 116644  
124.87 feet to point in the northerly line of Lot 7 and northerly 116645  
line of Brimfield Township; thence S. 89° 33' 00" E. along the 116646  
northerly line of Lot 7 and northerly line of Brimfield Township a 116647  
distance of 1174.07 feet to the true place of beginning, 116648  
containing 2.441 acres of land, more or less, as prepared May 1 116649  
1972, from deeds and plats of record by Albert Szuch, Registered 116650  
Surveyor No. 5398. 116651

Deed Reference: 200908514 116652

Auditor's Parcel Number: 04-007-00-00-008-000 116653

(B) The foregoing description may be adjusted by the 116654  
Department of Administrative Services to accommodate any 116655  
corrections necessary to facilitate recordation of the deed. 116656

(C) Consideration for the conveyance is to be acceptable to 116657  
the Board of Trustees of Kent State University. The net proceeds 116658  
of any sale of real estate described above shall be paid to Kent 116659  
State University and deposited in university accounts for purposes 116660  
to be determined by the Board of Trustees. 116661

(D) The Auditor of State, with the assistance of the Attorney General, shall prepare the deed to real estate upon notification by the University. The deed shall state the consideration and shall be executed by the Governor in the name of the state, countersigned by the Secretary of State, sealed with the Great Seal of the State, presented in the Office of the Auditor of State for recording, and delivered to the grantee. The grantee shall present the deed for recording in the Office of the Portage County Recorder.

(E) The grantee shall pay the costs of the conveyance including county recording fees.

(F) This section expires three years after its effective date.

**Section 753.40.** (A) The Governor is authorized to execute a deed or deeds in the name of the state conveying to a grantee or grantees acceptable to the Board of Trustees of Kent State University, all of the state's right, title, and interest in all or part of the following described parcels of real estate:

DESCRIPTION OF 36.76 ACRES

PARCEL 1: Situated in Brimfield Township Lot 5 and further described as follows: Beginning at the intersection of the centerline of Township Highway 92 known as Meloy Road and the east line of Lot 5; thence South 74 deg. 36' West along the centerline of T. H. 92 a distance of 421.47 feet to a point which is the true place of beginning; thence continuing South 74 deg. 36' West along the centerline of T. H. 92 a distance of 336.87 feet to a point; thence North 1 deg. 18' East a distance of 270.10 feet to a point; thence South 74 deg. 36' West a distance of 322.55 feet to a point; thence North 1 deg. 18' East a distance 141.74 feet to a point; thence South 80 deg. 40' 08" West a distance of 294.45 feet to an iron pipe found; thence North 6 deg. 32' 12" West a distance

of 1243.23 feet to an iron pipe found on the north line of Lot 5; 116693  
thence South 88 deg. 48' 31" East along the north line of Lot 5 a 116694  
distance of 1090.43 feet to an iron pipe found; thence South 1 116695  
deg. 17' 46" West and passing over an iron pipe found 22.03 feet 116696  
from the center of the road a distance of 1401.68 feet to the 116697  
place of beginning and containing 30.175 acres of land as 116698  
determined from actual field measurements and reference to survey 116699  
by M. F. Stevens as recorded in Volume 717, page 558 of the 116700  
Portage County Records by L. M. Satrom, Registered Surveyor No. 116701  
4226, be the same more or less, but subject to all legal highways. 116702

Deed Reference: Vol. 750 Pg. 249 116703

Auditor's Parcel Number: 45-005-00-00-010-000 116704

DESCRIPTION OF 8.04 ACRES 116705

PARCEL 1: Situated in the Township of Brimfield, County of 116706  
Portage and State of Ohio and known as being part of Lot No. 5 in 116707  
Brimfield Township and further described as follows: Beginning at 116708  
a point in the centerline of Meloy Road and being N. 78° 46' E. 116709  
425.00 feet from a spike at the intersection of said centerline 116710  
with the centerline of State Route 43; thence N. 11° 14' W. 386.18 116711  
feet along the East line of a parcel owned by R. & C. DiMauro, to 116712  
an iron pipe and passing over an iron pipe 30.00 feet from the 116713  
road center; thence N. 70° 57' E. 599.54 feet along the grantor's 116714  
North line to an iron bar; thence N. 79° 21' 35" E. 299.38 feet 116715  
along the grantor's North line to an iron pipe; thence S. 8° 46' 116716  
40" W. 406.31 feet to an iron pipe; thence S. 30° 22' 20" W. 41.30 116717  
feet to an iron pipe; thence S. 15° 24' 40" E. 30.00 feet to the 116718  
centerline of Meloy Road; thence S. 74° 35' 20" W. 56.61 feet 116719  
along the centerline of Meloy Road; thence N. 15° 24' 40" W. 116720  
180.00 feet to an iron pipe and passing over an iron pipe 30 feet 116721  
from the road center; thence S. 74° 35' 20" W. 128.39 feet to an 116722  
iron pipe; thence S. 0° 35' 20" W 187.25 feet to the centerline of 116723  
Meloy Road and passing over an iron pipe 31.21 feet from the road 116724

center; thence S. 74° 35' 20" W. 65.00 feet along the centerline 116725  
of Meloy Road to a spike; thence S. 78° 46' W. 428.27 feet along 116726  
the centerline of Meloy Road to the beginning. Containing 7.397 116727  
acres of land, as surveyed in January, 1970, by David J. Collier, 116728  
Registered Surveyor No. 4819. 116729

PARCEL 2: Situated in the Township of Brimfield, County of 116730  
Portage and State of Ohio and known as being part of Lot No. 5 in 116731  
Brimfield Township and further described as follows: Starting at a 116732  
spike at the intersection of the centerline of State Route 43 with 116733  
the centerline of Meloy Road; thence N. 78° 46' E. 853.27 feet 116734  
along the centerline of Meloy Road to a spike; thence N. 74° 35' 116735  
20" E. 65.00 feet along the centerline of Meloy Road to the true 116736  
place of beginning; thence N. 0° 35' 20" E. 187.25 feet to an iron 116737  
pipe and passing over an iron pipe 31.21 feet from the road 116738  
center; thence N. 74° 35' 20" E. 128.39 feet to an iron pipe; 116739  
thence S. 15° 24' 40" E. 180.00 feet to the centerline of Meloy 116740  
Road and passing over an iron pipe 30 feet from the road center; 116741  
thence S. 74° 35' 20" W. 180.00 feet along the centerline of Meloy 116742  
Road to the true place of beginning, containing 0.637 of an acre 116743  
of land, as surveyed in January, 1970, by David J. Collier, 116744  
Registered Surveyor No. 4819. 116745

Deed Reference: 200125592 116746

Auditor's Parcel Numbers: 45-005-00-00-015-000; 116747  
45-005-00-00-016-000 116748

(B) The foregoing description may be adjusted by the 116749  
Department of Administrative Services to accommodate any 116750  
corrections necessary to facilitate recordation of the deed. 116751

(C) Consideration for the conveyance is to be acceptable to 116752  
the Board of Trustees of Kent State University. The net proceeds 116753  
of any sale of real estate described above shall be paid to Kent 116754  
State University and deposited in university accounts for purposes 116755

to be determined by the Board of Trustees. 116756

(D) The Auditor of State, with the assistance of the Attorney 116757  
General, shall prepare the deed to real estate upon notification 116758  
by the University. The deed shall state the consideration and 116759  
shall be executed by the Governor in the name of the state, 116760  
countersigned by the Secretary of State, sealed with the Great 116761  
Seal of the State, presented in the Office of the Auditor of State 116762  
for recording, and delivered to the grantee. The grantee shall 116763  
present the deed for recording in the Office of the Portage County 116764  
Recorder. 116765

(E) The grantee shall pay the costs of the conveyance 116766  
including county recording fees. 116767

(F) This section expires three years after its effective 116768  
date. 116769

**Section 753.50.** (A) The Governor is authorized to execute a 116770  
deed or deeds in the name of the state conveying to a grantee or 116771  
grantees acceptable to the Board of Trustees of Kent State 116772  
University, all of the state's right, title, and interest in all 116773  
or part of the following described parcels of real estate: 116774

DESCRIPTION OF 42.95 ACRES. 116775

Situated in the Township of Brimfield, County of Portage, 116776  
State of Ohio, being part of Lot 14 in said Township and bounded 116777  
and described as follows: 116778

Beginning at a point at the intersection of the centerlines 116779  
of T.H. 91 Sherman Road and relocated State Route 43; 116780

Thence along the centerline of relocated State Route 43, 116781  
deflecting to the left along the arc of a circular curve having a 116782  
delta of 04deg 41' 30", a radius of 5370.08 feet, a chord of 116783  
439.61 feet and a chord bearing of N01 deg 44' 29" W, a distance 116784  
of 439.73 feet to a 1' "ODOT" iron pin in a monument box found at 116785

a point of compound curve in said centerline; 116786

Thence continuing along the centerline of relocated State 116787  
Route 43, deflecting to the left along the arc of a circular curve 116788  
having a delta of 03deg 07' 03", a radius of 1041.74 feet, a chord 116789  
of 56.67 feet and a chord bearing of N05 deg 38' 40" W, a distance 116790  
of 56.68 feet to a point; 116791

Thence N89deg 35' 17"E a distance of 45.31 feet to a 5/8" 116792  
iron rod set in the east R/W line of relocated State Route 43, at 116793  
the northwest corner of land now or formerly owned by C. & P. 116794  
Battaglia (Vol.1049 Pg.23), which marks the true place of 116795  
beginning for the following described parcel of land; 116796

Thence along the east R/W line of relocated State Route 43 116797  
deflecting to the left along the arc of a circular curve having a 116798  
delta of 06deg 41' 18", a radius of 1086.74 feet, a chord of 116799  
126.79 feet and a chord bearing of N10deg 16' 04"W, a distance of 116800  
126.86 feet to a 5/8" iron rod set; 116801

Thence continuing along the east R/W line of relocated State 116802  
Route 43 N04deg 04' 51"W a distance of 72.87 feet to a 5/8" iron 116803  
rod set; 116804

Thence continuing along the east R/W line of relocated State 116805  
Route 43 N30deg 37' 58"W a distance of 55.40 feet to a 5/8" iron 116806  
rod set in the north line of Lot 14; 116807

Thence N89deg 46' 54"E along the north line of Lot 14 a 116808  
distance of 730.33 feet to a 3" iron pipe found at the northwest 116809  
corner of land now or formerly owned by M.E. Davis (O.R.75 116810  
Pg.416); 116811

Thence S00deg 21' 59"E along the west line of said Davis a 116812  
distance of 243.04 feet to a point at the northeast corner of the 116813  
aforementioned Battaglia; 116814

Thence S89deg 35' 17"W along the north line of said Battaglia 116815



(passing over a 5/8" iron rod set at 20.00 feet) a distance of 116816  
675.88 feet to the true place of beginning, containing 3.9011 116817  
acres of land, more or less, as surveyed and described September 116818  
10, 2007 by Rob A. Szuch Registered Professional Surveyor No. 7288 116819

Deed Reference: 200721120 116820

Auditor's Parcel Numbers: 04-014-00-00-019-000 and 116821  
04-014-00-00-019-001 116822

DESCRIPTION OF 39.05 ACRES. 116823

PARCEL I: Situated in the Township of Brimfield, County of 116824  
Portage and State of Ohio: And being a parcel of land in Township 116825  
Lot No. 14, and bounded and described as follows: Beginning at a 116826  
tile in the Northeast corner of Township Lot No. 14, which is the 116827  
Northeast corner of the grantor's property; thence along the East 116828  
line of Lot No. 14, and the grantor's East property line, South 116829  
00° 15' 04" East, 768.03 feet to a marked stone at the grantor's 116830  
Southeast corner; thence along the grantor's South property line 116831  
North 89° 59' 29" West, 636.99 feet to an iron pipe; thence 116832  
through the grantor's property North 00° 31" East, 769.36 feet to 116833  
an iron pipe on the North line of Lot No. 14, and the grantor's 116834  
North line; thence South 89° 52' 15" East, 633.51' to the place of 116835  
beginning and containing 11.21 acres of land. Surveyed by Marvin 116836  
F. Stevens, Reg. Surveyor No. 260. And also that portion of 116837  
vacated T. H. 91-B, Resolution No. 4416 dated 8/26/55 in Volume 116838  
10, Page 50. 116839

PARCEL II: Situated in the Township of Brimfield, County of 116840  
Portage and State of Ohio, and being a parcel of land in Township 116841  
Lot No. 5, and bounded and described as follows: Beginning at a 116842  
tile at the Southeast corner of Lot No. 5; thence along the South 116843  
line of Lot No. 5, North 89° 52' 17" West, 1723.10' to the center 116844  
of S.R.#43; thence along the center of S.R.#43, North 30° 12' 116845  
West, 368.26 feet; thence South 89° 52' East, 485.97 feet to an 116846

iron pipe; thence North 3° 33' West. 454.06 feet to an iron pipe; 116847  
thence South 89° 52' 17" East, 1447.31 feet to an iron pipe; 116848  
thence South 0° 14' 39" East, along the East line of Lot No. 5, 116849  
771.03 feet to the place of beginning, containing 28.163 acres of 116850  
land. Surveyed by Marvin F. Stevens, Reg. Surveyor No. 260. 116851

Deed Reference: 2001123211 116852

Auditor's Parcel Numbers: 04-005-00-00-35-001 and 116853  
04-014-00-00-028-000 116854

(B) The foregoing description may be adjusted by the 116855  
Department of Administrative Services to accommodate any 116856  
corrections necessary to facilitate recordation of the deed. 116857

(C) Consideration for the conveyance is to be acceptable to 116858  
the Board of Trustees of Kent State University. The net proceeds 116859  
of any sale of real estate described above shall be paid to Kent 116860  
State University and deposited in university accounts for purposes 116861  
to be determined by the Board of Trustees. 116862

(D) The Auditor of State, with the assistance of the Attorney 116863  
General, shall prepare the deed to real estate upon notification 116864  
by the University. The deed shall state the consideration and 116865  
shall be executed by the Governor in the name of the state, 116866  
countersigned by the Secretary of State, sealed with the Great 116867  
Seal of the State, presented in the Office of the Auditor of State 116868  
for recording, and delivered to the grantee. The grantee shall 116869  
present the deed for recording in the Office of the Portage County 116870  
Recorder. 116871

(E) The grantee shall pay the costs of the conveyance 116872  
including county recording fees. 116873

(F) This section expires three years after its effective 116874  
date. 116875

**Section 755.10.** DIESEL EMISSIONS REDUCTION GRANT PROGRAM 116876

There is hereby established in the Highway Operating Fund 116877  
(Fund 7002), used by the Department of Transportation, a Diesel 116878  
Emissions Reduction Grant Program. The Director of Environmental 116879  
Protection shall administer the program and shall solicit, 116880  
evaluate, score, and select projects submitted by public and 116881  
private entities that are eligible for the federal Congestion 116882  
Mitigation and Air Quality (CMAQ) Program. The Director of 116883  
Transportation shall process Federal Highway 116884  
Administration-approved projects as recommended by the Director of 116885  
Environmental Protection. 116886

In addition to the allowable expenditures set forth in 116887  
section 122.861 of the Revised Code, Diesel Emissions Reduction 116888  
Grant Program funds also may be used to fund projects involving 116889  
the purchase or use of hybrid and alternative fuel vehicles that 116890  
are allowed under guidance developed by the Federal Highway 116891  
Administration for the CMAQ Program. 116892

Public entities eligible to receive funds under section 116893  
122.861 of the Revised Code and CMAQ shall be reimbursed from 116894  
moneys in Fund 7002 designated for the Department of 116895  
Transportation's Diesel Emissions Reduction Grant Program. 116896

Private entities eligible to receive funds under section 116897  
122.861 of the Revised Code and CMAQ shall be reimbursed, at the 116898  
direction of the local public agency sponsor and upon approval of 116899  
the Department of Transportation, through direct payments. These 116900  
reimbursements shall be made from moneys in Fund 7002 designated 116901  
for the Department of Transportation's Diesel Emissions Reduction 116902  
Grant Program. Total expenditures from Fund 7002 for the Diesel 116903  
Emissions Reduction Grant Program shall not exceed \$10,000,000 in 116904  
both fiscal year 2020 and fiscal year 2021. 116905

Any allocations under this section represent CMAQ program 116906  
moneys within the Department of Transportation for use by the 116907  
Diesel Emissions Reduction Grant Program by the Environmental 116908

Protection Agency. These allocations shall not reduce the amount 116909  
of such moneys designated for metropolitan planning organizations. 116910

The Director of Environmental Protection, in consultation 116911  
with the Director of Transportation, shall develop guidance for 116912  
the distribution of funds and for the administration of the Diesel 116913  
Emissions Reduction Grant Program. The guidance shall include a 116914  
method of prioritization for projects, acceptable technologies, 116915  
and procedures for awarding grants. 116916

**Section 757.10.** The amendment or enactment by this act of 116917  
sections 3742.50, 5747.08, and 5747.26 of the Revised Code applies 116918  
to taxable years beginning on or after January 1, 2020. 116919

**Section 757.30. BUSINESS INCENTIVE TAX CREDITS** 116920

In order to facilitate an understanding of business incentive 116921  
tax credits, as defined in section 107.036 of the Revised Code, 116922  
the following table provides an estimate of the amount of credits 116923  
that may be authorized in each fiscal year of the 2020-2021 116924  
biennium, an estimate of the credits expected to be claimed in 116925  
each fiscal year of that biennium, and an estimate of the amount 116926  
of credits authorized that will remain outstanding at the end of 116927  
that biennium. In totality, this table provides an estimate of the 116928  
state revenue forgone due to business incentive tax credits in the 116929  
2020-2021 biennium and future biennia. 116930

Biennial Business Incentive Tax Credit Estimates 116931

Estimate of total value of tax credits authorized	Estimate of tax credits issued/claimed	Expected Outstanding credits	116933
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(All figures in 116934  
thousands of dollars)

116935

Tax	FY 2020	FY 2021	FY 2020	FY 2021	End of	116936
Credit					Biennium	116937
Job	\$105,000	\$105,000	\$109,000	\$105,000	\$700,000	116938
Creation						
Tax						
Credit*						116939
Job	\$ 0	\$ 0	\$44,818	\$42,985	\$153,161	116940
Retention						
Tax						
Credit						116941
Historic	\$60,000	\$60,000	\$65,000	\$70,000	\$175,000	116942
Preservation						
Tax						
Credit						116943
Motion	\$40,000	\$40,000	\$50,000	\$45,000	\$95,000	116944
Picture						
Tax						
Credit						116945
New	\$10,000	\$10,000	\$9,282	\$9,667	\$48,038	116946
Markets						
Tax						
Credit						116947
R&D Loan	\$1,500	\$1,500	\$2,606	\$2,100	\$12,525	116948
Tax						
Credit						116949
InvestOhio	\$4,000	\$3,500	\$2,500	\$2,000	\$4,500	116950

Tax							
Credit							116951
Ohio	\$0	\$0	\$0	\$0	\$45,000		116952
Rural							
Business							116953
Estimate	\$220,500	\$220,000	\$283,206	\$276,751	\$1,233,224		116954
Total							

\*The Job Creation Tax Credit (JCTC) estimate of credits outstanding is not just for tax credit certificates already issued, but also for the estimated potential value of certificates to be issued under the program through 2035 when looking at the existing portfolio of approved and active incentives. The estimate assumes that the companies receiving credits will continue to meet the performance objectives required to continue receiving the credit.

**Section 757.40.** (A) As used in this section:

(1) "Certificate owner" and "qualified rehabilitation expenditures" have the same meanings as in section 149.311 of the Revised Code.

(2) "Taxpayer," "tax period," "excluded person," "combined taxpayer," and "consolidated elected taxpayer," have the same meanings as in section 5751.01 of the Revised Code.

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

(B) A taxpayer that is the certificate owner of a rehabilitation tax credit certificate issued under section 149.311 of the Revised Code may claim a credit against the tax levied by section 5751.02 of the Revised Code for tax periods ending on or before June 30, 2021, provided that the taxpayer is unable to

claim the credit under section 5725.151, 5725.34, 5726.52, 116977  
5729.17, or 5747.76 of the Revised Code. 116978

The credit shall equal the lesser of twenty-five per cent of 116979  
the dollar amount of the qualified rehabilitation expenditures 116980  
indicated on the certificate or five million dollars. The credit 116981  
shall be claimed for the calendar year specified in the 116982  
certificate and after the credits authorized in divisions (A)(1) 116983  
to (4) of section 5751.98 of the Revised Code, but before the 116984  
credits authorized in divisions (A)(5) to (7) of that section. 116985

If the credit allowed for any calendar year exceeds the tax 116986  
otherwise due under section 5751.02 of the Revised Code, after 116987  
allowing for any other credits preceding the credit in the order 116988  
prescribed by this section, the excess shall be refunded to the 116989  
taxpayer. However, if any amount of the credit is refunded, the 116990  
sum of the amount refunded and the amount applied to reduce the 116991  
tax otherwise due for that year shall not exceed three million 116992  
dollars. The taxpayer may carry forward any balance of the credit 116993  
in excess of the amount claimed for that year for not more than 116994  
five calendar years after the calendar year specified in the 116995  
certificate, and shall deduct any amount claimed in any such year 116996  
from the amount claimed in an ensuing year. 116997

A person that is an excluded person may file a return under 116998  
section 5751.051 of the Revised Code for the purpose of claiming 116999  
the credit authorized in this section. 117000

If the certificate owner is a pass-through entity, the credit 117001  
may not be allocated among the entity's owners in proportions or 117002  
amounts as the owners mutually agree unless either the owners are 117003  
part of the same combined or consolidated elected taxpayer as the 117004  
pass-through entity or the director of development services issued 117005  
the certificate in the name of the pass-through entity's owners in 117006  
the agreed-upon proportions or amounts. If the credit is allocated 117007  
among those owners, an owner may claim the credit authorized in 117008

this section only if that owner is a corporation or an association 117009  
taxed as a corporation for federal income tax purposes and is not 117010  
a corporation that has made an election under Subchapter S of 117011  
Chapter 1 of Subtitle A of the Internal Revenue Code. 117012

The credit authorized in this section may be claimed only on 117013  
the basis of a rehabilitation tax credit certificate with an 117014  
effective date after December 31, 2013, but before June 30, 2021. 117015

A person claiming a credit under this section shall retain 117016  
the rehabilitation tax credit certificate for four years following 117017  
the end of the latest calendar year in which the credit was 117018  
applied, and shall make the certificate available for inspection 117019  
by the tax commissioner upon request. 117020

**Section 757.70.** The amendment by this act of section 5747.10 117021  
of the Revised Code applies to federal adjustments with a final 117022  
determination date of October 1, 2019, or thereafter. 117023

**Section 757.80.** The amendment or enactment by this act of 117024  
portions of section 5743.62 of the Revised Code other than those 117025  
pertaining to the taxation of vapor products and of sections 117026  
5741.01, 5741.04, 5741.05, 5741.07, 5741.071, 5741.11, 5741.13, 117027  
and 5741.17 of the Revised Code applies on and after the first day 117028  
of the first month beginning on or after the effective date of 117029  
this section. 117030

**Section 757.90.** The amendment by this act of sections 117031  
5709.084 and 5709.17 of the Revised Code applies to tax year 2019 117032  
and every tax year thereafter. 117033

**Section 757.140.** The amendment by this act of sections 117034  
122.175, 5739.01, 5739.011, 5739.02, 5739.03, and 5739.05 of the 117035  
Revised Code applies on and after October 1, 2019. 117036



**Section 757.150.** (A) The amendment by this act of section 117037  
323.151 of the Revised Code applies to section 323.152 of the 117038  
Revised Code for tax year 2020 and every tax year thereafter and 117039  
to section 4503.065 of the Revised Code for tax year 2021 and 117040  
every tax year thereafter. 117041

(B) Except as provided in division (C) of this section, the 117042  
amendment or repeal by this act of sections 5747.01, 5747.02, 117043  
5747.022, 5747.025, 5747.05, 5747.054, 5747.055, 5747.06, 5747.29, 117044  
5747.65, and 5748.01 of the Revised Code applies to taxable years 117045  
beginning on or after January 1, 2019. 117046

(C) The amendment by this act of divisions (A)(31), (B), and 117047  
(HH) of section 5747.01 of the Revised Code applies to taxable 117048  
years beginning on or after January 1, 2020. 117049

**Section 757.160.** The Tax Commissioner shall not make 117050  
adjustments in 2019 to the income amounts in divisions (A)(2) and 117051  
(3) of section 5747.02 of the Revised Code, as otherwise required 117052  
by division (A)(5) of that section or the personal exemption 117053  
amounts prescribed in division (A) of section 5747.025 of the 117054  
Revised Code. 117055

**Section 757.200.** The amendment by this act of section 5727.75 117056  
of the Revised Code applies to tax years beginning on or after 117057  
January 1, 2019. 117058

**Section 757.210.** The amendment by this act of section 323.131 117059  
of the Revised Code applies on and after January 1, 2021. 117060

**Section 757.220.** The amendment by this act of section 718.01 117061  
of the Revised Code applies to municipal taxable years beginning 117062  
on or after January 1, 2020. 117063

The amendment by this act of section 718.80 of the Revised 117064

Code applies to municipal taxable years beginning on or after 117065  
January 1, 2019. 117066

**Section 757.230.** The amendment by this act of section 5747.50 117067  
of the Revised Code applies on and after the first day of the 117068  
first month beginning on or after the effective date of this 117069  
section. 117070

**Section 757.240.** (A) The repeal by this act of section 117071  
5747.081 of the Revised Code applies to taxable years beginning on 117072  
or after January 1, 2019. 117073

(B) Notwithstanding the repeal by this act of section 3517.16 117074  
of the Revised Code, the Ohio political party fund shall be held 117075  
open in the state treasury and continue to receive money from 117076  
individuals exercising the checkoff option on a state income tax 117077  
return until such time as the Commissioner determines that all or 117078  
substantially all of the checkoff contributions for taxable years 117079  
beginning before January 1, 2019, have been received by the fund, 117080  
or January 1, 2020, whichever is earlier. At such time, the 117081  
remaining balance of the fund shall be distributed in accordance 117082  
with division (B) of section 3517.16 of the Revised Code, as the 117083  
section existed before its repeal by this act. The auditor of 117084  
state shall submit the report described in division (B)(1) of 117085  
section 3517.16 of the Revised Code, as the section existed before 117086  
its repeal by this act, annually until the Ohio political party 117087  
fund is dissolved. After the Ohio political party fund is 117088  
dissolved, all checkoff contributions the fund would have 117089  
otherwise received shall be credited to the General Revenue Fund. 117090

(C) The repeal by this act of section 3517.17 of the Revised 117091  
Code applies on and after the day that the Ohio political party 117092  
fund is dissolved under division (B) of this section and all 117093  
moneys have been distributed by the Commissioner, and by the 117094

treasurers of the state executive committees of the major 117095  
political parties in the manner required by that section. 117096

(D) The use of any money received by a political party from 117097  
the Ohio political party fund before, or immediately following its 117098  
dissolution is subject to the limitations prescribed by section 117099  
3517.18 of the Revised Code as that section existed before its 117100  
repeal by this act. 117101

(E) The amendment by this act of section 5747.03 of the 117102  
Revised Code applies on and after the day the Ohio political party 117103  
fund is dissolved under division (B) of this section. 117104

**Section 757.250.** (A) The amendment of division (B) of section 117105  
122.85 of the Revised Code, requiring the Director of Development 117106  
Services to rescind certification of any tax credit-eligible 117107  
production that does not begin production within ninety days, 117108  
applies to motion picture and Broadway theatrical productions that 117109  
are certified on or after the effective date of this section. 117110

(B) The amendment by this act of division (C)(5) of section 117111  
122.85 of the Revised Code concerning the times during which tax 117112  
credits are awarded and requiring the Director to rank 117113  
applications based on the economic and workforce development 117114  
impact of the productions applies to fiscal years beginning on or 117115  
after the effective date of this section. 117116

(C) The Director of Development Services in consultation with 117117  
the Tax Commissioner shall adopt rules for the administration of 117118  
section 122.85 of the Revised Code, as amended by this act, 117119  
pursuant to division (G)(1) of that section on or before the first 117120  
day of the first fiscal year that begins on or after the effective 117121  
date of this section, or as soon thereafter as otherwise permitted 117122  
by law. 117123

(D) Any person to whom the right to claim a credit has been 117124

lawfully transferred pursuant to division (H) of section 122.85 of 117125  
the Revised Code before the effective date of that division's 117126  
amendment by this act is a certificate owner for the purpose of 117127  
that section on and after that effective date. 117128

(E) All other amendments by this act of sections 107.036, 117129  
122.85, 5726.98, 5733.98, 5747.98, and 5751.98 of the Revised Code 117130  
apply on and after the effective date of this section. 117131

(F) The Director of Development Services shall rescind 117132  
certification of a motion picture that was certified as a tax 117133  
credit-eligible production under section 122.85 of the Revised 117134  
Code before the effective date of this section if the production 117135  
of that motion picture has not begun on or before the effective 117136  
date of this section or within one year of the date the production 117137  
was certified, whichever is later. 117138

**Section 757.260.** (A) As used in this section, "vapor 117139  
distributor," "vapor products," and "tobacco products" have the 117140  
same meanings as in section 5743.01 of the Revised Code. 117141

(B) Notwithstanding division (B) of section 5743.61 of the 117142  
Revised Code, a vapor distributor that is not in the business of 117143  
distributing tobacco products shall apply for the license 117144  
described in division (A)(1) of that section on or before 117145  
September 30, 2019, or on the day preceding the first day the 117146  
vapor distributor engages in the business of distributing vapor 117147  
products within this state, whichever is later. The initial vapor 117148  
products license issued under this section shall be valid until 117149  
January 31, 2021, or, if it is issued after that date, the last 117150  
day of January of the ensuing calendar year. 117151

(C) Licenses issued under this section are subject to the 117152  
same rules, fees, and procedures as licenses issued under section 117153  
5743.61 of the Revised Code, and may be suspended by the Tax 117154  
Commissioner under division (D) of that section. 117155

(D) A vapor distributor holding an active license to 117156  
distribute tobacco products on October 1, 2019, may distribute 117157  
vapor products without obtaining a separate license under this 117158  
section. 117159

**Section 757.270.** The amendment by this act of portions of 117160  
section 5743.62 of the Revised Code pertaining to the taxation of 117161  
vapor products and of sections 1346.04, 5743.01, 5743.025, 117162  
5743.03, 5743.14, 5743.20, 5743.41, 5743.44, 5743.51, 5743.52, 117163  
5743.53, 5743.54, 5743.55, 5743.59, 5743.60, 5743.61, 5743.63, and 117164  
5743.66 of the Revised Code applies to invoices dated on or after 117165  
October 1, 2019. 117166

The amendment by this act of section 5743.64 of the Revised 117167  
Code applies on and after July 1, 2020. 117168

Notwithstanding the first paragraph of this section, 117169  
manufacturers and importers of vapor products shall register with 117170  
the Tax Commissioner under section 5743.66 of the Revised Code, as 117171  
amended by this act, beginning on July 1, 2020. 117172

**Section 757.281.** Divisions (B)(1) and (C) of section 5703.263 117173  
of the Revised Code, as enacted by this act, concerning the 117174  
inclusion of a tax return preparer's signature and federal tax 117175  
identification number on returns and notices and penalties 117176  
relating to a tax return preparer's failure to do so or engagement 117177  
in other prohibited conduct, apply on and after January 1, 2020. 117178

**Section 757.291.** The amendment or enactment by this act of 117179  
sections 5709.40, 5709.41, 5709.51, 5709.73, and 5709.78 of the 117180  
Revised Code concerning the extension of certain tax increment 117181  
financing property tax exemptions applies to resolutions or 117182  
ordinances adopted under any of those sections for an exemption 117183  
that is in effect for the tax year that includes or begins after 117184  
the effective date of those amendments and enactments. 117185

**Section 757.301.** The amendment by this act of division (C) of section 5739.01 of the Revised Code is remedial in nature and clarifies the status of vendors under Chapter 5739. of the Revised Code and does not change the existing application of that chapter.

**Section 757.311.** A resolution adopted by a board of county commissioners under section 351.02 of the Revised Code that creates a convention facilities authority is subject to referendum as prescribed by sections 305.31 to 305.99 of the Revised Code if the resolution creating the convention facilities authority is adopted between July 1, 2019, and December 31, 2019, and the petition initiating the referendum is filed with the county auditor within ninety days after the resolution is adopted. If, pursuant to those procedures, a referendum is to be held, the board's resolution creating the convention facilities authority does not take effect until approved by a majority of electors voting on the question. If the convention facilities authority adopts a resolution levying the tax authorized by division (C)(3) of section 351.021 of the Revised Code before the election, the authority's resolution shall not take effect unless the board's resolution is approved at the election. If the board's resolution is approved at the election, the authority's resolution shall take effect on the first day of the first month that begins at least thirty days following the date of the election, unless a later date is specified in the authority's resolution.

**Section 757.331.** The amendment by this act of sections 5739.021, 5739.023, and 5739.026 of the Revised Code applies on and after October 1, 2019.

**Section 757.340.** As used in this section, "qualified property" means any property that satisfies the qualifications for tax exemption under the terms of section 5709.08 of the Revised

Code and that is owned by a municipal corporation that, within the 117216  
preceding twenty-five years, (A) was part of an area subject to a 117217  
federal disaster declaration on the basis of severe storms or 117218  
flooding and (B) following that declaration, obtained the title to 117219  
one or more parcels pursuant to the terms of a hazard mitigation 117220  
grant from the Federal Emergency Management Agency. 117221

Notwithstanding section 5713.081 of the Revised Code, when 117222  
qualified property has not received tax exemption due to a failure 117223  
to comply with Chapter 5713. or section 5715.27 of the Revised 117224  
Code, the municipal corporation that owns the property, at any 117225  
time on or before twelve months after the effective date of this 117226  
act, may file with the Tax Commissioner an application requesting 117227  
that the property be placed on the tax-exempt list and that all 117228  
unpaid taxes, penalties, and interest on the property be abated. 117229

The application shall be made on the form prescribed by the 117230  
Commissioner under section 5715.27 of the Revised Code and shall 117231  
list the name of the county in which the property is located; the 117232  
property's parcel number or legal description; its assessed value; 117233  
the amount in dollars of the unpaid taxes, penalties, and 117234  
interest; and any other information required by the Commissioner. 117235  
The county auditor shall supply the required information upon 117236  
request of the applicant. 117237

After receiving and considering the application, the 117238  
Commissioner shall determine if the applicant meets the 117239  
qualifications set forth in this section. If so, the Commissioner 117240  
shall issue an order directing that the property be placed on the 117241  
tax-exempt list of the county and that all unpaid taxes, 117242  
penalties, and interest be abated. If the Commissioner finds that 117243  
the property is not now being used for an exempt purpose or is 117244  
otherwise ineligible for abatement of taxes, penalties, and 117245  
interest under this section, the Commissioner shall issue an order 117246  
denying the application. 117247

If the Commissioner finds that the property is not entitled 117248  
to tax exemption and to the abatement of unpaid taxes, penalties, 117249  
and interest, the Commissioner shall order the county treasurer of 117250  
the county in which the property is located to collect all taxes, 117251  
penalties, and interest due on the property for those years in 117252  
accordance with law. 117253

The Commissioner may apply this section to any qualified 117254  
property that is the subject of an application for exemption 117255  
pending before the Commissioner on the effective date of this 117256  
section without requiring the property owner to file an additional 117257  
application. 117258

**Section 757.350.** The amendment or enactment by this act of 117259  
sections 319.302, 323.155, 323.16, and 323.18 of the Revised Code 117260  
applies to tax year 2019 and thereafter. 117261

**Section 757.360.** The amendment by this act of section 5726.04 117262  
of the Revised Code applies to tax years beginning on or after 117263  
January 1, 2020. 117264

**Section 806.10. SEVERABILITY** 117265

The items of law contained in this act, and their 117266  
applications, are severable. If any item of law contained in this 117267  
act, or if any application of any item of law contained in this 117268  
act, is held invalid, the invalidity does not affect other items 117269  
of law contained in this act and their applications that can be 117270  
given effect without the invalid item of law or application. 117271

**Section 809.10. NO EFFECT AFTER END OF BIENNIUM** 117272

An item of law, other than an amending, enacting, or 117273  
repealing clause, that composes the whole or part of an uncodified 117274  
section contained in this act has no effect after June 30, 2021, 117275



unless its context clearly indicates otherwise. 117276

**Section 812.10.** SUBJECT TO REFERENDUM 117277

Except as otherwise provided in this act, the amendment, 117278  
enactment, or repeal by this act of a section is subject to the 117279  
referendum under Ohio Constitution, Article II, section 1c and 117280  
therefore takes effect on the ninety-first day after this act is 117281  
filed with the Secretary of State or, if a later effective date is 117282  
specified below, on that date. 117283

The amendment by this act of section 1509.50 of the Revised 117284  
Code takes effect January 1, 2020. 117285

The amendment by this act of sections 5165.21 and 5165.361 of 117286  
the Revised Code takes effect July 1, 2021. 117287

**Section 812.12.** (A) The amendment by this act to division (B) 117288  
of section 5165.15 of the Revised Code takes effect July 1, 2021. 117289

(B) The amendment by this act to section 5165.15 of the 117290  
Revised Code that adds a division (E) to that section takes effect 117291  
on the ninety-first day after this act is filed with the Secretary 117292  
of State. 117293

**Section 812.15.** The amendment by this act of section 4549.65 117294  
and the enactment of sections 4516.01, 4516.02, 4516.03, 4516.04, 117295  
4516.05, 4516.06, 4516.07, 4516.08, 4516.09, 4516.10, 4516.11, 117296  
4516.12, and 4516.13 of the Revised Code takes effect on the one 117297  
hundred eighty-first day after this act is filed with the 117298  
Secretary of State. 117299

**Section 812.20.** The amendment, new enactment, or repeal by 117300  
this act of the sections listed below is exempt from the 117301  
referendum under section 1d of Article II, Ohio Constitution, and 117302  
therefore takes effect immediately when this act becomes law or, 117303

if a later effective date is specified below, on that date. 117304

The amendment by this act of sections 122.175, 321.24, 117305  
718.83, 718.85, 718.90, 3311.78, 3311.79, 3314.35, 3314.351, 117306  
3317.141, 3319.283, 3326.13, 4301.43, 5739.01, 5739.011, 5739.02, 117307  
5741.01, 5741.04, 5741.05, 5741.07, 5741.071, 5741.11, 5741.13, 117308  
5741.17, 5743.01, 5743.025, 5743.14, 5743.20, 5743.41, 5743.44, 117309  
5743.51, 5743.52, 5743.53, 5743.54, 5743.55, 5743.59, 5743.60, 117310  
5743.61, 5743.62, 5743.63, 5743.66, 5745.05, 5747.50, and 5751.02 117311  
of the Revised Code; the repeal by this act of section 3319.074 of 117312  
the Revised Code; and the enactment of Sections 757.80, 757.140, 117313  
757.160, 757.230, 757.260, 757.270, and 757.331 of this act. 117314

The amendment of sections 5168.60, 5168.61, 5168.63, and 117315  
5168.64 of the Revised Code, the new enactment of section 5168.62 117316  
of the Revised Code, and the repeal of section 5168.62 of the 117317  
Revised Code by this act take effect July 1, 2019. 117318

**Section 812.23.** Sections of this act prefixed with numbers in 117319  
the 200s, 300s, 400s, and 500s (except the 501s) are exempt from 117320  
the referendum under Ohio Constitution, Article II, Section 1d, 117321  
and therefore take immediate effect when this act becomes law. 117322

**Section 812.30.** The sections that are listed in the left-hand 117323  
column of the following table combine amendments by this act that 117324  
are and that are not exempt from the referendum under Ohio 117325  
Constitution, Article II, sections 1c and 1d and section 1.471 of 117326  
the Revised Code. 117327

The middle column identifies the amendments to the listed 117328  
sections that are subject to the referendum under Ohio 117329  
Constitution, Article II, section 1c and therefore take effect on 117330  
the ninety-first day after this act is filed with the Secretary of 117331  
State or, if a later effective date is specified, on that date. 117332

The right-hand column identifies the amendments to the listed sections that are exempt from the referendum under Ohio Constitution, Article II, section 1d and section 1.471 of the Revised Code and therefore take effect immediately when this act becomes law or, if a later effective date is specified, on that date.

Section of law	Amendments subject to referendum	Amendments exempt from referendum	
3314.017	All amendments except as described in the right-hand column	The amendments to divisions (C) and (I) take effect immediately when this bill becomes law	117339 117340

**Section 815.10.** The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the following sections, presented in this act as composites of the sections as amended by the acts indicated, are the resulting versions of the sections in effect prior to the effective date of the sections as presented in this act:

Section 109.572 of the Revised Code as amended by Am. Sub. H.B. 49, Sub. H.B. 199, Sub. H.B. 213, Am. Sub. S.B. 51, Sub. S.B. 229, Am. Sub. S.B. 255, and Sub. S.B. 263, all of the 132nd General Assembly.

Section 133.18 of the Revised Code as amended by both Am. Sub. H.B. 48 of the 128th General Assembly and Am. Sub. H.B. 153 of the 129th General Assembly.

Section 149.43 of the Revised Code as amended by Am. Sub. H.B. 8, Sub. H.B. 34, Sub. H.B. 139, Sub. H.B. 312, Sub. H.B. 341, Sub. H.B. 425, Am. Sub. S.B. 201, Am. S.B. 214, and Sub. S.B. 229,

all of the 132nd General Assembly.	117359
Section 321.24 of the Revised Code as amended by both Sub. S.B. 353 of the 127th General Assembly and Am. Sub. H.B. 1 of the 128th General Assembly.	117360 117361 117362
Section 718.01 of the Revised Code as amended by both Am. Sub. H.B. 49 and Sub. H.B. 133 of the 132nd General Assembly.	117363 117364
Section 1739.05 of the Revised Code as amended by Sub. H.B. 156, Sub. S.B. 259, and Sub. S.B. 265, all of the 132nd General Assembly.	117365 117366 117367
Section 2925.01 of the Revised Code as amended by Am. Sub. H.B. 49, Am. Sub. S.B. 1, Am. Sub. S.B. 201, Sub. S.B. 229, Am. Sub. S.B. 255, and Sub. S.B. 259, all of the 132nd General Assembly.	117368 117369 117370 117371
Section 2929.13 of the Revised Code as amended by Sub. H.B. 63, Am. Sub. S.B. 1, Sub. S.B. 20, Am. Sub. S.B. 66, and Am. Sub. S.B. 201, all of the 132nd General Assembly.	117372 117373 117374
Section 2929.15 of the Revised Code as amended by both Am. Sub. S.B. 66 and Am. Sub. S.B. 201 of the 132nd General Assembly.	117375 117376
Section 3119.30 of the Revised Code as amended by both Sub. S.B. 70 and Sub. H.B. 366 of the 132nd General Assembly.	117377 117378
Section 3301.0711 of the Revised Code as amended by both Sub. H.B. 21 and Am. Sub. S.B. 216 of the 132nd General Assembly.	117379 117380
Section 3302.03 of the Revised Code as amended by Sub. H.B. 318 and Am. Sub. S.B. 216 of the 132nd General Assembly.	117381 117382
Section 3314.08 of the Revised Code as amended by Sub. H.B. 87 and Am. Sub. S.B. 216 of the 132nd General Assembly.	117383 117384
Section 3317.03 of the Revised Code as amended by Sub. H.B. 113 and Sub. H.B. 158 of the 131st General Assembly.	117385 117386
Section 3328.24 of the Revised Code as amended by both Am.	117387

Sub. H.B. 410 and Sub. S.B. 3 of the 131st General Assembly.	117388
Section 3501.01 of the Revised Code as amended by both Am.	117389
Sub. H.B. 64 and Am. H.B. 153 of the 131st General Assembly.	117390
Section 3501.05 of the Revised Code as amended by both Am.	117391
Sub. S.B. 109 and Sub. S.B. 205 of the 130th General Assembly.	117392
Section 3501.22 of the Revised Code as amended by both Am.	117393
Sub. S.B. 109 and Sub. S.B. 216 of the 130th General Assembly.	117394
Section 3517.99 of the Revised Code as amended by both Am.	117395
Sub. H.B. 99 and Am. Sub. S.B. 9 of the 121st General Assembly.	117396
Section 4730.14 of the Revised Code as amended by both Sub.	117397
S.B. 110 and Am. Sub. H.B. 64 of the 131st General Assembly.	117398
Section 4730.25 of the Revised Code as amended by Am. Sub.	117399
H.B. 64 and Sub. S.B. 110 of the 131st General Assembly and Am.	117400
Sub. H.B. 394 and Am. Sub. S.B. 276 of the 130th General Assembly.	117401
Section 4735.09 of the Revised Code as amended by both Sub.	117402
H.B. 113 and Am. H.B. 532 of the 131st General Assembly.	117403
Section 5162.01 of the Revised Code as amended by both Sub.	117404
H.B. 89 and Sub. S.B. 332 of the 131st General Assembly.	117405
Section 5705.218 of the Revised Code as amended by both Am.	117406
Sub. H.B. 59 and Sub. H.B. 167 of the 130th General Assembly.	117407
Section 5709.40 of the Revised Code as amended by both Am.	117408
Sub. S.B. 257 of the 131st General Assembly and Sub. H.B. 69 of	117409
the 132nd General Assembly.	117410
Section 5709.41 of the Revised Code as amended by both Am.	117411
Sub. H.B. 508 and Am. Sub. H.B. 509 of the 129th General Assembly.	117412
Section 6111.03 of the Revised Code as amended by both Am.	117413
S.B. 2 and Am. Sub. H.B. 49 of the 132nd General Assembly.	117414
Section 221.13 of H.B. 529 of the 132nd General Assembly as	117415
amended by both Sub. H.B. 292 and Am. Sub. S.B. 299 of the 132nd	117416

General Assembly.	117417
<b>Section 815.30.</b> (A)(1) Section 149.45 of the Revised Code is presented below without amendment to confirm harmonization of the section, under division (B) of section 1.52 of the Revised Code, as amended by H.B. 341, S.B. 214, and S.B. 229 of the 132nd General Assembly:	117418 117419 117420 117421 117422
<b>Sec. 149.45.</b> (A) As used in this section:	117423
(1) "Personal information" means any of the following:	117424
(a) An individual's social security number;	117425
(b) An individual's state or federal tax identification number;	117426 117427
(c) An individual's driver's license number or state identification number;	117428 117429
(d) An individual's checking account number, savings account number, credit card number, or debit card number;	117430 117431
(e) An individual's demand deposit account number, money market account number, mutual fund account number, or any other financial or medical account number.	117432 117433 117434
(2) "Public record," "designated public service worker," and "designated public service worker residential and familial information" have the meanings defined in section 149.43 of the Revised Code.	117435 117436 117437 117438
(3) "Truncate" means to redact all but the last four digits of an individual's social security number.	117439 117440
(B)(1) No public office or person responsible for a public office's public records shall make available to the general public on the internet any document that contains an individual's social security number without otherwise redacting, encrypting, or	117441 117442 117443 117444

truncating the social security number. 117445

(2) A public office or person responsible for a public office's public records that, prior to October 17, 2011, made available to the general public on the internet any document that contains an individual's social security number shall redact, encrypt, or truncate the social security number from that document. 117446  
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(3) Divisions (B)(1) and (2) of this section do not apply to documents that are only accessible through the internet with a password. 117452  
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(C)(1) An individual may request that a public office or a person responsible for a public office's public records redact personal information of that individual from any record made available to the general public on the internet. An individual who makes a request for redaction pursuant to this division shall make the request in writing on a form developed by the attorney general and shall specify the personal information to be redacted and provide any information that identifies the location of that personal information within a document that contains that personal information. 117455  
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(2) Upon receiving a request for a redaction pursuant to division (C)(1) of this section, a public office or a person responsible for a public office's public records shall act within five business days in accordance with the request to redact the personal information of the individual from any record made available to the general public on the internet, if practicable. If a redaction is not practicable, the public office or person responsible for the public office's public records shall verbally or in writing within five business days after receiving the written request explain to the individual why the redaction is impracticable. 117465  
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(3) The attorney general shall develop a form to be used by an individual to request a redaction pursuant to division (C)(1) of this section. The form shall include a place to provide any information that identifies the location of the personal information to be redacted.

(D)(1) A designated public service worker may request that a public office, other than a county auditor, or a person responsible for the public records of a public office, other than a county auditor, redact the designated public service worker's address from any record made available to the general public on the internet that includes designated public service worker residential and familial information of the designated public service worker making the request. A designated public service worker who makes a request for a redaction pursuant to this division shall make the request in writing and on a form developed by the attorney general.

(2) Upon receiving a written request for a redaction pursuant to division (D)(1) of this section, a public office, other than a county auditor, or a person responsible for the public records of a public office, other than a county auditor, shall act within five business days in accordance with the request to redact the address of the designated public service worker making the request from any record made available to the general public on the internet that includes designated public service worker residential and familial information of the designated public service worker making the request, if practicable. If a redaction is not practicable, the public office or person responsible for the public office's public records shall verbally or in writing within five business days after receiving the written request explain to the designated public service worker why the redaction is impracticable.

(3) Except as provided in this section and section 319.28 of



the Revised Code, a public office, other than an employer of a 117508  
designated public service worker, or a person responsible for the 117509  
public records of the employer, is not required to redact 117510  
designated public service worker residential and familial 117511  
information of the designated public service worker from other 117512  
records maintained by the public office. 117513

(4) The attorney general shall develop a form to be used by a 117514  
designated public service worker to request a redaction pursuant 117515  
to division (D)(1) of this section. The form shall include a place 117516  
to provide any information that identifies the location of the 117517  
address of the designated public service worker to be redacted. 117518

(E)(1) If a public office or a person responsible for a 117519  
public office's public records becomes aware that an electronic 117520  
record of that public office that is made available to the general 117521  
public on the internet contains an individual's social security 117522  
number that was mistakenly not redacted, encrypted, or truncated 117523  
as required by division (B)(1) or (2) of this section, the public 117524  
office or person responsible for the public office's public 117525  
records shall redact, encrypt, or truncate the individual's social 117526  
security number within a reasonable period of time. 117527

(2) A public office or a person responsible for a public 117528  
office's public records is not liable in damages in a civil action 117529  
for any harm an individual allegedly sustains as a result of the 117530  
inclusion of that individual's personal information on any record 117531  
made available to the general public on the internet or any harm a 117532  
designated public service worker sustains as a result of the 117533  
inclusion of the designated public service worker's address on any 117534  
record made available to the general public on the internet in 117535  
violation of this section, unless the public office or person 117536  
responsible for the public office's public records acted with 117537  
malicious purpose, in bad faith, or in a wanton or reckless manner 117538  
or unless division (A)(6)(a) or (c) of section 2744.03 of the 117539

Revised Code applies. 117540

(2) The foregoing presentation supersedes section 149.45 of 117541  
the Revised Code as it results, respectively, from H.B. 341, S.B. 117542  
214, and S.B. 229 of the 132nd General Assembly. 117543

(B) Section 149.45 of the Revised Code was amended together 117544  
with, and in relation to, section 149.43 of the Revised Code by 117545  
H.B. 341 of the 132nd General Assembly. Section 149.43 of the 117546  
Revised Code is presented elsewhere in this act. 117547